



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Dé Máirt, 21 Feabhra 2012.

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DÁIL ÉIREANN

Dé Máirt, 21 Feabhra 2012.
Tuesday, 21 February 2012.

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

Paidir.

Prayer.

Ceisteanna — Questions

Priority Questions

Diplomatic Representation

60. **Deputy Seán Ó Fearghaíl** asked the Tánaiste and Minister for Foreign Affairs and Trade the estimated yearly savings of the closure of the embassy to the Holy See; if he will reconsider the closure of the Vatican embassy; and if he will make a statement on the matter. [9853/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The decision to close Ireland's resident embassy to the Holy See was taken by the Government in response to budgetary pressures and on the recommendation of the Department of Foreign Affairs and Trade which sought to assess where budget cuts would impact least on the national interest at this time of economic crisis. The total cost saving in a full year from the closure is estimated at €845,000, of which €400,000 will come from the closure of the resident embassy to the Holy See. An additional €445,000 in savings will come from the transfer of Ireland's embassy to Italy from its previous rented premises to the State-owned Villa Spada. In the meantime the Holy See has accepted the Government's nomination of the Secretary General of the Department of Foreign Affairs and Trade, Mr. David Cooney, as ambassador on a non-resident basis. Mr. Cooney is expected to present his credentials to Pope Benedict XVI in May.

The decision to close the resident embassy to the Holy See will not be reversed in the immediate term. The unavoidable budget cuts and reduction in staff numbers which necessitated the closure are still in effect and my Department has neither the staff nor the financial resources to reverse the mission closures decided on by the Government last November. However, as the economic situation improves and in the context of the regular review of the diplomatic network, it may be possible to revisit the matter some time in the future. If the Vatican is prepared to relax its current requirements so as to allow the State-owned Villa Spada to serve as a location for both our embassy to Italy and our embassy to the Holy See, this can be taken into account in any future considerations.

Deputy Seán Ó Fearghaíl: I thank the Tánaiste for bringing clarity to the financial aspects of the matter. When did the decision to include the Vatican embassy appear on the list? We

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are in receipt of two pieces of information; one from the Department suggesting it was not on the initial list and one from the Tánaiste suggesting it was. Will the Tánaiste confirm the veracity or otherwise of a report in *The Sunday Business Post* by Pat Leahy on the Government meeting at which this matter was discussed? It was suggested it had been very much a routine issue on the Cabinet agenda that had been passed over and only returned to later after the decision had been made. Did the Tánaiste, in fact, discuss the proposed closure of the Embassy to the Holy See with the Taoiseach and the Minister of State, Deputy Lucinda Creighton?

Deputy Eamon Gilmore: The issue of which embassies might be closed in these difficult economic times had been under consideration in the Department of Foreign Affairs and Trade for some time. The Deputy's party leader, my immediate predecessor, acknowledged here recently that while he was Minister, the possible closure of the Embassy to the Holy See had been under consideration. The confusion may have arisen from newspaper reports which referred to a document which had been produced in the context of the comprehensive spending review which referred to the closure of two possible missions, and it was assumed that the two missions in that case did not include the Holy See. In fact, the Holy See was included in those two missions referred to in that document.

With regard to the issue of how the matter was considered by Government, as I stated, the question of what embassies might be closed and how savings might be made have been under consideration in the Department. I brought a memorandum to Government which recommended the closure of three resident missions: Timor-Leste, Tehran and the Holy See. The matter was considered by the Government and it made a decision to close the three missions I had recommended.

Deputy Seán Ó Fearghaíl: I thank the Minister for that information but we do not know a great deal more than we did before I asked the question. Key to this is whether the Minister had discussions in advance of the Cabinet meeting with the Taoiseach on this matter.

After a year working hard in the Department of Foreign Affairs and Trade, is the Minister prepared to take advice from someone who has a quarter of a century of distinguished service in the Department, Mr. Seán Donlon, who raised fundamental questions about the Minister's decision to close this important listening post, an action which, in fact, was contrary to statements that the Minister himself had made by way of written reply to Members of this House some time ago?

Can the Minister brief Members as to whether he is prepared to engage actively via the new non-resident ambassador, Mr. David Cooney, with the Vatican in terms of the possibility of Villa Spada serving as a dual-purpose embassy or being divided so that part of it may deliver the service to the Vatican while the other part could service Rome? That is something that has been put out there into the ether. Is the Minister actively engaged in that?

I put it to the Minister that this is an issue that will not go away. I do not wish to have us returning to this time and time again on Question Time, but it is something that the people are concerned about. It is something that is of fundamental importance in terms of our diplomatic role on the world stage. The Minister is currently campaigning for Ireland to win membership of the human rights committee of the UN and, in that regard, we should have particular cognisance of the role the Vatican has played, and can play, in assisting us. If the Minister reads the interesting letter in *The Irish Times* today from Mr. Michael Lillis, he can see the role that the Vatican played in informing those who were involved in an initiative in Cuba way back in 1988.

Deputy Eamon Gilmore: The recommendation, the memorandum to Government and consideration of the issue by Government was done in the normal way. Deputy Ó Feargháil will be quite well aware of the doctrine of Cabinet confidentiality with which we all are obliged to comply. The issue was considered by the Government in the normal way.

As the Minister concerned, I take political responsibility for making the recommendation. The decision has been made and it will not be reversed. I made it clear at the time the decision was announced that when financial circumstances would improve, we could revisit the issue as we will be reviewing our diplomatic missions in any event in the light of improving financial circumstances.

On the issue of the use of Villa Spada and what physical arrangements can be made there, of course, the ambassador and Secretary General of the Department, Mr. David Cooney, will discuss all of those issues with the Vatican authorities.

I welcome always the advice of former diplomats. In one case, we are talking about a former diplomat who resigned from the diplomatic service a quarter of a century ago. There is, I am sure Deputy Ó Feargháil will appreciate, a necessity in any event for us to modernise our diplomacy and the way in which we do our business. The circumstances of today are entirely different from what they were a quarter of a century ago but I value the advice that is given from time to time by former diplomats.

Middle East Peace Process

61. **Deputy Pádraig Mac Lochlainn** asked the Tánaiste and Minister for Foreign Affairs and Trade if he still believes, as he stated to Dail Éireann on 13 July 2011, that the continuing Israeli military occupation of the Palestinian territories is at the heart of the unresolved Arab-Israeli conflict, that it is the continuing occupation, and the creation and growth of illegal settlements on the occupied lands, which are now the major obstacles to peace; if so, if he agrees that negotiations between Israel and the Palestinians alone will not remove these obstacles to peace; and if he will outline to Dáil Éireann the concrete steps he is willing to take in order to galvanise influence on Israel from the outside world in this regard. [9999/12]

Deputy Eamon Gilmore: It still remains very much my conviction that the continuing Israeli military occupation of the Palestinian territories and the growth of illegal settlements on occupied lands represent the major obstacles to securing political progress in the Middle East peace process. I have visited Israel and the occupied Palestinian territories in recent weeks and had an opportunity to see for myself the direct impact of the occupation on the Palestinian population, particularly on the West Bank. My visit to the proposed new E1 settlement on the fringes of east Jerusalem was particularly instructive in that regard.

In my subsequent discussions with the Israeli Prime Minister, Mr. Netanyahu, and the Foreign Minister, Mr. Lieberman, I made clear how continued settlement expansion and a failure to take decisive action to end the blockade of Gaza were only extending the conflict and reducing the prospects for meaningful substantive peace talks getting under way, peace talks which I had also been assured by the Prime Minister were also very much their objective.

I believe both sides remain committed to a negotiated settlement and equally recognise that there is no alternative to direct negotiations aimed at achieving a comprehensive and honourable peace deal. The challenge, as ever, for all concerned with promoting peace in the Middle East, is how to fashion the appropriate environment and climate of confidence to allow serious peace negotiations to get under way. What are most urgently required are positive confidence building measures, particularly on the part of Israel, to instil the necessary confidence that real

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progress could be achieved, were substantive peace talks to resume. I urged the Prime Minister to come forward with such a package of confidence building measures as soon as possible.

No one is under any doubt that the prospects for achieving a viable two-state solution are fast diminishing. I remain determined to continue highlighting, with EU and international partners, all the pertinent issues relating to the ongoing Israeli occupation and impress on both sides the need for these dramatic gestures and acts of political will which would help to substantially transform the current depressing situation.

Deputy Pádraig Mac Lochlainn: As the Tánaiste knows, in the 1988 agreement the PLO agreed to accept 22% of the entire landmass of what was originally Palestine. Remarkably, we have not moved on and reached a settlement based on that extremely generous agreement. At the time there were approximately 190,000 Jewish settlers in the Occupied Territories, the West Bank in particular. Today there are 500,000. How long will the European Union and the international community allow to continue this defiance of international law, this reprehensible behaviour, of which I understand a recent EU report leaked to the international media is extremely condemnatory? Will the Tánaiste do something more forceful than just raise the issue? Will he let us know what strategy he has at European level to confront Israel on this core issue that is now a major impediment to achieving peace in the region?

Deputy Eamon Gilmore: The international community is very much engaged on this issue. As the Deputy knows, at the UN General Assembly in September a statement was agreed by the Quartet, comprising the United Nations, the European Union and so on, setting down a timetable for discussions to take place between Palestine and Israel. It is regrettable that this timetable has not been complied with and has slipped somewhat.

The purpose of my visit to Israel and Palestine was to see for myself the situation on the ground and also to have discussions with both sides. I met President Abbas and Foreign Minister Malki on the Palestinian side and, as indicated, Prime Minister Netanyahu, Foreign Minister Lieberman and the Deputy Prime Minister on the Israeli side. My visit followed directly a separate visit by High Representative Catherine Ashton and was followed by a visit by the German Foreign Minister. There is, therefore, very much EU engagement to try to get the talks process moving. The King of Jordan had convened preliminary talks and we were trying to get both sides to engage with them. There is no doubt that the continuing blockade of Gaza and the settlements on the West Bank are huge obstacles to the progress of talks. That is why I concentrated in my discussions with the Prime Minister on examining the confidence building measures that could be advanced by Israel which would show the Palestinian side that the talks would be worthwhile.

Deputy Pádraig Mac Lochlainn: I commended the Tánaiste last year when he took his decision on behalf of the people at the United Nations and followed it up at the United Nations Educational, Scientific and Cultural Organization, UNESCO. Does he understand the absolute rage among people within the region when they see sanctions being imposed on Iran because it is not fully compliant with the rules of the International Atomic Energy Agency, IAEA, while Israel, on the other hand, is not even a signatory to the non-proliferation treaty? Israel has ignored the will of the international community for decades in regard to settlements, yet not only are there no sanctions imposed on it, we have a complementary trade agreement between it and the European Union. Does the Tánaiste understand why young people on the West Bank consider it necessary to lift stones, their only weapon of resistance, or why a man might believe he must go on hunger strike? The international community has entirely failed them and, in so doing, sown the seeds of extremism within the region. What can the Tánaiste,

as chairman of the Organisation for Security and Co-operation in Europe, Minister for Foreign Affairs and Trade and part of the European team, do to address their concerns and bring peace to the region at last?

Deputy Eamon Gilmore: Ireland has taken a very strong interest in the Middle East peace process, particularly the situation on the West Bank and in Gaza. I have conveyed our concerns in clear terms at meetings of the Foreign Affairs Council of the European Union. I set them out clearly in my statement to the United Nations General Assembly last September. The Deputy and other Members urged me strongly in the House to visit the Middle East to see the situation for myself and engage in discussions. I have done this at the highest level with both the Palestinian and Israeli sides. My meeting with the Israeli Prime Minister, Mr. Netanyahu, lasted for almost one and a half hours and involved full discussions on what was needed to advance the situation. Everybody agrees that if there is to be a two-state solution, it must be negotiated. There are many issues to be resolved, including the issue of boundaries. The matter has become more complex as a result of the settlement problem. The most constructive role that Ireland and the European Union can play is to engage in that process and encourage both sides to engage in meaningful discussions with a view to finding a lasting settlement.

International Debt Relief

62. **Deputy Stephen S. Donnelly** asked the Tánaiste and Minister for Foreign Affairs and Trade the status of the joint review of Ireland's international debt policy by his Department and the Department of Finance; and if he will provide a statement of current policy on international debt, including the issues of debt cancellation, conditionality and governance reform of the World Bank and IMF. [9940/12]

Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello) (Deputy Joe Costello): Ireland is recognised internationally for its contribution to the fight against global poverty and hunger and leading role in making international aid more effective. The State has played a strong role in the development of a consensus on the issue of debt cancellation for the least developed countries. All of our aid is provided in the form of grants, not loans. We have contributed our full financial share of more than €116 million to the two main multilateral initiatives to address debt relief. We have also worked with partners in our programme countries to ensure the additional money in debt relief is spent on programmes that benefit the poor.

The Government's debt policy strategy was prepared jointly by the Department of Foreign Affairs and Trade and the Department of Finance and launched in 2002. It supports the total cancellation of the debts of the world's poorest countries. The policy has not changed. In our ongoing review of policy we are surveying the changes in the global situation and the impact to date of debt relief efforts. This work will feed into the current review of the White Paper which I hope to conclude by the autumn.

Debt relief for developing countries and loans from the international financial institutions are often conditional on the implementation of certain macro-economic and development policies. We take the view that all development interventions, including those of the international financial institutions, should be framed explicitly in the context of country ownership, poverty reduction and the achievement of the millennium development goals.

I welcome the ongoing process of reform within the World Bank and the IMF to ensure they can adequately meet the development challenges of a changing world. Ireland has supported the governance reforms of the past two years and the shifts in quotas and voting power in

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favour of developing and transition countries which have served to increase the legitimacy and democratic representation of the international financial institutions.

Deputy Maureen O’Sullivan: I thank the Ceann Comhairle’s office for allowing me to take this question in place of Deputy Stephen Donnelly.

I attended the conference held in Dublin Castle last Friday. Ireland’s reputation is second to none, but we could do more. The international financial institutions continue to lend money to countries which they know cannot repay it, knowing such borrowings will push these countries further into poverty. They are knowingly lending to oppressive regimes. The President of the Democratic Republic of Congo built up a debt of US\$12.9 billion. Also, the conditions attached to such loans are affecting industry. There has been privatisation and decimation of local industry in a number of the countries in the global south. There continues to be a lack of democratic representation from southern countries at the IMF, as well as a lack of democracy in the leadership selection process at the World Bank. Can Ireland do something to address these two matters?

Deputy Joe Costello: Ireland favours debt cancellation which has been our position since 2002. As stated, the situation is being reviewed jointly by the Departments of Finance and Foreign Affairs and Trade. The Deputy may be aware that a review of the 2006 White Paper is also under way, which review will feed into the consultation process. We would welcome an input from Members of this House into the review of the White Paper which will inform our policy for a number of years.

On the wider question of what has been happening throughout the world, there has been considerable development in dealing with the issues of debt relief and debt cancellation. A heavily indebted poor countries initiative, HIPCI, was launched in 1996 which was followed by the multilateral debt relief initiative, MDRI, in 2005. Some 38 countries have benefited from these initiatives. As part of the MDRI €33.8 billion has been provided, while €76 billion has been provided as part of the HIPCI, amounting to a total more than €110 billion in debt relief. Three countries recently became eligible for debt relief and four others will shortly become eligible. The process, therefore, is ongoing.

Deputy Maureen O’Sullivan: In the meantime more could be done to ease the conditions attached in order that local industries on which people depend will not be decimated. I am sure the Minister of State will agree that human rights must be at the core of all of this work.

Deputy Joe Costello: We do not believe there are any conditions attached. Irish Aid has never been tied. We have always argued this point internationally.

Deputy Maureen O’Sullivan: I was not speaking about Irish Aid——

Deputy Joe Costello: I am sorry.

Deputy Maureen O’Sullivan: ——rather I was speaking about the conditions of the World Bank and the IMF, in respect of which Ireland could have a role to play.

Deputy Joe Costello: Yes, we do have a role to play in that regard. Reform of the quota system and the manner in which voting takes place at the IMF is under way. The likelihood is that this will result in the Irish voting position, dating back to the old quota system, being considerably improved. A new voting system is being introduced and it is likely that it will provide Ireland with a much stronger role. Likewise, the emerging countries will have a much stronger role under future systems. We will be pursuing this matter.

Foreign Conflicts

63. **Deputy Seán Ó Fearghail** asked the Tánaiste and Minister for Foreign Affairs and Trade the actions he has taken in conjunction with the European External Action Services to bring an end to the nascent civil war and brutal repression in Syria; and if he will make a statement on the matter. [9854/12]

Deputy Eamon Gilmore: Ireland has been working intensively with the European Union, the United Nations, the Arab League and other partners in the international community to compel the Syrian regime to cease its appalling and unacceptable attacks on the Syrian people through a series of robust economic, political and diplomatic measures. At EU level, the Foreign Affairs Council agreed on 1 December and 23 January additional measures which I entirely support related to the energy, financial, banking and trade sectors, as well as the listing of additional individuals and entities involved in the violence or supporting the regime. This comes on top of extensive existing EU sanctions, including a ban on oil imports from Syria.

At UN level, Ireland and all EU partners voted on 16 February in favour of a UN General Assembly resolution, which was supported by an overwhelming majority of UN member states, condemning human rights violations in Syria. I also outlined my serious concerns about the situation in Syria when I addressed the UN Security Council on 9 February. In addition, I discussed the issue with the UN Secretary General at a meeting on the same day. I regret very much 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. A strongly worded Council resolution would represent a tremendously important demonstration of the international community's concern and significantly add to the pressure on the Assad regime.

The Arab League has been providing strong leadership on the Syrian crisis and the peace plan which it outlined last November still provides the best basis for achieving a resolution. The initial meeting of the Friends of Syria Group in Tunisia on 24 February, to which Ireland and all EU partners have been invited, is also likely to prove valuable in considering next steps and endeavouring to bring together representatives of Syria's fragmented peaceful opposition. Ireland and its international partners are determined to maintain strong and united political pressure on the Syrian regime until it ends the violent repression against its own people.

Deputy Seán Ó Fearghail: I thank the Tánaiste for his reply and acknowledge the efforts outlined therein. One must be conscious of the fact that 6,000 protesters have died in this awful situation in recent times. In addition, while one must acknowledge the role of the Arab League, one also must express concern that following the withdrawal of its observer force at the end of January, the Arab League may no longer have the capacity to address the problem successfully. I commend the Tánaiste for his engagement with the Chinese delegation over the weekend which was a great success. Did he avail of the opportunity presented to discuss the Chinese veto of the United Nations resolution when he met the Vice President? Does he have plans to engage with his opposite number in the Russian Administration to try to impress on that country the need to adopt a more pragmatic approach to the problem? While I acknowledge the Chinese appear to have moved somewhat by virtue of their willingness to engage with the Arab League to a far greater extent, what can he do in respect of the aforementioned two countries?

Deputy Eamon Gilmore: I thank the Deputy for commending me on the actions the Government has taken on the situation in Syria and the successful visit of the Vice President of China over the weekend. The Foreign Minister of China also was part of the delegation and I had the opportunity to talk to him separately. We discussed the situation in Syria and shared our

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respective views on the seriousness of the issue. What is happening there on a daily basis is absolutely unacceptable and intolerable. As the Deputy noted, more than 6,000 people have been killed. The approach at this stage is one of supporting the Arab League. As the Deputy stated, the latter has withdrawn its monitors. However, it has a key role to play. The Arab League has put forward a formula which would lead to a change of regime in Syria and to a more general change in that country. The meeting being arranged by the Friends of Syria, which is due to be held on Friday next, will present a further opportunity for the international community to engage with the Arab League in considering what might be the next steps with regard to making progress. It is regrettable that the Security Council was not in a position to adopt a resolution in respect of this matter. I previously discussed the situation in Syria with the Russian Foreign Minister. Following the meeting on Friday, it is possible that I may do so again.

Deputy Seán Ó Feargháil: Did the Tánaiste avail of the opportunity to discuss broader human rights issues with the Chinese delegation during its visit to Ireland at the weekend? In light of the sectarian nature of the problems that are developing between Sunni Muslims and Alawite Muslims in Syria, does he envisage that this country might, on a unilateral basis, offer the services of the conflict resolution unit of his Department in order that it might assist in dealing with the problems to which I refer?

Deputy Eamon Gilmore: Deputy Ó Feargháil has attempted to broaden this debate by inquiring about my discussions with the Chinese delegation. I engaged in a discussion on broader human rights issues with the delegation at the weekend and I would be happy to answer questions on the matter if they are tabled.

On Syria, the approach being taken at this stage is multilateral in nature. I do not believe that, at this point, the situation in Syria lends itself to individual countries taking unilateral action. This is a matter in respect of which the international community must work together. We will certainly work with our European Union colleagues in the context of taking a common approach. We will also work on this matter at the United Nations and we will endeavour to support the Arab League in its efforts. If the conflict resolution unit of my Department can be of assistance at some point, and if such assistance is requested, consideration can certainly be given to that matter. In view of the nature of what is happening in Syria, however, I do not believe that the conflict resolution unit could play an immediate role. This matter is at a different stage entirely.

Human Rights Issues

64. **Deputy Mick Wallace** asked the Tánaiste and Minister for Foreign Affairs and Trade if he accepts the evidence presented by Amnesty International and others that Shannon Airport has been used as a stopover point for renditions; if he will initiate an enquiry into the State's participation in this illegal activity; and if he will make a statement on the matter. [9942/12]

Deputy Eamon Gilmore: The programme for Government states that “we will enforce the prohibition on the use of Irish airspace, airports and related facilities for purposes not in line with international law”. I have placed on record on numerous occasions my abhorrence at the illegal activity known as extraordinary rendition. There is no evidence that Shannon or any other Irish airport has ever been used for this purpose. There is no basis whatsoever for the Deputy's suggestion that the State has participated in this illegal activity. Under our legislation, no transfer of prisoners may take place without the permission of the Irish authorities. Furthermore, the United States has provided assurances at the highest level that it would not transport

prisoners through Irish airspace without seeking our permission. I assure the Deputy that no permission has been sought or granted in respect of any case of extraordinary rendition and, equally, that such permission would never be granted.

We understand that a small number of commercially leased aircraft which have been involved in legitimate commercial activities have also been involved, at various times, in activities relating to extraordinary renditions. However, there is no evidence to suggest that they were carrying prisoners at any time when they transited through Irish airports. Should the Deputy or any other person be in possession of evidence which suggests that Irish airports have been used for the purpose of extraordinary rendition, I would urge them to bring this to the attention of the Garda Síochána.

Deputy Mick Wallace: I remind the Tánaiste that in June 2006 he said that the European Court of Human Rights, the United Nations Committee Against Torture and the UN High Commissioner for Human Rights had all indicated that:

[I]t is insufficient to accept the diplomatic assurances of another state that nothing illegal was happening on planes being used and chartered by the CIA, which are going through Irish airports. There is a positive obligation on the State to investigate, inspect, send gardaí on board, and establish independently that the law of this country, international law and the Convention on Human Rights are being upheld, and that nobody is being transported through an Irish airport or through Irish airspace to undergo [torture].

Does the Minister still not think it would be a good idea for us to check the planes? When he was in opposition he was not as convinced that everything was above board. If there was even a 1% suspicion that people were bringing drugs into the country we would be keen to inspect the planes, and we would be right to do so. We should also inspect these.

Deputy Eamon Gilmore: We have a procedure in place. It is not just a question of accepting assurances. There is a procedure in place whereby if prisoners are to be transported through any of our airports, the permission of the Irish Government must be sought and obtained. No such permission has been sought or granted and I have made it absolutely clear that under no circumstances will we grant permission for the transport of prisoners who are subject to extraordinary rendition.

Deputy Mick Wallace: The chances of the Americans asking us for permission to bring through prisoners who they will torture are pretty slim. We have seen what has gone on Guantanamo Bay where only a handful of people have been convicted despite the numbers held in custody. I draw the Minister's attention to a comment by President Michael D. Higgins in December 2010, only 14 months ago. He stated:

The disclosure that the then Minister for Foreign Affairs, Dermot Ahern, was 'quite convinced' that Shannon Airport had been used on at least three occasions by aircraft involved in extraordinary rendition of prisoners strongly reinforces the case for a change in the law to ensure that Irish airports are not used in this way and that any such aircraft are subject to proper inspection by the Irish authorities.

On the previous occasions the Minister told me——

An Leas-Cheann Comhairle: A question, please.

Deputy Mick Wallace: The Minister stated the law is very robust in respect of control of airspace. Why did President Higgins, when he was a Labour Party Deputy, propose legislation

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to close the loopholes in Irish legislation to ensure rendition flights could no longer be possible if the Labour Party now believes everything is grand?

Deputy Eamon Gilmore: Rendition flights are not possible. They are illegal. The use of our airports for rendition purposes would be illegal. If any country wants to transport prisoners through our airports, they must seek permission from the State. As I stated, no such permission has been sought or granted and no such permission will be granted in the case of possible rendition.

Deputy Mick Wallace: Why did President Higgins suggest it when he was a Deputy? The Minister did not answer my question.

Other Questions

European Union Values

65. **Deputy Sean Fleming** asked the Tánaiste and Minister for Foreign Affairs and Trade if he undertakes any activities in conjunction with the EU representation in Ireland to promote EU values here; the work he carries out abroad to promote the EU through Ireland's diplomatic representation; his plans for such work; the plans in place for Europe day in the Oireachtas this year; and if he will make a statement on the matter. [9557/12]

81. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the extent to which he continues to use his influence at EU level to reaffirm focus on a cohesive vision of a modern Europe with particular reference to the ideals as set out by Europe's founding fathers; the extent to which it has been possible to obtain reassurances in respect of this commitment; if the experience over the past five years has served as a useful reminder of the need to return to the values and ideals of Adenauer, Monnet and Schuman; and if he will make a statement on the matter. [9603/12]

Minister of State at the Department of Foreign Affairs and Trade (Deputy Lucinda Creighton) (Deputy Lucinda Creighton): I propose to take Questions Nos. 65 and 81 together.

Both questions touch on fundamental aspects of Ireland's relationship with the European Union and I welcome the opportunity to record once again the firm commitment of the Government to the ideals and values enshrined in the European treaties. The European Union has faced and continues to confront a crisis of a scale and complexity that has been without precedent since its foundation. It is understandable that concerns have been expressed both about the adequacy and the manner of our collective response to that crisis. I am confident, however, that when we look back at this difficult period, we will see that it was precisely those ideals and values of solidarity and co-operation espoused by the founders of today's European Union that steered us safely through the crisis. Every step of the way we have seen the European institutions, particularly the Commission, the European Council and the Parliament, working together to seek common solutions to shared problems. In a matter of months, we have made unparalleled efforts to reinforce structures for economic governance and devised new instruments to safeguard the economic stability of the European Union.

The Government is also committed to ensuring our citizens have adequate information to form a judgment on the European Union and Ireland's place in it. Working with the European Commission representation and the European Parliament office in Dublin we have an agreed joint communications strategy which aims to improve communications on European Union

issues in Ireland and to promote greater understanding of the EU. My officials meet the heads of the Commission and Parliament officials here on a monthly basis to review progress on the implementation of the plan. We work closely together on a range of initiatives such as the recently launched Blue Star programme for schools, an initiative I pioneered in the Department of the Taoiseach which is designed to develop knowledge and understanding of the European Union at primary level. The Communicating Europe initiative is designed to deepen public awareness of the role the European Union plays in our daily lives and an important plank of the work in my Department.

It is important that we engage citizens on the terms of the new treaty on stability, co-ordination and governance in the Economic and Monetary Union. This has important implications for our future economic well-being, will help to ensure greater security and stability for our shared currency and strengthen the obligation of those member states whose currency is the euro to live up to their responsibilities. The Government is prepared to play its full part in this regard.

Our network of diplomatic missions plays a key role in disseminating information to our partners at the highest level on Government policy on the European Union and keeps us updated on the evolving positions of other member states. This constant flow of information feeds into and guides our approach to issues in Brussels and within the institutions.

I am working closely with my colleagues on Europe Day activities in the Oireachtas this year and we aim to build on the success of last year's events. Details of this work will have to be agreed in close consultation with the Oireachtas and I hope to be in a position to come back to the House on the matter in the coming weeks.

Deputy Seán Ó Feargháil: I agree that last year's Europe Day events were a great success. I believe I heard in the Minister of State's response an invitation to Members on all sides of the House to participate in organising this year's events. However, one does not need to engage in polling or avail of the services of focus groups to realise Irish citizens and, one suspects, citizens throughout Europe increasingly feel alienated from the institutions of the European Union. Does the Minister of State accept, for example, that the unprecedented manner in which President Sarkozy and Chancellor Merkel frequently pose as the *de facto* leaders of the Union is proving problematic? Does she accept that we must actively engage at national level in educating citizens about the positive aspects of the Union? Does she also accept that in this country, in addition to undertaking such a positive initiative as Europe Day, there is a need to engage actively across the country, perhaps by setting up a structure similar to the Forum on Europe, to bring a positive message about the Union to the people? Does she further accept that what would be seen throughout the country as the marked reluctance of the Government to engage with the public on the fiscal treaty by way of a possible referendum on the issue is contributing to public unease and scepticism about the entire European project?

Deputy Lucinda Creighton: The Deputy has asked three questions which I will try to address. On the role played by Chancellor Merkel and President Sarkozy, it is fair to say there has been widespread criticism of the European Union's capacity to respond in an efficient and speedy manner to the crisis that has engulfed us in the past two years. It is also fair to say neither the Union nor the eurozone was equipped to react and respond as quickly as possible. We can condemn the European institutions or whomsoever we like, but when one considers that there are 27 democracies, each operating an entirely different system, it is very difficult to come together on the basis of consensus and move forward. The lack of leadership has been constantly lamented. In the vacuum the German Chancellor has stepped forward to show leadership, which is important.

[Deputy Lucinda Creighton.]

There has been cynicism, as well as scepticism, in the past six months, but much of what has been said has been disproved. Last November we were told by a reputable international newspaper, quoted regularly on the other side of the House, that the eurozone had ten days to survive. That was not true. Therefore, the criticism of France and Germany can be overstated. The reality is we have required leadership from all member states. It is quite obvious that the larger ones have been most in focus and in the headlines most but that is not to deny that there is a role for smaller member states. The institutional design will have to change. We have seen significant changes in the architecture of the Union, particularly in the eurozone, in how we function and deal with such crises and in the obligations we have as members of the eurozone. That will evolve in the years ahead. I hope that if the Union and, in particular, the eurozone, faces a crisis of this scale in the future, we will have the capacity through member states and the institutions to respond in a much more coherent fashion.

I agree with the Deputy regarding the need to communicate and educate our citizens but I do not agree with the contention that the Forum on Europe should be reinstated. I was a member of the forum and I enjoyed it greatly. I enjoyed the intellectual arguments but millions of euro were spent each year to create what was essentially a talking shop where people preached to each other. The outreach from the forum never reached its full potential and a forum of this nature cannot achieve that.

We can take many other initiatives. I have spearheaded the blue star programme in my Department. It was launched last week on a pilot basis and I feel passionately about it. I anticipate that between 30 and 40 schools will participate in the pilot, with a total of 100 schools having signed up for it. Secondary schools have contacted my office asking whether we can do something similar for them. Clearly, our resources are limited but there is huge scope for such educational programmes.

The Deputy referred to the reluctance of the Government to engage in the fiscal treaty debate. That is entirely untrue. I have travelled to different parts of the country and I have addressed fora organised in partnership with the European Commission office in Dublin and European Movement Ireland, which have been hugely successful. All my ministerial colleagues are available and they have been engaged in various media debates. I have attended the Seanad twice for debates on this matter and the Joint Committee on European Affairs. There is no shortage of willingness to engage on the part of the Government.

Deputy Seán Ó Fearghail: If the Minister of State rejects the notion of reconstituting the Forum on Europe, would she consider the prospect of town hall meetings, for example, throughout the country where Oireachtas Members and the Minister of State would engage with the public? That would be useful and it would give members of the public an opportunity to ask the questions bothering them on a day-to-day basis and to be given answers.

Deputy Lucinda Creighton: I have participated in a number of meetings of that nature, which were organised in conjunction with the European Commission office and European Movement Ireland, and they were hugely beneficial. I am very much open to further meetings but our resources are limited. The entire budget for the communicating Europe initiative in the Department of the Taoiseach is €150,000. It is negligible in the context of the amount the previous Government spent on the same initiative, which, sadly, was not all that effective. We face a huge challenge and we have a minute budget to get the message across. I have, along with my ministerial colleagues, including the Tánaiste, put in endless hours to communicate what is happening. I have asked that a small group be established in the Department of the Taoiseach

to explore ways in which we can communicate better with the public. I have made one simple proposal, although I am not certain if we can find the funding for it, which is to send a leaflet to every household in the country explaining the contents of the fiscal compact. That would be useful and I am committed to delivering on that, but I must find the funding in my Department to do that.

Deputy Seán Ó Feargháil: In 2008, surveys showed that only 8% of the public considered membership of the EU to be a bad thing. The previous Government, therefore, made good use of the money it spent on the communicating Europe initiative.

Deputy Lucinda Creighton: That is why the Lisbon treaty referendum failed.

OSCE Chairmanship

66. **Deputy Brendan Smith** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will outline the preparations for Ireland's chairmanship of the OSCE; when the chairmanship was confirmed; when initial interest in holding the chairmanship was expressed; the length of time that preparations and discussions for the chairmanship have been ongoing; and if he will make a statement on the matter. [9576/12]

Deputy Eamon Gilmore: On 1 January this year Ireland assumed its year-long chairmanship-in-office of the Organisation for Security and Co-operation in Europe. Comprising 56 participating states in Europe, Central Asia and North America, the OSCE is the world's largest intergovernmental regional security organisation, dealing with a range of issues in the areas of democratisation, human rights, arms control and economic and environmental security.

As Minister for Foreign Affairs and Trade, I will be the chairperson-in-office for the duration of our chairmanship and will bear overall responsibility for the executive action of the organisation and the co-ordination of its activities. These responsibilities include representing the OSCE in various contexts and supervising activities relating to conflict prevention and post-conflict rehabilitation. I presented our chairmanship priorities to the OSCE's Permanent Council in Vienna on 12 January and have also addressed the United Nations Security Council in my capacity as chairperson-in-office.

Ireland was approached in the course of 2009 by a number of states which expressed interest in Ireland assuming the chairmanship of the OSCE for 2012. That was unanimously agreed at a meeting of OSCE Foreign Ministers in Athens in December 2009. My officials have been working on preparations for the OSCE chairmanship since the decision was made. To this end, a dedicated OSCE task force was established within my Department in October 2010 to develop the policy framework and practical capacity required for the chairmanship and the diverse range of meetings and conferences in Vienna and elsewhere. This comprises a total of 12 Dublin-based officials, with 14 officials working at Ireland's OSCE mission in Vienna. This total is less than the resources allocated by any other country which recently held the OSCE chairmanship; I am confident, however, that Ireland's chairmanship will involve a highly efficient use of these resources and compare favourably with past chairmanships.

Regular consultations take place with officials from other Departments who will also contribute relevant expertise over the course of Ireland's chairmanship. I am keen to ensure all Departments are in a position to contribute to and gain from our chairmanship. I hope our chairmanship will also be helpful in terms of the Government's economic objectives. To this end the State agencies have also been consulted as part of our preparations.

[Deputy Eamon Gilmore.]

Additional information not given on the floor of the House.

As part of last year's preparations, Ireland joined the OSCE troika with the 2011 chair of the organisation, Lithuania, and the previous chair, Kazakhstan. Ireland continues to participate in the troika this year, with Kazakhstan having been replaced by Ukraine, the 2013 chair. Weekly troika meetings take place at OSCE headquarters in Vienna.

Ireland was one of the founding states of the OSCE and we have always recognised the organisation's vital role in maintaining peace and security in Europe. I am honoured to chair the OSCE this year and greatly look forward to using this role to raise the profile of Ireland, thereby contributing to the restoration of our international reputation.

Deputy Seán Ó Feargháil: I acknowledge that the preparations for the chairmanship of the OSCE began in 2009 and that much of the groundwork was done by the previous Administration. It is no harm to say this, given the negative things said in the House from time to time about the diplomatic initiatives taken by the previous Administration.

Can I take it from what the Tánaiste said that the issue of conflict resolution will be at the heart of his chairmanship of the OSCE? What does he envisage will be the lasting legacy of Ireland's chairmanship? We heard an interesting presentation last week at a meeting of the Joint Committee on Foreign Affairs at which we were briefed on the efforts of human rights defenders. Does the Tánaiste anticipate being in a position to do something to put human rights defenders at the heart of his chairmanship of the OSCE? Will he give us more information on the conference he proposes to hold on conflict resolution on 27 April? Where will it be held? Who will be the participants and what does he hope the outcome will be?

Deputy Eamon Gilmore: I am very happy to have the Deputy and his party colleagues share in the achievements of the Government in the area of foreign affairs. I have no difficulty in acknowledging that the agreement that Ireland should take the chair of the OSCE was made in 2009.

The contribution Ireland intends to make on the issue of conflict resolution is to draw on the experience of it in Northern Ireland. What we have in mind is holding a high level conference on 27 April which will be moderated by a former President of Finland, Martti Ahtisaari, who was very much involved in the Northern Ireland peace process. The idea is to invite representatives of all 56 participating states, in particular the states in which there are protracted conflicts, and those who were involved in the Northern Ireland peace process to contribute to the discussion. The idea is not that the formula found in Northern Ireland is transportable to other conflicts but that people will hear about the patience and persistence which characterised the talks in the Irish peace process and, I hope, draw something from this.

Separately, we are working to progress discussions to resolve the protracted conflicts. In that context, the first meeting as part of the Transnistrian settlement process, the so-called 5+2 talks, will take place in Dublin next week, on 28 and 29 February.

On the human dimension, we are paying particular attention to the concept of freedom of expression and freedom of the media. We will concentrate, in particular, on Internet freedom, in regard to which there are a number of issues that require international discussion. It is our intention to hold a conference in Dublin in June which, again, will involve the 56 participating states and also many of the Internet companies which have their headquarters in Dublin.

Deputy Pádraig Mac Lochlainn: On the Tánaiste's chairing of the OSCE, will he outline his approach to the ongoing difficulties in the Balkans? At a recent meeting Paddy Ashdown

provided us with a very interesting analysis of the situation there and outlined his concerns about the situation in Bosnia and Serbia. The issue of Internet freedom is an interesting one, but in terms of the situation in the Balkans, where there is a real danger that the considerable advances made will be undermined and unravel, what are the Tánaiste's plans during his chairmanship of the OSCE?

Deputy Eamon Gilmore: As the Deputy will be aware, the OSCE has field offices in respective countries of the Balkans. The good news is that this year the field office in Croatia has been wound down because Croatia is acceding to membership of the European Union, which is a sign of progress. Also, the applications for EU membership made by states in the Balkans present an issue. The Minister of State, Deputy Lucinda Creighton, and I see an opportunity in that respect in that our role in chairing the OSCE and the role we will play in the discussions on accession will be complementary. We are, therefore, taking a very active interest in this issue, coming at it from two ends, our chairmanship of the OSCE and our role within the European Union in the discussions on the accession of states in the Balkans.

Armenian Elections

67. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade the actions he has taken or actions in conjunction with the EU to ensure that the upcoming elections in Armenia will be conducted properly in accordance with international and European standards; and if he will make a statement on the matter. [9562/12]

75. **Deputy Michael McGrath** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will advocate providing the EU delegation in Armenia with additional resources to effectively monitor the upcoming elections; and if he will make a statement on the matter. [9567/12]

Deputy Eamon Gilmore: I propose to take Questions Nos. 67 and 75 together.

Observation of the upcoming parliamentary elections in Armenia will be carried out by the OSCE, not by the European Union. The Union does not engage in election observation activities in OSCE participating states, of which Armenia is one. It would not, therefore, be appropriate to request additional resources for the EU delegation in Armenia for this purpose.

All OSCE participating states have committed themselves to inviting international observers from other OSCE participating states, the OSCE's Office for Democratic Institutions and Human Rights, ODIHR, and the OSCE Parliamentary Assembly to their elections. The ODIHR deployed a needs assessment mission to Armenia from 30 January to 1 February to advise on the type, format, duration and scope of a potential election observation activity. The report of the needs assessment mission has recommended the deployment of an election observation mission according to the standard ODIHR methodology, contingent on the receipt of an official invitation from the Armenian authorities. The ODIHR has been informed by the authorities that a timely invitation will be forthcoming once the election has been formally announced.

In its needs assessment mission report the ODIHR recommends that the election observation mission include a core team of experts, 24 long-term and 250 short-term observers. As with all such missions, Ireland and the other OSCE participating states will be in a position to nominate observers for deployment with the mission.

Ireland has full confidence in the ODIHR's election observation methodology which reflects the highest international standards for election observation, based on the principles of independence, impartiality and professionalism.

Deputy Seán Ó Fearghail: Notwithstanding that the OSCE is the agency with responsibility for election monitoring, I am sure the EU has a role in overseeing the situation, commenting, and supporting, where possible, efforts to achieve effective parliamentary elections in Armenia. In 2008, there was serious public concern about what were seen as fraudulent presidential elections, which were followed by civil unrest. We need to ensure the elections this coming May are held in a fair and transparent manner. Has the Minister had discussions with his counterparts in Europe on this? Has he had any bilateral communications with the current Armenian authorities? Despite Europe's obsession with the economic crisis — perhaps rightly so — it is important that we do not lose sight of the original objectives of the Union and how important are civil and democratic human rights. We must continue to assist and monitor wherever possible.

Deputy Eamon Gilmore: In fact, the European Union does not monitor elections in the OSCE region; that work is left to the OSCE itself, and there is an agreement between the EU and the OSCE to that effect. The EU carries out election monitoring in Africa, Latin America, Asia and other areas outside the OSCE. As I have said, we have already made arrangements through a needs assessment mission that took place between 30 January and 1 February, which resulted in a recommendation that there should be an election observation mission. The size of that mission has been agreed; a formal invitation is required from Armenia to bring it about, but I have no reason to believe that will not be forthcoming. I expect that when the election mission has completed its work, as is normally the case, the OSCE will publish a report of the mission, which will be available to the EU, and the Minister of State and I will take the opportunity to discuss this at the Foreign Affairs Council or the General Affairs Council, as appropriate.

Human Rights Issues

68. **Deputy Éamon Ó Cuív** asked the Tánaiste and Minister for Foreign Affairs and Trade the progress he made during his recent trip to Israel in relation to the blockade of the Gaza strip; and if he will make a statement on the matter. [9573/12]

Deputy Eamon Gilmore: I visited Gaza during my recent visit to the region as I wanted to see personally the effects of the blockade on the civilian population. I had useful discussions with Filippo Grandi, the Commissioner General of the United Nations Relief and Works Agency, UNRWA, which kindly facilitated my visit. I also visited an UNRWA school and a refugee camp and met with a number of Gazan business people and human rights defenders. The people of Gaza, similarly to people everywhere, simply want the chance to lead a normal life. Gazans want to provide for their families and see their children educated. Young people want the opportunity to pursue their education and business people want to return to running their businesses.

The blockade prevents any semblance of normal life in the territory. It has stifled the Gazan economy and reduced much of the population to a state of complete dependency. It has choked off private industry and encouraged a growing and thriving black market. It prevents UNRWA from transporting the necessary equipment and materials into Gaza for the reconstruction of schools, homes and other necessary infrastructure. The blockade is not only unjust and contrary to international humanitarian law but also totally counterproductive.

In my meetings with the Israeli Prime Minister, Mr. Netanyahu, and Foreign Minister, Mr. Lieberman, in Israel last month, I stressed the futility of the blockade. I reiterated the Irish Government's view that the blockade clearly causes unnecessary hardship for the civilian population in Gaza and those working to assist them, and that it is not in the interests of Israel or its security. I urged Mr. Netanyahu and his colleagues to take decisive action with regard to

ending the blockade of Gaza and, in particular, urged them to ease restrictions on exports and speed up the approval process for vital reconstruction projects being undertaken by the UN. In reply, Mr. Netanyahu indicated that he was open to considering facilitating greater exports from Gaza.

I will be reporting on my visit to Gaza and my discussions with Israeli leaders at the next Foreign Affairs Council on 27 February. The EU has been extremely active in pressing the Israeli authorities to alter fundamentally its policies with regard to Gaza and open up the border crossings to all normal commercial, humanitarian and human traffic, as called for in Security Council Resolution 1860 of January 2009. While there has been some easing in the succeeding three years, the changes made are clearly insufficient and do not fundamentally alter the nature of the blockade imposed on Gaza. I look forward to discussing with my EU colleagues what further steps can be usefully taken at this stage to persuade Israel to abandon its unjust blockade of Gaza.

Deputy Seán Ó Fearghail: I commend the Minister on his visit. In his meeting with Mr. Netanyahu, did the Minister get any sense of embarrassment from the man about the fact that 38% of Gazans live in poverty, 31% of the workforce are unemployed, including 47% of young people, and 54% of the Gazan population suffer from food insecurity? It is a horrific indictment of the situation that continues to prevail there. Did the Minister come away from the meeting with the Prime Minister with any sense of hope for the future?

The Minister speaks, rightly, about a renewed drive within the Foreign Affairs Council to address this issue. Is he optimistic that something can be achieved within a reasonable timeframe?

Deputy Eamon Gilmore: Embarrassment is not the word that comes to mind to describe the response of Mr. Netanyahu to the issues I raised. However, I made it clear to him and to the other Israeli leaders I met that Ireland is very much opposed to the blockade of Gaza, which clearly has a major impact from a humanitarian point of view and also for families and businesses as well as the Gazan economy. I also drew his attention to the fact that the blockade is counterproductive, in that there is a thriving black market within Gaza. Those who are most undermined at an economic level by the blockade are those who are trying to conduct legitimate businesses, as well as the UN agencies that are trying to reconstruct Gaza. I learned, from UNRWA in particular, of the extent to which the blockade is affecting people's daily lives and the impact it has on food security. I visited a food distribution centre and saw the great work that is being done in distributing food supplies and also the major human need for access to food supplies of a very basic nature.

Deputy Seán Ó Fearghail: What adds insult to injury is the continued illegal development of settlements within the Palestinian territory. Does the Minister have any information about this? I anticipate that he will be making a visit to Capitol Hill for St. Patrick's day — at least, one hopes so. If he is, will he be raising the Israeli-Palestinian situation with the American authorities?

Deputy Eamon Gilmore: The settlements in the West Bank are another aspect of the very oppressive regime in which Palestinians have to live. I drew attention in particular, when I was meeting with the Prime Minister and Foreign Minister, to the implications of going ahead with the planned settlement in the area known as E1, on the fringes of East Jerusalem, which, if proceeded with, will have the effect of severing the northern part of the West Bank from the southern part and will further complicate the prospects for a two-state solution.

[Deputy Eamon Gilmore.]

I will not be on Capitol Hill for St. Patrick's day, as the Taoiseach will be visiting Washington. However, I was in the USA two weeks ago, as I mentioned earlier, for work in connection with my role as chair of the OSCE, and also for the investment conference that was convened by President Clinton. While I was in Washington I met the Deputy Secretary of State, Mr. Bill Burns, and had a discussion with him about the Middle East peace process, among other things. I discussed the visit I made to the Middle East with him and the discussions I had with both President Abbas and Prime Minister Netanyahu.

Deputy Richard Boyd Barrett: I welcome the Minister's strong words of condemnation of the appalling treatment by Israel of the people of Gaza. Frankly, it is difficult to understand how this State or other states in Europe continue to treat Israel as if it is a normal state when it does this type of thing, yet they impose sanctions on Iran and roundly condemn it. Did the Minister raise the matter of Khader Adnan on his visit and, if not, will he raise it? Khader Adnan has been on hunger strike for 66 days. He is now critically ill and will possibly die in the next few days. He is held in so-called administrative detention, which means imprisonment without trial. He is one of 300 Palestinians, including 180 children under the age of 18 years, who are imprisoned without trial. This is a routine part of the Israeli flouting of human rights when it comes to Palestinians. Will the Minister make a public statement calling on the Israelis to release this man and to end the absolutely despicable practice of administrative detention?

Deputy Mick Wallace: I was glad to see the Tánaiste visit Gaza. He has agreed previously in the House that the Israeli-Palestinian conflict is the main source of problems in the area. Will the Government lobby this year for a little sanity with regard to Iran, given that Israel might be tempted to take advantage of the US election in November? President Obama is probably at a vulnerable point where he is eager to gain the favour of the Israeli lobby, which is very powerful in America, before the election. The Minister will agree that a military strike against Iran would be absolute madness.

An Leas-Cheann Comhairle: That is a different issue, Deputy.

Deputy Eamon Gilmore: Deputy Boyd Barrett has a separate question on Khader Adnan. When we reach that question I will expand more fully on the subject but I understand from our officials that an understanding might have been reached in the last few hours, which would include Mr. Adnan ending his hunger strike on the basis of certain understandings he has reached. A supreme court case was due to be heard this morning and, while I do not yet have confirmation of this, I have a note to the effect that progress has been made on the matter. That would be very welcome.

As regards the issue raised by Deputy Wallace, a military strike by anybody on Iran would be disastrous. When I was in Israel there was much speculation in the Israeli press about the possibility of a military strike against Iran. I made it very clear that Ireland would be absolutely opposed to such a strike, and this view is shared in the European Union. I hope the very robust decision of the European Union Foreign Affairs Council to impose sanctions on Iran will receive a positive response from everybody concerned and that no military action will be taken against Iran. In addition, since that decision was taken there are indications that Iran is now showing a greater willingness to engage in negotiations about its nuclear programme. The purpose of imposing sanctions in the first place was to bring Iran to the table to discuss its nuclear programme.

Diplomatic Representation

69. **Deputy Timmy Dooley** asked the Tánaiste and Minister for Foreign Affairs and Trade

the amount of money he estimates it will cost to have a Dublin based diplomatic representation to the Holy See; the regularity with which it is anticipated that he will be physically present in the Vatican state; if any additional support staff have been attributed to the new diplomatic representative; and if he will make a statement on the matter. [9555/12]

Deputy Eamon Gilmore: While the details have not been finalised it is estimated the annual cost of a Dublin based diplomatic representation to the Holy See will be under €25,000. This includes the cost of maintaining a small office in the Villa Spada compound, staffed on a part-time basis by a locally recruited secretary. It is intended, in principle, that the ambassador to the Holy See would travel to Rome once a month. No additional support staff have been allocated to him, although the third secretary of the embassy, formerly resident in Rome and now resident in Dublin, will continue to be accredited. No additional payment will be made to the Secretary General of the Department for carrying out his functions as ambassador to the Holy See.

Deputy Seán Ó Fearghaíl: What is the situation relating to the residence of the former ambassador to Italy? Did the State hold a lease on the premises he had occupied and did the State have to buy its way out of that lease? Was there any capital investment in that property over the last decade or so? Where are the chancery offices of the Irish Embassy to Italy? Have these offices moved to the Villa Spada or does the office of the Irish Embassy remain at its former location?

Deputy Eamon Gilmore: As the Villa Spada is State-owned, there were no rental costs associated with the operational costs of the mission. This meant the running costs of that mission were low compared with those of other missions abroad. The plan is that both the chancery and the residence will be closed down and that the residence of the ambassador to Italy and the office of the embassy will be located in the Villa Spada. There are rental arrangements in respect of both and those arrangements are being terminated.

Leaders' Questions

Deputy Micheál Martin: Of the 769,000 residential mortgages in the State approximately 71,000 or 9% are now in arrears of more than 90 days and more than 53,000 of these are in arrears of more than 180 days. By contrast, the average in the UK is approximately 2.07%. One in seven mortgage accounts are not being repaid according to the original loan agreement, and this trend is accelerating. According to information from the Oireachtas finance committee, another 47,000 mortgages are in arrears of less than 90 days so the number of mortgage holders in distress is likely to be one in five. The situation is getting worse. It is very difficult for families and households and it has a wider impact in terms of people sacrificing expenditure on health, visits to general practitioners, education, food and heating. All such expenditure is suffering due to the huge debt that overhangs many families. It is also damaging consumer confidence and the wider domestic economy.

The Keane report was published by the Government four and a half months ago. We are still awaiting a formal response from the Government on the implementation of the recommendations in that report. Notwithstanding that we did not think the Keane report went far enough, there has been no action on its recommendations, particularly with regard to establishing, for example, an independent mortgage advice service. On the other hand, we have been constructive on this side of the House. We proposed legislation for the establishment of a debt settlement office but that was refused by the Government. Again, I ask the Taoiseach to be open to constructive solutions. There has been no action taken on the recommendation that an independent mortgage advice service for those in debt be set up. Will the Taoiseach give

[Deputy Micheál Martin.]

the House an indication of when the Government's formal response to the Keane report will emerge and lay out the Government's strategy for helping people in significant distress because of mortgage arrears?

The Taoiseach: I thank the Deputy for raising this sensitive matter in a serious fashion. I have often made the point that numbers of people have lived for the banks and existed for the mortgage. I know many families are under pressure and suffering stress. That is why it has been necessary to take a comprehensive view of what is going on.

The Government produced the Keane report which made a number of recommendations to the Government. An implementation group has been set up in the Department of Finance which is dealing with trade-down mortgages, split mortgages and mortgages to rent. The Government has introduced a pilot scheme in respect of the mortgage-to-rent scheme for distressed households. Mr. Declan Keane proposed the introduction of two new Department of the Environment, Community and Local Government mortgage-to-rent schemes utilising approved housing bodies such as Clúid leasing to local authorities. That work is being assisted by these bodies. It is anticipated that the first transactions under the pilot scheme will commence soon. The Minister for the Environment, Community and Local Government and his Department continue to work with the agencies. The Government will run two pilot schemes encompassing about 500 householders, one with housing agencies and the other with local authorities. It is estimated that 10,000 households could be involved eventually. That is the process by which the Keane report will be dealt with, including the other things I have mentioned such as sale by agreement.

On the Personal Insolvency Bill, the Government is determined to proceed in a number of areas that will not require the taking of a judicial route. The Deputy is aware that the Bill is already at Committee Stage and will be brought back to the House in a couple of weeks. The Government will appreciate constructive suggestions and proposals from every Member on this matter. I would like to think this could be done comprehensively and quickly, but that is not possible. I am aware many people are under pressure, but these are the elements of the strategy Government will implement to alleviate the pressure and stress on affected families.

Deputy Micheál Martin: The Taoiseach's response is inadequate. We have long moved past the time for pilot schemes to address what is a huge problem for thousands of families. This is having a debilitating impact, not only on the lives of families but also on the wider economy.

The Taoiseach promised much to the negative equity generation, including legislation to cap the interest charge imposed by lenders benefitting from the interest supplement scheme of the European Central Bank. He promised to prevent banks from introducing penalty interest rates on mortgages and ensure banks would pass on reductions in interest rates. None of this has happened. The Taoiseach mentioned the lending scheme, of which I believe only one person has availed. That is not going to address the enormity of the problem. It is time for action which families desperately need. They are reducing expenditure on health, visits to general practitioners, food and heating in order to keep a roof over their heads and make ends meet. It is the biggest worry for thousands of families, particularly younger families who bought homes at the height of the market. They need help.

Fianna Fáil came forward with the idea of establishing a debt settlement office which would have teeth and force resolutions between banks and their customers. However, it was not accepted. There was a formal vote on Second Stage of the Bill which was then buried. The Keane report does not go far enough, but there is not even a sense of urgency about what he recommended. There is no sense of a plan or a strategic and formal response to its implemen-

tation. I urge the Taoiseach to fulfil the commitments he gave to the negative equity generation with concrete actions to help them through a very difficult situation.

The Taoiseach: The negative equity generation are directly impacted on by this issue. Thousands of people are in negative equity because of reckless lending processes in banks. The Deputy is aware that the Government has downsized the number of banks to two pillar banks, restructured their boards and recapitalised them. I note the comments of the Bank of Ireland which is moving back towards private funding, but I disagree with Mr. Richie Boucher, its chief executive, when he says Government personal insolvency legislation will increase interest rates for mortgage holders who are paying their way. The Personal Insolvency Bill is for those who have a series of difficulties across a spectrum of circumstances. It should be made clear, as the Bank of Ireland is aware, that the banks have been recapitalised to deal with mortgage distress and with circumstances where people are in serious difficulty with their mortgage. The Bill has been designed to deal with people in difficulty.

It would be nice to implement the Keane report overnight. The focus of the Government is on dealing with the range of mortgage difficulties in the best way it can. I do not have all the answers, but I am confident the Keane report, the Personal Insolvency Bill and the impact of the budget and the Finance Bill in stimulating the indigenous property market will lead to progress in this regard. It is wrong to suggest, as I saw in a newspaper today, that the Personal Insolvency Bill will cause interest rates to rise for people who are paying their way and facing challenges in their mortgage. That is not the intention. The banks have been recapitalised to deal with cases in which the holders of a residential mortgage are in serious distress. It is a matter for the banks and lending institutions to sit down with individuals and work out the best prospect.

The Deputy and I both want to see everyone hold on to his or her house, in so far as that is possible. The schemes mentioned have to begin in some form or another. The pilot schemes are starting with 1,000 householders and will eventually provide for 10,000. We must analyse them to see if they have the right structure, if there are weaknesses in them and if they meet the demands and requirements of the people who have mortgage problems and move on to achieve the best effect.

I understand the urgency with which the Deputy makes the point, to which I am sympathetic. When the Personal Insolvency Bill has been subject to a full range of comments and proposals from Members of the Oireachtas, the Government will deal with it as quickly as possible. This is difficult and complex, but it is necessary to get it right.

Deputy Gerry Adams: Cuirim fáilte roimh an ráiteas faoi jabanna nua i nDún Dealgan i gContae Lú.

The Taoiseach: Céard a dúirt an Teachta?

Deputy Gerry Adams: Sin scéal maith. Tá mé ag rá go gcuirim fáilte roimhe. Ar chuala an Taoiseach sin agus an dtuigeann sé mé?

The Taoiseach: Ar chuir an Teachta fáilte roimh rud éigin? Seo an chéad uair ariamh.

Deputy Gerry Adams: Tá sin go maith. Maith an fear.

Deputy Joan Burton: Fáilte agus “go raibh maith agat”. Maith thú.

Deputy Micheál Martin: A dháilcheantar féin.

An Ceann Comhairle: Please proceed, Deputy Adams. Time is of the essence.

Deputy Gerry Adams: For the benefit of Members, I have welcomed today's announcement of jobs in Dundalk.

Fewer than 7% of households liable for the household charge have paid the tax and we are already half way towards the Government's deadline of 31 March. I understand its plan was to use the €160 million generated from the tax to fund local government services. Clearly, that is not going to happen.

Níl sé seo chomh trom ar údaráis áitiúla timpeall an Stáit ná orthu siúd atá ag déanamh iarracht a mbillí laethúla a íoc. Sílim go ndearna an Rialtas meancóg sa chás seo. It is low and middle income earners who are bearing the brunt of austerity, be they people struggling with mortgages, increases in VAT, excise, motor tax and the universal social charge. These are all taxes which are hitting the poorest the hardest.

Does the Taoiseach accept that this unfair and flat tax is destined to fall? I suggest he get ahead of the curve on this issue by axing this tax and instead introducing a cap on wages in the public sector of €100,000, as Sinn Féin proposed in its pre-budget submission. Will the Taoiseach accept that he has got it wrong on this one, and will he drop this unfair tax?

The Taoiseach: Wonders will never cease. I did not think Deputy Adams would ever come in here and welcome something. Well done. I hope that all the young men and women in Dundalk who go to Deputy Fitzpatrick's office and every other office and make their claim for acceptance on merit to PayPal——

Deputy Gerry Adams: Is Deputy Fitzpatrick going to hand in the job?

The Taoiseach: ——will be part of the new economic resurgence in that part of the country. Tá a fhios agam go maith cé atá i gceist agat.

I was talking to somebody from London the other night who has two houses. The person pays £172 per month for one house and £280 per month for another. The average household in Northern Ireland pays £1,259 for household charges. I accept that a flat tax is not the way forward here, and that is why this is a temporary measure. The Minister has asked for an expert report on best practice, whether it be residential property or valuation on the site. When that comes back, the Government will consider the range of options and decide what is equitable and what is payable. Clearly there are differences in the scale and location of houses and so on. This is a temporary charge of €100, which is €2 per week. The money will be used to provide the usual services such as libraries or lighting for footpaths.

When Deputy Adams tells me that his is the only party on the entire island of Ireland, perhaps he might indicate how it is that his own party members are willing to accept a charge of £1,259 in Northern Ireland while he complains bitterly about the €2 per week charge here.

Deputy Gerry Adams: I am always bemused sometimes by the Taoiseach's answers.

Deputy Eric Byrne: Always or sometimes.

Deputy Gerry Adams: It is because of the way he strings them together. This is a flat tax. I am sure the Taoiseach knows that. Flat taxes are unfair. Less than 7% of the households liable for the tax have paid it. The Government has one month to bring some sense to this.

These are people who cannot pay. It is not as if they have the money and have two houses. They cannot pay. I asked the Taoiseach to accept that this was a mistake and to find some other way of raising this money. I made a suggestion to him, but of course he ignored the suggestion. Many people are asking how the Government can increase the pay of special

advisers, or pay €17,000 in attendance money to so-called super-junior Ministers to attend Cabinet meetings, when it should be a privilege to serve in the Cabinet.

Is the Taoiseach seriously suggesting that at the end of this process, tens of thousands of citizens will be hauled before the courts over a charge which they cannot pay, while not one banker has so far faced due process? I ask the Taoiseach to accept that this was a mistake and to change it.

The Taoiseach: I agree with the Deputy's second last comment. I would like to think that the process of law will take its course. My understanding is that very significant amounts of documentation have been forwarded to the DPP. This is clearly an independent office and information has been forwarded both by the Director of Corporate Enforcement and by the fraud squad, and it is a matter for that to be pursued in due course. Whatever decision is made by the DPP, it would be my hope that persons who should be before the law should be brought before the law and that the law deals with them.

A total of 110,000 householders have signed on for the property charge. The Deputy says that people cannot pay. This is a €2 charge per week. It is a flat tax but that will not be the case in future, because some people can obviously pay more than that.

Deputy Mattie McGrath: All he is missing is a cap and a badge.

The Taoiseach: The Minister is waiting for a set of proposals on the best thing to do.

Deputy Mattie McGrath: He is like a sheriff with a six-gun.

The Taoiseach: Go raibh maith agat, Mattie.

Deputy Mattie McGrath: Ná h-abair é.

The Taoiseach: There are waivers for those in receipt of mortgage interest supplement, social housing supports or rent supplement, and for those in categories 3 and 4 of unfinished housing estates. There are exemptions for those who do not need to declare properties that are part of the trading stock of a business and that are not sold and that have not generated an income. There are exemptions for local authority properties used for social housing, voluntary co-operative properties, properties owned by the Government or by the HSE, properties owned by charities, properties where commercial rates apply, and properties which people have to leave due to a long-term mental or physical infirmity, such as those who have to go into nursing homes.

There are waivers and exemptions for all these people. In this respect, the Deputy did not answer——

Deputy Richard Boyd Barrett: What about people who lost their jobs through no fault of their own?

The Taoiseach: ——the question I asked him. How can he instruct his members in Derry and across Northern Ireland to agree to a charge of approximately £1,400 per year? He comes down here from County Louth, where we had the privilege of making an announcement about 1,000 jobs in Dundalk today, and tells us that people cannot pay the charge in this jurisdiction. When we add in the waivers and the exemptions, a significant number of people who are under pressure——

Deputy Gerry Adams: They cannot pay. The Taoiseach knows that.

Deputy Mary Lou McDonald: The working poor cannot pay.

Deputy Joe Higgins: Dr. Liu Xiaobo is in his third year of an 11 year sentence in China. His crime was to write a charter seeking democracy, freedom of speech and religion and an independent judiciary. Over Christmas, Chen Xi was sentenced to ten years in jail in south-west China for the crime of writing articles on the Internet seeking political reform and human rights. At the same time, Chen Wei was given nine years in jail for articles critical of the Communist Party of China.

Amnesty International asked the Taoiseach to raise the cases of these three prisoners of conscience and others with the Vice President of China, Xi Jinping, during his three day visit to Ireland. Did the Taoiseach raise these cases or any other cases? What response did he receive? When he was entertaining the Chinese Vice President, was he aware that as the second most senior leader in the Chinese Government, he is personally responsible for a regime that routinely brutally crushes all democratic rights of its people, stands over the disappearance and torture of thousands of citizens, presides over a brutal regime of super exploitation of workers, many of whom are employed in companies contracted by western multinationals, where no free trade unions are allowed, and crushes the self-determination rights of the people of Tibet?

There was a sharp intensification of repression last year in China. Was the Taoiseach aware that many people link that to the preparation for a leadership change? Many people also think that this is what brought the Vice President of China to the US, Ireland and Turkey, as a preparation for his elevation to the highest office in that country.

Did the Taoiseach not think it shameful and a cowardly abdication of his responsibility to stand against the crushing of human rights, when he made a speech yesterday to the China Trade and Investment Forum, in the presence of the Vice President of China, and with a total of 2,247 words, could not find a single word to demand publicly an end to this brutal repression and the crushing of the rights of the Chinese people to democracy and freedom?

Lastly, the Taoiseach routinely chastises a certain party across the Dáil floor for allegedly consorting with shady characters of unsavoury reputation, and did so only last week. Does he estimate that a Government which systematically brutalises and crushes——

An Ceann Comhairle: I thank Deputy Higgins. He is over time.

Deputy Joe Higgins: ——the rights of its people would merit such a description or is it all right if they do trade deals with him?

The Taoiseach: Deputy Higgins prepared well for this one. I was responding to a Member of a party opposite in respect of comments made when I said what I said.

The speech, to which Deputy Higgins referred where he counted all the words very carefully, was made in the Royal Hospital in Kilmainham. It was to a group of representatives of over 350 Irish companies together with Chinese company counterparts and was strictly on the basis of business opportunities which will create jobs and economic growth in this country, with opportunities for Irish firms to export to China and also in respect of investment in this country. That contribution was strictly on trade, economic growth and opportunities.

I want Deputy Higgins to understand that I raised the question of human rights with the Chinese Vice-President, as did the Tánaiste and Minister for Foreign Affairs and Trade, Deputy Gilmore. I was not contacted by Amnesty International. I heard its spokesperson on radio calling for individual issues to be raise. I did not raise individual issues with the Chinese Vice-President. I raised the question of human rights with him. I noted the comments on the improvement in the human rights position announced from Washington. I noted the comments

that were announced following the EU-China high-level group in respect of human rights. I put forward the clear position that this country has always been a proponent of human rights around the world and, as President Clinton stated, is one of the few countries that can legitimately say that, since the United Nations was founded, it has personnel in some locations around the world dealing with underdevelopment, issues of social rights etc.

The Chinese Vice-President responded to my invitation to come here on his way back from Washington to deepen and strengthen the links between Ireland and China and to focus specifically on the question of opportunity for investment by China, both in Europe and in Ireland, and for investment and exports to China by Irish companies. Strengths in each location were identified. The Vice-President pointed out a range of locations in China where investment would be invited and a range of specific issues where he would like co-operation and investment from Ireland. Clearly, this leads to serious opportunities for business in our country and we will follow up on that.

This was not a meeting specifically about human rights, but both the Tánaiste and Minister for Foreign Affairs and Trade and myself, on behalf of the Government and the people, raised the issue directly with the Vice-President. He made the point in his response that no country has a perfect human rights record. That is understandable. I note the improvement, both in the economy of China where 200 million people have been taken out of poverty and in the progress that is made on human rights in general, and I support that.

Deputy Joe Higgins: Are we to take it that the Taoiseach accepts that not having a perfect human rights record covers and excuses——

Deputy Simon Harris: That is not what the Taoiseach stated.

Deputy Joe Higgins: ——the routine detention of thousands of persons for demanding human and democratic rights, jailing them, torturing them and sending them away for years?

Does the Taoiseach accept that he should separate out this kind of violation of the most basic human rights from issues of trade? If the Taoiseach were talking to representatives of trade associations, would it have been appropriate to raise that any Irish firms that go to China should insist, unlike Apple and other Western multinationals, on total rights, including trade union rights, for Chinese workers? Would it be appropriate to raise that? How on earth can the Taoiseach stand up in this company, in front of the second most senior leader in this most repressive state, one of the most repressive and brutal in the world, and blithely ignore the plight and repression of those people?

An Ceann Comhairle: I thank Deputy Higgins.

Deputy Joe Higgins: Is it the case now that as China takes up the position of an economic superpower, almost equalling the United States——

An Ceann Comhairle: Come on, Deputy, please.

Deputy Joe Higgins: ——that we can expect the same obsequiousness, in the media, in the Government and elsewhere, as we had towards the United States, President Bush, etc., in the wake of the Iraq invasion?

An Ceann Comhairle: I thank Deputy Higgins.

Deputy Joe Higgins: Is that the blind eye that now will be turned to human rights in favour of doing trade deals?

[Deputy Joe Higgins.]

Why did the Taoiseach not raise——

An Ceann Comhairle: Deputy Higgins is way over time.

Deputy Joe Higgins: ——specific issues, for example, the case of Liu Xiaobo, who was even recognised with a Nobel Peace Prize? I ask the Taoiseach——

An Ceann Comhairle: Come on, Deputy Higgins, please.

Deputy Joe Higgins: ——to electrify the demand for human rights internationally by, before going to China, demanding from the Chinese Government that he get to visit Liu Xiaobo——

An Ceann Comhairle: I thank Deputy Higgins.

Deputy Joe Higgins: ——or some prisoner of conscious really to draw attention to what is going on in China.

Deputy Simon Harris: We could send Deputy Higgins.

Deputy Joe Higgins: That would be doing something good for humanity.

An Ceann Comhairle: I ask Deputy Higgins to resume his seat.

The Taoiseach: We could be doing something to be able to point out that CRH, Glen Dimplex and 140 more Irish companies now employ 10,000 Chinese persons in China and they do so on the basis of giving them an opportunity to have a job and to contribute to the economy there which is also of benefit to Ireland's economy.

I also referred in my discussions with the Chinese Vice-President on the situation in Syria, and the rape, mutilation and savagery that is going on there and the human rights in respect of those people. I commented that I would hope the words of the Chinese Foreign Minister would be taken to heart in respect of making some impact in ameliorating that position.

Deputy Higgins is not the sole saviour of human rights in this House. We all have a responsibility here. In my responsibility as leader of the Government, I took the opportunity to raise this with the Vice-President of what is the second largest economy in the world, made no bones about that and was very clear in respect of Ireland's position. With 1.4 billion people, I am quite sure the difficulties that many of those citizens experience are challenging. They are a cultured people with a long tradition.

I commented on the noted progress that has been made by the Chinese authorities in the improvement of the human rights record and the Vice-President pointed out——

Deputy Joe Higgins: It got quoted last year. The Taoiseach is out of the loop.

The Taoiseach: ——the numbers who have now emerged from poverty, the new consumer movement in China, the number of those who have free access to the Internet and the number of bloggers on the Internet from China who have the freedom to express what they wish.

Deputy Joe Higgins: They are jailed for it. Come on.

The Taoiseach: In respect of visiting the noble person that Deputy Higgins mentioned, I do not think that I will have that opportunity.

Ceisteanna — Questions (Resumed)**Other Questions (Resumed)**

European Council Meetings

1. **Deputy Micheál Martin** asked the Taoiseach if he will provide details of all documents he has tabled for consideration at the European Council meeting; and if he will make a statement on the matter. [4754/12]

2. **Deputy Micheál Martin** asked the Taoiseach if he will provide details of his discussions with President Sarkozy since 9 December 2011; and if he will make a statement on the matter. [4756/12]

3. **Deputy Micheál Martin** asked the Taoiseach the number of times the Cabinet Committee on European Affairs has met in recent months. [4760/12]

4. **Deputy Micheál Martin** asked the Taoiseach if he sought a meeting or received an invitation to meet Chancellor Merkel prior to the EU Council meeting on 30 January 2012; and if he will make a statement on the matter. [4775/12]

5. **Deputy Micheál Martin** asked the Taoiseach the strategically important issues for Ireland in the context of the draft EU treaty that he will be outlining at the forthcoming EU Council meeting; and if he will make a statement on the matter. [4776/12]

6. **Deputy Gerry Adams** asked the Taoiseach if he will report on his attendance at the EU summit on 30 January 2012. [5108/12]

7. **Deputy Micheál Martin** asked the Taoiseach if he intends to speak against the proposal to harmonise taxes; if he will outline his reservations about the common tax at the EU Council meeting; and if he will make a statement on the matter. [5168/12]

8. **Deputy Micheál Martin** asked the Taoiseach if he intends to request that there needs to be immediate reform of the European Central Bank at the EU Council meeting; and if he will make a statement on the matter. [5170/12]

9. **Deputy Joe Higgins** asked the Taoiseach if he will report on his attendance at the EU special summit on 30 January 2012; and if he will make a statement on the matter. [5172/12]

10. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on the issues that he raised at the EU leaders' summit on 30 January 2012; and if he will make a statement on the matter. [5268/12]

11. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will provide a full report of the EU leaders' summit on 30 January 2012; and if he will make a statement on the matter. [5269/12]

12. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will provide a detailed report on the discussions around the Eurocompac intergovernmental treaty at the EU leaders' summit on 30 January 2012; and if he will make a statement on the matter. [5270/12]

13. **Deputy Richard Boyd Barrett** asked the Taoiseach if he made any further progress on the Anglo Irish Bank promissory notes at the EU leaders' summit on 30 January 2012; and if he will make a statement on the matter. [5273/12]

14. **Deputy Richard Boyd Barrett** asked the Taoiseach if the recent IMF warnings about the severity of the global crisis and Europe's pivotal role in the crisis were discussed at the EU leaders' summit on 30 January 2012; and if he will make a statement on the matter. [5274/12]

15. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will provide details on discussions at the EU leaders' summit on 30 January 2012 on creating jobs and growth in Europe; the measures agreed or proposed at the summit in that regard; and if he will make a statement on the matter. [5275/12]

16. **Deputy Micheál Martin** asked the Taoiseach the proposals that were included in the joint sponsored paper prepared for the EU Council on priority actions to complete the single market including the potential in the digital single market; and if he will make a statement on the matter. [6178/12]

17. **Deputy Micheál Martin** asked the Taoiseach his views on his contribution to the joint sponsored paper on the necessity of an emphasis by the EU on the external dimension of the single market and its potential for growth. [6179/12]

18. **Deputy Micheál Martin** asked the Taoiseach the proposals that were included in the joint sponsored paper on reducing regulatory burdens on small and medium businesses; if targets were set; and if he will make a statement on the matter. [6180/12]

19. **Deputy Micheál Martin** asked the Taoiseach the particular labour supports and suggestions on tackling youth unemployment that were included from Government in the joint sponsored papers; and if he will make a statement on the matter. [6181/12]

20. **Deputy Micheál Martin** asked the Taoiseach the way the comprehensive review of national progress under the Europe 2020 strategy is being prepared; when it is expected to be finalised; and if he will make a statement on the matter. [6183/12]

21. **Deputy Micheál Martin** asked the Taoiseach if he will circulate all papers which Ireland has co-sponsored for consideration by the European Council. [6194/12]

22. **Deputy Gerry Adams** asked the Taoiseach if he raised the issue of the Anglo promissory note at the EU Council Meeting on 30 January 2012. [6466/12]

23. **Deputy Gerry Adams** asked the Taoiseach the bilateral meetings he held at or on the margins of the EU Council summit in Brussels on 30 January 2012. [6467/12]

24. **Deputy Gerry Adams** asked the Taoiseach the issues he raised at the EU Council summit in Brussels on 30 January 2012. [6468/12]

25. **Deputy Gerry Adams** asked the Taoiseach if he sought additional EU money to be spent on investment in job creation at the EU Council summit in Brussels on 30 January 2012. [6469/12]

26. **Deputy Gerry Adams** asked the Taoiseach if he raised issues around the role of the European Central Bank at the EU Council summit in Brussels on 30 January 2012. [6471/12]

27. **Deputy Gerry Adams** asked the Taoiseach if he raised issues relating to the sustainability of the Anglo Promissory note at the EU Council meeting in Brussels on 30 January 2012. [6472/12]

28. **Deputy Gerry Adams** asked the Taoiseach if changes to the European Stability Mechanism Treaty were discussed at the EU Council summit on 30 January 2012; and the position he took on this issue. [6588/12]

29. **Deputy Richard Boyd Barrett** asked the Taoiseach if he plans to make contact with the Greek Prime Minister in the context of the worsening Greek crisis; and if he will make a statement on the matter. [8038/12]

30. **Deputy Micheál Martin** asked the Taoiseach if he has held any bilateral meetings with any EU partner since the last EU Council meeting; if there are any bilaterals planned in the near future; and if he will make a statement on the matter. [9360/12]

The Taoiseach: I propose to take Questions Nos. 1 to 30, inclusive, together.

I attended the informal European Council in Brussels on 30 January. As I have already made a statement to the House on the outcome of this meeting, I will confine myself to some brief remarks on its proceedings.

The discussion of growth was a lengthy and important one. With the March European Council meeting already the agreed forum for discussion of the European Semester, the focus was on immediate actions to help promote growth and create jobs in Europe, without compromising the fiscal consolidation required to ensure fiscal stability. Important measures were agreed in the three priority areas highlighted for discussion: unemployment, especially of young people; access to finance for small and medium enterprises; and the Single Market.

At President Van Rompuy's request, I set the scene for our discussions on SMEs, focusing on what we in Ireland have been doing. I made reference to two key concerns — ensuring access to finance and reducing red tape — that must be addressed if SMEs, the engines of economic recovery, are to be able to fulfil their potential. I highlighted some of the key steps that are being taken in Ireland, including through the now published Action Plan for Jobs 2012. I described some of the targeted measures we have taken, including the reduction in VAT on tourism services, the cut in PRSI for employers of low earners and the reform of our bankruptcy laws. I also pointed to our encouragement of new and innovative companies, including through ensuring that small and medium enterprises can access research and development funding and providing a sales and marketing tax credit to companies exporting to new markets in emerging economies. I suggested that we should seek to learn from each other — on what works and what does not — by exchange of best practice and that we should return to the discussion in June. This is reflected in the statement adopted at the meeting.

As I have indicated to the House, Ireland co-sponsored two papers in advance of the meeting which addressed important national concerns. These included the following: priority actions to complete the Single Market, including in particular the significant potential we believe exists in the area of the digital Single Market; the further reduction of regulatory burdens on the SME sector; the better targeting of labour market supports, including a new focus on youth unemployment; and a stronger emphasis on the external dimension of the Single Market and the growth potential of third country trade. These were an important input to the text that was eventually agreed. Both papers have been laid before the House. As is usual, we also contributed drafting suggestions on the statement on growth and jobs, both ahead of and at the meeting.

[The Taoiseach.]

Reaching agreement on the new treaty at the informal European Council was another important milestone. While much, if not most, of the treaty is already provided for in the EU treaties and EU law, it takes this onto a new level in ensuring that everyone will play by the rules and be held to account if they do not. This is an important consideration for Ireland.

As to whether a referendum will be required, my answer remains the same. Following the Government meeting earlier this month, the Tánaiste wrote to the Attorney General formally seeking her advice on whether a referendum will be required to allow Ireland ratify the new treaty. As the House is aware, the Attorney General is studying the legal implications carefully and will deliver her advice in due course. Once her advice is received, the Government will consider it carefully and will take whatever decisions are necessary. If a referendum is required, one will be held.

It is important that we place the new treaty in the right context. It is a part of the jigsaw, not the full answer. We need to continue to focus on growth and jobs, and we need to ensure that we have convincing and robust firewalls in place.

The informal European Council was the first contact I had with President Sarkozy since 9 December. Ahead of last month's meeting, I spoke with a great many colleagues, in person and on the phone, including the Dutch, Danish, Finnish, Austrian, Spanish and Italian Prime Ministers. The Tánaiste also spoke with many of his colleagues, including Deputy Prime Minister Clegg.

In these conversations, I identified Ireland's priorities for the meeting, including an agreement on the new treaty that fully protected Irish interests and ensuring a full and meaningful discussion on growth and jobs. Both of these objectives were fully secured. I did not raise the question of the Anglo promissory note at the meeting — it was not the right forum in which to do so. As the House is aware, discussions are continuing at technical level on how the Irish programme can be improved to assist in the sustainability of our debt, including in discussions with the troika. The role of the European Central Bank did not feature in discussions at the informal European Council. As I outlined earlier, this informal meeting had a particular focus on two issues: the new treaty and the question of growth and jobs. The question of corporation tax and the Commission's proposal for a common consolidated corporate tax base also did not arise.

As the House is aware, I met with Chancellor Merkel ahead of the December European Council meeting. Ahead of the meeting of the European Council on 1-2 March I will travel to Berlin on Thursday for a working dinner with Chancellor Merkel and the Prime Ministers of Latvia and the Czech Republic. The following morning I will meet with Prime Minister Monti in Rome. I have no immediate plans to meet with Prime Minister Papademos; however, I will of course see him at next week's European Council meeting.

The Cabinet Committee on European Affairs has met on two occasions since it was established, on 10 November 2011 and on 19 January 2012. I chaired both of these meetings. The Cabinet committee will be meeting on an increasingly regular basis in the course of this year as the Irish Presidency of the EU Council of Ministers approaches.

Ireland fully supports the goals of the Europe 2020 strategy. The emphasis of the European Semester on strengthening the alignment between budgetary priorities and structural reforms is the right one. It is consistent with the direction we have set for ourselves in this country and complementary to the programme for Government.

Ireland submitted its national reform programme to the European Commission in April last year. As part of the 2012 European Semester, the Government will update the European

Commission on progress by 13 April. Countries that, like Ireland, are participating in an EU-IMF programme, are not required to prepare a full national reform programme and a stability or convergence programme for submission in April. That is because the extent of the monitoring and reporting already taking place through the quarterly reviews is seen as rigorous and largely sufficient. However, we will, nonetheless, be preparing a review of national progress under the Europe 2020 strategy for submission. My Department is co-ordinating this process and work is underway at official level in close co-operation with the other Government Departments that have lead responsibility for the various policy areas.

I fully expect to adhere to the timeline set out by the Commission and look forward to engaging constructively in the second European Semester process.

An Ceann Comhairle: Four Deputies are grouped for this set of questions. With your co-operation, I suggest we have one round of preliminary questions, with perhaps two supplementaries. We can then come back. Is that agreed?

Deputy Micheál Martin: Yes. I have some 13 or 14 questions in this group. The handling of these questions is a very good example of the way the Taoiseach has undermined his own accountability to the House. Many of these questions were put down well in advance of the summit but they were not taken due to the halving of the number of sessions of questions to the Taoiseach — we normally had two a week but that has been reduced to one a week, with a consequent impact. The Chief Whip promised that a review of July's changes would be held in December and I ask that we have that review.

Following the summit, the Taoiseach and others spoke about how jobs and growth were going to receive a big boost from the agreements. In reality, I think he would agree, the projections and ratings for the eurozone have declined further since the summit. The reason I asked whether the role of the ECB was discussed, whether the CCCTB was discussed and whether the Taoiseach used the opportunity to put Ireland's position in regard to corporation tax and CCCTB, is that we need to have that debate at these meetings. Does the Taoiseach not agree that the leaders, particularly President Sarkozy and Chancellor Merkel, need to know there are alternatives to the particular narrow approach they are taking to resolving the eurozone debt crisis? It is not all about austerity and it should not all be just about the narrow pitch of fiscal rules and fiscal compliance. There is a broader picture.

Let us be clear. Among both leaders there is a strong Franco-German push for harmonisation of taxes. In December, they explicitly stated that the new eurozone meetings would enhance the co-operation measures on taxes. That is why I asked the questions. I am surprised the Taoiseach said he did not discuss or raise this at the summit. He should take every opportunity at these meetings to say that Ireland does not support CCCTB and does not support harmonised corporation tax rates because to do so would harm and hinder our recovery from the crisis and our pathway to growth and jobs, and would have a very negative impact.

Will the Taoiseach explain why he did not take the opportunity at the last summit to broaden the debate in terms of a true fiscal union and broadening the role of the European Central Bank to give it the powers to enable it to deal adequately with the crisis? I find it astounding these issues were not raised at that meeting because, ultimately, that is what has to happen. It is strange that these meetings take place and issues that are being discussed everywhere else by analysts and in writings and articles do not get ventilated or articulated at key meetings that decide the destiny and future of the eurozone itself. That is the first major question I want to put in terms of the taxes issue and broadening the debate from the narrow debate we have had so far on resolving the eurozone crisis.

The Taoiseach: There are 30 questions and, to be fair, quite a number of them are in the name of Deputy Martin. The point should be made that the questions are actually more pertinent now than they were earlier because there is the agreed text from 25 of the 27 countries in respect of the fiscal compact and the new treaty.

Several of these issues could have been dealt with by way of written question if the Deputy required answers before now.

The discussion that took place at the last meeting followed intensive discussions after Christmas by officials of all the member states and focused on various wordings, texts and so on. The Irish focus in this was to protect our national interest in the context of the new treaty.

4 o'clock There was no discussion regarding the European Central Bank, Ireland's corporate tax rate or a common consolidated corporate tax base. These matters were not raised by any of the 27 countries represented, 25 of which were working on the wording of the treaty. The reason for this is clear, namely, that these issues are not relevant in so far as the new treaty is concerned. The focus of the meeting was to define the parameters of the fiscal treaty and compact and to find forms of wordings that would progress our objective, which is the development of the European Union, the eurozone, the potential of the Single Market and so on.

President Sarkozy has his own view on taxation matters, as does every other leader. There is a variety of views on these issues across the Union. Several countries are very much opposed to fiscal transaction taxes. Some completely oppose a common consolidated corporate tax base. Others want to see changes in taxation measures. What I see happening here, at last, is that the political heads of the various countries have come together and found agreement in respect of a text, which has now been approved by 25 of them. The European Council of Finance Ministers has been discussing the situation in Greece for the past 24 hours. I welcome the fact that an opportunity now exists to move on from that.

To reiterate, the informal meeting was strictly about the fiscal compact and treaty.

Deputy Micheál Martin: There was no discussion of the role of the European Central Bank.

The Taoiseach: No, because it was not necessary. The role of the ECB is not part of this treaty. The issue of the corporate tax rate is not part of the treaty. Nor is the question of a common consolidated corporate tax base part of it. My view is that there can now be a focus on the role, responsibility and future remit of the ECB by the political process, having secured agreement in respect of the wording of the fiscal compact treaty. The measures in respect of Greece are being signed off on by both the politicians in Greece and the Ministers for Finance of the other member states.

We must now move on to the agenda put forward by Ireland and several other countries, which relates to issues in respect of the European Union, the eurozone and its future. In speaking last week about the place of Ireland and Europe in the world, the former United States President, Bill Clinton, made the point that there are 500 million consumers in the European Union. He also observed that some of the countries experiencing the fastest rates of growth in the world are in Africa and that there are another 500 million people on the periphery of the European Union. Both Europe and Ireland are very good launching pads for exports into many of these countries. Mr. Clinton's analysis was that we should not confine ourselves to a market of 500 million and that there is far greater potential for us.

The reason the issues to which the Deputy referred were not raised by any Head of Government is that they are not relevant to the treaty. The question of the European Central Bank, its role and responsibility, can now be focused on in a different way. Mr. Draghi has made——

Deputy Micheál Martin: Is the Taoiseach saying the bank is not relevant?

The Taoiseach: It is not relevant to this discussion. Of course the ECB is absolutely central to the future of Europe. Mr. Draghi, as successor to Mr. Trichet, has made changes in the direction and remit of the ECB which have been very welcome in relieving pressure on banks by making unlimited amounts of low-interest moneys available to them. Deputy Martin and I have discussed the question of the adequacy of firewalls and the relationship between the ECB and the European Financial Stability Facility and European Stability Mechanism. These are matters for political discussion from here on, but they were not and are not part of the discussion in respect of the wording to be agreed or not agreed in respect of the fiscal compact. That is why they were not discussed.

Deputy Micheál Martin: The Taoiseach has made an extraordinary statement in saying that the European Central Bank is not an issue in so far as this treaty is concerned. In fact, the ECB is at the heart of all of these issues. Much of the critical analysis of the treaty is that it is the wrong treaty for the wrong problem and will not in itself provide a solution. It is a political response to domestic political concerns and is being driven by the German and French leaders. Is it not time that other leaders, including the Taoiseach, broadened the debate and made these points honestly and in an upfront manner at Council meetings in order to get a robust debate going in terms of what is required to resolve the broader crisis over time? It is not enough simply to follow the leaders in this matter. The Minister for Social Protection, who is sitting alongside the Taoiseach, made the point in Brussels in recent days that it is transparent to the public at large that “Merkozy”, as Chancellor Merkel and President Sarkozy have been labelled, is driving this agenda. Reform of the European Central Bank, including broadening its mandate, is central to the broader reform process. We should take every opportunity, including summits, to articulate that.

I understand this summit was the first occasion on which the Taoiseach had spoken to President Sarkozy since 9 December 2011. Is there an issue between him and the French President in terms of meeting? I understand there was an attempt to organise a bilateral meeting and that an open invitation was given to the Taoiseach, which has not been taken up. It is time to go and meet President Sarkozy and give him our position. French intentions in regard to the tax issue have not gone away. Mr. Hollande, leader of the French Socialist Party, wants the treaty renegotiated in its entirety, while the current Prime Minister believes it should be subject to a referendum in France. It would be interesting from our perspective to get a sense of President Sarkozy’s perspective on all of that.

The Taoiseach: The informal meeting took place on 30 January. There is no issue between me and President Sarkozy. The last contact I had with him was when he hit me a tap on the shoulder, in response to which Deputy Gerry Adams said I should not be buddying up to the French President on such matters. I have spoken to the French ambassador about a meeting. It is a matter of finding an opportunity to talk to the President in France. That difficulty is compounded by the election process in which he has declared himself to be a candidate. In that context, such a meeting might not be appropriate.

Deputy Micheál Martin: Such concerns did not stop Chancellor Merkel from meeting people during a particular election campaign.

The Taoiseach: I support the communautaire method very strongly, as does Deputy Martin. I have made the point to him on many occasions that I would prefer to see this process based on the communautaire method. There was a sense of frustration here — to a great extent on the part of some people — that all of these bilateral meetings should take place. I do not object

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to bilateral meetings, but this is about the communautaire method on which the European Union was founded, about co-operation, support and solidarity.

Of course the ECB is central to that broader process, but it was not central to the discussions about the wording of the treaty and the fiscal compact. I made the point at several of the Council meetings prior to the one at the end of January that in respect of the ECB, this should be the end or back stop in terms of the capacity to provide sufficient financial firewalls. That was supported by several member states but was an issue for comment and discussion rather for decision. The question of broadening out the debate was raised at the meetings prior to that at the end of January. That is why the President of the European Council, Mr. Van Rompuy, accepted the premise that growth and jobs should be central to the agenda. It broadened out beyond that when the President of the European Commission, Mr. Barroso, produced a paper, as did I, the Austrian Chancellor and several others. That discussion will continue. For instance, the issue of youth unemployment was raised. Youth unemployment in Spain stands at 50% and in Ireland at 29%. The figures differ depending on the particular circumstances of each country.

I have made it clear that this treaty is not a solution to Europe's problems, rather it is part of the process of arriving at a solution. Fianna Fáil supports fiscal discipline, properly run budgets and having the country's financial affairs in order, which is where we must go. Clearly, the challenges for us are in respect of our own public finances and dealing with the technicalities on the promissory note, which would ease Ireland's position in respect of its deficit and capacity to repay its debts. We are working on that.

As the Deputy correctly pointed out, we need to broaden the debate on issues such as how we are to ensure the European Union lives up to its potential and the future response of the Central Bank now that politicians in Greece and the ECOFIN Ministers have signed off on the deal for Greece, which presents us with a new opportunity for the future. These are issues on which I would welcome the Deputy's comments. The Deputy can take it that the debate will be broader and more focused on the future.

It was pointed out to me the other day that by the early 2020s, approximately 500,000 engineers will be required in the European Union. We should be focusing on what it is this country can do to play its part in providing answers to the economic challenges coming at us.

Deputy Gerry Adams: I wish to raise a number of issues with the Taoiseach but will focus for now on the issue of the referendum. The Taoiseach stated once again in his response that he is waiting for word from the Attorney General on whether there should be a referendum on the new fiscal treaty. There is a matter of democratic principle involved here. It is likely this treaty, which will have long-standing and profound effects, will be the most important the Government will sign up to during its term or terms in office. This treaty will introduce a regime of austerity and will, contrary to the Taoiseach's assertion that he wants to take back our economic sovereignty, centralise that with unelected officials at the heart of the two-tier European Union. In that context, it is essential that citizens have their say on this issue.

It is clear that this Government does not want to hold a referendum. If it did, one would be held. The Government is using the Attorney General as a shield. Will the Taoiseach concede that the people should have their say on a matter of this importance? While it should not be within his power to prevent this, he clearly intends to do so. When does the Taoiseach expect to receive word from the Attorney General on whether a referendum will be held? The Attorney General has a public interest mandate. Is it not in the public interest that we all know her advice? Will the Taoiseach share with this Chamber the exact proposition which is provided to him by the Attorney General?

The Taoiseach: Deputy Adams and his party, Sinn Féin, have a particular view of Europe, which is their own business. As I said to Deputy Martin on many occasions, we will not develop this country, the European Union or eurozone by following austerity programmes. This must be balanced with a demand structure which allows growth of an economy in terms of jobs and opportunities, such as those welcomed by Deputy Adams in Dundalk today.

The Government is committed to putting two referenda to the people, namely, the referendum on child protection and on abolition of the Seanad. The Deputy will be aware that for either to happen, constitutional change is required. The Attorney General has been asked to consider the wording of the treaty which has been accepted by 25 of 27 countries, including Ireland. She must consider if that wording is in compliance with Bunreacht na hÉireann and, therefore, European Union treaties and legal obligations. From that point of view, the Government awaits the Attorney General's advice. As regards when she will provide that advice, while I have not pressurised her or asked for a timeframe — the Deputy will be aware it is not my place to do so — I expect it will be presented in two to three weeks. I cannot answer for the Attorney General. When I have been formally advised of the Attorney General's advice, I will of course make it known to the House and the country. It is in everyone's interest that I do so. That is the position. We have always followed such a process in this country. Where a change of competency in the context of Europe is required, it is normal to seek the advice of the Attorney General, following which the Government makes its decision. I have made clear that following the Attorney General's advice, the Government will act accordingly.

Deputy Gerry Adams: I am not surprised by the Taoiseach's response. However, I am disappointed. There is a democratic principle involved here. The Taoiseach's party, Fine Gael, also has a view of the European Union. One of the reasons we are in the fix we are in is because Fine Gael, and the other main party in Government, played fast and loose with the people's democratic entitlements in re-running referendums when the results did not suit.

I tabled eight questions to the Taoiseach. I note from his one line response to my question on the promissory note that he did not raise that issue at the summit. The Taoiseach was, however, at pains to highlight the assertion that the Government is working with the troika on the Anglo Irish Bank promissory note. I heard on the news this morning that a deal in respect of a second bailout for Greece was agreed at last night's meeting of Finance Ministers. I also heard the Minister of State, Deputy Brian Hayes, say that he did not raise the issue of the promissory note either.

Has the Taoiseach ever raised the issue of unsustainable bank debt at the European Council meeting? I do not know how this Government proposes to get a deal when it continues to tell us it has not sought debt restructuring, that Ireland will repay its debt and so on. This is continually said on the record prior to summit meetings. If I understood him correctly, the Taoiseach stated that technical negotiations are continuing. Can he give the House an update in that regard and on when those negotiations are likely to conclude? Is it still the Government's intention to pay €3.1 billion to Anglo Irish Bank at the end of March?

The Taoiseach: As stated on a number of occasions, I do not like that we have to pay out that money. The Deputy spoke about democratic principles. The Government adheres to those democratic principles. The question of requirement for a referendum is clear. It is a democratic principle that people expect effective spend for their money. The Government, because the airgead is not as flúirseach as it was in the past, found itself in the position of having to decide whether or not to contribute to the A5 to Letterkenny. Consequently, the Government made a decision to invest €50 million in 2015 and 2016. While people in other parts of the country might disagree with that decision, it is possible for the Government to do this without holding a referendum. One could hold a referendum on the democratic principle of whether it is worth

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spending €50 million on, for example, a major carriageway to Letterkenny. It is worth spending, but others might disagree and there is a democratic principle, too. In the case of this referendum question, the Government sent the wording to the Attorney General to ask for her formal legal advice on it. The Government will act on that advice and I hope it will not be too long before she provides her response.

The Minister of State, Deputy Brian Hayes, attended the meeting in Brussels yesterday, which went on for 14 or 15 hours. The question on the table was not about the promissory note for Ireland but was whether it was possible to deal with the additional details regarding the proposal to give a further €130 billion to Greece. Consequently, there was no point in the Minister of State raising the issue of the promissory note during the meeting last night which was devoted exclusively to the situation in Greece. The reason it was not necessary to raise was the troika was working on the technicalities of the issue.

Deputy Gerry Adams should believe me when I tell him I have heard some explanations from experts in this field that there are quite a number of highly complex and convoluted systems therein that must be brought into line before there is clarity and a decision can be arrived at. I can only tell him that when the troika concludes its paper, it will have the status of a troika paper. The Government looks forward to receiving it and obviously I hope Ireland can derive some benefit as a consequence. Ireland and taxpayers have already been the recipients of a saving of approximately €10 billion on foot of the interest rate reduction, which is a significant amount of money and of benefit to us. The question of the promissory note is being pursued. The current reflections on the consequence of the decision made in respect of the situation in Greece are important and the Government looks forward to continuing to engage with the troika in so far as further flexibility for Ireland is concerned.

An Ceann Comhairle: Deputy Richard Boyd Barrett has tabled seven questions. I am calling the Deputies in the order the questions were tabled — No. 14, No. 8, No. 7 and No. 1.

Deputy Joe Higgins: That is a new precedent.

An Ceann Comhairle: It is the only way I can do it.

Deputy Joe Higgins: While I have no objection to speaking after Deputy Richard Boyd Barrett, it used to be in the order in which the questions appeared.

An Ceann Comhairle: It is seldom that 30 questions are taken together.

Deputy Joe Higgins: Does this mean all Members must now table masses of questions to be first in line?

An Ceann Comhairle: No, I hope not.

Deputy Richard Boyd Barrett: I apologise to Deputy Joe Higgins.

An Ceann Comhairle: If the Deputy wishes to cede to him, he may by all means do so.

Deputy Richard Boyd Barrett: No, it will be okay as long as we both get a chance.

An Ceann Comhairle: Yes, you will.

Deputy Richard Boyd Barrett: My questions are related to whether there was any discussion at the Council meeting in January on the impact of the austerity programme on the potential for growth in the economy, on what it had done to the Greek economy and on what, according

to all the mounting evidence, it was doing to the entire European economy. The Taoiseach may have seen an article by the economist Paul Krugman in today's edition of *The Irish Times* in which he has yet again pleaded with political leaders across Europe to break with what he describes as the “destructive folly” of austerity and calls “delusional beliefs about the virtues of austerity”. He is right, of course, because each week the evidence mounts and new figures confirm that austerity is crippling the European economy. Austerity, not the behaviour of the Greek people, has destroyed the Greek economy and all the evidence is mounting that it will destroy the Irish economy.

I specifically ask the Taoiseach whether he took the time at the Council meeting in January or more recently to talk to the Greek Prime Minister. The Taoiseach has made a virtue of stating how different Ireland is from Greece. I happened to attend an event organised by the Irish Congress of Trade Unions this morning on community employment and the devastating consequences of cuts, at which it was pointed out that the level of poverty in Ireland had risen fast and child poverty faster again but that the level of both had risen faster than in Greece. The increase in the incidence of suicide in Ireland is on a par with that in Greece. What has happened in Greece in the past year is absolutely shocking, in that its suicide rate has doubled and all the health professionals there and everyone who has examined this issue has stated this is as a direct result of the austerity to pay off bankers and bondholders. Moreover, Ireland has seen a similar dramatic increase in the level of suicide and no one in his or her right mind is unaware of the connection between this increase and austerity.

I also ask the Taoiseach about job creation. At the presentation I attended this morning organised by the Irish Congress of Trade Unions its report confirmed that, according to the Government's own figures, the level of employment in the community and voluntary sector would drop from 48,000 when the Administration came into power to 36,000 in this vital sector that provides a range of services, including child care, health care and sports services. The level of employment will fall as a direct result of the cuts the Government is imposing. How can it talk about this or how can leaders in Europe at summit meetings talk about their concern about the level of youth unemployment which, as the Taoiseach has pointed out, is running at 29% and then implement austerity measures that will lead to a reduction of 12,000 in the number who work in the voluntary and community sectors over the term of the Government? Moreover, this only pertains to a single sector.

It is clear at every level that this does not make sense. I ask the Taoiseach whether there is any cognisance or awareness, either within the Government or at summit meetings of European Union leaders, of what all economists are saying and what each set of statistics confirms, that austerity is not just causing immense suffering but, in terms of all its stated objectives, is also failing? It is contracting growth, increasing the level of unemployment and making matters worse. At what point will this issue be discussed or will it just be left to the pages of the *Financial Times* and Nobel Prize winning economists to point this out? Will the policy leaders in Europe discuss it at any point? Moreover, what are they going to do about it when everything they do and each decision they make is making matters worse? Furthermore, agreeing to a treaty that will institutionalise austerity which has failed for three years for at least another seven or eight simply defies belief. The Taoiseach should indicate whether there was any serious discussion of this issue.

The Taoiseach: It is the same old rant every week.

Deputy Richard Boyd Barrett: On suicide rates, it not a rant; they are factual.

The Taoiseach: The Deputy should take a train to Dundalk and ask the people there what they think about the decision of PayPal to employ 1,000 people in the town in the coming years.

Deputy Joe Higgins: What does that have to do with the questions asked?

The Taoiseach: Deputy Richard Boyd Barrett should travel to Westport and ask the people there what they think about the decision of Allergan Pharmaceuticals to invest €350 million in a new plant, with the associated construction jobs, as well as the opportunity to create several hundred more. He should visit the Shell site, where he would be very welcome, and consider the additional €800 million that will be invested in the project to build a tunnel under the bay that will employ 1,500 people and supply gas for the next 25 years. He should ask people there what they think about it.

As for the austerity programme, the way the Deputy goes on he would talk Hell out of its own fire. He would swear there was nothing happening in this country in respect of people wanting to create employment or having the opportunity to create it or to go out to work. The Deputy and his likes want things to be confined in the structures we have had for years but which must change to give young people freedom, liberty and the opportunity to have employment. He speaks about lower paid workers, but the Minister for Social Protection, Deputy Joan Burton, has 23,000 employed in community employment schemes, with no reduction, as well as 1,400 supervisors. Moreover, this week the Government will launch the new document on pathways to work that will deal with those who are on the live register or in receipt of social assistance in offering new opportunities to engage in retraining to enter the world of work and pursue new careers. However, the Deputy rants on about austerity, austerity, austerity. He would not know a good day for this constituency if he saw one.

Deputy Joe Higgins: The same thing used to be said about the Minister for Social Protection, Deputy Burton, when she was in opposition.

Deputy John Perry: The Deputy opposite never created a job in his life.

Deputy Richard Boyd Barrett: That was an amazing dodge of the questions I posed.

Deputy Joe Higgins: Hear, hear.

Deputy Richard Boyd Barrett: Does the Taoiseach accept what health professionals in Greece and Ireland are stating, namely, that austerity has led to a dramatic increase in suicide rates? Is the Taoiseach stating that there is no connection and that it is just a coincidence? Is he saying that a reduction of 12,000 in numbers in the community and voluntary sector, as a result of the cuts introduced by the Government, represents job creation? Will this be of assistance in resolving the problem of youth unemployment or will it instead do immense damage? I am not surprised that a Fine Gael Taoiseach would dismiss the points I am making. However, I am actually shocked that the Minister, Deputy Burton, is nodding in agreement, particularly when the ICTU has referred to a massacre in respect of community and voluntary services and has highlighted the damage being done to our most disadvantaged communities.

Is the Taoiseach seriously disputing the fact that there has been a dramatic and accelerating contraction in growth across the European economy as a result of the imposition of austerity measures? Surely he is not denying the existence of such a contraction. If he is, then I put it to him that what Paul Krugman referred to as delusional beliefs about the virtues of austerity are truly rife in this House. Is the Taoiseach in a position to indicate whether there is a connection between suicide and the austerity that is being imposed in Greece and Ireland? Does it concern him that the rates of poverty and child poverty in this country are increasing faster than is the case in Greece?

Deputy Joan Burton: That is not true.

Deputy Richard Boyd Barrett: It is a fact. The Minister should read the evidence in this regard in the ICTU's report. If she had attended the launch, she would already have seen the evidence to which I refer. What does the Taoiseach have to say with regard to the rate of child poverty here being ahead of that which obtains in Greece?

The Taoiseach: I am not going to take any lectures on suicide from Deputy Boyd Barrett. Long before the Deputy became a Member of this House, week after week from the Opposition benches Deputy Neville raised the question of suicide, its impact on people throughout the country and the absolute devastation it visits upon families. It is beneath Deputy Boyd Barrett to attempt to lecture Members as if he knows everything about the subject of suicide.

Deputy Richard Boyd Barrett: I have plenty of friends who——

The Taoiseach: Everybody in the House has an understanding of what is happening, as do young people. The issue of suicide relates to the days when the veneer of everlasting wealth obtained during the Celtic tiger era. We know all about that matter.

Deputy Richard Boyd Barrett: I was asking about the connection between austerity and suicide which is highlighted in the report to which I refer.

The Taoiseach: I am glad to point out that this Government actually appointed a Minister of State with specific responsibility for mental health and that it has allocated €30 million in funds which are ring-fenced. The Minister of State, Deputy Kathleen Lynch, will do a very good job with her brief in so far as is possible.

Deputy Micheál Martin: The previous Government also appointed a Minister of State with responsibility in this area and he, former Deputy John Moloney, did a very good job.

The Taoiseach: Mr. Krugman is much more capable and learned than I. When he refers to austerity, however, he also states that it is necessary to foster growth and create job opportunities in order to develop the economy. That is what the Government is doing. We changed the emphasis — even with the constraints that have been placed upon us — in both the budget and in the Finance Bill in order that entrepreneurs and those who want to invest money and create jobs will provide opportunities for young people.

The Deputy listened to Mr. Krugman but I do not know if he has listened to the words of the former President of the US and those of chief executives of US companies which have invested in this country. They recognise that the package which this country has to offer in the context of tax, technology, talent and track record is unbeatable. What we have to do——

Deputy Micheál Martin: We told the Taoiseach that previously.

The Taoiseach: ——is harness these constituent parts and say to young people that this is their country and that the Government will provide them with the opportunity and the platform to live here, if that is what they wish to do.

Deputy Boyd Barrett's philosophy of austerity, austerity, austerity will continue to force people down into the trenches of disillusionment out of which he has emerged. In those trenches, people do nothing and pay for nothing and they expect everyone else to provide for them. The Deputy never created a job in his life and he does not know what a day's work constitutes.

Deputy John Perry: Absolutely. The Deputy is a sheer whinge.

Deputy Richard Boyd Barrett: That is rich. It is the Government which is imposing the austerity. The Taoiseach must be kidding.

Deputy Joe Higgins: My God.

The Taoiseach: Kerry here we come.

Deputy Fergus O'Dowd: Here comes the Socialist International.

Deputy Joe Higgins: Does the Taoiseach realise how utterly ludicrous he sounds——

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

Deputy Joe Higgins: ——in repeating, almost word for word, the responses of former Fianna Fáil Ministers, when they were in power, to questions from Deputy Burton, allegedly the current Minister for Social Protection? It would be a pantomime if the issues were not so serious.

Deputy John Perry: Go away out of that.

Deputy Joe Higgins: The Taoiseach did not deal with the substantive issue. How can the Government support the deal agreed by EU Finance Ministers last night in respect of Greece when it is clear that said deal will not solve the critical issue of indebtedness in the peripheral countries, so-called, of the European Union? Is the Taoiseach aware of what will be the extent of the consequences for the Greek people of the endless years of austerity to which this deal — on which the Minister of State, Deputy Brian Hayes, signed off — will give rise? The number of hospital beds in Greece has already been cut by 30% and will now be reduced by a further 20%. In economic terms, pensioners and workers in that country are being crushed by the burden of austerity being imposed on them. Teachers and parents in Athens have reported that children are fainting in classrooms as a result of hunger.

Deputy John Perry: Get away out of that.

Deputy Paul Kehoe: For God's sake.

An Ceann Comhairle: Would it be possible to return to Question Time? Deputy Higgins tabled a question to the Taoiseach asking him to report on his attendance at the EU special summit on 30 January 2012.

Deputy Joe Higgins: For the benefit of the chorus of ignoramuses sitting behind the Taoiseach, that is the reality——

Deputy Regina Doherty: Excuse me.

An Ceann Comhairle: I must ask the Deputy not to use that sort of language.

Deputy Joe Higgins: I was not referring to the Deputy, I was referring to her two male colleagues who are sitting in front of her——

Deputy John Perry: Deputy Higgins should withdraw the remark.

Deputy Fergus O'Dowd: He should at least define what he means by ignoramus.

Deputy Paul Kehoe: It takes one to know one.

An Ceann Comhairle: Deputy Higgins should get on with asking his question.

Deputy Joe Higgins: —in the context of their denial of the evidence from people on the ground who are suffering the reality of austerity. In 2020, Greece's debt-to-GDP ratio will be 120%.

An Ceann Comhairle: We are not dealing with Greece, we are dealing with Ireland.

Deputy Joe Higgins: We are dealing with it in the context of these questions, which relate to the European Union and the Government's policy in that regard.

The Taoiseach: I am not sure that the Deputy's question deserves a reply.

Deputy Joe Higgins: It does.

The Taoiseach: I will, however, provide one. Deputy Higgins represents a constituency in Dublin and he comes from the noble county of Kerry. It should be within him to say that in Blanchardstown in his constituency, PayPal employs 1,400 people. I am glad that today the same company announced 1,000 further jobs for Dundalk. The Deputy does not have it in him to welcome that.

Deputy Patrick O'Donovan: He does not do good news.

The Taoiseach: Deputy Adams was gracious enough to state that this a good day for County Louth and for Dundalk. However, Deputy Higgins does not even recognise the fact that 1,400 people receive cheques for the work they do for PayPal.

Deputy Richard Boyd Barrett: What has that to do with the European Council?

The Taoiseach: There are 23,000 on community employment schemes and there are 1,400 supervisors for those schemes. What Mr. Krugman was referring to is what the Government is seeking to do, namely, making the changes that will allow for credit to flow to business in order that the latter might create jobs. People will then be able to work and live in their own communities and the economy will grow. The Chinese Vice President visited Ireland to discuss opportunities for Irish companies. If Deputy Higgins had bothered to be present at the Royal Hospital in Kilmainham yesterday and had spoken to some of the companies represented there which want to export goods, create jobs and grow the economy, he might have learned a thing or two about reality.

We all appreciate the stress and pressure with which those in financial difficulty must contend. However, the situation of these people will never change unless the economy expands. That is why the Government is making decisions in respect of jobs and bringing forward proposals designed to open the doors of business in order that Ireland might export more goods, generate further income and create additional jobs. That is where the future lies. If Deputy Higgins does not want to recognise this, and wants to wallow in the mists of disillusionment from which he emerges very occasionally, I might say we have a very different view over here. We will do everything we can as a Government to provide opportunities for many thousands more young people like those who go to work every day in the constituency of Deputy Higgins, and are very grateful to do so and do a wonderful job. There will be a parallel 1,000 jobs in Dundalk. Deputy Higgins cannot even recognise that this in itself is a step in the right direction. We have many more thousands to employ and much work to do but the type of suggestions Deputy Higgins makes certainly do not help.

Deputy Joe Higgins: Will the Taoiseach recognise that I value every job? However, his over-reliance on foreign multinationals to create jobs — it is virtually his only policy — does not

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provide sustainability of jobs, in the medium to long term in particular. Just as they walk in, they can walk away. The Taoiseach had not much to say when TalkTalk left with 500 or 600 unemployed workers in its wake.

An Ceann Comhairle: A question please. Other Deputies wish to come in.

Deputy Paul Kehoe: Somebody has gone down there to replace them.

Deputy Joe Higgins: Does the Taoiseach not recognise how ludicrous it is? A serious issue is raised, which is debated in the serious financial press, on the effects of austerity on the economy and on people's lives and how it depresses the real economy, but the Government will not address these questions honestly and comes out with abuse and sidestepping. Will the Taoiseach realise and understand that while he is trying to entice foreign investment, he is crushing the domestic economy by taking billions from the pockets of ordinary working people with the austerity policy? Does the Taoiseach not realise this?

An Ceann Comhairle: I ask the Deputy to please put a question.

Deputy Joe Higgins: I see the Taoiseach has signed a letter with some other leaders of the European Union, and as right-wing a bunch of Tories and neoliberals one would find it hard to assemble signed it with him.

Deputy Patrick O'Donovan: People with mandates, you mean.

Deputy Bernard J. Durkan: Absolutely.

Deputy Joe Higgins: Will the Taoiseach explain why in the letter he goes along with these right-wing economic leaders in favour of far more deregulation and liberalisation, which is precisely what caused the massive crisis in the financial world and the markets?

An Ceann Comhairle: What is the Deputy's question?

Deputy Joe Higgins: In the letter the Taoiseach states that banks and not taxpayers should be responsible for the risks they take. If he states this in a letter why is he not implementing it instead of bailing out these very banks at huge cost to our people?

An Ceann Comhairle: That is a separate issue altogether.

The Taoiseach: The 350 firms at the Royal Hospital, Kilmainham in Dublin yesterday were all small Irish indigenous companies, with the exception of a few. They are the backbone of the economy and they were there to meet business interests from China with a view to doing business in that country and exporting from Ireland to China. This was occasioned by Enterprise Ireland, which structured dialogues and conversations between many companies. Many of them are based in Blanchardstown. They are small operators which employ small numbers of people and which want to expand. It would be very good for Deputy Higgins to call to these businesses and speak to them about how they might grow their workforces in Blanchardstown in his constituency.

Deputies: Hear, hear.

The Taoiseach: However, he wants to ignore this type of thing.

As Deputy Higgins knows, a job can transform a life and give a person a new sense of dignity, a new challenge and excitement about living and playing one's part in contributing to

the local economy. The loss of TalkTalk in Waterford was devastating for many people. It may not create as many jobs, but it has been replaced by an Irish company which will do a very good job employing people in Waterford. This is the type of opportunity we need to take, and we need to change the rules and regulations which restrict small business from expanding. This is why we appointed a Minister of State with responsibility for small business to deal with this. Last week, we launched the jobs action programme, the implementation of which will be overseen by the Department of the Taoiseach.

I do not mind having regular conversations about this with Deputy Higgins. Some day he might actually come in with a good proposition. If he does, he can be sure the Government will listen to it, and if it is worthy of being acted upon, it will be. Our priority is to grow opportunities for small and medium enterprises in order that they can grow local economies and employ local people and give them the chance to live and work in their own areas. This was the purpose of 350 businesses coming to the Royal Hospital, Kilmainham yesterday to speak to their counterparts about opportunities, about which they are excited, to grow and export and, as a consequence, to increase our economy. I am sure this is where Deputy Higgins's focus is in reality.

Deputy Micheál Martin: One of the central reasons we are a member of the eurozone, and one of its great benefits to us, is because we are an exporting country. We depend on exporting goods and services to markets abroad. I welcome the announcements on PayPal and Allergan because they bear out what has been a very successful and effective industrial strategy for the past decade. It was not today or yesterday that companies such as these began investing in Ireland. There is a research and development dimension and it underlines the importance of us raising the issue of the low corporate tax rate at every European Council meeting we possibly can. I am disappointed the Taoiseach did not take the opportunity at recent meetings to hammer home this point, particularly to the French and German leadership. This is also the case with the common consolidated corporation tax base, CCCTB, because the Department of Finance has illustrated the impact of the CCCTB would be devastating to our foreign direct investment. We need to have a debate on this.

An Ceann Comhairle: Thank you.

Deputy Micheál Martin: The Taoiseach described Deputy Boyd Barrett's contribution as a rant. I am delighted the Taoiseach is now beginning to see the glass as half full as opposed to half empty. There was a time 12 months ago when he would probably have said something very similar to what Deputy Boyd Barrett said.

Deputy Bernard J. Durkan: That is not true. It is rubbish and Deputy Martin knows it.

An Ceann Comhairle: A question, please. Deputy Adams wishes to contribute and we have one minute left.

Deputy Micheál Martin: I remember him saying the country is banjaxed and like a corpse. Does the Minister, Deputy Burton, remember this?

An Ceann Comhairle: It is Question Time, Deputy.

Deputy Bernard J. Durkan: The country was well and truly sunk when Deputy Martin left office.

Deputy Micheál Martin: The debate is on the issue of austerity. I agree with the need to balance and get revenue and expenditure in line. However, the real issue is why I asked whether

[Deputy Micheál Martin.]

the Taoiseach has raised the issue of broadening the role of the European Central Bank at these meetings and the need for fiscal union in its truest sense, not a narrow fiscal balance agenda but a fiscal union which means a transfer of funds from some states to others. This is the definition of a true fiscal union.

Regrettably, European leaders have failed over the past 15 months to deal with the core issue that could move us onto the definitive route to resolution. Last night's Greek deal does not do this. If anything it just copperfastens the role of Greece as the driver of uncertainty in the eurozone. My concern about last night's deal is its sustainability because Greece will end up at approximately 120% in its best case scenario, which is even worse than any of our worst case scenarios. The issue is that of sustainability. Stimulus is needed, but only Europe has the wherewithal to create this type of stimulus and bring resources to create jobs throughout the eurozone.

Deputy Gerry Adams: I want to return to the issue of the referendum. When I put it to the Taoiseach that it involves a democratic principle, given the depth and extremity of the austerity treaty, the Taoiseach stated the Government made a decision and then cited the Government's decision on the dual-carriageway to Letterkenny. He stated some people might think this was an issue which required a referendum, but the Government's decision is as it is and a referendum is not appropriate. Explicit in this answer is that the Taoiseach does not think a referendum is appropriate for the austerity treaty.

An Ceann Comhairle: A question, please.

Deputy Gerry Adams: If the Taoiseach stood up and stated this, people would know the situation and would respect him for taking this position. The Taoiseach states he will act on the advice of the Attorney General but that is making a virtue out of a necessity because he cannot do otherwise. Would it not be much better, in terms of the empowerment of people, the democratic entitlements of citizens and the wish of this Government to do the right thing by giving citizens their say, for the Taoiseach to declare there should and will be a referendum on this issue?

The Taoiseach: Deputy Martin is correct to state that IDA policy over many years has been to show——

Deputy Micheál Martin: Government policy.

The Taoiseach: ——that as an industrial development authority it has been a worldwide success in the way it regulates its affairs with potential inward investors. I have commended it for what it has done throughout the years. I agree the fundamental point is about jobs and growth. We have gone beyond this being simply part of other discussions. It will be a fixed issue for discussion at every European Council meeting.

Deputy Micheál Martin: It has not been discussed at all.

The Taoiseach: The discussions that took place were about the wording of this treaty.

An Ceann Comhairle: We are nearly three minutes over time.

The Taoiseach: The first half of that meeting's agenda was taken up with jobs and the growth of small and medium enterprises and that will continue.

The decision taken by the politicians in Greece and the ECOFIN Ministers demonstrates that although the situation is challenging Greece continues to be a worthy and important part of the European Union, which is as we want it.

Regarding Deputy Adams's final question, this is not a formal EU treaty but one made by 25 countries that have agreed a wording. The question being asked of the Attorney General is in respect of competencies, if there is a requirement in that regard and if there is a change in competency that warrants a change in our Constitution. The political process does not answer that because it requires the formal legal advice of the Attorney General. In that regard, the situation is very different to the one I raised with the Deputy about the A5, which I strongly support and made that decision at Government level. In that case it was not necessary to change our Constitution and have a referendum. In regard to European competencies, if it is necessary to change our Constitution there must be a referendum and that is why the Attorney General has been asked for her advice. Government will respond to that when it emerges. I do not expect it will be long before she gives that advice and when she does we will inform the House and the country.

Written Answers follow Adjournment.

Order of Business

The Taoiseach: It is proposed to take No. 12, statements on intercountry adoption (resumed). It is proposed, notwithstanding anything in Standing Orders, or the Order of the Dáil of 26 January 2012, that the proceedings of No. 12 shall, if not previously concluded, be brought to a conclusion at 7.30 p.m. and the following arrangements shall apply: the statement of each Member shall not exceed ten minutes; Members may share time; a Minister or Minister of State shall take questions for a period not exceeding 15 minutes; and a Minister or Minister of State shall be called on to make a statement in reply which shall not exceed five minutes. Private Members' business shall be No. 40, motion re health services.

An Ceann Comhairle: Is the proposal for dealing with No. 12 agreed? Agreed.

Deputy Micheál Martin: This week we learned that waiting times for operations have increased by more than 47% for people waiting longer than six months, dramatically so within the past nine months. The related legislation is the health governance Bill which is intended to replace the governance of the HSE. This is urgently required because as things stand nobody knows who is in charge of the health service. Morale is at a very low ebb. The Taoiseach might clarify whether the special delivery unit is currently acting *ultra vires* in regard to whom it reports to. My understanding is it reports directly to the Minister. There is a definitive legislative framework governing health since the enactment of the HSE Bill. The Minister caused the dismissal of the HSE board, so to speak, but the essential legal governance structure is still in place. There is an urgent need for clarity which the publication of this Bill would provide in respect of the direct line of who is in charge and who is responsible and accountable to whom.

Given the Minister for Children and Youth Affairs, Deputy Fitzgerald, is present in the Chamber, when does the Taoiseach expect to publish the Bill on the amendment of the Constitution, known as the children's referendum Bill? Is there a timetable?

The Taoiseach: I answered that question before. We do not yet have a timetable. The Minister is working on it

Deputy Micheál Martin: I understood the Minister made an announcement on it during the week.

Deputy Frances Fitzgerald: No.

The Taoiseach: We do not have a firm timetable for the Deputy. The HSE governance Bill is expected during this session. The special delivery unit has already made an impact for good in respect of the way waiting lists——

Deputy Micheál Martin: The situation is worse.

The Taoiseach: ——are being managed in a number of hospitals. It has looked at competency and improved the situation and will continue to do so.

The Minister, Deputy Fitzgerald, informs me the adoption Bill is being prepared and that legislation is required in order to deal with other child protection issues. She is working actively on the matter.

Deputy Gerry Adams: Tá ceist agam faoi reachtaíocht atá fógartha. The Government committed to the highest standards of transparency in the operation of NAMA, to reducing the costs associated with the operation of that organisation and to ensuring that its decision-making process does not delay the restoration of the Irish property market. Where is the legislation in respect of these commitments?

The Taoiseach: The Minister for Finance received a number of propositions from an expert who looked at the structure of NAMA and he is actively pursuing that matter. We need to consider this issue carefully. NAMA must be able to fulfill its remit and to that end a three-person group is considering the situation. The Minister will report to the House when he has heard the group's deliberations.

Deputy Gerry Adams: Did the Taoiseach state there was a three-person group? Will he tell us who are the members?

The Taoiseach: The Minister received propositions from a competent person who did in the region of 90 hours' work looking at the structure of NAMA and he is anxious to bring in a number of recommendations as to how the situation might be moved forward. I do not have a timeline for the Deputy as to what proposals, legislative or otherwise, he will introduce.

Deputy Gerry Adams: I am just trying to understand this. Did the Taoiseach state a three-person group was looking at this?

The Taoiseach: Yes, led by a person of considerable competence who did 90 hours' work looking at the structure of NAMA. The Minister will return with that person's recommendations in due course. I made the point already that it is very difficult in a country of this size to find persons to look at NAMA. The property portfolio is so large that it is difficult to find people who are not connected to it in some way or other, whether with a developer, a project or with other associated persons. That is part of the problem.

An Ceann Comhairle: I call Deputy Pringle.

Deputy Gerry Adams: Is it not appropriate that the Dáil should be told the names of the three persons?

An Ceann Comhairle: That is a matter for a parliamentary question, not on the Order of Business. I am sorry.

Deputy Thomas Pringle: On 2 February the treaty establishing the European Stability Mechanism was quietly signed in Brussels by the 27 members of the European Community. When will legislation to enact this treaty be brought before the Dáil?

The Taoiseach: It is on the A list for this session. I cannot give the Deputy the exact date.

Deputy Peter Fitzpatrick: I hope the Ceann Comhairle will be patient with me.

An Ceann Comhairle: If the question is connected to promised legislation I have plenty of patience.

Deputy Peter Fitzpatrick: I am Dundalk born and bred.

An Ceann Comhairle: I know that.

Deputy Peter Fitzpatrick: I congratulate IDA Ireland and PayPal for choosing Dundalk as the location of its operations. The announcement will have a huge impact on the lives of those who are unemployed in County Louth. Ireland has an excellent reputation for producing skilled workers and I am delighted that PayPal has chosen to set up a new operation in Dundalk. This positive announcement will impact greatly on those living in County Louth who are unemployed.

Deputy Richard Boyd Barrett: As a result of the budget cuts in rent allowance, it is becoming apparent that sick, mentally ill and vulnerable persons who have been told to negotiate lower rents with their landlords are being refused such reductions or being threatened with homelessness, while fraudulent form filling is also an issue. This is widespread. A housing Bill proposed by the Government is supposed to deal with the mess that is the provision of social housing and supports for those in receipt of rent allowance, but it is unclear when it will be introduced. This is a major issue. Will the legislation be brought forward soon in order that we can discuss the vitally important issue of housing? Does the Minister for the Environment, Community and Local Government have any proposals to prevent the increase in the level of fraud and the number of vulnerable persons being pushed out of rented accommodation because of cuts in rent allowance?

The Taoiseach: It is clear that rent allowance in excess of the market rate is being paid in some areas. The Minister is looking to ensure a system of fair rents and a saving of up to 5% on a spend of more than €500 million. I am as concerned about fraudulent activity as the Deputy.

Deputy Richard Boyd Barrett: The Government should introduce rent controls.

The Taoiseach: I would not like to see people with mental disabilities to whom the Deputy referred having to deal with landlords.

Deputy Richard Boyd Barrett: That is happening.

The Taoiseach: I am not sure how many cases are involved, but the Minister for Social Protection is focused on ensuring a fair rent system. If the Deputy is aware of specific cases, I advise him to bring them to the attention of the Minister.

An Ceann Comhairle: What is the status of the housing Bill mentioned?

The Taoiseach: It will be taken this year. However, I do not have a date for the Deputy.

Deputy Joe Higgins: At 10.27 a.m. on Friday, 17 February, the executive director of Amnesty International, Mr. Colm O’Gorman, e-mailed the Taoiseach to ask him to raise specific cases with the Chinese Prime Minister and Vice President——

An Ceann Comhairle: I ask the Deputy to resume his seat. We are on the Order of Business, as he is well aware. He had an opportunity during Leaders’ Questions to raise these issues. I do not want to get into a conflict with him, but he should, please, respect the Chair.

Deputy Joe Higgins: I will.

An Ceann Comhairle: Does the Deputy have a question on promised legislation?

Deputy Joe Higgins: The Taoiseach told me during Leaders’ Questions that he had not had any contact with Amnesty International when he had. He must correct this statement.

An Ceann Comhairle: I call Deputy Timmy Dooley.

The Taoiseach: I did not speak to Amnesty International.

Deputy Joe Higgins: I asked if the Taoiseach had had contact with its representatives and he said he had not. He must correct that statement.

An Ceann Comhairle: Will Deputy Timmy Dooley, please, proceed?

Deputy Timmy Dooley: If reports in today’s newspapers are to be believed, the Government is about to embark on a process of closing tourism offices throughout the country. I hope the reports are misguided.

An Ceann Comhairle: To which legislation is the Deputy referring?

Deputy Timmy Dooley: I seek information on the legislation that will underpin the closure of the offices mentioned.

An Ceann Comhairle: Has legislation been promised?

Deputy Timmy Dooley: If the reports are to be believed, they undermine the policy about which the Taoiseach has talked in recognising that tourism will be very much part of the State’s recovery in bringing people here from abroad and assisting them while they are here.

An Ceann Comhairle: Is there legislation in place to close offices?

Deputy Timmy Dooley: Will the Taoiseach publish whatever details he has available? I assume this will not be done by sleight of hand and that the Taoiseach will bring forward proposals to the House if that is what he seeks to do, unlike many of the other measures he has sought to slip in that did not appear in the budget.

An Ceann Comhairle: The Deputy should resume his seat. I call Deputy Michael Healy Rae.

Deputy Paul Kehoe: The Deputy has a brass neck.

Deputy Michael Healy-Rae: May I ask the Taoiseach——

Deputy Timmy Dooley: Am I not getting a response to my question?

An Ceann Comhairle: We do not deal with such business on the Order of Business. The Deputy knows that as well as I do.

Deputy Timmy Dooley: I have asked the Taoiseach if he intends to bring forward legislation to close tourism offices throughout the country.

An Ceann Comhairle: That question is not related to promised legislation.

Deputy Timmy Dooley: I am asking if legislation has been promised in this regard.

Deputy Frances Fitzgerald: Is the Deputy seeking legislation on making the best use of public buildings?

An Ceann Comhairle: That is a separate issue. Will Deputy Timmy Dooley, please, resume his seat?

Deputy Timmy Dooley: I will be happy to resume my seat if the Ceann Comhairle gives the Taoiseach the opportunity to respond.

An Ceann Comhairle: No, I will not because the Taoiseach will be out of order if he does.

Deputy Timmy Dooley: On a point of order, is it the Chair's decision as to whether legislation has been promised in a particular area?

An Ceann Comhairle: No legislation has been promised.

Deputy Timmy Dooley: I have asked the Taoiseach if there is.

An Ceann Comhairle: I have asked the Taoiseach and he has indicated there is no legislation promised.

Deputy Timmy Dooley: The least I would expect is that he would get to his feet to address the matter.

The Taoiseach: What is at issue is making the best use of public space which I am sure the Deputy supports. I am also sure he is glad that pictures of the glorious Cliffs of Moher have been seen by people all over China in the past few days.

An Ceann Comhairle: No legislation has been promised. I thank the Taoiseach.

Deputy Michael Healy-Rae: This is take 2. Health reform legislation has been promised in the programme for Government. When and how will the 7,719 people awaiting a decision on their application for carer's allowance be dealt with? What proposals are to be made in the legislation promised to ensure applicants will not face such extraordinary delays in the future?

An Ceann Comhairle: To which legislation is the Deputy referring?

Deputy Michael Healy-Rae: I am referring to what has been proposed in the programme for Government. I appreciate that the Minister for Social Protection has acknowledged that she is not happy with the delays. Almost 8,000 people are waiting for approval to receive carer's allowance. What will the Government do about this? It is a simple question.

An Ceann Comhairle: It is not.

The Taoiseach: The simple answer is that legislation is not needed. The Minister is providing new technology to speed up the assessment of applications.

Deputy Michael Healy-Rae: If that happens, I will welcome it.

Deputy Pádraig Mac Lochlainn: With respect to the forthcoming European Communities Act 1972 (Amendment) Bill, does the Government intend to include in the treaty on stability, co-ordination and governance an expanded definition of EU treaties covered by the Act? When will the Bill be brought before the House? Does the Taoiseach agree this is being done by sleight of hand to deny the people their right to vote on these matters?

The Taoiseach: The Bill is due this session.

Deputy Simon Harris: The Taoiseach will be aware of the difficulties being experienced by a number of subcontractors in getting paid. The issue has been discussed in the House on many occasions. The Construction Contracts Bill 2010 which was passed by the Seanad is included in section D of the Government's legislative programme. Does it intend to introduce that Bill in the House or will it bring forward its own legislation?

The Taoiseach: The Deputy has mentioned his important Bill on a number of occasions. The Minister of State at the Department of Public Expenditure and Reform has completed work on it and it is now a matter of introducing it in the House. I am sure the Chief Whip will advise the Deputy when it will be brought before the House.

Deputy Bernard J. Durkan: In view of the activities of criminal gangs and the ongoing disregard for life, will the bail Bill be brought before the House as a matter of urgency? It has been promised for a long time. When Fianna Fáil was in government, it promised to introduce the Bill for approximately ten years. It is important that it be brought before the House as a matter of urgency.

To avoid a repeat of what happened last week when a criminal who had broken into a house was compensated in the courts which is extraordinary——

An Ceann Comhairle: Does the Deputy have a question on promised legislation?

Deputy Bernard J. Durkan: I have just been presented with the legislative programme and have not had time to go through it, but I am sure if the legislation is not included it, it will be presented to the House as a matter of urgency.

Deputy Michael Healy-Rae: Where is it?

Deputy Timmy Dooley: Deputy Bernard Durkan should move down two steps.

The Taoiseach: The Criminal Law (Defence and the Dwelling) Bill 2010 was enacted last December. The draft heads of the bail Bill are at an advanced stage, but I cannot give the Deputy a date on when they will be brought to the Cabinet.

Deputy Bernard J. Durkan: I am aware of the Bill passed last December, but following its passage this latest incident occurred. Will criminals, injured while committing a crime, going to court to seek compensation become a regular occurrence?

Deputy Timmy Dooley: That matter is *sub judice*.

Deputy Bernard J. Durkan: There is an issue. Will it become a regular occurrence for criminals to go to court to seek compensation if they get injured in the course of committing a crime?

An Ceann Comhairle: If the Deputy submits that as a Topical Issue matter, I will consider it.

Deputy Bernard J. Durkan: I thank the Cheann Comhairle for that.

Deputy Timmy Dooley: The Deputy is sorry he did make it to being a junior Minister.

Deputy Bernard J. Durkan: I am as near to it as is the Deputy.

An Ceann Comhairle: I call Deputy O'Donovan.

Deputy Patrick O'Donovan: What is the timeframe for when the Tribunals of Inquiry Bill 2005 might be back before the House? Will there be an opportunity to table further amendments to it given some recommendations that may be contained in an upcoming tribunal report due to be published?

The Taoiseach: That Bill is awaiting Report Stage; it is just a matter of finding time to bring it to House and deal with Report Stage. If the Deputy were to discuss the matter with his party Whip, I am sure he would find an opportunity to allow it to go forward to Report Stage.

Deputy Mattie McGrath: Ba mhaith liom comhghairdeas a ghabháil leis an Taoiseach as an obair mhaith a rinne sé Dé Domhnaigh agus inné. In case he is of the view that all of us on this side of the House are anti his work at the weekend, we are not.

Under promised legislation, work to provide for Uisce na hÉireann, Irish Water, is under way and I ask if more time could be allowed for consultation on this. Tipperary South County Council only discussed this matter at its meeting yesterday and submissions have to be in by Dé hAoine, this Friday. That is a very short time. This is a major issue in terms of Irish water services. Could more time be allowed for consultation on this as it is badly needed in terms of members of the public and elected representatives.

An Ceann Comhairle: Thank you, Deputy.

The Taoiseach: Tá feabhas ag teacht ar Ghaeilge an Teachta an t-am ar fad. Gabhaim comhghairdeas leis ina thaobh. Cuirfidh mé an cheist a chur an Teachta orm in iúl don Aire. Is dócha go mbeidh an Aire i dteagmháil leis go díreach.

Deputy Mattie McGrath: Maith an fear.

An Ceann Comhairle: Sin a bhfuil.

Deputy Pearse Doherty: A Cheann Comhairle——

An Ceann Comhairle: The Deputy did not indicate.

Deputy Pearse Doherty: I have indicated four or five times.

An Ceann Comhairle: No, the Deputy's colleague indicated but the Deputy did not but he can proceed.

Deputy Pearse Doherty: I will try to be more fanfarish the next time.

Deputy Timmy Dooley: He does not need to do that generally.

An Ceann Comhairle: The Deputy is normally not as quiet.

Deputy Pearse Doherty: I was trying the subtle approach this time.

Following on from a question raised by Deputy Mac Lochlainn, the Taoiseach mentioned that the European Communities Act 1972 (Amendment) Bill is to be before the Dáil this term. It is No. 12 on the legislative programme. Can the Taoiseach confirm if the fiscal compact

[Deputy Pearse Doherty.]

treaty or, to give it its correct title, the treaty on stability, co-ordination and governance in the expanded definition of EU treaties, will be included in that Bill or will that be stand-alone legislation? Can the Taoiseach inform the House when the 1926 census will be published and when the legislation to allow its publication will be before the House, given that this is a major part of the initiatives the Government have undertaken in terms of The Gathering in 2013?

My final question relates to the ordering of business and I can be guided on this. We will be dealing with Committee Stage of the Finance Bill next week and we must have our amendments submitted by 11 a.m. tomorrow, yet despite numerous requests for a briefing on the Bill and briefings on particular aspects of it, and the Taoiseach will agree this is a very technical Bill, Department of Finance officials have refused point blank to give a briefing to Opposition finance spokespersons at this point. A briefing will be given at some stage but it will be after amendments to the Bill have been submitted. It is appalling in terms of how we do our business——

An Ceann Comhairle: Thank you.

Deputy Pearse Doherty: ——that we in the Opposition, although I can only speak for myself, are asked to provide amendments to a Bill, which I will provide, which Department officials have refused to brief us on. It is uncommon for them to do so. The Department of Finance and the Minister for Finance have always been very forthcoming, as I have said previously, in providing information by way of parliamentary questions and on other occasions. It is appalling that in the case of this important legislation, which will implement the cuts the Government has imposed on the people of Ireland——

An Ceann Comhairle: The Deputy has made his point.

Deputy Pearse Doherty: ——that a briefing would not be given prior to Committee Stage amendment deadlines.

The Taoiseach: The fiscal responsibility Bill is separate legislation. I do not have information about the 1926 census.

Deputy Pearse Doherty: On a point of order, the Bill I am asking about is not the fiscal responsibility Bill but the Bill that will give effect to the fiscal compact treaty. It is separate legislation. It is on the treaty on stability, co-ordination and governance — that is what it is called — it is the fiscal compact Bill not the fiscal responsibility Bill.

The Taoiseach: Obviously, we have asked a number of questions of the Attorney General in respect of the fiscal compact and we are awaiting the Attorney General's advice on that.

I do not have information for the Deputy in respect of the 1926 census but I will ask the Minister to respond to the Deputy.

I will mention to the Minister for Finance directly the question of a briefing for the Deputy

Deputy Pádraig Mac Lochlainn: On a point of order, the Taoiseach has been asked this question twice.

An Ceann Comhairle: If the Taoiseach——

Deputy Pádraig Mac Lochlainn: He has clearly blatantly refused to answer a question twice — not once but twice.

An Ceann Comhairle: —does not have the information at hand, he said he would get it for the Deputy. That is very common.

Deputy Pearse Doherty: That was not on this issue. He said he would get information on a different issue.

An Ceann Comhairle: If there is some misunderstanding, he will get the information for the Deputy.

Deputy Pádraig Mac Lochlainn: Will the fiscal or austerity treaty be included in the European Communities Act 1972 (Amendment) Bill? That Bill includes the ESM and measures related to the European Parliament. The question is simple. If the Taoiseach does not have the information now, can he give it to us?

The Taoiseach: I have answered that for the Deputy already though he does not want to accept the answer.

Deputy Pádraig Mac Lochlainn: What is the answer?

The Taoiseach: I am awaiting the advice back from the Attorney General in respect of the fiscal compact.

Deputy Pearse Doherty: So the answer is that it may be included.

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 Simon Harris — the ongoing situation in Syria; (2) Deputy Michael Healy-Rae — the need to introduce a seal cull; (3) Deputy Thomas P. Broughan — the need to resolve the situation at Priory Hall, Dublin; (4) Deputy Nicky McFadden — illegal dumping and the responsibility of landlords and local councils to deal with litter problems; (5) Deputy John McGuinness — the dissolution of city and county enterprise boards; (6) Deputy Catherine Murphy — the ongoing situation in Syria; (7) Deputy Peadar Tóibín — the changes to the processing of medical cards inquiries; (8) Deputy Brendan Griffin — the future of the Shannon LNG Project; (9) Deputy Patrick O'Donovan — the need to review policy in relation to the insulation of local authority houses; (10) Deputy Dan Neville — the urgency to appoint a permanent director to the National Suicide Prevention Office; (11) Deputy Martin Ferris — the legal situation regarding the granting of mortgage lending licences to people with criminal convictions; (12) Deputy Ciara Conway — the extension of the JobBridge scheme to lone parents and persons with disabilities; (13) Deputy Paul J. Connaughton — the unnecessarily rapid close of St. Anne's Nursing Home in Woodford, County Galway; (14) Deputy Mattie McGrath — the proposed amalgamation of the local development companies into local authorities; (15) Deputy Pearse Doherty — the need for greater flexibility in the operation of the family income supplement benefit; (16) Deputy Noel Harrington — plans to encourage investment and research into the installation and commissioning of micro-generators linking into the national grid from wind, solar, heat, and wave generators; (17) Deputies Michael Conaghan and Dessie Ellis — the regeneration of St. Michael's Estate, Inchicore, Dublin 8; (18) Deputy Patrick Nulty — the decision to disband the panel for recruitment to the Dublin Fire Brigade Service; (19) Deputy Seán Kyne — the need to expand Springboard and reform the educational grant system; (20) Deputy Jack Wall — the provision of funding in respect women's refuge centres; (21) Deputy Willie O'Dea — the effect that proposals for sick pay may have on jobs; (22) Deputy Derek Keating — the status of foreign diplomats here and the possible abuse of

[An Ceann Comhairle.]

diplomatic immunity; (23) Deputy Timmy Dooley — the rationalisation of tourist offices; (24) Deputy Richard Boyd Barrett — the Providence Resources foreshore application for drilling in Dublin Bay; (25) Deputy Seán Ó Fearghaíl — the non-payment of bin charges by 18,000 people in Dublin city; (26) Deputy Mick Wallace — the loss of guidance counsellors from Gorey Community School, County Wexford; (27) Deputy Áine Collins — the need to reinstate funding to the agri-food sector through the Leader funding mechanism; and (28) Deputy Tom Fleming — the future of the Shannon LNG Project. The matters raised by Deputies Willie O’Dea, Seán Kyne, Áine Collins and Deputies Michael Conaghan and Dessie Ellis have been selected for discussion.

Topical Issue Debate

Social Insurance

Deputy Willie O’Dea: I did not anticipate we would be discussing this issue here on 21 February because the impression was given that it was off the agenda. It was an initial proposal by the Minister for Social and Family Affairs, Deputy Burton, which was to have been debated in government and withdrawn, presumably at the insistence of the Minister, Deputy Bruton, actively encouraged by some of his backbenchers, but apparently it seems to be back on the agenda. This has perturbed business spokesmen and spokeswomen all over the country.

What is being proposed will impose horrendous extra costs on businesses that are already struggling, particularly small businesses. Sick pay is paid out of the social insurance fund. The employers of this country for the last year for which we have figures, 2010, contributed more than €5 billion to the social insurance fund and now they are being asked to pay on the double.

We have heard various statements that the Government is obsessed with employment, everything it does is geared towards creating employment and every policy initiative is to be employment-orientated. If that is the case, can the Minister tell me why the Government has not done anything to date about issues such as commercial rates, which are a guaranteed job destroyer? There is plenty of anecdotal evidence to support that. Why has the Government done nothing about upward only rents despite its pre-election promises? If there is a constitutional issue, it can be easily sorted out by adding an extra question for the next referendum. Why is the Government allowing insurance costs, energy costs and utility costs to rise? Why did the Government decide to make the cost of making people redundant, which affects firms downsizing to preserve their business, two and half time what it costs in the United Kingdom and very uncompetitive *vis-à-vis* the rest of Europe? If the Government is so obsessed with employment, why has this proposal come back on the agenda, and what is its current status? That is the reason I raised this issue today — I want clear answers. I am not alone in my anxiety about the matter. To quote a number of the Minister’s party backbenchers at random, Deputy Charles Flanagan described this move as “anti-business and anti-jobs”, while Deputy Mary Mitchell O’Connor, as late as this morning on Newstalk FM, stated that more debate was needed and that businesses feel this will be an expense too far. I agree with those Deputies. It is an expense too far. The Minister will realise, having produced a 170-page document on job creation, that much remains to be done to remove the barriers to job creation, but that is what we should be doing. We should be removing the barriers to job creation, not putting more in place in the shape of further costs for small and struggling businesses.

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Further consultation on this issue was signalled in the budget speech of the Minister for Finance. As the Deputy

knows, illness benefit comes from the social insurance fund, which is funded by PRSI contributions from employers and employees and by the Government and administered by the Department of Social Protection. Exchequer spending on illness benefit more than doubled in the ten years from 2001 to 2011, from €330 million to €876 million, while the number claiming went up by 40%. Policy responsibility for the administration of illness benefit falls within the remit of the Minister for Social Protection, who held the first initial consultative forum meeting on her proposals yesterday to consider the feasibility and potential impacts of introducing a statutory sick pay scheme in Ireland. This is very much a first step towards considering a range of issues that need to be examined in detail before any proposals can be suggested or progressed to possible implementation.

The Minister clearly indicated that this is the beginning of a consultative process and that nothing has been decided yet. Forfás attended the Minister's initial consultative forum yesterday and commented that any proposal that would increase costs for business would be of concern, and that further work was required to assess the potential costs of this proposal for enterprise, how these costs might be borne across enterprise sectors, what implications these costs might have for employment, and what other actions could be taken to achieve the required goals.

I have also seen the initial reactions of business representative bodies to the proposals and I understand their concerns about the cost a statutory sick pay scheme could impose on businesses. For this reason, the issue of increased costs needs to be more fully researched and considered.

The OECD has raised concerns that the duration of illness benefit in Ireland is currently two years, although the average in the OECD is a year or less. It also noted that many people with frequent sickness absences tend to drift from sickness into the disability benefit system, which is bad for the individuals and families concerned. A related worrying trend that was commented on at the forum yesterday is that more and more young people are going from the sickness benefit system to the disability system. We need to ensure our young people can find suitable employment in the economy, with any disability needs facilitated, and that they are productive members of our society.

The Deputy also raised many other issues, including the redundancy scheme. These are really the subject of another debate, but I must point out that the State picking up 60% of the redundancy costs of employers is not something that is common in other countries. There is no such facility in most countries, and Ireland is unusual in having to shoulder the cost of redundancy in that way. Clearly, the Government's aim is not to fund redundancy, which involves the loss of employment, but to seek to support schemes that create and sustain employment. As the Deputy acknowledges, the priority of the Government is to support the creation and protection of employment, which is a major challenge to our community.

Deputy Willie O'Dea: On the final point made by the Minister, what I am saying is that there are different redundancy schemes in different countries. If a firm in Ireland wants to downsize and must make a certain number of people redundant in order to survive, it will cost the firm two and a half times per person more than it would in the United Kingdom, which is our nearest neighbour and competitor. That is an anti-jobs measure in anyone's language.

The Minister said there was consultation about a range of issues. The issue of making employers carry more of the burden for sick pay is firmly back on the agenda. Employers and business people from one end of the country to the other — a wide and representative section of business — have been contacting us to express their concerns. This is creating uncertainty at a time when we need certainty. It raises the spectre of higher costs in business when we need to be reducing costs.

[Deputy Willie O'Dea.]

Where does the Minister stand on the issue himself? Surely, as Minister for Jobs, Enterprise and Innovation, he is opposed in principle to the idea of loading extra costs onto job creators. The Minister referred to various studies, consultations and so on. He will be aware that Forfás has already done a report, last November, on the exact effect of such a proposal on jobs and competitiveness. Can the Minister tell us what that report says, or will he undertake to publish it so we can see for ourselves?

Deputy Richard Bruton: I would certainly be concerned about any measure that would increase costs for employers. That is a view I hold personally. Equally, however, I recognise that the management of very high illness claims within our welfare system is something that needs to be addressed. Many of those problems are most acute in the public service, not in the private sector. Figures suggest that absenteeism in the public service is double that in the private sector.

Deputy Willie O'Dea: At least.

Deputy Richard Bruton: There is no doubt that the issue of people drifting into long-term disability or invalidity benefit is also a source of worry. There are issues such as how we manage sickness and how we can ensure people take up opportunities, even if they are receiving sick payments, rather than drifting into long-term reliance on social welfare. A consultative process is under way. The contribution that was made by Forfás signalled our concerns about employment. Job creation is extremely important and scarce at the moment, and we need to do everything we can to nurture it. I recognise also that there are issues with regard to the management of budgets, and we need to examine the actions that can be taken across the system to manage this better.

Deputy Willie O'Dea: What about last November's Forfás report? Will the Minister publish that?

Deputy Richard Bruton: Any report that has an input into an ongoing discussion at Government level is not normally published, so I do not intend to——

Deputy Willie O'Dea: Discussions have two sides.

Deputy Richard Bruton: Interactions between an agency and a Minister engaged in a consultative process are not necessarily published. I do not believe this documentation, which has an input into the consultative process, should be published at this stage. However, I will answer questions for the Deputy at any point.

Higher Education Grants

Deputy Seán Kyne: I am delighted to raise this issue of importance in my constituency and, I am sure, across the country. It has been raised time and again by a number of my constituents who are affected by it.

Our student grant scheme, which was set out in the Student Support Act 2011 and S.I. 305/2011 and amended in previous years, has a flaw that has become particularly visible during the present economic problems and employment challenges. This is the stipulation that an applicant must always be progressing to a higher level on the National Qualifications Framework — from level 6, diploma or certificate, to level 7, ordinary degree, to level 8, honours degree, and so forth. These restrictive stipulations are developed in sections 14 to 16 of the statutory instrument. In ordinary circumstances it is entirely understandable that the State

would direct its educational assistance resources to encourage deeper and more comprehensive learning. However, we are experiencing a very turbulent time for employment and jobs. Sectors and industries which appeared buoyant four or five years ago are now devoid of employment opportunities. This has very serious ramifications for persons who have put all the investment and effort into obtaining a degree at level 7 or 8 in these areas.

The sensible option is to find another sector with better employment prospects and enrol in a training or educational course. This invariably means undertaking a course at a lower level on the national qualifications framework, such as a diploma or certificate. I have been contacted by many people in Galway who have tried to take this route only to find to their dismay that they are ineligible for a grant or assistance because they have a previous qualification. They are caught in a trap. They are unable to improve their chances of obtaining employment and therefore must remain dependent on the social welfare system.

I acknowledge, and warmly welcome, several initiatives from the Government which have already commenced, chiefly the Springboard initiative and the recently announced ICT conversion courses as part of the new ICT action plan. However, Springboard is not without its problems. There must be greater flexibility in terms of courses offered, the location of courses and the practicality of the courses. For example, a three year course is not much use to somebody who has already spent several years in college or university. They are unemployed now and need targeted, specific, skills-based, short-term education now, not in September or in September 2013.

FÁS is in the process of changing to become SOLAS and this is an ideal opportunity for greater co-operation and innovation between the old FÁS organisation, the universities and the institutes of technology to provide relevant, intensive short-term courses to fill the employment gaps we currently have. In Galway, for example, there are dozens of IT related vacancies which managers are struggling to fill. We, unfortunately, have an unacceptable rate of unemployment but few jobseekers with the required skills, yet when a jobseeker who has a qualification in a different sector attempts to re-skill, he or she cannot because of the progression stipulation in the student grant legislation.

I appeal to the Minister to think more creatively and innovatively on this matter. I accept the financial difficulties facing the education budget and acknowledge that the Minister's task is the most challenging to face a Minister with responsibility for education in recent decades. However, there are some steps we could take. We could, for example, make an allowance for persons attempting to change career direction and re-skill in a designated industry with employment opportunities — a one-off opportunity to re-skill and receive assistance to access a course which will enable entry to a new industry. This would be on top of the Springboard initiative and could encompass a wider range of areas, including IT and second level teaching. We could also examine key areas within sectors, such as software programming, coding and application building and, in conjunction with FÁS, universities such as National University of Ireland Galway, NUIG, and institutes of technology such as Galway-Mayo Institute of Technology, GMIT, offer short, skills-based courses in these areas.

Ultimately, we must change the student grant scheme from its current rigid set-up to having a more flexible, fluid, common-sense approach that is better able to address the challenges of today's job market and meet the needs of jobseekers throughout the country, especially in the Galway area which is of particular concern to me.

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): I am replying on behalf of my colleague, Deputy Ruairí Quinn, Minister for Education and Skills. I thank the Deputy for raising this issue.

[Deputy Ciarán Cannon.]

Springboard is a specific initiative to provide free part-time higher education places targeted at unemployed people who have lost their jobs as a result of the recession and who would benefit from upskilling or re-skilling to get back into sustainable employment. Places on Springboard courses are open to unemployed people who have a previous history of employment and there is no requirement that a person be progressing on the national framework of qualifications.

Since Springboard was first launched in May 2011, more than 4,300 unemployed people have been supported to undertake higher education programmes in areas of employment growth such as ICT, pharma-chem and the green economy. An analysis of the outputs to date shows that the programme has been very successful in reaching its target cohorts. A total of 77% of participants are aged between 25 and 49 years, 60% had been out of work for more than one year and 20%, the largest single group, were previously employed in the construction sector. Earlier this month the initial Springboard programme was expanded to provide an additional 500 places on 15 courses that had exceptionally high demand when they first ran in 2011. In addition, a further €10 million has been made available for the roll-out of a second programme of Springboard places in 2012. Details of the courses being funded and the number of places being supported will be available in May following a competitive tender process.

In response to specific skills shortages in the ICT sector, earlier this year my Department published a joint Government-industry ICT action plan aimed at building the supply of high level ICT graduates, a matter raised by Deputy Kyne in his contribution. One measure included in the plan is provision of more than 750 free places on 17 new graduate skills conversion programmes throughout the country. The programmes allow those with the appropriate qualifications to convert their skills during an intensive course of study in a higher education institute and a corresponding work placement in a collaborative company. Further details are available on *bluebrick.ie*.

Progression requirements are in place in respect of eligibility for student grants for general full-time higher education programmes. Students who are entering approved courses for the first time are eligible for student grants where they satisfy the relevant conditions as to residence, means, nationality and previous academic attainment. To satisfy the terms and conditions relating to progression, a student must be moving from year to year within a course having successfully completed the previous year or be transferring from one course to another where the award for the subsequent course is of a higher level than the previous course. The objective of this policy is to help as many students as possible to obtain one qualification at each level of study.

Given the high level of demand on the student grant budget from first-time students and students who are progressing with their studies to a higher level, there are no plans to change these general arrangements. However, the provision of free targeted places under the Springboard initiative addresses the concern raised by the Deputy regarding re-skilling opportunities for unemployed persons.

Deputy Seán Kyne: I thank the Minister for his response and I appreciate the positive initiatives that have been put in place by the Government, such as Springboard and the ICT action plan. However, I am disappointed that there are no plans to change the progression requirements to facilitate people who have already achieved qualifications. I ask the Minister to consider this in future budgets. It is very important.

I have been contacted about this by a number of people. They are, for example, people who have a qualification but are now in teacher training college. They are in danger of dropping out because of this rule. I have also been contacted by managerial people who are undertaking

a course in university and would like to be able to transfer to Springboard but they are, unfortunately, precluded from doing so. Perhaps the Minister might consider these situations in future budgets. People are caught in a trap. Due to the economic situation they are unable to secure employment in their chosen career but there are other opportunities through undertaking other courses. This issue must be examined.

Deputy Ciarán Cannon: I will take on board the suggestions made by the Deputy. I believe our Department is not particularly dogmatic on any aspect of policy development. The Springboard programme is proof of that. It is an innovative programme that seeks to support those who are unemployed and need to re-skill and to offer them another career choice in another career direction. The programme was developed as a specific response to enable unemployed people to access higher skills levels. It is free and the places available in it are free. There is no cost for the participants. The participants are also entitled to keep their existing social welfare supports while they are accessing the Springboard course.

An evaluation of the Springboard process and the outputs to date has been completed by the Higher Education Authority. It shows the programme has been very successful in reaching its target groups. It also identifies a number of improvements for the next phase of Springboard and these are being fed into the roll-out of Springboard 2012. The Deputy correctly mentioned the significant skills shortages in the ICT sector. We are now providing ICT conversion programmes, providing a further flexible learning opportunity to those who are qualified in one area and who would require little intervention to allow them to work in the ICT sector. We are targeting a number of places for that cohort over the next 12 months.

Leader Programmes

Deputy Áine Collins: I welcome the opportunity to speak on this topic as it is very important. I ask the Minister to consider re-opening funding for the agrifood and horticulture sectors under Leader funding. This comes under Axis 1 of Leader funding, which currently only supplies funding for bakery products. It is important that we look again at this issue. The provision of Leader funding is about supporting rural businesses and communities and it seems ridiculous that in a country that promotes itself on the quality of its agricultural products does not support local food businesses. I hope the Minister of State can address the issue of how Ireland's operational programme for rural development can allow funding to be made available to small, micro and medium food businesses under the Leader programme.

The general consensus among Leader groups is that there is a huge demand for seed funding to produce food products, that there are great markets for them at home and that they have huge export potential. The Government's emphasis on exploiting our reputation as a producer of high quality food products could be converted into enormous incentives to create jobs but lack of sector funding is holding up the process. Farming is doing well and, in fairness to farmers, they are the first to reinvest their profits locally and look at the quality of their produce and adding value to them. This will be particularly important in view of the abolition of quotas in 2015. Helping the sector would result in the creation of jobs and be of real benefit to the economy and the balance of payments.

It is essential that Leader groups have quality funding to encourage small-scale agrifood businesses. Hugely successful brands such as Clonakilty Blackpudding products and small cheese companies have developed during the years with Leader programme encouragement and funding. It was under the previous Administration that the funding ceased and I know the Government will take a different view. In my own area of Cork north west a number of really good small businesses produce high quality food produce, but they need help in expanding their offerings and looking at new markets. IRD Ballyhoura manages Leader funding. It told

[Deputy Áine Collins.]

me this morning that huge numbers of people came to it for funding, but it cannot help these applicants, one of whom is McCarthy's Butchers which supplies products to Harrods of London and Selfridges, yet it cannot get money for a local unit to expand its produce. If the business was based in Cork city, Cork City Council would provide a food unit. This is a big issue. O'Leary's Butchers in Millstreet has won many awards for its venison sausages, but it cannot get support either. There are real job opportunities available. We must, therefore, look at this issue. In Kanturk Ardrahan Farmhouse Cheese which is hand produced from the milk of the farm's cows has won many awards, placing it in the top three at the world cheese championships in four events in recent years. Charleville cheese and Newmarket cheese are also well known products, the production of which could be expanded.

Food production is important and world demand for food produce is steadily growing. The potential of this sector was highlighted over the weekend by the visit of the Chinese Vice President. There is huge potential for Ireland to win supply contracts into China in future years. With 450,000 people unemployed, we need to increase the level of job creation. Some 70% of new jobs will be provided by new businesses. This is where we need to look and there are real possibilities in the food production sector.

The horticulture and food sectors are closely connected. In my own town of Millstreet I tried to establish a community project to grow lettuces in polytunnels. Land was donated, but we were unable to get funding from the local Leader company. A local jobs opportunity with a good market was lost as a result. I am sure the same story could be told in every town in the country. I understand the Leader companies have money available, but do not have projects into which to put the money. I, therefore, ask the Minister of State to look at this matter in a favourable manner.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Fergus O'Dowd): The rural development programme 2007-13 is divided into four axes. Axis 1 deals with the competitiveness of the agriculture sector; Axis 2 aims to improve the countryside and the environment, while the objectives of Axis 3 are to support the diversification of the rural economy and improve quality of life in rural areas. Axis 4, or the Leader axis, provides support for the use of a bottom-up approach to development which ensures local people are involved in decision making, thereby facilitating sustainable development in a more inclusive way. In Ireland the Leader approach is used to implement Axis 3 measures.

A significant number of projects funded under the previous Leader+ programme 2000-06 and the diversification and business creation measures of the current rural development programme, RDP, involve support for enterprise initiatives that add value to agrifood products. Basic agricultural products are listed in Annex 1 to the EC treaty and commonly called Annex 1 products. Under the main Rural Development Regulation 1698/2005 support-grant aid for adding value to Annex 1 products is facilitated under Axis 1 of the programme. At the start of 2011 Ireland was notified by the European Commission that support-grant aid for adding value to agrifood products was not eligible under Axis 3 but rather under Axis 1 as detailed in the regulation. As a result of this, grant aid under Axis 3 of the RDP for this activity is suspended.

A significant part of enterprise activity in rural areas focuses on food and food-related businesses. The continued provision of support for these businesses is critical as we look to ways to generate employment in rural Ireland. The Department of the Environment, Community and Local Government is aware of the seriousness of this issue and has been working with the Department of Agriculture, Food and the Marine on an ongoing basis since the issue was identified in order to reach a solution.

It should be noted that although there are many agrifood products that Axis 3 of the RDP has been unable to support since the issue was notified in early 2011, the Leader programme can and does continue to offer substantial support to certain food processing enterprises in rural areas. Examples of activities which are being funded and will continue to be funded include the production of chocolate, ice cream and bakery products. Support is also provided for farm shops and farmers markets.

I am not in a position to make an announcement on additional funds for the projects referred to at this time, but I reassure the Deputy of the ongoing efforts to achieve a solution which I hope will be found in the near future.

Deputy Áine Collins: I am glad to hear this matter is being looked at and hope we will receive a more favourable answer in the near future. I cannot emphasise enough the importance of this enterprise in rural communities and the opportunities we are missing out on by not having this funding. I thank the Minister of State for his time.

Deputy Fergus O'Dowd: The Minister for the Environment, Community and Local Government and I are fully aware of the value of the agrifood business and acknowledge the valuable contribution Leader funding is making. Considerable amounts of money are spent on RDP programmes. This year there was an increased allocation of €34 million for the Leader programme, bringing the total allocation in 2012 to €96 million. The RDP provides direct and indirect support for enterprise development through diversification into non-agricultural activity, with a programme allocation of €16.6 million. There is an allocation of €45.4 million for the encouragement of tourism activity measures. These measures are aimed directly at providing support for the creation of on-farm employment opportunities in non-agricultural activities and services and the provision of support for rural tourism initiatives. Working in conjunction with these direct support measures are indirect support measures which include substantial financial resources of more than €29 million for training and information services. The Leader programme can and does continue to offer substantial support to some food processing enterprises in rural areas. The Minister hopes to be in a position to make further funding available in the near future. I hope some of the products that are so popular in Harrods can be sent to the north east, as we would be happy to try them. It sounds as if they are of a very high quality.

Deputy Áine Collins: I thank the Minister of State.

Dublin Regeneration Project

Deputy Michael Conaghan: Last week Dublin City Council decided to close a construction project site at the old St. Michael's Estate in Inchicore. That decision was unwarranted and will have serious repercussions for the entire community. We must be mindful of health and safety issues, but I understand the health and safety issues in question may have been of a minor nature. The council has cited health and safety issues, but I understand from the regeneration board that they are of a minor nature.

The health and safety authorities visited the site and issued what is referred to as a first advice notice. This is not generally considered a reason to close a construction site. My understanding is that it is intended to put people on notice that adjustments have to be made. There are widespread fears that this closure will mean the end of the work for a very long time and that the issue will go before the courts because the contractor feels it was treated unfairly. That will drag on and on.

There is a better way. The local community believes that mediation could resolve this. It has to be resolved in the best interests of the community which has waited 15 years for a regener-

[Deputy Michael Conaghan.]

ation project. This is simply heaping disappointment upon disappointment. It is a very serious issue that must be addressed. I believe it can be resolved but it is vital that we keep it out of the courts. There are very reputable mediation agencies which could look at these issues and bring this contractor back on site to complete this phase of a long-awaited regeneration project.

Deputy Dessie Ellis: On 17 February, the St. Michael's Estate regeneration contract with BAM Contractors was stopped by Dublin City Council. BAM was awarded the contract in late 2010 to construct the first phase of the regeneration of St. Michael's Estate. It is difficult to understand the decision by Dublin City Council to put in place a moratorium due to serious concerns over health and safety. What were the reasons? Was it due to construction, work practices or financial issues? Seventy five units were to be built in the estate, along with a child care facility and an estate office. There have been 15 years of regeneration, promises and constant fighting by residents, but now we have 11 acres of wasteland and two acres of a ghost estate.

Mediation is urgently needed between Dublin City Council, the city manager, the councillors and BAM. If necessary, the Department should intervene to sort this out. Residents have been left in the lurch, with more and more delays occurring. The worst thing that could happen to someone is to be forced to move home or to wait for a new home to be ready. How many people have put their possessions in storage and stayed in temporary accommodation while waiting for their homes to be built? There may only have been 75 units in the first phase, but we are talking about hundreds of men, women and children left in the lurch, hoping that this would be built in the near future. We need to give these people certainty that something is going to happen and that we are not going to be delayed. I urge the Minister of State to intervene if necessary.

Deputy Fergus O'Dowd: I thank Deputies Conaghan and Ellis for raising this matter. It affords me the opportunity once again to confirm the Government's commitment to the regeneration of the most disadvantaged areas of our cities and towns. Despite the challenging financial climate, we want to see real and meaningful progress made on regeneration. Capital investment in regeneration will be prioritised by the Minister of State, Deputy O'Sullivan.

Regeneration is not all about maps, plans, structures or budgets. It is about people and communities working to make these into places where they want to live and work happily and securely. We recognise that the regeneration process has not always been easy. This is particularly true of the St. Michael's Estate project. Up to 2008, Dublin City Council progressed the regeneration project under the public private partnership arrangements. There is no need to explain the background or the reasons the PPP outcome for St. Michael's Estate and other locations failed to materialise. With the encouragement of the Department, Dublin City Council established a multidisciplinary special housing taskforce with the objective of developing and implementing alternative options. The taskforce's initial strategy for the phased development of three estates, including St. Michael's Estate, was adopted by the city council in December 2008.

In 2010, the Department approved funding of €5.8 million for the social housing element of the first phase of the regeneration project, which included 75 new housing units. I understand the contractor started on site in November 2010, with a projected timeframe of 104 weeks for the completion of the project. The building works contract entered into in this case is between the employer, Dublin City Council, and the selected contractor, BAM Contractors Limited.

New forms of construction contracts for public works were introduced by the Department of Finance in 2007. These contracts apply to all housing projects, including the St. Michael's

Estate contract, and contain specific conditions relating to contract performance, dispute resolution procedures and contract terminations. The contractor is responsible for carrying out the works in accordance with the terms of the contract and the works constructed must be safe and without risk to health. The employer's representative may, in accordance with the terms of the contract, issue instructions to the contractor on any matter connected to the works and the contractor shall comply with any such instruction. I understand the city council issued instructions to the contractor regarding pressing on-site health and safety concerns.

The Department has been advised by Dublin City Council that a notice to terminate the contract was served on the contractor on 15 February for alleged non-compliance with instructions issued. This decision was taken by the city council following the completion of a comprehensive risk assessment, undertaken in response to health and safety concerns at the site. The city council has further advised that, following the serving of the notice to terminate the contract, the contractor asked for a stay of ten days before a final determination of the contract is made. I understand the city council acceded to this request and that legal and technical representatives from both sides are currently involved in negotiations around the issues involved.

The Department of the Environment, Community and Local Government is not a party to the contract and given that discussions are ongoing between the relevant parties, we will await the outcome of these discussions and hope that we can progress this project to completion as quickly as possible.

Acting Chairman (Deputy Peter Mathews): The Deputies have two minutes between them to make a further statement, but I will be generous and allow three minutes between them.

Deputy Michael Conaghan: What the Minister of State said holds out some hope for the resolution of these issues. If they cannot be resolved in that brief time, I hope the Minister of State can use his good offices to bring forward a mediation process. Everybody believes that a consensus can be reached to get this project underway.

The 15 acre site is at the heart of Inchicore village. There is a hole at the heart of the village since the old flats were demolished. Disappointment has been heaped upon disappointment, and dismay at why this work has stopped has been heaped on top of that. We must do everything possible to get this project underway and put hope in the place of dismay. I appeal to the Minister of State to meet members of the regeneration board. The board is chaired by a very eminent former senior executive of Guinness, who is a wise and well known individual. That request from the regeneration board is echoing the hope of the entire community that after 20 years of waiting, the end may at last be in sight. There is a great deal at stake and I am glad I got the opportunity to raise the issue with the Minister of State.

Deputy Dessie Ellis: It is important that a message goes out that things can be solved. I heard the Minister of State's point that there are some signs that negotiations are taking place. In the event that those negotiations fail, I hope the Minister of State and his Department officials will be available to help in any way.

This has been a huge issue for many years in St. Michael's Estate. This is a prime site in a prime location. These families want to be relocated in the area they live, among their own families and friends and facilities that they have had over the years, such as schools, hospitals and health centres. The cost in human terms is huge, so I hope the Minister of State will intervene if there is a problem.

Deputy Fergus O'Dowd: I share the Deputies' concern that the construction of the 75 social houses and associated works on a new crèche and estate office in St. Michael's Estate is progressed to completion as quickly as possible. The Minister of State, Deputy O'Sullivan, will

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announce details of the capital allocations under the social housing investment programme for 2012 very shortly.

I can assure the House that substantial capital funding will be made available to Dublin City Council in order that regeneration projects at St. Michael's Estate and other areas, such as Dolphin House, St. Teresa's Gardens and O'Devaney Gardens, can be progressed as quickly as possible.

I appreciate that contractual disputes have the potential to delay the delivery of much-needed regeneration projects. I am conscious that in the case of St. Michael's Estate, there are onerous responsibilities on both the city council and the contractor to execute the contract in accordance with the terms of the contract. Given that the Department is not a party to the contract, the Minister of State, Deputy Jan O'Sullivan, cannot involve herself or interfere in any way with the dispute resolution procedures which are prescribed in the contract and which are proceeding. I share with the Minister of State and the Deputies here today the concern of all that a solution is found and that work can be progressed as quickly as possible.

6 o'clock

Inter-Country Adoption: Statements (Resumed)

Acting Chairman (Deputy Peter Mathews): I welcome the Minister, Deputy Frances Fitzgerald, and ask Deputy O'Donovan to resume the debate. There are four minutes remaining on his slot.

Deputy Patrick O'Donovan: On the last occasion when we were speaking about this I acknowledged the work the Department has been doing on inter-country adoption. As I stated, normally there is a temptation to focus on the developing world when discussing this issue. We know from anecdotal evidence of persons who present at such places as constituency offices and clinics that families and prospective parents encounter difficulties not only with developing countries, but with countries that one might refer to as the more developed. In my discussions with the Minister and her Department, and while I am aware there are resource issues in the Department and there is a finite amount of staff who, in fairness, together with the adoption board, do a good job, I have made the point, directly and indirectly, that the issue of inter-country adoptions, especially with Belarus, be put back on the agenda. There was a successful relationship between Ireland and Belarus, due in no small part to the work done by host families who were bringing in children on a regular basis in the aftermath of the Chernobyl disaster. At a recent meeting with the ambassador from that country, I sensed that there would be an openness and willingness to open dialogue with the Government of Ireland on this issue. From speak with officials, both in Ireland and abroad, I am aware that this is something into which one cannot rush, which takes a great deal of personal dedication and which takes an amount of time and effort. Based on the history, there are families who could potentially be interested in Belarus as a possible country for inter-country adoption. Based on the amount of families that have taken in children for short stays, recuperation, etc., there is potential for us to look at that. I would implore the Minister, whose resources are finite and who has done much good work with Ethiopia and Vietnam in the recent past. There is a willingness in Belarus. The bilateral relationship that was entered into between Belarus and Italy shows that Belarus is a country that is open to looking at this as a subject matter in the future. The unfortunate aspect about it, for the families that may be interested or may be trying to pursue an inter-country adoption from Belarus at present, is that they look back at the historical numbers. There was always a steady flow of children who were fortunate enough to find a family that was able to raise them here in Ireland.

In the broader scheme of things, the children's referendum is something that will be confronted by this Dáil. It behoves all public representatives at national level to do everything they can to ensure that the Articles inserted into the Constitution whenever that comes around reflect the Ireland of 2012 rather than of 1937, and that we give children a voice for the first time in the Constitution. Whether those children are born in Ireland or are born abroad and adopted by Irish parents, it behoves us, for the first time, through the Minister's offices, to give children a voice through the Constitution that they have not had up to now and remove that cloud of scandal, reporting and everything else that happened in the recent past in terms of the drip-feed of bad news when it came to children who were put into care and where the State failed them. We will, finally, give children the legal and constitutional protection that they deserve. I again implore the Minister to look at Belarus in the context of the inter-country adoption issue.

Deputy John Browne: I welcome the opportunity to speak on this most sensitive of issues. Practically every Member in this Chamber has had some experience of adoption, whether it be in respect of his or her own family, a friend or a member of the public coming to them to look for some sort of support or assistance. Adoption, by its very nature, is a hugely emotive and emotional subject. There is an inherent conflict between the legal requirements associated with the process and the raw emotion that is evident at each step of the adoption process.

For better or worse, adoption must be a legal process. It involves the severing of ties with one family and re-establishing them with another. When such fundamental changes are being made to the status of a child, it is imperative that the legal basis is sound.

We debated the 2010 Adoption Act, which the former Minister of State with responsibility for children and youth affairs, Mr. Barry Andrews, took through the House. That legislation provided greater integrity around the adoption process in Ireland, and that was certainly welcome at the time. It is a reality, however, that in improving standards, we place an onus also on the sending countries to improve their domestic systems and reach the Hague standards.

I listened with interest to the contributions in this House in recent weeks on the Minister's actions. There has been a dramatic change in focus between those contributions and the tone of the debate during the passage of the Adoption Act 2010. At that time, all of the focus of the debate from the Opposition benches was placed firmly with the prospective adoptive parents. I suppose all of us probably attended meetings with parents who wanted to adopt and who felt there are all sorts of barricades being put up. While there was some acknowledgement of the central position of the child, the primary focus was on the plight of prospective adoptive parents who were facing the prospect of having to change countries from where they hoped to adopt. In my county, there was much work done and parents had gone to extremes to adopt a child only to find all of a sudden there was a road block in the way. That certainly raised emotions and people became very critical of politicians in general and how we were dealing with the issue. Given the long and protracted assessment process, it is only natural to empathise with prospective adoptive parents. However, adoption must always be about the child. The Minister has made strong statements to that effect in recent times and that is the way it should be. It is noteworthy that the tone of the recent debate has reflected the realisation that the child is most important and that is a change in the focus since 2010.

Difficult and politically unpopular decisions were taken by the previous Government in respect of inter-country adoption. There was much criticism from the then Opposition. That is the way matters turn out. There is a great deal of criticism from the Opposition from time to time. Indeed, the Taoiseach and the Minister for Justice and Equality, Deputy Shatter, criticised the decision to effectively suspend inter-country adoption from Vietnam despite the fact that there were two very critical UN reports, which raised serious concerns about the integrity of

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the adoption system in Vietnam. I am pleased that the Minister and the chairman of the Adoption Authority of Ireland, Mr. Geoffrey Shannon, have stated that the adoption process has improved in Vietnam and that Vietnam has signed up to the Hague agreement. It is undoubtedly the case that standards have improved in Vietnam because of a genuine desire on the part of the Vietnamese authorities to accept the Hague agreement but also because of the position taken by Ireland and other countries in respect of inter-country adoption.

I look forward to the resumption of inter-country adoptions with Vietnam. I know many families in my home county of Wexford that have adopted from Vietnam, and these children are flourishing in a loving and caring environment. There always will be risk attached to inter-country adoption. Our job as legislators is to reduce that risk to a level whereby we can say, on balance, the child is being adopted following a process that has ensured free and informed consent.

Wexford, particularly the north of the county, has a number of children who were adopted from Vietnam. Families are looking after them to the best of their ability and the children are involved in the local community, including the GAA club. Hopefully, they will be able to help the Castletown GAA club in the future. At the time the barricades came down and adoption from Vietnam was no longer allowed, there was hell to pay in that area of the county because a number of families had adopted and a number of other families were in the process of trying to adopt. They had gone down a long road when, all of a sudden, they were not allowed to continue. With good reason, all sorts of allegations were made and questions were raised.

The Minister said Ireland will enter into an administrative agreement with Vietnam when Vietnam signs up to the Hague convention. Will she outline to the House what is the timeframe with regard to an administrative agreement? She has said that the profile of children who will be available for adoption will change and the children are likely to be older. Given that prospective adoptive parents have to make critical decisions about what country they hope to adopt from, can the Minister give any details on the changing profile of the children who are likely to be adopted from Vietnam?

In the past, prospective adoptive parents had to pay a significant sum of money to adopt from Vietnam. Will this be the case in the future and, if so, what guarantees will be built into the administrative agreement to ensure this money is not used in a sinister way that would incentivise the placement of children for adoption?

As part of the last bilateral agreement with Vietnam, a mediation agency had to be licensed in Ireland and Hanoi. Will this be the case under the terms of the administrative agreement? Helping Hands was the agency that fulfilled this function in the past. As I recall, Helping Hands was criticised by the UNICEF report and was investigated by the Adoption Board, as it was then. Was that report ever published? Was it submitted to the Minister? Will Helping Hands be the agency that mediates the adoptions from Vietnam in the future? Will the Minister clarify what is the current status of Helping Hands and whether that agency is still in receipt of public funds from the HSE? If so, for what are these funds being used, given no adoptions have taken place between Ireland and Vietnam for more than a year?

I welcome the fact the Minister has adopted a hands-on approach to this issue. All of the Deputies on this side have come in for severe criticism given the slowness of the issue of the Hague convention and all that was to be signed up to with Vietnam, although I understand the reasons for that slow pace. There are many families who want to adopt and, obviously, there are many children in other countries that could do with being placed in the hands of families who would look after them and treat them as if they were born to them. It is important that

we would move quickly in this regard and, at the same time, ensure all of the protections are in place.

I hope the Minister will reply to the questions I have raised. Overall, I welcome the fact the Minister has been up-front in regard to the issue of inter-country adoption. I hope we will speedily move to a situation where as many families as possible in this country will be able to adopt children.

Deputy Brendan Ryan: I wish to share time with Deputies Michael McCarthy and Arthur Spring.

Acting Chairman (Deputy Peter Mathews): Is that agreed? Agreed.

Deputy Brendan Ryan: I am grateful for the opportunity to speak on this matter. One aspect of this debate on which I want to focus is how prospective parents are viewed and commented upon both in the national commentary on this issue and sometimes, regrettably, by the Irish State itself. From my experience, adoptive parents are often described as being “desperate”. They are portrayed as being so focused on completing an adoption that they have no regard for, or interest in, the ethical issues concerned. This is anything but true. In dealing with inter-country adoption, it has to be noted that nobody is more concerned about ethical issues than the parents involved. I have dealt with a number of parents on this matter and I can certainly vouch for the ethical standard of the people with whom I have dealt. We must remember that these people want to provide a home for a child — a loving, caring and safe home.

The people with whom I have dealt do not want a short cut. They want to assert, in the interests of the child, that the bilateral agreement with Vietnam, which was allowed to lapse during 2009, was a good agreement. During its operation, it was repeatedly represented by the Adoption Board at the time as a model which should be widely followed. It had several layers of safety built into it to protect the rights of both children and birth parents. That the agreement was allowed to lapse left nearly 20 children in an unfortunate limbo whereby their adoptions had been approved but not completed, which was in nobody’s interest.

After the agreement had lapsed, the Minister of the day attempted to justify his inaction by referring to the UNICEF report on inter-country adoption and its “profound concerns” about the system that had been in place. This report was primarily concerned with American adoptions, which operated on a very different basis to those taking place under the Irish agreement. The concerns expressed were entirely invalid with respect to Irish adoptions, and the report failed to support its comments in any meaningful way. Repeated reference to the report in this context caused great hurt to adoptive families. To place a question mark over adoptions which are both ethical and legal can only damage the interests of the children involved.

The Minister has every right to defend the Irish adoption system. She is entirely justified in praising our ratification of the Hague convention. However, she must remember that all international agreements need to be constantly reviewed and updated. This will be the same in the future, just as it has been the case in the past. In advocating new agreements, she must show respect too for fully legal and ethical adoptions that have taken place under previous agreements. If she fails to do so, however inadvertently, she may cause great hurt to Irish children and Irish families.

I make my contribution today to highlight the need for the Minister and her Department to be extremely careful in all communications relating to the previous bilateral agreement with Vietnam, and to be mindful of sensitivities of adoptive parents who went through that process. All communications relating to new agreements must be proofed for inappropriate reference to the previous agreement, which was sound and ethical. Any lapse in this matter has the

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potential to be hurtful and damaging to those families and, with the certainty that anything that is said or published will remain available on the worldwide web forever, the risk is obvious.

I trust the Minister will take on board my comments. Should she require further information or wish to meet with the parents who have contacted me, I would be happy to arrange that.

Deputy Michael McCarthy: I welcome the fact we are debating this important issue in the House, and I welcome the Minister's commitment to this area. I have been championing this issue, in particular, the need to establish a bilateral agreement between Ireland and Ethiopia due to the latter country's inability to ratify the Hague convention. On the back of these efforts, the Minister, Deputy Fitzgerald, wrote to the Adoption Authority of Ireland in December giving approval for the commencement of the process of examining the feasibility of a bilateral agreement with Ethiopia. The authority has now commenced this process and, with the assistance of the Irish embassy in Addis Ababa, it has sought an expert legal narrative and description of the current Ethiopian adoption law. It will be examined by the Adoption Authority of Ireland to test for compatibility and compliance with the Adoption Act 2010. This represents a very significant milestone in seeking to promote relations between the Irish and Ethiopian adoption authorities. It follows ongoing efforts by me and others in recent months to highlight the plight of Irish people who are unable to adopt from Ethiopia.

The Adoption Act 2010 was an extremely welcome item of legislation which reflected in our domestic law the highest standards in the provision of adoption services and an undertaking that they be child-centred in all aspects. There are now broader issues to be discussed as regards the processing of adoptions for Irish couples who were deemed suitable to adopt under the new Act. In December, following several parliamentary questions I tabled to the Minister in this area, it transpired that although 178 declarations of eligibility and suitability were issued by the Adoption Authority of Ireland to Irish people wishing to adopt from abroad since the Act came into force, none of the couples had managed to bring a child to Ireland. The explanation given by the Minister, Deputy Fitzgerald, is that waiting times between the sending of an application pack and the actual completion of an adoption in sending countries can vary greatly and may extend to as much as three years or more in some cases.

I take this opportunity to draw attention to the absence of what is known as the grandfather clause in the Adoption Act. Such a clause would permit couples to adopt more than one child from the same country and was supported by the Minister for Justice and Equality, Deputy Alan Shatter, as the Bill was being passed through the House in late 2005. By enabling parents who have already adopted a child from one country to return to that same country it reduces waiting lists for other countries, thus benefiting first-time adopters. It also allows adoptive parents to complete their family from the same country of origin as their other child or children. The omission of a grandfather clause in the legislation is not in the best interests of existing adopted children, with all the academic research and experiences of adult adoptees pointing to the importance of ensuring a child's racial heritage is fully valued and expressed in his or her family life. To have a sibling of the same racial heritage can only add to each child's personal and shared experience of his or her racial heritage.

In 2005 the then Minister of State with responsibility for children, the late Brian Lenihan, indicated that a grandfather clause would be included in the Adoption Bill. In its 2005 annual report, the Adoption Board also reported its inclusion. However, in the end, a decision was made not to include the provision on the basis that it would represent a considerable dilution of the intent of the legislation in terms of setting improved standards for inter-country adoption. Will the Minister, Deputy Frances Fitzgerald, examine the possibility of re-opening the issue of the grandfather clause? It would be much better for siblings to share a birth country rather

than being from individual countries which may be continents apart. There are additional aspects to a shared racial heritage, even down to having a sibling who shares one's physical characteristics. All of this goes towards helping a child to have a strong identity and to feel comfortable in his or her skin.

Deputy Arthur Spring: I thank my colleagues for affording me the opportunity to contribute to this debate. I am grateful to the Minister for meeting with me to discuss the possibility of a bilateral meeting with the Ethiopian Government. The Adoption Authority of Ireland is advancing discussions with authorities in Mexico and Vietnam, but there has been less progress in regard to those people who wish to adopt children from Ethiopia, including the parents of the 250 to 300 children already adopted from that country and who wish to adopt another child. Best practice, as prescribed on previous occasions, was that a second child should preferably be adopted from the country of origin of the first child. There are 7 million orphans in Ethiopia, all of them looking for a loving, warm home. I have met with parents and adopted children and have seen the joy and fulfilment that adoption, inter-country or domestic, brings to families. It is incumbent on us to do what we can not only to look after Irish citizen children who have been placed for adoption but also the millions of orphans outside of the State.

It is important to note that some 80% of inter-country adoptions involve countries which are outside the Hague convention. The Department of Children and Youth Affairs, together with the Department of Foreign Affairs and Trade, must work to dial up bilateral agreements with such countries and to assist the Adoption Authority of Ireland's capacity to oversee adoptions which fall outside the convention. Advanced and developed countries throughout the world are home to people seeking to adopt, while underdeveloped countries are full of orphans in need of homes. It makes sense to bring the two together, in a way that observes best practice.

I thank the Minister of State at the Department of Foreign Affairs and Trade, Deputy Joe Costello, who, days after discussing the issue with the Minister, Deputy Fitzgerald, and me, travelled to Ethiopia to advance negotiations with the authorities there. As long as we keep the spotlight on the matter, we can bring it to a satisfactory conclusion.

Deputy Joe McHugh: I welcome the opportunity to contribute to this debate. The issue of inter-country adoption was very much a focus of the previous Dáil, with Vietnam being the main concern. The narrative and debate at the time were not very positive, against the background of the many homes throughout the State in which Vietnamese children were happily living. It is important to be sensitive when analysing the reasons that Vietnam was closed to foreign adoptions at the time. Several darker reasons were put forward in terms of preventing Vietnamese adoptions. During the period that adoptions were suspended, 19 Irish couples found their applications to adopt were in limbo. It was a delicate time for them, including those seeking to adopt their second or third child having already adopted from the country.

I thank the Minister and her team for her proactivity in regard to getting Vietnam back on the agenda. There have been heartwarming stories in recent weeks. While the narrative in the previous Dáil focused on the negatives, there was insufficient recognition of the great working relationship that existed. I also thank the Chairman of the Oireachtas Joint Committee on Foreign Affairs and Trade, Deputy Pat Breen, who worked in tandem with the Minister in travelling to Vietnam to get the process up and running again.

In regard to adoptions from Bulgaria, there is confusion among prospective parents in regard to binding contracts placed with the ANIDO Association. A meeting took place on 2 December which was attended by representatives of the Arc Adoption agency, but confusion remains as to which organisation is the best vehicle for pursuing adoption applications to that country. Arc representatives indicated at the meeting that applicants were obliged to avail of its services

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in order for Bulgarian adoption applications to be processed. At a subsequent meeting, a Bulgarian attorney representing the ANIDO Association said there was no such legal obligation but that it would be advisable to avail of Arc's mediation services. With ANIDO's fees at €5,200 and Arc charging some €11,500 per client for services rendered, prospective adoptive parents are looking at an application cost of up to €17,000. This is the side of the adoption process that can lend itself to very negative perceptions in terms of the cost of the process and the timeframe it involves. I know that the Minister and her officials are on top of this matter which is causing much confusion for parents. I ask for her ongoing vigilance in ensuring that people wishing to adopt from this particular country are not exploited.

I want now to refer to the situation in respect of Florida, which has been on the agenda pre-Christmas and in respect of which I know the Minister has been proactive. Many parents were reluctant to continue the process as they believed their declarations with the American authorities and HSE were not right. Following a successful meeting in Washington in November, expectations were heightened that this matter would be resolved in the short term. While I am aware that the Minister is working on this I ask that her officials investigate any blockages in respect of which both authorities can work together.

Many parents involved in this process are in the dark. An example is a couple who applied in May 2009, took part in a preparation course in September 2009, received their declaration in 2010 and applied to the US in June 2010. This couple have been through a difficult three years owing to the difficulties between the United States and HSE. One accepts there will be ramifications for couples having to deal with the bureaucracy of two different jurisdictions in terms of the need to ensure everything is above board and so on. It is important vetting mechanisms are in place. However, many couples — I am sure we all do this — measure their lives against those of their colleagues and peers who got married at the same time as them and have families, often within nine months of their wedding day. This particular couple know other couples who married at the same time as them over four years ago, many of whom have had two and three children naturally. This is frustrating for them and is putting a great deal of pressure on them and their extended families. We are all aware of the goodwill within families to see their sons, daughters, brothers, sisters or grandchildren realise their dreams. We must be sensitive to the difficulties being experienced by people who must endure this two or three year process to have a child. We must in our efforts to sort out this issue put this at the top of our agenda. I again ask for the Minister's intervention in this regard. I know that her officials have been working hard on this.

I take this opportunity to commend the Minister's officials within the HSE. While the Government and Opposition are great at knocking civil servants, a few people in the HSE — I will not name them — two in particular, have been working hard with the United States authorities on this issue. I know that Secretary of State, Hillary Clinton, was involved in this process and has lent her support to those involved. We must do all we can to steer Florida in the right direction. Perhaps the Minister will ask that the Taoiseach put the issue on his agenda for his upcoming visit to Washington for St. Patrick's Day.

The narrative within public discourse is the economy, be it on local or national radio or local or national media. I welcome the positives in this regard as announced by the Taoiseach today. However, there is much more happening in the world. We must do what we can to assist those couples for whom having a child does not come naturally.

Deputy John Paul Phelan: This is the first occasion I have spoken while the Minister, Deputy Fitzgerald, is in the Chamber. I take this opportunity to congratulate Deputy Fitzgerald, who was my boss in a previous existence, on her appointment and to commend her on her efforts

in the new Department. The Minister has taken a hands-on approach in trying to bring about a positive solution for many families and children.

I agree with Deputy McHugh's remarks in regard to civil servants and, in particular, the people who work in the Minister's office who are good at handling what is a difficult issue. Adoption is a sensitive issue. Many prospective adoptive parents put their lives on hold when involved in the process, the centre of which are the children. There are millions of children all over the world looking for a safe home in which to grow up. This is an area that is fraught with sensitivity on all sides. However, the Minister has made tremendous strides in this respect, in particular in terms of her efforts in Vietnam which brought about a positive resolution.

The Minister in her opening comments at the end of January mentioned that approximately 1,500 children had been adopted into this country from Russia. I am familiar with a number of families who have adopted a child from Russia and are considering adopting again from Russia. I understand that Mr. Shannon engaged in negotiations on this issue in Russia prior to Christmas and that some constitutional issues were raised during those discussions. It is hoped those difficulties can be resolved. I was struck by Deputy Michael McCarthy's reference to the grandfather clause. In excess of 1,000 families in Ireland have adopted a child from Russia. A particular number of those families are keen to adopt another child from Russia. Obviously, the grandfather clause would kick-in in such a scenario. It is hoped that something positive can happen in 2012 for the families in that position. As I stated I am familiar with a number of such families whose lives are on hold waiting for positive news in this regard. I am conscious that from an Irish perspective every effort is being made to bring the Russian authorities on board in reaching a positive result.

I was not aware before entering the Chamber this evening that 80% of countries in the world are not party to the Hague convention. A number of those countries have been mentioned by previous speakers. A number of developing countries have a large number of children who are orphaned and potentially available for adoption and in need of a loving home in which to grow up. I urge the Minister and her departmental officials to engage constructively and proactively — as they have done to date — in agreeing bilateral arrangements with those countries outside the Hague convention. While it may not be possible within this Chamber, the Adoption Authority of Ireland should be asked in another forum to outline approximate timeframes for resolutions to discussions that are taking place with countries such as Russia and Ethiopia, which I note was mentioned earlier. Mexico is also a country about which there was some media comment a few months ago regarding difficulties in which a number of Irish families found themselves and I include the state of Florida in the United States. The authority might be in a position at least to provide an indication to families that are hoping to adopt from the aforementioned areas regarding potential timeframes. Moreover, it should tell people the truth, as the last thing one wishes to do is to build up hope when there will not be a positive resolution. However, the authority should provide people with an idea on what might be a potential timeframe for resolution in this regard. This is the gist of what I wished to ask the Minister, other than to again commend her and her officials on their approachability on this issue, as well as to express the hope they will continue to have success in this regard into the future.

Deputy Tom Barry: Each year, hundreds of children from other jurisdictions are welcomed into Irish families and this tradition of inter-country adoption is in evidence throughout Ireland. It is a wonderful thing to do to offer a new life to a child who cannot be placed with a family in the country of his or her birth. However, I agree with the Minister that the rights of the children must always be at the top of the agenda, and by some distance, with regard to this issue. Ireland ratified the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption in 2010, on the same day the Adoption Authority of

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Ireland was established. We must be bound by this convention and must adhere strictly to its guidelines. In cases in which the country from which one wishes to adopt is a co-signatory, the processes are clear but as Members have discovered in recent months, there are some countries in which the processes are far more difficult and complex. This is the reason the existence and diligence of the Adoption Authority of Ireland is so valuable. The legislation of 2010 allowed for a transitional provision in cases in which a declaration of eligibility and suitability to adopt had issued prior to November 1 of that year but these adoptions from non-Hague and non-bilateral countries must always be guided by the expertise of the Adoption Authority of Ireland. Each process and procedure must be in the best interest of the child and to this aim, the highest national and international standards of governance regarding adoption procedures must be adhered to. One must adhere strongly to the Hague convention's guiding principle of subsidiarity, in which every effort must first be made to find a child a permanent placement in his or her own country. One must also adhere absolutely to the principle of supporting birth families in their decision and on ensuring absolute and informed consent. Moreover, one must avoid completely any situation in which money changes hands, beyond legitimate expenses, in the process of adoption.

Recent years have seen a decline in inter-country adoptions into Ireland. In 2003, the then Adoption Board registered 341 foreign adoptions, which rose to a high of 397 registrations in 2008. Since then, the number of registrations has declined somewhat and in each of the years 2010 and 2011, the number of registrations of inter-country adoptions totalled approximately 200. Since the enactment of the new adoption legislation in 2010, the Adoption Authority of Ireland has registered a total of 368 foreign adoptions. Of these adoptions, 244 registrations related to inter-country adopters resident in Ireland with declarations issued by the authority, while the remaining 124 registrations related to expatriates who were resident abroad and who were seeking recognition of adoptions effected abroad.

While inter-country adoption rates have fallen slightly in recent years, like many Members, I know families on a personal level who have adopted a child or children from outside the State. Members have seen at first hand the amazing and positive impact this has had on both the lives of the children and the families who adopt them. It is a long, painstaking and often agonising process for the families in question but a positive result of course is the ultimate reward. I urge anyone considering inter-country adoption to avail to the fullest possible extent of expertise and advice available from the Adoption Authority of Ireland, which is an independent statutory body and which delivers a comprehensive and integrated service of a high quality. Particular concerns exist in respect of Vietnam and I commend and congratulate the Minister on her trip to that country to oversee the work being done on the ratification of the Hague convention. This comprises progressive and hands-on governance at its best and I anticipate an easing of this process as a result of such political links being forged. Russia is another country in which there is a history of Irish inter-country adoptions and I welcome the news that an official delegation from Ireland recently visited there to hold preliminary discussions regarding the potential for a bilateral agreement. I hope this will be put in place soon.

This is a sensitive and complex issue and can be a highly difficult process for the families and the prospective parents involved. The moves that are being made at international level hopefully will remove the uncertainty and stress of this process for such families. However, at all times, all steps necessary to keep the welfare of the children at the top of the agenda must be adhered to. The HSE's suitability requirements for parents set out clearly what adoptive parents must be thinking and must be willing to do. The requirements include the capacity to safeguard the child throughout its childhood and to promote the child's development with a due regard to the child's emotional, social, educational, cultural and spiritual dimensions. They

also include the capacity to provide an environment in which the child's original nationality, race and culture are embraced. The guidelines also recognise and understand the impact being an adoptive child has, which is highly important, as well as the capacity to arrange additional supports this child may require. This is important and not simply for inter-country adoptions because for many years, adopted children have had issues, some of which may have arisen from the fact that parents were not properly helped along the way. Moreover, for some reason I never understood, society had an issue with adoptions and a child always was referred to as being an adopted child when in fact the child was an integrated member of that particular family. A dramatic number of people are seeking information to try to trace their birth relatives at present and while all Members have recognised the unbridled joy of those people who get a child to mind and to rear, one must be cognisant of the situation that led to that child being put up for adoption in the first place. Consequently, it is good to see the HSE guidelines in this regard because they help the adoptive parents to recognise the pressures under which the birth parents were operating in the first phase and this leads to better integration in the longer term.

I heard recently that the Vietnamese ambassador visited Charleville, which is near my home, where he met a number of people who had adopted children previously and who were highly appreciative of his visit. Moreover, they are highly appreciative of the Minister's engagement on a positive level. As an open economy, Ireland should embrace all its connections and links with other countries and adoption offers a special link that cannot be ignored. It is important that while such a special link exists, one should try to make the most of it in a positive fashion and I thank the Minister and her departmental team for their positive engagement on this matter.

Deputy Andrew Doyle: I welcome this opportunity to speak on inter-country adoptions and at the outset, I acknowledge the proactive role the Minister, Deputy Fitzgerald, has taken since she assumed responsibility for this issue. The creation of the Ministry for Children and Youth Affairs shows the Government's commitment in respect of all matters relating to children. The Minister's indication in recent days that her intention is for a stand-alone referendum on children's rights to take place is an endorsement of the Government's position.

I am quite familiar with many of the people involved in the various groups which represent those seeking to adopt and I am, therefore, aware that there is a genuine recognition of the Minister's proactive efforts, and those of her Department, in respect of how we might best move forward and make real progress post-ratification of the Hague convention. It has taken some time to reach this point. Ironically, the ratification of the convention resulted in a reduction in the number of inter-country adoptions from 397 in 2008 to just over 200 in 2011. That was to be expected. People have been patient. They understood that there was a need to recalibrate the entire process.

I have received feedback from those who have been waiting patiently to adopt. Adoption is primarily for the benefit of the child involved and ensures that he or she will have access to opportunities of which he or she would not have been able to avail had he or she not been adopted. I have seen real and tangible evidence of this. Within a few months of their being adopted, one can see genuine improvements in children over two years of age. I refer, in particular, to their physical and mental well-being in this regard. That is due to the care provided by and the genuine and sincere intentions of the people who adopt them. As a result of the work of our missionaries and NGOs, Ireland has a reputation as, and is recognised and respected for being, a caring nation. We sometimes do not give ourselves enough credit in this regard.

[Deputy Andrew Doyle.]

There are a few matters which must be progressed in order that the process relating to inter-country adoptions might return to the levels which previously obtained. If it did return to those levels, this would lead to adoptions taking place on a more regular basis each year. The first of the issues to which I wish to refer in this regard revolves around clarity for prospective parents with regard to the different countries from which children can be adopted. Will the Minister indicate the states from which it will be possible to adopt? Will she also indicate the level of engagement the Adoption Authority of Ireland has had with various countries, regardless of whether these are compliant with or are signatories to the Hague convention? Information in this regard will allow prospective parents to make a choice and to concentrate their efforts on particular countries. They will be in a position to seek as much knowledge as possible in respect of the culture and history of the country from which they would like to adopt a child. They can also seek to discover what would be involved with regard to adopting a child or children from that country. The provision of information such as that to which I refer would be of immense assistance in the context of speeding up the assessment process as it relates to prospective parents.

Vietnam's ratification of the convention is welcome. It will, however, be necessary to ascertain the number of applications which remain outstanding as soon as possible. This will allow us to better judge the timescales involved. There are quite a few people whose cases became known as "pipeline cases" when the process was originally delayed. Many of them had already adopted one child and were in the process of adopting another. They are now in a state of limbo. This is a matter which must be addressed. The Adoption Authority of Ireland has approved Arc Adoption as an accredited agency for the purposes of adoption mediation in respect of Vietnam. Applications for accreditation from other bodies in this regard remain under consideration by the authority. The latter is expected to make its decisions on those applications known in the near future. It might be of assistance if the Minister could provide an indication of the number of agencies she envisages might be accredited.

Ireland has a bilateral agreement with Russia in respect of adoptions. The majority of children adopted from abroad have come from either Russia or Vietnam. I understand a meeting involving Russian officials and the Adoption Authority of Ireland took place in December. Will the Minister outline what was the outcome of that meeting and will she indicate when it is likely that progress will be made in respect of this matter?

The Adoption Authority of Ireland has stated that it requires a budget of approximately €100,000. It is obvious that the authority requires resources. Will the Minister outline the level of funding that will be made available to it and indicate the number of staff she is going to be in a position to appoint?

Pathways to Adoption has raised a number of matters. In the past many issues arose in the context of post-placement reporting, particularly in the context of Russia. There was a difficulty in ensuring that the process in respect of such reporting was as complete as the Russian authorities would have desired. This led to a consequent delay in other adoptions being assessed and approved. This is probably an administrative as well as a resources issue. I have no doubt, however, that with the assistance of the Adoption Authority of Ireland, it can be addressed. It is important that unnecessary delays in the system should not have knock-on effects whereby adoptions would be slowed up.

As a Member of the previous Dáil, I took a keen interest in this matter. I intend no disrespect to the then Minister of State with responsibility for children and youth affairs when I say that it was difficult to inject a sense of urgency into what was a stalled process. That process was denying children the opportunity to have a better life.

A secondary but very important aspect of adoption is the fact that it allows parents and couples to achieve a level of fulfilment in their lives which is of benefit to them, society and their children. It is important to bear that in mind. It is always politically correct to state that children come first. The latter is certainly the case but we should not disregard the overall benefits which accrue.

I have seen a change in people who, as a result of adoption, have been in a position to give of themselves. Those to whom I refer have resources but they did not adopt until they were well into their 40s. When they were adopting ten years ago, they could have done so much sooner if the system had been somewhat more efficient. Unfortunately, the exception which proved the rule and which slowed down the process in respect of certain countries relates to the one or two high-profile cases where things went wrong. There was a Wicklow connection in respect of one of those unfortunate cases. What was done in that case was not deliberate but it attracted a high profile. Untold damage was done to the process relating to Vietnam at that time. Cases of this nature continue to arise and the Adoption Authority of Ireland must be provided with resources, particularly if it is, under the auspices of the Minister's Department, going to be the *de facto* statutory body with responsibility for overseeing adoptions. It should be given the resources it requires. As a country, we have a moral obligation in this regard.

Deputy Paul J. Connaughton: I welcome the opportunity to contribute to the debate on this important matter. Anyone who has been present in the Chamber for the past 30 to 45 minutes will be aware of the complexity of this issue. Many Deputies referred to different countries in the context of adoption and if one had been present for an hour of this debate, one would have obtained a clear understanding of the issues which arise.

Since taking office, the Minister for Children and Youth Affairs, Deputy Fitzgerald, has shown an extremely commendable level of dedication in respect of the issue of child protection, from areas such as safeguarding policy to the very important and emotive question of inter-country adoption. I have been approached by many prospective parents in east Galway in respect of this matter who are seeking clarification on a number of aspects relating to it. I am glad the legislation currently before the House is clear and concise and places the welfare of the child at the very centre of the debate. When prospective parents enter the field of inter-country adoption, they do so in the hope of giving a happy home to a child from another country. It is only fitting that the very highest quality control checks are put in place to ensure that birth families are given free and informed consent in respect of an adoption.

Recent years have seen a substantial drop in the numbers of registered foreign adoptions in Ireland, declining from 397 in 2008 to approximately 200 last year and the year before. Much of this is down to the fact that the provisions of the Hague Convention make it more difficult for couples to adopt. However, the provisions of the convention are key in ensuring the welfare of a child is paramount.

The provisions of the Hague Convention have placed a hugely increased workload on the staff of the Adoption Authority of Ireland since its inception in late 2010. This independent body is tasked with explaining the changed process to prospective parents, allaying their concerns and coming to terms with the different legal processes in the many countries with which it works.

The Hague Convention came into force in Vietnam on the first day of this month, a significant milestone in adoptions from that country. I note the Minister's comments that the Vietnamese authorities have put considerable effort into ensuring stronger regulation of adoption practices following the suspension of adoptions from that country a number of years ago. It is welcome that immediately on taking office the Minister decided to re-establish political and

[Deputy Paul J. Connaughton.]

diplomatic links with Vietnam and I know she recently had a positive experience while visiting the country. At the time Vietnamese adoptions were stopped 19 couples were about to adopt and a further 200 have since named Vietnam as a country from which they would like to adopt. Therefore, the Minister's efforts in this respect mean a great deal to many families throughout the country.

The issue of adoptions from Mexico needs wider debate at national level. Huge concerns were expressed following the arrest of several Irish people in Mexico in recent weeks who had unwittingly got caught up in what was a truly awful situation. I note the chairman of the Adoption Authority of Ireland, Mr. Geoffrey Shannon, has stressed that any adoption from Mexico must be effected between the respective central authorities and that there is no provision under the arrangements for processing private adoptions. All 11 cases which recently made the news headlines involved private adoptions. That the Adoption Authority of Ireland has stated it has no evidence that previous adoptions involving Irish people were unsafe is very welcome, but the coverage given to the recent arrests should reinforce for all involved in adoptions the need to ensure all intercountry adoptions are conducted to the highest standards and in accordance with the provisions of the Hague Convention.

Now that the provisions of the Hague Convention are in force, greater efforts are being made to increase the number of signatories to it, which will greatly facilitate and streamline the process, in the process reducing the resources necessary to effect adoptions. Complex constitutional issues arise in the case of Russia, but I urge the Minister to continue to do all in her power to ensure Irish couples can safely adopt children from there.

The decision to adopt a child is momentous and not taken lightly. Similarly, the decision to give up a child for adoption is not taken lightly. Every effort must be made to smooth the path of prospective Irish parents who wish to adopt from abroad, just as every effort must be made to uphold the provisions of the Hague Convention in respect of intercountry adoptions, ensuring at all times that the welfare of the child about to be adopted is paramount.

Acting Chairman (Deputy Olivia Mitchell): We will now move to the question and answer session.

Deputy Simon Harris: In my contribution I asked about those in a legal limbo as a result of the ratification of the Hague Convention. They did everything by the book but found the adoption process in which they were engaged was being finalised as the Hague Convention was being transposed. I refer specifically to approximately 20 families adopting from Florida. They did everything in accordance with what was required by the Irish authorities at the time but the adoptions were being finalised as the Hague Convention came in to force and as a result, they found themselves in a legal limbo.

Another example is a family adopting from Vietnam who did everything correctly at the time but found when the Hague Convention came into force the adoption agency they had been using in Vietnam was no longer accredited in Ireland. As far as the Florida cases are concerned, the 20 children have been adopted legally as the State is concerned. When we move forward we must not forget these families.

I understand a review is taking place of adoptions from Kazakhstan. Will the Minister provide an update on the matter?

Acting Chairman (Deputy Olivia Mitchell): Before the Minister replies, she will have five minutes to wrap up at the end if she wishes to respond to any other questions posed.

Deputy Frances Fitzgerald: As we have seen from the range of contributions to the debate, many questions arise about intercountry adoptions. As soon as I took up this brief I realised we were in a transition period with new adoption legislation and the signing of the Hague Convention. Many of the countries from which Irish people had adopted, for example, Russia and Ethiopia, had not signed the convention. Effectively, this meant couples who had adopted from Ethiopia and Russia and were hoping to adopt from there again were in a different position.

I want to take up a point made by a number of speakers about the language used in discussing what happened prior to and after ratifying the Hague Convention. It is extremely important that there be no implication that something was wrong with those adoptions. This point was very well made by a number of speakers, including Deputy Ryan. Those adoptions went through the processes in place at the time and were registered with the Adoption Authority of Ireland. There is, therefore, no need for anyone to be concerned about them or raise questions about the processes in place at the time. However, we are in a new situation with the Hague Convention and specific standards and criteria have to be met.

To answer the question on the 19 couples seeking to adopt from Vietnam and caught in this transition period, I met the Minister for Justice in Vietnam and he specifically asked me to inform Irish families that Vietnam is ready to implement the Hague Convention and that it is the desire of the Vietnamese Government to co-operate with Ireland in the intercountry adoption of children for whom a suitable family cannot be found in Vietnam. Consent must be very clear; there must be no exchange of money, as a number of Deputies pointed out; the best interests of the child must be considered; and domestic adoption must be considered first. Having stated this I hope we can progress the suggested administrative agreement discussed during my visit to Vietnam.

I confirm that the Adoption Authority of Ireland has invited the head of the central authority for adoption in Vietnam to visit this country in the coming weeks. When we were in Vietnam, he indicated that he wanted to come to Ireland and we expect the administrative agreement to be established during the visit, the date for which must be confirmed.

One adoption agency, Arc Adoption, has been accredited for adoptions from Vietnam and another may also be accredited. There is no reason to have only one agency accredited. I hope, given the accreditation of an agency, or agencies, and the proposed visit by the head of the adoption authority in Vietnam to Ireland, we will begin to move as quickly as possible to end the long wait for the many families involved.

I stress the position has changed with regard to the children available for adoption because there will be more domestic adoptions in Vietnam. Most likely the children will be older and I do not think as many children as before will be eligible for intercountry adoption from Vietnam. Certainly, adoptions will begin again between Vietnam and Ireland. There is no reason for them not to. It is a question of establishing the scheme of administrative arrangements needed between the two countries. This will involve examining the processes in Vietnam and Ireland and ensuring they are compatible. It is a technical job more than anything else and I am reasonably optimistic. We are in a transition period because we have signed the Hague Convention.

Many Deputies spoke about the number of children available for adoption. It is heartbreaking to see so many children eligible for adoption, having been abandoned or orphaned. However, if we do not have an agreement in place with that country and arrangements have not been put in place that respect the principles of the Hague Convention, it is not so easy. There are processes to be gone through to ensure adoptions are safe.

[Deputy Frances Fitzgerald.]

The Deputy asked about Florida. I can confirm to the House that the Adoption Authority of Ireland has met the US central authority in Washington. A delegation travelled there at my request on 17 November to meet representatives of the State Department. A memo of understanding relating to inter-country adoption between Florida and Ireland has been drafted from this side and transmitted to the US State Department in its role as the central authority. The various issues which were under consideration were dealt with in that memo of understanding. If these are dealt with satisfactorily, I believe the situation regarding Florida will be clarified. I am in touch with the State Department on this matter, but it is primarily an issue between the two central authorities.

A number of speakers mentioned diplomatic initiatives. More satisfactory arrangements can be made between different countries this way because, clearly, there is a diplomatic side involved. A number of people, including the Minister of State, Deputy Costello, have done work in this area. I recently had a meeting with the Tánaiste in regard to his visits to different parts of the world to ensure that, during those visits, there would be a discussion on inter-country adoption in countries where this is appropriate. That is a helpful initiative. The chair of the Adoption Authority of Ireland briefed the Tánaiste and me in recent weeks.

Deputy Charlie McConalogue: I acknowledge the importance of the Minister putting inter-country adoption on the Dáil agenda for statements and to allow Deputies across the House to contribute and discuss the issue. There are not many parishes throughout the country where there are not families with parents who have adopted, are in the process of adopting or who wish to adopt. As all speakers have acknowledged, the recent past has been a very stressful time for many of those families who were in the process of carrying out adoptions when agreements, with Vietnam in particular, were stopped.

I welcome that the Vietnamese authorities are to make a return visit to Ireland in the near future when the Minister hopes to sign agreements with them. She outlined the process required to achieve that. I realise it can be difficult to put a timeline on this process but can the Minister outline when she believes adoptions can start again with Vietnam? This is particularly relevant for those prospective parents who were well along in the process of adoption when the arrangements were stopped. When can they expect to have adoptions processed and finalised? For many, the limbo of not knowing is very difficult, and if it is possible to give a timeline, it would be helpful.

Deputy Frances Fitzgerald: I have sought to bring urgency to the situation. As Deputy McConalogue pointed out, that is important because there has been a long period of delay for the parents and families who were hoping to adopt from Vietnam. That is the reason I asked officials from my Department and the AAI to visit the country last year to do some preliminary work. When I thought it was appropriate I, too, visited for two and a half days of meetings with the relevant people. The good news from that visit is that Vietnam is prepared to engage with Ireland. It is up to Vietnam to decide whether it wishes to engage with a particular country and it will not necessarily engage with all Hague Convention countries. However, it made clear that it would engage with Ireland. We heard from Deputy Barry about the Vietnamese ambassador to Ireland visiting Charleville to meet families who had adopted children from Vietnam. I met the ambassador on two occasions and he was extremely helpful.

The visit was successful in terms of re-engagement with Vietnam. That country has brought in new adoption legislation and has a new approach and new standards in regard to adoption. It has signed the Hague Convention. We have a new Adoption Act. The memo that went to Government two years ago in regard to this issue stated that when these matters were in place

— a new Adoption Act here, the signing of the Hague Convention by Vietnam, and new arrangements in place in that country — the Government would examine the situation again. That is what I have done and I believe I have brought an urgency to it to hurry things up and expedite the opening up of the adoption situation between Ireland and Vietnam.

The next step was to invite the head of the Vietnamese central authority to this country. I do not yet have a date for his visit but I hope it will be in April or May. As soon as that takes place, I believe we will be in a position to finalise some of the outstanding and necessary technical discussions. That is my expectation. I hope this will happen but I am reluctant to give a definite date. The two groups, of 19 and 200 couples, respectively, awaiting adoption from Vietnam have been given many dates and I realise how very difficult this is for them.

Timeframes around adoption have been far too long. I am very dissatisfied with the length of time couples have had to wait for a first assessment. That has changed now but it is unacceptable to have to wait so long. I want to see a more efficient but also a thorough process. It must be both; there is no reason it cannot be both. That is why I stated we need to clarify the situation for couples in respect of the various states we discussed today in the Chamber, namely, Russia, Ethiopia, Florida and Vietnam. That is the reason I asked the Adoption Authority of Ireland to visit all those states to assess the situation. If necessary, I too will visit, but in the first instance it is for the AAI to assess and try to get clarity one way or another. Ireland can either have adoptions with Russia or it cannot. It is the same with Ethiopia.

That is the intention. I hope before the summer period we will have greater clarity on Vietnam and that an agreement can be concluded.

Deputy Paul J. Connaughton: Some Deputies mentioned specific countries. My question concerns Russia. The Minister might outline some of the specific issues involved with that country at present. She might also spell out how she sees us working through them. I realise she wishes to stay away from giving actual dates but when does she believe these issues might be resolved?

Deputy Frances Fitzgerald: I understand people looking for timeframes. It is what I would like to see. To arrive at a clear timeframe, we must look first at the situation between the two countries. If a country is not Hague-compliant, a bilateral agreement must be negotiated, as is the case with Russia, for example. I would not rule this out because it is a possibility. Given the large numbers of children who have been adopted from Russia, I understand perfectly that couples would wish to adopt from the same country. Even though it has not signed the Hague Convention, I believe we should examine the feasibility of entering into a bilateral agreement with Russia, and also with Ethiopia for the same reason. Many families have adopted from that country too.

I will outline the situation for Deputy Connaughton. I asked the AAI to meet the Russian authorities, which it did in December. There was a preliminary discussion about the potential for a bilateral inter-country adoption process. That was a follow-up to discussions in March which took place at the initiative of the Russian authority, something I take to be a good sign. I await a full report and some follow-up work from the AAI.

One of the issues is whether we can come to an agreement with the Russian authorities on post-placement reports. In the past, the Russian authorities have insisted on a type of post-placement report which is not constitutionally feasible for us. What appeared to be on the table from Russia would run into constitutional difficulties. It dealt with the follow-up process with families who had adopted. For us to allow, for example, visits to families to see how an adoption is going is constitutionally difficult. We see adoption as a final event, although many couples may be very happy to have a type of open adoption.

There are constitutional difficulties and that is the nub of the discussion. We have to work with the Russian authorities in this regard. I had a discussion with the Russian commissioner for children during which I explained the constitutional difficulties and he said that was useful information. I also asked the chairman of the AAI to further discussions to establish whether there is leeway and whether we can come to a satisfactory agreement. If these difficulties are considered to be a serious impediment, we are in a new scenario but efforts are being made to resolve this and I would like to bring it to a conclusion in order that families will know one way or another.

Deputy Andrew Doyle: I referred to countries with adoptions open in my contribution, how many children might be available and the general information related to this for prospective couples. Is the AAI authorised to make that information public?

With regard to the assessment process, the 2010 Act deems that the HSE must carry out the assessments. All applications must go through the HSE and it can then accredit agencies. I am not sure if the Minister can answer this question. Three agencies have been accredited to date. PACT has carried out assessments on behalf of the Church of Ireland for some time. Have either of the other two agencies been given applications to process? The HSE has taken up to five years to process applications whereas Hague Convention countries take nine months. Can the Minister envisage the enhancement of the role of these agencies to bring the timeframe into line with other countries?

Deputy Frances Fitzgerald: I will correspond with the Deputy regarding the detailed questions he has asked but, as far as I am aware, the three agencies have not begun carrying out assessments. The reason for that is a number of policy issues must be decided. For example, the agencies have to be financed and the issue is where the financing will come from. Will it, for example, be provided by the HSE or will there be a system of fees for couples? If such a system was introduced, equality issues would have to be examined. However, those policy decisions are on the table. I will come back to the Deputy about developments in this regard.

The numbers of inter-country adoption applications are reducing significantly due to a number of factors, including the uncertainty regarding various countries, improved fertility treatments and reduced family incomes. A range of factors have had an impact on waiting times, which have reduced considerably around the country. For example, there is no waiting time for a second assessment with the HSE and, in the Dublin service area, covering Dublin, Kildare and Wicklow, there is no waiting time for a first or second assessment. If the Deputy has information to the contrary, I would be interested to hear from him but circumstances have changed.

When clarity is provided by the various countries, we can expect the number of applications will increase and the accredited agencies will have a role to play. It is up to the HSE to discuss whether in terms of priorities it might make a decision in discussions with me that these agencies should conduct adoption assessments as opposed to the executive. However, finance is an issue.

Acting Chairman (Deputy Olivia Mitchell): The time for questions has concluded. I ask the Minister to make a statement in reply to the debate.

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I thank the Members who contributed to this important debate. Clearly, there is huge interest in this area and, as Deputies McConalogue, Doyle, Harris and others said, people in every county have been affected and they are interested in inter-country adoptions. Ireland has wished to engage in such adoptions. Many children have been successfully integrated into families here from a

range of other countries, including Russia, Ethiopia, the US and Vietnam. It is heartwarming to meet representatives of the organisations that have developed to support those families such as the Vietnamese, Ethiopian and Russian support groups. I have met all of them and discussed the issues that arise in the context of inter-country adoption.

I am sensitive to the issues raised by Deputies from every party. We do not disagree on them and every Member wants to lend his or her support. A wide range of issues arise currently because we are in a transition period. I want to achieve certainty and I have asked the AAI to bring as much certainty as possible as quickly as possible to the relationship between Ireland and the various countries mentioned. Deputies have asked for this and I will ensure the members of the AAI board are given a copy of the transcript of the debate in order that they become aware of the interest of Members and of the questions they have raised.

My Department and my officials are working hard on this complex area, which covers not only Irish adoption law but also the adoption laws of the countries to which I have referred. It must be ensured that the Hague Convention standards apply. Ireland has signed up to the convention and if we have bilateral agreements with other countries, we must be clear about the best interests of the child and that consent is freely given and ensure there is subsidiarity. In other words, the countries with which we are dealing must be committed to domestic adoption in the first instance before children are put forward for inter-country adoption. That is what we consider to be best practice and those are the standards that we will uphold.

We will ensure that the best interests of the child are paramount at all stages of the adoption process. A number of Members pointed out that if we had taken this debate a number of years ago, there would have been a different tone to it. We would not have referred as much to the best interests of the child and it is encouraging that many Members believe this needs to be at the centre of the adoption debate. Likewise, the children's rights referendum will be about hearing the voice of the child, putting the best interests of the child first and understanding that the child has inherent rights. We will have that debate during the referendum campaign but this is also relevant to the issues we have debated regarding adoption.

As Deputy Doyle said, parents experience great satisfaction and happiness from inter-country adoptions. The main aim is to provide children with an alternative family and, therefore, the child's interests must be paramount. It is through that prism that we have to view the ongoing discussions. I understand people's impatience in regard to finalising agreements with the various countries mentioned in the debate. The AAI has limited resources. I will ensure the organisation is provided with additional staff but there are many priorities relating to children. The first priority in my Department is the protection of children.

It is my intention and that of my Department to bring as much clarity to inter-country adoptions as possible in order that parents know precisely what is the relationship between Ireland and other countries. There is significant interest in this area and it would be worthwhile to organise a briefing for Members in the future. I undertake to do that given the level of interest. I thank Deputies from all sides of the House for their interest in this issue and for their contributions. Many questions were raised and I will communicate with some of the Deputies individually.

Private Members' Business

Health Services: Motion

Deputy Billy Kelleher: I move:

That Dáil Éireann:

[Deputy Billy Kelleher.]

- recognising that since 1997 life expectancy has risen by 5.3 years for men to 78.7 years, and 4.5 years for women to 83.2 years;
- confirming that between 1997 and 2011 major advances in tackling cancer were achieved with survival rates being improved dramatically and that death rates from cardiovascular disease had fallen massively;
- acknowledging that there were more than 170,000 patients treated by the National Treatment Purchase Fund (NTPF) up to 2010 and waiting times had been reduced;
- further acknowledging that the World Health Organisation ranked Ireland 19th in the world for its health system in 2010, ahead of countries like Germany, Belgium, Switzerland and Sweden;
- calls on the Government to immediately put proper governance structures in place in the Health Service Executive (HSE);
- condemns the €750 million in cuts to the health service contained in the HSE's National Service Plan 2012 for its detrimental effect on patient safety and front-line services as already detailed in the HSE South and HSE Dublin North East Regional Plans, and expected in the other regional plans;
- denounces closures to acute hospital beds and operating theatres as outlined in the Regional Service Plans;

condemns the Government for:

- failing to halt increasing medical card waiting times, particularly where the entitlement to the card is not in question, which directly hits the sick, the old and the most vulnerable people; and
- introducing the insurance levy and extra costs to the health insurance industry which has directly resulted in people paying up to and over 50% more for their plans, causing them to leave the private system, and resulting in extra pressures on the public system;
- denies that front-line services are being protected or patient safety guaranteed, particularly when the CEO of the HSE has admitted that the critical impediment to the safe delivery of services in 2012 is the availability of adequate numbers of appropriate staff;
- confirms that the implementation of the early retirement scheme, which will result in 4,200 staff leaving at the end of this month, has been mishandled and is causing anxiety to patients and their families;
- calls on the Government to publish their contingency plans, inclusive of any proposed bed closures, to manage the outflow of front-line staff, especially acute, midwifery, 211 and community services staff such as home help staff;
- calls on the Government to lift the recruitment embargo for critical front-line posts particularly in the clinical area;
- condemns the announced closure of Community Nursing Hospitals in Abbeyleix and Shaen in Laois, and Crooksling in Dublin, especially given the distress caused to

patients and their families, and calls on the Government to halt plans to close other community nursing hospitals which will remove 898 beds from the public system;

- calls on the Government to ensure adequate funding is provided this year to fund the fair deal scheme;
- condemns the Government for its decision to close the 24-hour Accident and Emergency Department in Roscommon Hospital and for breaking its election promises to keep it open;
- calls for the NTPF to be reinstated fully and separately from the special delivery unit so that waiting times and numbers of patients being treated can be accurately and transparently measured;
- opposes the introduction of reconstituted not-for-profit hospital trusts given their potential to reduce funding to smaller hospitals; and
- rejects the Minister for Health, Deputy James Reilly's plans for universal health insurance given it will massively increase costs to the Exchequer and to families, and that there is no evidence that it would improve outcomes.

I wish to share time with my colleagues.

I welcome the opportunity to speak on this motion. It gives us an opportunity not only to discuss broader health issues but to analyse the policies of the Government and the commitments made in the run up to last year's general election and to assess what has flowed from them in terms of output and policy. Any perusal of the facts suggests that there have been many failings in the delivery of services. When one considers what was said this time last year and where we are now a year on, it is clear that some of the policies held up as being the answer to the major difficulties facing us in the delivery of health care, are failing and failing very rapidly.

The Minister held up the special delivery unit as a central plank of his policy for dealing with waiting lists. Any analysis of that unit suggests it is failing rapidly when one considers the number of people waiting for day procedures and inpatient procedures. The number has climbed to more than 60,000 for people who have been on waiting lists for more than six months. Clearly, there is a difficulty.

When one analyses the Minister's quotes and commentary when in Opposition on the protection of front-line services and the capacity of hospitals and emergency medicine to deal with inpatient and outpatient procedures, it is clear that if there is a reduction in capacity, there is a corresponding increase in the number of people on waiting lists and in the time that it takes to deal with procedures for people. The special delivery unit is not functioning as outlined.

Another issue has been the raiding of the National Treatment Purchase Fund. That fund was an effective way of dealing with waiting lists. Some 170,000 procedures were carried out under it. That fund was getting to grips with reducing the waiting lists that had existed for some time. Any analysis of that fund in recent years would show that we were getting on top of that issue. We now find that the special delivery unit, since its inception last July, is beginning to run out of steam. Even the recent figures, as shown by the HSE, indicate that as time passes, the number of people on waiting lists for six months and more will increase dramatically if the current trends continue. The special delivery unit was established to deal with the number of people waiting to be treated on trolleys in accident and emergency departments. Some 420 people are waiting to be treated on trolleys on 21 February 2012. That is an indication that the special delivery unit is not functioning as outlined.

[Deputy Billy Kelleher.]

A broader issue is the responsibility with which the special delivery unit has been charged. This issue has been raised on a few occasions. We have to get to the bottom of it in terms of the base figure of people who were on waiting lists for more than 12 months and the disparity between the HSE and the Department of Health and the special delivery unit in the numbers and the base guideline that was outlined by the Minister in the House recently . There is quite definitely a discrepancy in the original number of people on waiting lists. The Minister said yesterday that the reason there was an increase in the number of people on waiting lists was that he had been dealing with people who have been on waiting lists for 12 months or more and that they were the priority. That does not explain why there is now more than 60,000 people who have been on waiting lists for six months or more when we spoke about a few hundred people on waiting lists for 12 months or more. We need to get clarity on this. There is a smokescreen exercise here with regard to the figures and number of people who were originally waiting 12 months or more and what the special delivery unit has achieved to date.

Ms Sara Burke exposed the fact that Dr. Martin Connor, the Minister's key adviser, spends a considerable amount of time out of this country. He is the Minister's four star general and he is on a salary of €160,000. I am not questioning his ability or capability when dealing with issues but the Minister would be apoplectic with rage if the previous Minister announced that her top adviser was not in the country on a full-time basis dealing with the serious issue of waiting lists. That issue is a central tenet of the Minister's policy. We need to get clarity on the amount of time Dr. Connor spends in the country and, more importantly, what the special delivery unit is now charged with in terms of waiting lists because to date it seems to be failing quite rapidly.

Another issue is the waiting times to process medical card applications. The medical card application system was centralised. The need for coherency to be brought to bear on the way in which medical card applications are analysed was raised on a few occasions last June or July. Unfortunately, appalling cases have been raised by Deputies, day in and day out, and even by members of the medical profession. Some doctors in the north east are withdrawing their service and support because they are so concerned about the chaos in the application system for medical cards. This issue was raised at the Committee of Public Accounts last week and clarity was provided in the context of the number of people waiting for processing of medical card applications and renewal applications. It is unacceptable. There is a policy deep down in the Department of Health, of which the Minister is the head, to slow down the processing of medical card applications as a money-saving exercise. People who are terminally ill are waiting for their medical card to be renewed for months on end. That is unacceptable.

The Minister will be aware of a case I brought to the attention of the House last week. It is unacceptable that a person who is terminally ill was asked for further medical evidence.

Deputy James Reilly: The Deputy said that the person was refused a renewal. That is an entirely different matter.

Deputy Billy Kelleher: The report I got from the Department states that the process was not correct in requesting further information. That is one of many such cases. We have heard of case after case from Deputies who consistently raise the issue of medical cards not being processed in time. People who are ill and who received medical cards because of their illness have to wait for a long time before renewal and in the meantime have to pay for their own medicines. This is a cost-saving measure by stealth and it is unacceptable. The delay in processing medical card renewal forms is an attack on the most vulnerable.

The Minister promised he would address the fair deal scheme. There are inordinate delays in processing applications under the scheme. This issue was raised last July and the Minister said he would get to grips with it but unfortunately people have to wait an inordinate length of time for their applications to be processed. This is unacceptable in the current climate in the context of the service plans announced by the HSE and regional plans flowing from that, given that the Minister will announce the closure of up 900 community and residential long-stay beds. If that goes ahead, the Minister will face a major difficulty in acute hospital settings because he will not be able to move people on. He said in Opposition that it was fundamentally important to have long-stay and step-down facilities in order that people could be moved from acute hospitals into long-stay and residential care. Now in the same breath he is saying that we can work without up to 900 beds in residential and community care. It is unacceptable. The way this policy was handled to date has caused difficulties, as the Minister will be aware from the difficulties in Laois and concerns in Dublin and in Louth. What is proposed is perceived as almost an attack on communities. There is also the matter of the way it was announced and handled. People had to go to court to protect what they considered to be their home. The Minister deep down would oppose what is being proposed vehemently if he was on this side of the House. All I am doing is raising these issues. Dismissing legitimate concerns of Members of this House is unacceptable when people are genuinely trying to be proactive in highlighting the inadequacies of the health service.

Front-line services are a key component. The Minister was strong and vocal on this issue in the past. He was quoted as having said it is not always about balancing the budget; front-line services are the most important vehicle for the delivery of medical care in this country. There is a fundamental attack on front-line services. The Minister knows full well that on 29 February there will be a major void in the capability of the health services to deliver emergency and maternity care. All of his statements that he has a plan simply do not add up. If he had a plan, I am quite sure it would have been announced and published at this stage, along with a photo opportunity, but we have not seen one to date. I ask him to ease the fears not only of those who may be dependent on the health services but, more importantly, of those who are working on the front line and are expressing grave concern. The Minister has dismissed the comments of some senior obstetricians and professors of gynaecology and obstetrics, but if he talks to maternity nurses, he will find they are very concerned about 1 March.

Deputy James Reilly: I have done. Has Deputy Kelleher?

Deputy Billy Kelleher: Yes, I have. They are highlighting this continually. They are afraid of what will happen on 1 March because they have not seen a detailed plan themselves. These are the people the Minister expects to deliver front-line services on that day. If the Minister has a plan, will he publish it? He should consult the key providers of front-line services in emergency medicine, especially in maternity services. From all the conversations I have had, and e-mails from those on the front line, I know they are gravely concerned. The Minister says in the House that he has a plan, and the Taoiseach says: "Trust us." The bottom line is that it is difficult to trust the Government in light of what it has said previously and what it is delivering now.

Reference has been made to the insurance levy. This time last year, the Minister clearly stated that any increase in the insurance levy would have a devastating impact on insurance premiums and that it would be the final kick in the teeth for families. What he has done since constitutes a major attack on people who are trying as best they can to provide their own health care cover. The fact that he has increased the insurance levy by 40% and changed the way private health cover is charged in public hospitals has had a devastating impact on the cost of private health insurance. Families are being put to the pin of their collar.

[Deputy Billy Kelleher.]

I raise these four or five issues in the context of what the Minister said he would do this time last year and what has happened subsequently. This time last year, he was traipsing around the countryside and, wherever he could find a microphone, he was willing to make promises with wild abandon.

Deputy James Reilly: I think the Deputy is mixing me up with Deputy Martin.

Deputy Billy Kelleher: I refer to Roscommon County Hospital or St. Mary's Orthopaedic Hospital in Cork, for which he promised a new hospital building. It is difficult for us to accept his words when we see that his recent actions are completely to the contrary of what he said previously.

I do not expect that this motion will be carried in the House, but I do expect Deputies opposite to say honestly in the Chamber that they are not satisfied with the performance of this Government and with the commitments that were made and reneged on time and again, particularly in the areas of waiting lists, medical card applications, the fair deal scheme, the attack on community and residential long-stay nursing homes, and the increase in the insurance levy.

The Minister spoke bravely last year about taking on the consultants. Now they are clearly riding roughshod over him, even in the context of the ratio of bed allocation in some hospitals. This is a serious issue. The Minister said he was going to reduce their salaries and obtain higher productivity, but he has done neither. They are driving a coach and four through the guidelines on the allocation of designated beds at a ratio of 20:80 or 30:70.

Deputy Frank Feighan: Fianna Fáil had a free rein for 14 years.

Deputy Billy Kelleher: Deputy Feighan is a brave man to sit next to the Minister. I do not want to get personal on this issue——

Deputy Frank Feighan: The Deputy should go to Roscommon hospital and he will see exactly what is happening.

Deputy James Reilly: One just has to have the courage of one's convictions.

Deputy Billy Kelleher: ——but all I have to do is mention the fact that the Minister made a faithful promise to the people of Roscommon.

Deputy Frank Feighan: Yes.

Deputy Billy Kelleher: The Taoiseach then said Fine Gael would maintain and even enhance all the services in Roscommon.

Deputy Frank Feighan: We said that under Fine Gael, Roscommon hospital would have a safe future, and it does. I stand by that 100%.

An Leas-Cheann Comhairle: Order, please.

Deputy Billy Kelleher: That is just another broken promise. We are one year in and there have been many broken promises.

Deputy Seamus Kirk: We are all pleased that the senior Minister in the Department of Health is present. It is important that, when an important motion such as this is before the House, he is present to listen and respond when his time comes.

The removal of €750 million from the health budget for the coming 12 months will have profound implications for the health service. When Fine Gael was in opposition, its members excoriated the outgoing Minister for Health and Children for cutbacks and adjustments that were made in previous budgets. Now, however, another €750 million will be taken out of the budget, which will have a serious effect on the level of service that can be provided.

On the issue of retirements, we accept that a programme was implemented to take a certain number of people out of the public service to adjust the fiscal position, but if more than 4,000 staff leave the health service, it will have serious implications for front-line staff in one of the most important Departments.

It was decided to centralise the processing of medical cards to one centre in Finglas in north Dublin. There is a major problem with this. I am sure the Minister, who represents the neighbouring constituency, is well aware of the difficulties people are encountering in having their medical card applications processed.

Deputy James Reilly: The Fianna Fáil Government did it.

Deputy Seamus Kirk: I ask the Minister to listen to the point I am going to make. Surely, at a minimum, we should have telephone contact with the office in order that I or Deputy Kelleher or the Minister himself, as public representatives, can call someone in customer service in the medical card centre in Finglas to ask about the current position of an application for a person at the back of the Cooley mountains, in Cork, or wherever. At a minimum, it will take much of the frustration out of the system. The requests for additional information or clarification can be dealt with over the phone. If it is a matter of placing additional administrative staff, I ask the Minister to do this urgently. I believe this would remove much frustration from the system, and I am not asking him to spend additional money on it.

I will become parochial. Just down the road from the Minister are the Cottage Hospital, Drogheda, and St. Joseph's Hospital in Ardee. There are bed reductions at St. Oliver Plunkett Hospital, Dundalk, and St. Mary's Hospital, Drogheda. The smallest county in the country, Louth, has 12,500 people over the age of 65, of whom approximately 5% will require residential care at some stage. The number of beds and facilities that are being taken out of the service is horrendous. I ask the Minister, genuinely, to reconsider the decision.

I will start with St. Joseph's in Ardee. Fortunately, the HSE has a considerable block of land immediately around the hospital, which has three floors. I accept that in this day and age, we have to change the way in which services are provided, having regard to what HIQA may say from time to time. An intensification of services — not necessarily services for the elderly — in that premises, in addition to a sheltered housing development on the adjoining land, is an ideal scenario. It is an ideal place for the establishment of a retirement village and community hospital on one site. Indeed, there is a day care centre at the other end of the land, a mere 100 yards away from the existing hospital. The Cottage Hospital is on the north side of Drogheda town, right in the middle of the population of that side. Many families live within walking distance of the hospital. An intensification of services — palliative, step-down or other services — to increase usage would result in a positive change in the economics of the operation of these hospitals. I ask the Minister for Health to consider what I am saying to him. I ask him, not in a negative way but in a positive way, to examine my suggestions for both sites because of their locations and the strategic importance of the delivery of residential nursing home care. Let us reconsider any decision to close either institution.

Deputy Sean Fleming: I welcome the opportunity to contribute to this debate and I thank my colleague, Deputy Billy Kelleher, for putting forward this motion, which covers a variety of issues in the health area. They are issues of concern for the majority of people.

[Deputy Sean Fleming.]

Every household interacts with the health service over the course of the year, whether it is at local level with the general practitioner, accident and emergency unit or local hospital or if people are obliged to travel further afield to get specialised treatment. Most families also interact with the HSE. A large number of them have medical cards, and there is a great deal of interaction with the HSE in the course of applying for them. I will discuss that issue further.

However, I wish to refer in the first instance to the Dublin — mid-Leinster service plan which was announced this afternoon and was published on the HSE website. It is shocking reading for people in the midlands, and particularly those in Laois-Offaly. There is no provision for major capital expenditure in the Laois-Offaly region, although there is some for other parts of the Dublin — mid-Leinster region. Nothing is provided in the service plan under the various headings in the area of primary care. A number of new primary care teams are required in the area, as well as a number of new primary care centres. There is no provision for capital investment in the acute hospitals in Portlaoise and Tullamore, or for investment in facilities for older people. Shockingly, no capital investment is provided for mental health facilities. In those four key areas, the plan writes off an entire area of the country in terms of capital investment even though there is significant investment funding available to the HSE and the Department of Health. To take a couple of counties out of the plan, as if they do not exist, is totally unsatisfactory. The management in the Dublin — mid-Leinster service area should re-examine this.

Medical cards were mentioned by earlier speakers and will probably be mentioned in this debate by speakers from all sides of the House. I have a single question for the Minister about what is happening with medical cards in the centralised facility in Finglas. I might be in a minority but, personally, I believe that if the Department of Social Protection can handle applications centrally, the HSE should be able to match it. However, it is not doing the job. It might need outside assistance because it has not previously operated on a national basis in the provision of a service such as this to 1.5 million people. Perhaps some staff could be seconded from the Department of Social Protection given that they are used to administering nationwide schemes from centralised locations.

I am not familiar with the building in Finglas; I have never visited or seen it. However, when I ring and occasionally get through to the staff on the telephone, the staff, who must be on the first or second floor, tell me that when they send the file to the fourth floor it gets lost. If the Minister does nothing else this week, he might visit the fourth floor of the building in Finglas. I do not know what is in it but other staff in the building tell me that files get lost there. I appeal to him to find out what happens there. Letters come from there dealing with meaningless issues. I accept that staff must make various requests for the supply of information, but when people are obliged to call to my office to scan a copy of their car registration certificate to send to the HSE to verify whether a member of the household has a car, we are pushing the boat out too far. What is being done about the excessive red tape in that department?

Cathal Magee, the chief executive officer of the HSE, has said he will examine this matter and try to ensure the files dealing with renewals are put into a different queuing channel so they do not clog up the new applications channel. New applications inevitably take more time. Where the person is elderly or has had a medical card for a few years and it is a straightforward renewal, there should be a separate queue to deal with that. Renewals could then be dealt with quickly and with the minimum of fuss. However, they seem to get caught up in the main system which involves starting the entire process again.

The waiting list for orthodontic treatment for children in the midland area is two to 2.5 years. It is a nationwide issue. Certainly, it is embarrassing to get a reply from the HSE, on foot of a

parliamentary question to the Minister on orthodontic treatment, stating that the waiting list is in excess of two years. That reply came in writing from the Minister's staff.

The Minister is familiar with Portlaoise hospital. It is an active and busy maternity hospital as well as having a number of other very good departments. It is a maternity hospital for Laois, parts of Offaly, much of Kildare, parts of west Wicklow and part of north Tipperary. It is a regional maternity hospital at this stage. It has a very good pediatric and child care unit. Sometimes one tends to think that a hospital in a certain county only serves that county, but this is a regional facility and not just within the traditional midland health board regional boundaries. It serves other parts of the Leinster area and even north Munster. I urge the Minister to ensure there will be sufficient front-line staff in the maternity ward next month to replace the staff that are due to retire between now and the end of this month. The problem is that some of the staff have already left HSE employment. When they gave in their notice they might have had a month of leave left over from last year or holiday leave was carried forward, so they were obliged to leave almost on the day they handed in their notice or they would forfeit that leave.

The main issue I wish to highlight is contained in the Dublin — mid-Leinster service plan published today. I have an extract from the 2012 plan dealing with financial information, which is on page 123, and the corresponding page from the 2011 service plan. The horrific figures in this are under the heading for community care for the midland region. This refers to community hospitals for older people, and the Minister is aware I will refer to Abbeyleix and the community hospital in Shane. The figure for last year was €295 million, while the figure in the plan produced this afternoon is €275 million. That is a cut of €20 million. It is the biggest cut in any section or department or in any of the hospitals in the Dublin — mid-Leinster area.

This €20 million cut means, in effect, that a decision has already been made by some people to close those hospitals, and it is the wrong decision. If there must be a cut of €20 million, it can only be based on a serious number of beds being cut. There is provision for cuts but they are falling disproportionately on the Abbeyleix and Shane areas. The Minister met the Abbeyleix representatives some time ago. I was with the delegation and the people were happy with that meeting. However, a commitment was given that night that representatives of the HSE would meet with the committee to scope the decision and deal with the terms of reference for how the decision was made to close Abbeyleix community hospital.

The Minister stopped that decision in its tracks because the staff in the HSE did not know the legal position. They had announced the closure before giving the required six months' notice. The meeting between the HSE and the Abbeyleix committee has not yet happened. I am sure my colleague from County Laois has referred this to the Minister on various occasions as well. We are anxious that it happen. We are told the consultation period will commence next month. That simply means the HSE, which made the wrong decision in the first place, will now make the same decision but ensure it does not get tripped up by using incorrect procedures.

In addition, three beds in Abbeyleix community hospital are currently empty and could be utilised. People in Portlaoise hospital could be transferred there. It is costing the HSE approximately €21,000 per week to keep the patients in Portlaoise hospital while keeping the three beds idle in Abbeyleix. That is false economy and false budgeting. It is utterly unfair. I do not believe there is proper management in this area.

I submitted a freedom of information request and received a response to it at the end of January. It stated the information I received was discussed in the Department of Health in July last year. In a letter dated 4 July 2011 from the area manager, whom I will not name, he stated with regard to Abbeyleix that "the physical infrastructure at the hospital is totally unsuitable and a complete rebuild would be necessary to meet HIQA standards". This is clearly untrue.

[Deputy Sean Fleming.]

I am very pleased that the Minister visited the hospital, in his low key way, over the Christmas period. There was no fanfare or people gathering at the gates. I believe that was not the Minister's view of that building. It meets HIQA standards at present and with some improvements it could be brought up to the proper standard not for 33 patients but for 50.

The entire decision process that worked its way up to the Minister's desk was based on an untrue assessment of the HIQA report by the regional manager, who said the required renovation could not be completed to meet HIQA standards. That was wrong and untrue. It was an assertion by the regional manager.

I cannot blame the Minister, although politically I would like to do so, for allowing that decision to be implemented. He took what was presented to him at face value. If he looks at the letter of 4 July 2011, which is in the Freedom of Information file I received, he will see the decision was based on an inaccurate, improper, untrue and unfair reading of the HIQA report. I ask the Minister to revisit this matter and to use his sense of fairness as a doctor in doing so. I understand the Minister was impressed by the facility. I ask him to do the same for the hospital in Shane.

Deputy Charlie McConologue: I commend my party colleague, Deputy Kelleher, for bringing forward this motion on the issue of health, one of the most important issues we could discuss in the Dáil and the first priority in terms of protection at this difficult time. Whatever one might have to go without, one cannot go without a health service.

A little over a year ago, I was a member of Donegal County Council and the Minister for Health was standing roughly where I am standing now. Listening to him from that distance I could have believed he would do the devil and all for the health service. He was a swashbuckling spokesperson who was going to reform the health service and deal with all its ills. It seemed as if, were it not for his colleagues holding him back, he would have been immediately across the Chamber to act. He has not needed too many people holding him back in the past year because we have seen very little of the action he consistently talked about from this side of the House since he took responsibility for the Department of Health.

The Minister who promised he would bring health insurance to everyone in the country is now overseeing 5,000 people per month ceasing to pay for private health insurance and losing their cover. After one year in Government, 60,000 more people are without health insurance and dependent on the public health service, from which the Minister is draining funds. Why are these people having to give up private health insurance? It is largely because of the policies of the Minister himself. At the beginning of January, the Minister increased the levy on health insurers by 40%. He assured us the increase would be absorbed by health insurers and would not lead to an increase in premiums. However, the Voluntary Health Insurance Board, which the measure was most designed to assist, subsequently increased premiums by up to 12.5% for older people, the very people the levy was supposed to protect. This is what we have seen from the Minister so far.

The Minister promised to reform the Health Service Executive. One day, with a wave of his hand, he dismissed the board of the HSE. We have not seen much since then. In the HSE annual service plan, which was introduced in the middle of January, some €750 million has been taken out of the health budget. This means fewer treatments, which hits the most vulnerable, and longer waiting times, leaving people to wait longer in pain.

When the health service plan was delivered to the Minister he sent it back to the HSE. As one media commentator said at the time, this was like writing a note to oneself to complain about oneself. At least the Minister was in tune with people across the country, because many

people were critical of what the report contained. It was the end of January before the HSE service plan for the country was approved.

Now, in the middle of February, the regional health service plans for this year are coming forward. In these there are further cuts. The service plan for HSE West, which was published last Friday, promises cuts across a range of services. In County Donegal, the Minister has decided to close Lifford Community Hospital, although he and his party gave assurances during the general election campaign that this would not happen. This is consistent with his policy in other areas, the decision regarding the emergency department at Roscommon General Hospital being the most famous case.

Deputy Frank Feighan: It is still open. I was in it yesterday. It has been downgraded to an urgent care centre but it is still open.

Deputy Charlie McConalogue: The health service plan also shows that the Minister is looking for a €12.5 million cut in the budget of Letterkenny General Hospital, from €105 million in 2011 to €93.5 million this year.

Deputy James Reilly: I wonder why? Would it have something to do with the Deputy's Government?

Deputy Charlie McConalogue: The Minister wants a cut in spending of 11% in one year.

Deputy James Reilly: What about the billions that were wasted?

Deputy Charlie McConalogue: The Minister has sought this cut at the end of the second month of year in which the cut is to be made. Is this the type of health service the Minister, the great swashbuckler, said he would deliver last year? We have seen nothing of what he promised.

Most of the Minister's recent public utterances have been to explain why he is rowing back on promises he made this time last year. He has had to explain why waiting lists are increasing. He has explained why he got rid of the National Treatment Purchase Fund which people could access after three months. He announced a new policy that people will wait no longer than six months for treatment, as if this was a gift he was bearing when it actually means that waiting lists continue to lengthen.

During the general election campaign, the Minister said it would take ten years to implement his policy of universal health insurance. Considering the number of people who have lost insurance in the meantime and considering the progress he has made in the past year, I am sure it will take longer. How long before we hear the Minister say it will take 15 years to do that job? It is time we saw health services protected and the Minister's promises fulfilled.

Deputy Michael Healy-Rae: I thank Deputy Charlie McConalogue for allowing me some of his speaking time and I acknowledge the work of Deputy Billy Kelleher in bringing forward this motion.

The Minister promised the sun, moon and stars when he was on this side of the House.

Deputy James Reilly: I do not remember promising any of those.

Deputy Billy Kelleher: They are about the only things the Minister did not promise. He promised everything else.

Deputy Charlie McConalogue: There is a lot the Minister does not remember.

Deputy Michael Healy-Rae: We all have to deal with people who are waiting to have their medical cards processed. We had a system that worked very well when medical cards were processed locally but it has now been centralised. People with long-term illnesses are no longer automatically entitled to a medical card. Instead they are kept waiting. When the clock is ticking and a person's days are numbered, it is dreadful to have to wait while a medical card is processed. It is scandalous.

The Minister presided over a mass exodus from private health insurance, putting unbearable pressure on our public services at a time when they are not able to cater for this additional burden. The Minister has been totally inept in the manner he and his Government colleagues have dealt with the number of staff retiring from the health service. The objective was to save money, but the Minister is saying he will give them a lump sum of money, pay them a pension and then rehire them. I ask him to hire nurses, not agency nurses, to give full-time jobs to our young people who are highly trained and want to work in the system. I also ask him to remove the uncertainty in respect of the fair deal scheme and not to allow a repeat of last year's debacle. He should not hide behind the HSE when asked questions in the House.

On a final positive note, I thank the Minister publicly for his comments last week at a time when parents of children with autism were being subjected to very unkind remarks. I acknowledge that the parents concerned appreciated his intervention to set the record straight and give the facts. As I do not want to be negative all the time, I thank him for doing this.

Minister for Health (Deputy James Reilly): I move amendment No. 1:

To delete all words after "Dáil Éireann" and substitute the following:

"commends the Government for:

- its health reform programme and acknowledges the measures taken by the Government to mitigate as far as possible the impact on patients and services of the funding and staffing reductions required over the next few years;
- the range of recent initiatives taken by the Health Service Executive to improve the processing of medical cards, including the rule that any medical card holder undergoing a review, and who genuinely engages with that review, will not have his or her entitlement withdrawn before that review is complete, regardless of the expiry date shown on the medical card, as well as other process enhancements and staff redeployment;
- recognising the challenges facing public nursing homes in 2012 and the future, in terms of staffing and infrastructure, and directing the HSE to adopt a more proactive approach and produce a plan which will seek to protect the viability of as many units as possible within the current fiscal and budgetary constraints;
- the additional indicative funding of €55 million provided in the abridged Estimates published last year for the nursing homes support scheme — the HSE national service plan 2012 targets an additional 1,270 people to be in receipt of funding under the scheme by the end of 2012;
- accelerating the type of service delivery reforms that will move to models of care across all service-care groups which treat patients at the lowest level of complexity and provide services at the best possible unit cost; and

- its acknowledgement of the vital role of smaller hospitals which will be detailed in a framework document to be published shortly;

and welcomes the Government's determination to move towards a health system that provides access based on need rather than income, underpinned by a strengthened primary care sector, a restructured hospital sector and a more transparent "money follows the patient" system of funding that will be supported ultimately by universal health insurance."

I am sharing time with Deputies Doherty, Feighan and Keaveney.

To begin with Deputy Healy-Rae, not alone were the comments hurtful to parents of children with autism, they were also untrue, unfounded and had been discredited. Raising children with autism presents enough challenges without having people cast slurs on the parents who work so hard and love their children so much.

It is hard to take a lot of the guff from Deputy Healy-Rae when his father propped up a thoroughly discredited Government——

Deputy Michael Healy-Rae: The Minister should not go down that road and disgrace himself in making comments about retired Members.

Deputy James Reilly: No, we will not go down that road, as it would be too uncomfortable; therefore, we will leave it at that.

Deputy McConalogue saw fit to make all kinds of allegations, but the reality is that I will reform the health service. I say to the Deputy who sees no changes taking place that there is none so blind as those who will not see. Who caused all those who have lost health insurance to lose it? I would like to ask Fianna Fáil Deputies that question. I am glad to see the previous Minister for Health and the leader of Fianna Fáil present, with his Cork colleague. Who caused all those who have lost their jobs to lose them, as a result of which they are now without health insurance? Who caused the uncertainty in the economy?

Deputy Fleming expressed concerns about what was happening on the fourth floor of the GMS Payments Board building. I was there only two and a half weeks ago and things have changed. The board previously removed medical cards if people's details were not filled in fully, but that has ceased. Persons in communication with the board will now keep their card until the process is finalised. Everybody on social welfare will keep his or her card.

Deputy Micheál Martin: That is not happening.

Deputy James Reilly: This has happened in the last couple of weeks. There are individuals who have not responded to three inquiries from the board.

Deputy Micheál Martin: Politics aside, that is not happening.

Deputy James Reilly: Actually, there are 21,000. Of this number, 4,500 have had no transactions on their card for the last two years.

Deputy Micheál Martin: One million people have medical cards.

Deputy James Reilly: When the Deputies opposite ask Mr. Paddy Burke at the Committee of Public Accounts why he is paying doctors for looking after patients in respect of whom there has been no activity on their medical card for two years, it will be interesting to hear the take on this. There is a balance to be struck with probity, but the fault should always lie with the State in these situations. That is why Mr. Burke has now changed things to reflect this.

[Deputy James Reilly.]

Deputy Kirk raised the issue of providing a telephone number for Deputies. There is such a telephone number for them, about which I will say no more.

Deputy Kelleher made a few contentious remarks about waiting times and the SDU which has proved to be a success. It has not been successful enough for my liking, as there are still too many patients on trolleys. However, for the first time in 14 or 15 years, we have seen a drop in the numbers lying on trolleys. Since the middle of December, they have been lower than in the previous year. The 30 day average which for every month for 12 months before August 2011 was 30% above the figure in the year before——

Deputy Micheál Martin: That is a statistical construction, another PR con job.

Deputy James Reilly: This is reality, not perception, in which the Deputy dealt.

Deputy Micheál Martin: It is a statistical construction.

Deputy James Reilly: There are 117 reports lying on the shelf which cost who knows how many million euro to compile.

Deputy Micheál Martin: Not true.

Deputy James Reilly: It is absolutely true. I remember it happening long before I became involved in politics.

Deputy Micheál Martin: We will wait and see what the Minister achieves.

Deputy James Reilly: We still face big challenges which we are going to deal with with the help of front-line staff, the SDU and the clinical programme to reform the health service. When the last Government had millions of euro available and doubled the spend on health over a period of ten years, it did nothing to reform the health service.

Deputy Michael Healy-Rae: The Minister wanted to spend more.

Deputy Micheál Martin: Look at cardiac or cancer care services. There has been a dramatic transformation, as the Minister knows. He is a propagandist.

Deputy James Reilly: Let us look at the motion. The Members opposite want me to talk about what I may or may not have done. Since becoming Minister, we have assumed responsibility. Notwithstanding the Deputy's contention that we defer everything to the HSE, we do not. All operational matters are to be referred to the Department. We have formed a new relationship with the HSE which we will soon abolish. We have created an interim board, with direct interaction with the Department and me as Minister. We have instructed that parliamentary questions on operational matters be sent to us. The management system has been instructed to tell managers that they must take responsibility. We have told the managers of hospitals that they must keep to their budget and that if they do not, there will be consequences, and there have been. We have changed the board of Tallaght hospital, something the previous Government failed to do during its tenure when it was clear there was a problem with the board and in the workings of the hospital. We have also introduced new management systems to the hospitals in Limerick and Galway, both of which were in serious trouble and failing to meet their budgets. University College Hospital, Galway was the only hospital in the country that failed to adhere to the 12 month limit for inpatient procedure waiting times.

I will not go through the rest of the list of things we have achieved. We managed to maintain services throughout 2011, despite a cut of €1 billion. We cannot expect that there will be no impact as a result of the €750 million cut we must make this year, but we will minimise it and

there will no linear effect as happened in the past, when every percentage reduction in spending led to a similar percentage reduction in activity.

Why has it become necessary to do this? The irresponsible behaviour of the previous Government caused the country to lose its economic sovereignty and brought the economy to its knees, while its Ministers, like Tweedledum and Tweedledee, said that they had heard nothing or knew nothing.

Deputy Billy Kelleher: More spin.

Deputy James Reilly: The Government has faced up to the task. It has been honest in telling the people the scale of the problem and it will continue to do so. It is equitable that we are focusing on those who have had to wait the longest. When we do this, some of those in the middle will clearly have to wait a little longer.

Deputy Micheál Martin: More bluff. There were only 700 when the Minister took office.

Deputy James Reilly: In June 2011 there were over 2,260 patients who had been waiting for 12 months.

Deputy Micheál Martin: That figure has gone up by 47%.

Deputy James Reilly: By December, it was a little over 300. These are the facts — like them or lump them. The Deputy should check and he will find out that what I am saying is true.

Deputy Micheál Martin: I have spoken to people who know the facts——

Deputy James Reilly: This represents a 79.9% drop.

Deputy Micheál Martin: ——and they are appalled by what the Minister has been up to in cooking the books.

Deputy James Reilly: I have said that there is none so blind as those who will not see. Equally, there is none so deaf as those who will not listen.

Deputy Billy Kelleher: *Timeo Fine Gael et dona ferentes.*

Deputy James Reilly: In the period between June and December the total number waiting for six months or more increased from 54,000 to 59,000, an increase of 10%, not 47%. That is not something we want to see but something we expect to see when we focus on ensuring patients will not be left waiting years for procedures, which the previous Government allowed to happen.

Deputy Micheál Martin: The Minister knows that is not true. I am asking the Minister whether the National Treatment Purchase Fund delivered.

Deputy James Reilly: Everything is different when Deputy Martin is in opposition, but when he was in government, he had a different approach entirely. When they had money, they would not use it to reform the system and now they make other allegations, stating that general practitioners are withdrawing services in the north east. GPs are not.

Deputy Billy Kelleher: They have.

Deputy James Reilly: They have withdrawn co-operation on primary care teams, which is an entirely different matter.

Deputy Billy Kelleher: They have withdrawn co-operation.

Deputy James Reilly: Deputy Kelleher said “service”.

Deputy Billy Kelleher: They have withdrawn co-operation, which is a service.

Deputy James Reilly: Deputy Kelleher has also made a claim, on which I would like to get clarity, that a person was refused a renewal of their medical card when they were terminally ill. I would have thought it was an application. If there was a slowness in application, I regret that, but that is something that started under the Government of which Deputy Martin was a member——

Deputy Micheál Martin: Deputy Reilly is Minister 12 months.

Deputy James Reilly: ——and long before I came into power. I have now since set up, as another proactive piece of work, a group to look at discretionary medical cards. It is a group made up of doctors — community doctors, epidemiologists, a GP and others — to ensure the situation is operational once again. That was the discretion of the CEO of the health board and since the CEOs of the health boards no longer exist, no one seems to have the discretion to address that.

Deputy Kelleher states the fair deal scheme is not working and that it is all clogged up. Some 200 beds were released under the scheme yesterday.

On the contingency plans, which Deputy Kelleher bemoans and wants to see published, individual managers in individual hospitals have their individual plans. They are overseen by the regional directors of operations who report to the national director who reports to the assistant secretary in the Department. We have a clear line of vision right down through the system. I have been to several hospitals already and will be to more before the end of this month.

My main concern at present is that we maintain a safe service for all our patients, including all the expectant mothers. The other day I was in Holles Street hospital, where I opened a new theatre, and they have their plans well in place to deal with the number of midwives leaving. They have more midwives to come in place. Similarly, in Limerick, they have their plans. I was there on Saturday morning last.

Deputy Kelleher can scream all he wants. It seems his motion is quite peculiar in so far as it speaks of the failure of the plan before the day has even come. I do not understand it.

The motion speaks of 170,000 patients treated by the NTPF, but at what cost?

Deputy Micheál Martin: There were 170,000 done.

Deputy James Reilly: Was €300 million value for money?

Deputy Micheál Martin: It certainly was.

Deputy James Reilly: It certainly was not.

Deputy Micheál Martin: It is much better than what the Minister is doing now.

Deputy James Reilly: It certainly is not.

Deputy Micheál Martin: It is much better than what the Minister is doing.

An Leas-Cheann Comhairle: Please.

Deputy James Reilly: The motion denounces the closure of acute hospital beds and operating theatres, as outlined in the regional service plans. Whose fault is this? Who left us with a basket case of an economy to deal with?

The motion condemns the Government for failing to halt increasing medical card waiting times. We have already addressed that.

Deputy Micheál Martin: The Minister has not. He mentioned it but he did not deal with it.

Deputy James Reilly: Fianna Fáil condemns us for introducing the insurance levy. That party introduced it when it was in government. I increased it this year.

Deputy Billy Kelleher: The Minister increased it by 40%—

Deputy James Reilly: Yes, but Deputy Kelleher states in his motion that we introduced it.

Deputy Billy Kelleher: —and this time last year Deputy Reilly was apoplectic with rage.

An Leas-Cheann Comhairle: All right, Deputy Kelleher.

Deputy James Reilly: More inaccuracies from Deputy Kelleher's side of the House. Let me put this to Deputy Kelleher. If we had not increased the levy, as a previous speaker stated—

Deputy Billy Kelleher: A kick in the teeth to people.

Deputy James Reilly: —the VHI has confirmed that premia would have had to have increased by 17.5% instead of between 6% and 12%.

This is the last year of the levy. Unlike the Government of which Deputy Martin was a member which kept talking about bringing in risk equalisation, we have the legislation ready to go and it will be in place by 2013.

I will tell Deputy Kelleher what really bothers me most about his motion.

Deputy Billy Kelleher: Is it the fact that it exposes the Minister?

Deputy James Reilly: What is really objectionable about the motion is that it rejects the plans of the Minister for Health, Deputy Reilly, for universal health insurance. The people of this country spoke, if Deputy Kelleher did not hear them.

Deputy Frank Feighan: Hear, hear.

Deputy James Reilly: They rejected Fianna Fáil utterly. They voted for Fine Gael and Labour, both of which had universal health insurance at the heart of their health policies.

Deputy Micheál Martin: Where is it?

Deputy James Reilly: Fianna Fáil should not dare tell the people or the electorate that they have no mandate—

Deputy Micheál Martin: Where is it?

Deputy James Reilly: —and its members should not dare tell us—

Deputy Micheál Martin: But where is it?

Deputy James Reilly: —that we should not follow that mandate.

(Interruptions).

Deputy James Reilly: Deputy Kelleher alluded to the fact that I gave plenty of notice—

Deputy Micheál Martin: There is not even a paper on it. No detail. Nothing.

An Leas-Cheann Comhairle: The Minister has two minutes remaining. Order for the Minister.

Deputy James Reilly: They do not want to hear.

Deputy Micheál Martin: Where is it?

Deputy Frank Feighan: Deputy Martin only sings when he is winning.

Deputy Micheál Martin: Where is it?

Deputy James Reilly: An old lady once said to me: “The truth isn’t fragile; it won’t break.” I stated before the election it could take up to two terms to fully bed it in——

Deputy Micheál Martin: Brilliant.

Deputy James Reilly: ——but Deputy Martin wants it in the morning.

Deputy Micheál Martin: That is some stroke. The first time I have ever heard a Government state it will wait for two terms.

Deputy James Reilly: I have outlined the progress we have made.

Deputy Micheál Martin: The Minister has no work done on it at all. That is the truth.

Deputy Billy Kelleher: Where is the Dutch model now?

Deputy James Reilly: We have much more to do. We are facing real challenges in the short term. Over recent weeks, the cases of flu-like illness have increased and last week they doubled, and we expect them to double again this week. This will put pressure on GPs, primary care, hospitals and emergency departments, but we have plans in place to deal with this, in the same way as we have plans in place to ensure we have a safe service for all expectant mothers and for emergency departments and paediatric departments. We will keep a close eye on this. I stated that I would not be like the previous Minister, putting distance between myself and my responsibilities. I will take responsibility.

Deputy Micheál Martin: The Minister is not taking it.

Deputy James Reilly: I will be visiting hospitals. I have visited hospitals. I will be hands on.

Deputy Micheál Martin: The Minister is dumping on people. He is blaming administrators. He is blaming officials.

An Leas-Cheann Comhairle: Please, Deputies.

Deputy Simon Harris: Who did it to the Joint Committee on Health and Children?

An Leas-Cheann Comhairle: Order.

Deputy James Reilly: Deputies Martin and Kelleher’s prescription——

Deputy Billy Kelleher: What about prescription charges?

Deputy Micheál Martin: Prescription charges.

Deputy James Reilly: ——is no change. Their prescription is no reform. Deputy Martin’s prescription is to pretend like he did when he was Minister for Health and Children——

Deputy Micheál Martin: We reformed dramatically.

Deputy James Reilly: —with 117 reports and no action taken.

Deputy Micheál Martin: That is the reality.

Deputy James Reilly: We will take action, we have taken action and we will continue to take action.

Deputy Frank Feighan: The previous Government wrecked the health services.

Deputy James Reilly: I am not interested in Deputy Martin's preoccupation with the past or the perception of change. I want real change. I will instigate that change—

Deputy Frank Feighan: Hear, hear.

Deputy Micheál Martin: We did real change.

Deputy James Reilly: —and I will support that change.

Deputy Micheál Martin: We are waiting for something from the Minister and we are getting nothing.

Deputy Patrick O'Donovan: Deputy Martin gave us the HSE.

Deputy James Reilly: We have the tools to make the difference. We have the people to make the difference. What they did not have in the past was real leadership. What we have allowed happen is the creation of an environment that allows new leadership to flourish. That is happening. It is happening through the clinical programmes, through the special delivery unit and on the front line.

As a result of that and because of those good staff, we will fix the health service. Ultimately, we will get this country out of the economic morass in which Deputy Martin left it through his own ineptitude when he was in power.

Deputy Micheál Martin: Rhetoric and no detail.

Deputy James Reilly: I will tell Deputy Martin this much, and I will say this to the good people of Ireland as well: we are not a nation of quitters, and nor is Fine Gael. We will prevail.

An Leas-Cheann Comhairle: I call Deputy Regina Doherty.

Deputy Michael Healy-Rae: Great speech, Minister, but what about these facts here?

An Leas-Cheann Comhairle: Deputy Healy-Rae should resume his seat.

Deputy Michael Healy-Rae: When I asked the Minister a question on 7 February, the answer I got was—

An Leas-Cheann Comhairle: Stop this nonsense.

Deputy Frank Feighan: Where is Mattie?

(Interruptions).

An Leas-Cheann Comhairle: Order. I call Deputy Regina Doherty.

Deputy Regina Doherty: I welcome the opportunity to speak on this motion. The HSE service plan introduced this year represents a five-year plan. Unlike previous Ministers, the current Minister, Deputy Reilly, along with the Ministers of State, Deputies Kathleen Lynch and Shortall, have the vision and, more importantly, the commitment required to deliver a modern and effective health system.

The Minister has stated that his overriding commitment is to introduce a single-tier service that will deliver equal access to care based on need, not income. Within months, legislation will be introduced for a new risk equalisation scheme.

We must work within challenging budget constraints. However, there is a Government and health Ministers who see that cost-saving measures will be effective in areas like procurement, drug price reductions and cutting fees in GPs and pharmacists. This reconfiguration and reform will bring with it greater productivity and focus on staffing levels and skill mix.

The 2012 plan will deliver the key elements of the programme for Government in the areas of mental health where approximately 400 extra staff for mental health services will be recruited to enhance the child, adolescent and adult community teams as well as suicide prevention and counselling services. Within the primary care section, the moratorium has had a significant effect on staffing levels, and additional funding of €20 million is being allocated to fill these vacancies to strengthen the primary aid services. GP visit cards will be issued to long-term illness claimants.

The 2012 plan ensures that acute hospitals will continue to deliver to patients the best possible service on each hospital site. The special delivery unit, under the leadership of Dr. Martin Connor, will ensure that 95% of attendees at emergency departments are discharged or admitted within six hours of registration. This delivery of reform in acute services will modernise and achieve the best service to the patient, who is, by the way, the primary stakeholder in all of this. These reforms will result in the patient, who is the most important stakeholder, getting the best effective care as soon as possible. In the area of disability, people with physical, mental and sensory disabilities have the same rights as everyone else. This action plan demonstrates that, even at times of cutbacks, the Government wants to remove obstacles so that disabled people can participate in society. The accelerated move towards a new model of individualised person-centred services in communities can help to achieve efficiencies, particularly in regard to services for those with mild or moderate intellectual disabilities. A €1 million fund is available for autism services to address waiting times for specialised therapies and early intervention teams.

The planning for the health requirements of our people is always a priority. I want to broaden the discussion. Obesity in our society is now a political issue, along with factors such as the environment, smoking, alcohol and drug consumption and physical inactivity. Bad health translates into higher health care costs. Healthy children develop into healthy adults. We have to inform and reform our way of life.

The health costs of alcohol-related injuries, deaths from alcohol-related road incidences, liver cirrhosis and suicides, as well as negative effects on the workplace are all hugely significant. The Minister of State, Deputy Shortall, has taken action with the launch of the report on national substance misuse from the steering strategy group. Harmful consumption of alcohol is the third main cause of early death and illness after tobacco and high blood pressure.

Smoking is the single largest cause of avoidable deaths between the ages of 35 and 69. Some 18% of all deaths in the EU can be attributed to smoking, with lung cancer now overtaking breast cancer as the major killer of women in this country. Following on from this, we must stop young people from taking up the habit and we must fight the illicit tobacco trade.

The Opposition must understand we all have a responsibility to act. The Government, unlike the Opposition, recognises that we have to control and reduce water-related diseases. By

creating healthy lifestyles, we can reduce the costs of the health care bill and promote a healthy society. These are a selection of observations taken from the total plan. I look forward to further debate on the health care system and to seeing the results which will benefit the most important stakeholder — the patient.

Deputy Frank Feighan: I support the Minister and the work he has done in the past year. He has the great task of trying to reform the health service. Despite billions of euro having been thrown at it in the past 14 years, despite the vested interests not being tackled and despite the erratic nature of services, the Minister is now taking on those vested interests and ensuring equal access to the health service. I have no doubt this will deliver a health service of which we can all be proud.

I come from the constituency of Roscommon-South Leitrim. At the mere mention of the health service in Roscommon, everyone's ears prick up. I was in Roscommon hospital yesterday. The urgent care centre there is going well and, under Mr. Bill Maher and his management team, the hospital has a very bright future. Endoscopy services will be provided there and, hopefully, there will be palliative care and rehabilitation services. I believe twice as many procedures will be carried out in that hospital as were carried out two years ago. I am certain it will be the best small hospital in the country.

People wonder why this happened. A little more than eight months ago, the surgeons and the management team in the hospital clearly stated their accident and emergency unit was unsafe. This unit had a sign outside the door which read "A&E" but it was not the accident and emergency service I would expect in Sligo, Galway or Castlebar. It had no cardiac surgeon, no paediatric surgeon and no anaesthetic cover overnight. Yet, people called it accident and emergency. It was an accident and emergency unit for a local area but it was not what we expect of an accident and emergency unit in the modern age.

We have heard a great deal of nonsense. I can understand that people are fearful. However, many politicians from all sides and many leaders played on the fears of the patients. I have no doubt that under the Minister, Deputy Reilly, patient care in Roscommon and in such areas throughout the country will be much safer. I have watched seven paramedics going out, saving lives on the roads and in houses, resuscitating people and bringing them to a real accident and emergency unit. We do not, however, hear about that. We do not hear of the number of lives that have been saved. We hear only from the people that go to their local radio stations or newspapers and put the fear of God into others. A week later, by the time the information is corrected, the story is over. I have seen press releases stating that the Roscommon home will close, that the Roscommon urgent care centre will close, that people will die and lives will be lost. At the end of the day, the truth will always come out. The truth is that the Minister, Deputy Reilly, and Fine Gael and Labour will deliver a fair health system.

One newspaper in my area has for the past 30 weeks run articles on "our hospital crisis". How could anyone expect that to be balanced reporting? How can we expect the people to get a fair sense of what is going on? I am a politician from that area. I cannot go out at night to have a drink in any of the towns or villages in County Roscommon because of the nonsense that has gone on. If I had to stand up again and make the decision I had to make nine months ago, I would do exactly the same thing, because it was the right decision for Roscommon hospital, for patient care and for the country.

The Minister, Deputy Reilly, Fine Gael and Labour should keep doing what they are doing because I have no doubt they can take on the vested interests and provide the best health care system with equal status for everybody. I have no doubt we will achieve that. Furthermore, if someone wants to say something negative about the health service, they should first look at what is positive about it. In Roscommon, we need to work together to ensure we have the best small hospital for the future.

Deputy Colm Keaveney: I am happy to acknowledge some of the achievements in health that are listed at the beginning of the Fianna Fáil motion. However, I cannot help but raise an eyebrow at some of the other content of the motion, one part of which calls for the Government to immediately put in place proper governance structures for the HSE. Has Fianna Fáil forgotten it was only recently in government and it was during this time in government that the HSE, in its present dysfunctional form, was established? While the former Minister for Health and Children, Ms Mary Harney, normally got the blame for the HSE, it was the current leader of Fianna Fáil, Deputy Martin, who was responsible for its creation and for the failure to put in place the proper governance structures the HSE does not have today.

As Deputies opposite are aware, the Government intends to bring a bill to the House this session that will provide for governance of the HSE. That Bill will deal with the maladministration and, to be frank, the incompetence of the last Government.

The line in the motion that condemns the Government for the €750 million in cuts is enough to raise both eyebrows. Have the current Fianna Fáil Deputies forgotten it was the late Minister for Finance, Mr. Brian Lenihan, who signed the memorandum of understanding with the European Commission, Article 21 of which commits the State to correct its budget by €15 billion and to balance its budget by 2014? Members of the current Fianna Fáil front bench bear culpability for the collective Cabinet responsibility in regard to the decisions that were made at that juncture.

These cuts in health and in other areas of society are Fianna Fáil cuts necessitated by agreements that were made as a consequence of the reckless management of the public finances during its time in office. While the Ahern Government took the easy option of simply throwing money at the issue without proper regard for the duty of prudence with State finances, this Government is determined to seek the best possible value for money in the interest of the taxpayer.

Taking the area of mental health as an example, under the comprehensive policy of the framework laid down in *A Vision for Change*, care in the community is one of the leading values of the principles of mental health policy. As with many other areas in the State, the main providers of care in community are charitable and voluntary organisations which receive funding from the State. For example, I understand there are 69 separate such organisations in the State providing residential care for persons with intellectual disability. These organisations provided a valuable and necessary service. Each one of them, I understand, has a human resource function, a finance function, a payroll function, a vehicle fleet function and a public relations function. The challenge for the Government at this time is to get more with less and to ensure effective resourcing of the organisations which provide important services to citizens. There is no need for these organisations to get involved in a turf war. The objective must be to provide shared and amalgamated services which provide a better outcome for clients and service users.

We can simply no longer afford to spend, as Bertie Ahern and the Fianna Fáil Party did, without any regard for the prudence of public finances. Of the €110 million adjustment being sought under the Health Service Executive western area service plan, €85 million is accounted for in pay adjustments and improvements in efficiencies. This is the pattern being repeated across the State in a reflection of a return to the virtue of proper management of the finances of our State. This comes after 14 years in which there was an absence of any prudential approach to public expenditure under the Government of which Deputy Kelleher was a member.

(Interruptions).

Deputy Colm Keaveney: That party destroyed this country and sold our economic sovereignty. Yet Deputy Kelleher and his colleagues have the cheek to put forward a motion suggest-

ing that they would reform the Health Service Executive. Their fingerprints are all over the mismanagement and dysfunction of the HSE. The colleague sitting beside Deputy Kelleher earlier was the architect of the executive. Members opposite no longer have Mary Harney to blame; that cushion is gone. History speaks for itself in this matter. The motion contradicts the party's very existence and its performance in government.

Deputy Caoimhghín Ó Caoláin: I propose to share time with Deputy Michael Colreavy.

An Leas-Cheann Comhairle: That is agreed.

Deputy Caoimhghín Ó Caoláin: I am not sure whether I can move my amendment to the motion at this point.

An Leas-Cheann Comhairle: The Deputy cannot move it at this point, but he may refer to it in his contribution.

Deputy Caoimhghín Ó Caoláin: My party has tabled an amendment because the motion in the name of the Fianna Fáil Deputies does not go far enough either in its analysis of the causes of the crisis in our public health services or in the measures it proposes. Last week, the Minister for Health, Deputy James Reilly, told us that 4,200 staff members will have left the public health services by the end of this month. That is higher than previous estimates and, despite all the assurances of the Minister, the Taoiseach and their colleagues, including the Minister of State who is in the Chamber this evening, Deputy Kathleen Lynch, there is no public confidence that contingencies are in place to fill the gaps that will appear in the health services, perhaps not immediately on 1 March but very soon thereafter. The Government has repeatedly tried to portray this exodus from the health services as simply a matter of people taking early retirement. It omits to mention that the recruitment moratorium remains in place and, as such, most positions will not be refilled and existing staff will have to fill the gaps in services. Front line services will be thrown into deeper crisis. That is the inescapable reality that will present.

This is all part and parcel of the contraction of health services under the austerity regime begun by the Fianna Fáil-Green Party Government and continued by the Fine Gael-Labour Party coalition. The Fianna Fáil Party motion rightly condemns the €750 million in cuts from the health service budget for 2012 but conveniently ignores the €1.5 billion taken out in 2010 and 2011 under the previous Administration. That is one of the contradictions in the motion. The assaults on our public health services arise directly from the toxic policy which all three parties share, Fianna Fáil, Fine Gael and the Labour Party. They are truly the austerity parties of Ireland.

Since we had Dáil statements on the Health Service Executive's national service plan, we have seen the publication of the plan for the Dublin-north east region and the western area. The former is shocking in the extent of the cuts it imposes on public health services in the region. Expenditure reductions of €120.55 million are to be achieved in 2012 on top of the funding reduction of €493.5 million imposed between 2009 and the end of 2011. This region covers north Dublin city and county as well as counties Cavan, Monaghan, Louth and Meath. The plan reveals that the region will see 400 staff retiring at the end of February. What is hugely worrying is that in addition to this, up to 561 more staff will "need to leave the service" this year.

The Minister failed to respond to the point I made at Question Time last week that this additional reduction amounts to a very serious further diminution of staff. If the situation was not already bad enough in terms of what was flagged up by the early retirement exodus, we now have a clear statement of intent on the part of the HSE in the Dublin-north east region that an additional 560 staff members will "need to leave" in the course of 2012. I asked the Minister to acknowledge that the departure of 961 health service staff within one region will

[Deputy Caoimhghín Ó Caoláin.]

have devastating consequences for service delivery and for patient safety. His response was to accuse me and my party of scare-mongering. That is crass in the extreme.

This exodus of staff will indeed be a devastating blow to health services across the board. It is not what I want to see and I take no relish whatsoever in having to address these facts. The plan further states that these massive staff reductions will be needed “before any priority replacement staff are recruited”. That tells us very definitely that key front line service staff in the Dublin-north east region will not be replaced. Staff will not be recruited to cover these essential areas until such time as the significant staff exodus, including the 561, is completed. That is what is stated in the report.

We are threatened with 100 bed closures in acute hospitals across the region and 105 long-term care bed closures. Some €71.3 million is being slashed from the hospitals budget. There will be cuts of €10 million in primary care, including cuts to out-of-hours GP services; €7.5 million from older people services, including reduced home help hours; €12.6 million from disability services, including 534 fewer respite nights; €7.92 million from children and family services; €2 million from social inclusion services; and €500,000 from palliative care. These cuts come directly in the wake of reductions already imposed in January, including outpatient clinic reductions on the back of the deficits carried forward from 2011.

The HSE west regional service plan was also published last week. It proposes to slash public health services across the board in the largest of the HSE regions geographically, which stretches from south Limerick to north Donegal and from north Leitrim to Connemara. Patient care will be hit hard in a region that has experienced some of the worst of the health cuts of recent years, with reductions of €104.8 million set out for 2012. The plan reveals that the west will see 683 staff retiring by the end of February, with further job cuts to be imposed before the end of the year. There are major cuts across all key services. The loss of 132 long-term beds will be a blow to the care of older people, as will the threatened closure of care homes.

One direct result of this is the ending of residential care at Lifford hospital. As my colleague, Deputy Pearse Doherty, stated, this Government, like its Fianna Fáil Party predecessor, has ignored the people of County Donegal who took to the streets in their thousands demanding that community hospitals remain open and that health services be cut no further. When speaking at a Fine Gael rally in Stranorlar in June 2010, the then Fine Gael spokesperson on health, Deputy James Reilly, pledged support for Lifford and other community hospitals. He said: “Certainly Lifford will not be closing, that’s for sure. It’s far too important and serves far too big an area.” These are the words of the now Minister for Health, Deputy Reilly, who a few moments ago occupied the seat now occupied by Minister of State, Deputy Lynch.

The cuts in service plans as presented are set to close hundreds of nursing home beds and an as yet unknown number of nursing homes. We are facing a year of terrible cuts and a crisis such as we have never experienced before. It challenges me to understand the effort employed during the early to middle months of last year in terms of the recruitment of essential non-consultant hospital doctors in order to stave off the crisis that would present as of 1 July when, with the exodus of 4,200 by the end of this month, there is no sign whatsoever of any foreboding in terms of the difficulties that will present for front line service providers. All of this was well signalled for some considerable time. The Minister for Health, Deputy Reilly, must accept that we are careening headlong towards the mother of all crises in our health services. He is in the driving seat. It is time he applied the breaks and took corrective action. I urge him, and all voices that can bring influence on him, to do so. It is in all our interests and those we represent. I urge Deputies of all opinion to support the Sinn Féin amendment.

Deputy Finian McGrath: Hear, hear.

Deputy Michael Colreavy: Last Friday, the Minister for Health, Deputy Reilly, visited Sligo Regional Hospital, the HSE recruitment offices in Manorhamilton and Our Lady's Hospital, Manorhamilton. I regret I was not aware of that visit. It appears that the only people who knew of his visit were local Fine Gael representatives and, presumably, a photographer.

Deputy Finian McGrath: And RTE.

Deputy Michael Colreavy: Possibly, although I cannot verify that. Had I known the Minister was visiting Sligo, I would have arranged for a number of groups to meet with him, including members of the Save our Cancer Services campaign, the Friends of St. John's Hospital who are fearful of further bed closures and the Friends of St. Patrick's Hospital in Carrick-on-Shannon who are fearful of further public bed closures to the long-stay hospital there.

I understand that the Minister had to travel on to Galway following his meetings in Sligo and Manorhamilton and that he was two hours late arriving in Galway because he had to walk the final mile of his journey owing to traffic delays. The Minister at least now understands what it is like for people required to travel from Donegal, Sligo or south Leitrim to Galway several times a week on a bus for cancer services.

The Minister, Deputy Reilly, when in opposition said all the right things and was elected on that basis. Members of the Save our Cancer Services campaign acknowledge that they canvassed for members of the Government parties on the basis of the solemn promises they made and that they now feel they misled people because those solemn promises have been thrown back in their faces. I wonder if the Minister, when visiting Our Lady's Hospital last Friday, informed staff that it would be announced tomorrow that its day hospital service, which is probably the cheapest, most economical and most valuable service, one which transforms the lives of the people who attend it, is to be reduced from five to three days per week? This is wrong. Many people are not in long-stay homes because of day hospital services. The result of this paring, pinching and pulling back on this economical service will be the return of people to long-stay nursing care or, worse, home but not fit to care for themselves. The home help service has already been reduced and as such there will be no capacity there. This is what we are getting from a Government and Minister who promised so much.

Did the Minister tell the staff of Our Lady's Hospital that a consultant rheumatologist who is going on maternity leave will not be replaced and that this will result in the waiting list for rheumatology services for people in pain suffering from arthritis growing from one to two years? This is not acceptable and the Minister knows it. I urge the Government to accept Sinn Féin's amendment.

Deputy Finian McGrath: I welcome the opportunity to speak on this important motion on health services. It gives me an opportunity to hammer home once again what is going on in our health service, in particular the €750 million cuts to the National Service Plan 2012 which will have a detrimental affect on patient safety and front line services. Closing acute hospital beds and operating theatres should never be an option. The sick, the elderly and the disabled did not cause this financial crisis and should not now have to pay for it. That is the key issue in this debate tonight. It is the reality to which the Government must face up.

The Croke Park Agreement is an important part of this debate. I am sick and tired of all the attacks on public servants, teachers, nurses, doctors and, in particular, those providing front line health services. The Croke Park Agreement is now a dirty phrase. Let us look at the facts and at what is happening on the ground. The Croke Park Agreement has thus far succeeded in delivery of €3.5 billion in payroll and pension costs. The staff are delivering on the ground. In the first year of four, Croke Park Agreement measures have led to savings of more than €680 million, made up of payroll and efficiency savings plus cost avoidance initiatives. Last

[Deputy Finian McGrath.]

November, the Croke Park Implementation Body outlined additional reforms achieved and under way and reported concrete progress on leave standardisation, rationalisation of services, redeployment, shared service initiatives and many other local and national reforms. The body will quantify the savings achieved in its second annual report in mid-2012.

The following savings have been achieved thus far by public servants on the ground — €50 million per annum through the redeployment of surplus teachers; €7 million through new rosters in medical laboratories; €3.5 through changes in radiography services; €20 million through changed prison work practices; almost €1 million by St. Michael's House disability services; €220,000 by Our Lady's Hospice in Dublin; €685,000 annual savings by Teagasc and a further 20% cut in local authority staffing, resulting in a further €16.5 million in payroll savings. These figures and statistics have not thus far been put into the public domain. These are the facts.

While I disagree with sections of the motion, in particular the part which deals with the universal health issue, it is important that the other issues are dealt with in a comprehensive manner. It is a bit rich of the Minister, Deputy Reilly, to have a go at the Independents. For as long as I have been a Member of this House, the Independents have always put health and disability issues top of the political agenda. We have always used our vote to deliver services to people on the ground. That is the reality.

Deputy Thomas Pringle: I welcome the opportunity to contribute to the debate. Although the service plan for HSE west was published last Friday, strangely enough it could not be accessed on the Internet until today. The reason is obvious when one examines it and learns of the cuts involved therein. The community in County Donegal and around Lifford in particular have learned of the announcement to close Lifford hospital and the charade of a consultation period over the next three months on which the HSE intends to embark. About what will the HSE consult? The hospital will close and that is it. Consequently, this consultation is merely to be seen to be talking to people and supposedly to be consulting the community, when everyone knows the hospital will close and the decision already has been made.

I note also that 320 fewer subvented beds will be available for elderly people in the HSE west area. In addition, 150,000 hours of home help will be lost, albeit with the same number of people being served by the home help service. There will be nowhere for those elderly people to go. As there is nowhere else available for them, Lifford hospital should be kept open and maintained in order that these people at least can have some comfort and security in their own communities. Instead, the Government will force families into paying increasing amounts to put elderly people into private nursing homes with no subvented beds. Moreover, there are great difficulties in respect of the fair deal scheme and home help is not available for such people. This is the outcome of this health plan and this is the very hospital that, as has been pointed out earlier, the Minister, Deputy Reilly, when in opposition stated would not close. He stated that this was an area that was deprived and which needed that hospital. Nevertheless, it now is evident that it will close and will be taken from that community.

Debate adjourned.

The Dáil adjourned at 9 p.m. until 10.30 a.m. on Wednesday, 22 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 30, inclusive, answered orally.

Questions Nos. 31 to 59, inclusive, resubmitted.

Questions Nos. 60 to 69, inclusive, answered orally.

Nuclear Proliferation

70. **Deputy John Browne** asked the Tánaiste and Minister for Foreign Affairs and Trade the estimated cost of the oil embargo on Iran to the Irish economy; the actions he proposes to take in conjunction with the EU to prevent the uranium enrichment programme being pursued by Iran; and if he will make a statement on the matter. [9547/12]

71. **Deputy Mick Wallace** asked the Tánaiste and Minister for Foreign Affairs and Trade the justification for Ireland's support of further European sanctions on Iran in view of our policy of neutrality; his views on reports that current sanctions on Iran mean the country is struggling to buy basic staples to feed its 74 million people; and if he will make a statement on the matter. [9626/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I propose to take Questions Nos. 70 and 71 together.

The latest report of the International Atomic Energy Agency on Iran, issued on 8 November, concluded that there are both strong grounds for serious concerns regarding possible military dimensions to Iran's nuclear programme and 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 Government is satisfied, as are Ireland's EU partners, that the IAEA's report is credible and its conclusions must be taken very seriously.

[Deputy Eamon Gilmore.]

Regrettably, Iran made no move to address the findings of the IAEA report. Therefore, in addition to tough bilateral sanctions implemented by US, Canada and the UK, the EU has recently been compelled to adopt two further rounds of restrictive measures which I fully support. These were agreed at the Foreign Affairs Councils held on 1 December 2011 and 23 January 2012 and include a phased embargo of Iranian crude oil imports to the EU.

While Ireland does not import any Iranian crude oil, Ireland is of course affected by increases in the global price of crude oil. While any such recent increases are regrettable, Ireland has been prepared, along with our EU Partners, to accept them as the necessary price for maintaining international cohesion and pressure on Iran to address the concerns over its nuclear programme. Moreover, any increase is likely to be at least partially offset by concerted efforts underway to promote increased alternative oil supplies and lower price agreements by existing consumers of Iranian crude.

There is no doubt that Iran is becoming increasingly isolated internationally as a result of its government's refusal to address the nuclear issue. This isolation is compounding the already extensive economic problems which Iran is currently facing and is negatively affecting the wider Iranian population, with whom the EU has no quarrel.

However, these sanctions can be swiftly reversed if Iran takes concrete steps to address the very serious concerns of the international community and provide assurances as to the peaceful intentions of its nuclear programme. In this regard, I note with interest Iran's recent acceptance of the E3+3's proposal of October 2011 to renew talks.

It is my belief that the additional measures adopted by the EU, as well as the tough bilateral sanctions implemented by US, Canada and the UK in recent months, have been of great influence in triggering this belated acceptance of talks by Iran. I hope that renewed negotiations will begin soon and that Iran will now address comprehensively the international concerns about the possible military dimension of its nuclear programme. I urge the Iranian side to enter negotiations this time in a genuine spirit of compromise and cooperation. Ultimately, it remains the Government's strong view that the issues surrounding Iran's nuclear activities can only be adequately addressed and resolved through diplomacy and negotiations, and not by any other means.

Human Rights Issues

72. **Deputy Richard Boyd Barrett** asked the Tánaiste and Minister for Foreign Affairs and Trade the efforts he has made to intervene and save the life of Khadar Adnan, held in administrative detention in Israel for over 60 days; and if he will make a statement on the matter. [9625/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I am aware of the case referred to by the Deputy. Khadar Adnan is generally acknowledged to be a leader of Islamic Jihad. I have been very concerned that Mr. Adnan's hunger strike has now reached the point where his health is likely to be seriously endangered. My Department and the Embassy in Tel Aviv has been active in raising our concerns over this serious case with the Israeli authorities and requesting that all possible steps be taken which would allow Mr. Adnan to end his hunger strike. At Ireland's request, the EU has also raised this case locally with the Israeli Foreign Ministry, expressing concern for Mr Adnan's health and the fact that he continues to be shackled to his hospital bed and reiterating the EU's long-standing concerns about the widespread use of administrative detention.

Ireland and our EU Partners have been active for some time in raising the practice of administrative detention and urging the Israeli authorities to move away from and end its use. Such representations appear to have had some effect, with the overall numbers in administrative detention falling considerably in recent years. We will continue to press on this issue as well as on the specific case of Mr. Adnan.

I understand today from our officials on the ground that an understanding may have been reached in the last few hours which would include Mr. Adnan immediately ending his hunger strike. I am awaiting confirmation of this, but I am very hopeful that this is the case.

Arms Trade

73. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Foreign Affairs and Trade if his attention has been drawn to the fact that Britain recently supplied military equipment, including components for military combat vehicles, weapons night sights, communications and range finding, valued at more than £1 million to Egypt's armed forces; and if he will make a statement on the matter. [9612/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The recent elections in Egypt were free, fair and transparent. I regard the success of the elections as a clear sign that Egypt has embarked on the first steps of its democratic transition. However, I share the concerns of many in Egypt that the pace of the transition is too slow and urge the Supreme Council of the Armed Forces to hand over power to civilian rule as soon as possible. I am also disturbed by the large number of deaths and injuries caused by the security forces in Egypt since the downfall of former President Mubarak. I urge the authorities to take steps to ensure that law and order is maintained in a manner consistent with human rights, including the right to freedom of assembly. The decision to transfer or deny the transfer of any military equipment or technology is at the national discretion of each exporting State.

In 2008, the EU adopted a Common Position which defines the rules governing the control of exports of military technology and equipment by Member States. Under this Common Position, Member States assess all licence applications for military exports against a series of Common Criteria. There are eight separate criteria which take into account the effect that the arms transfer could have on the country of final destination. The factors assessed include, among others, the human rights situation on the ground, the existence of tensions or armed conflict, the preservation of regional peace, security and stability, the question of whether the export could affect the sustainable development of the importing state, and the risk of exported military technology or equipment being diverted within the buyer country or re-exported under undesirable conditions.

As a result of the Common Position, I would note that armaments companies in the EU are in compliance with one of the strictest export control regimes in the world.

The operation of the Council Common Position is kept under constant review by Member States in light of changing circumstances in individual buyer countries. Ireland strongly supports the Common Position and expects it to be fully implemented by all Member States. The Deputy can be assured that in discussions with our EU partners I will continue to make our position on this very clear.

Foreign Conflicts

74. **Deputy Clare Daly** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will ensure that Ireland will adopt independent foreign policy positions in relation to the events in Syria and Iran. [9610/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): Irish foreign policy is formulated in keeping with the national interest in keeping with this country's traditional values and role in the world. We seek also to act in concert with other states in order to achieve practical results. In particular, Ireland has committed itself, as a member of the European Union, to seek to coordinate where possible on foreign policy issues, so as to achieve greater effect in pursuit of the values we share with our fellow members. As successive Governments have made clear, Ireland shares the widely expressed concerns of the international community about Iran's nuclear programme. We have fully supported the efforts of the EU to try to engage Iran in constructive dialogue on these concerns, including most recently through agreeing two further rounds of sanctions at the Foreign Affairs Councils held on 1 December 2011 and 23 January 2012. It is my belief that international cooperation in maintaining and intensifying pressure on Iran, including through the imposition of even tougher sanctions, has been of great influence in persuading the Iranian Government, even if belatedly, in the past week to respond positively to the offer of talks which High Representative Ashton had made last October on behalf of the E3 + 3. I hope the Iranian side will enter negotiations this time in a genuine spirit of compromise and cooperation.

The grave situation in Syria is also one which requires the full engagement of the international community. Ireland is playing its part, bilaterally, with EU partners and at the UN. I have made clear the Government's unequivocal condemnation of the continued violence against civilians in Syria, including when addressing the UN Security Council on 9 February. I have also fully supported the robust economic, political and diplomatic measures taken by the EU, UN and Arab League to compel the Syrian regime to cease its appalling and unacceptable attacks on the Syrian people. Ireland voted in favour, along with the EU and an overwhelming majority of UN member states, of a UN General Assembly Resolution calling for an end to the violence in Syria and implementation of the Arab League peace plan on 16 February. I reiterate the urgent need also for the Security Council to agree a strong resolution on Syria.

The Government, together with its EU partners, will continue to work with the Arab League, UN and other international partners until the violence against Syrian civilians ceases.

Question No. 75 answered with Question No. 67.

Human Rights Issues

76. **Deputy Pádraig Mac Lochlainn** asked the Tánaiste and Minister for Foreign Affairs and Trade if there are any concrete steps he is willing to take in order to share Ireland's valuable experiences on peace building and peace negotiations with the Colombian civil society and Government; and if he will share those experiences with the vibrant social and civil movements of Colombia who are at the frontline of the struggle for peace. [9621/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I met with Colombian Vice-President Angelino Garzón during his visit to Dublin last month, on 24 January. As the Deputy will be aware, Mr Garzón has responsibility in the Colombian Government for taking forward the human rights agenda. We specifically discussed the progress being made under the Santos administration on the peace process, including the human rights conference which is due to be held in November/December this year. The Vice-President noted that plans for the conference, which will take place in Cartagena, were already at a well-advanced stage and the aim is to engage in a broad-based open discussion on Colombia's human rights agenda. The conference will constitute a key step in the Government's commitment to incorporate a wide range of stakeholders and civil society actors, including NGOs, trades unions, human rights organisations, and representatives of indigenous peoples, in the efforts to improve Colombia's human rights record.

Ireland stands ready to share its experiences in this context as well as in other fora. Ireland has welcomed a number of foreign delegations to Ireland for lesson-sharing visits. While the circumstances of all conflicts are different, it is hoped that by facilitating such visits we can share our experiences of the Northern Ireland conflict and help those engaged in conflict resolution efforts in their own countries. My Department would react favourably to a request from Colombia to facilitate such a lesson-sharing visit to Ireland.

77. **Deputy Martin Ferris** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will be raising the issue of China's policies in Tibet during Xi Jinping's imminent visit to Dublin; and if he will be calling for the safeguarding of Tibetans' rights and interests with him. [9619/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): As I have said recently, the Government has closely followed the reported violent events in areas of Tibetan population in Chinese provinces neighbouring Tibet and is concerned about the situation. Human rights issues were discussed during the recent visit of China's Vice President, Mr. Xi Jinping, to Ireland. The promotion of human rights is an important dimension of Irish foreign policy. Ireland together with our EU partners continues to convey its concerns about the situation in Tibet directly to the Chinese authorities through regular contacts in both Dublin and Beijing. The issue of Tibet is also raised by the European Union as part of regular political dialogue as well as during specific Human Rights dialogues with China which have taken place since 1995.

Ireland together with our EU partners believes that constructive dialogue between the Chinese Government and the representatives of the Dalai Lama is the best way to address differences and tensions in Tibet and to reach a solution that respects Tibetan culture, language, religion and identity. It is important for the long-term peace and stability of the region that the two sides come to an agreement on the future of Tibet. To this end, we continue to encourage an early resumption of dialogue by the parties.

78. **Deputy Jonathan O'Brien** asked the Tánaiste and Minister for Foreign Affairs and Trade if he agrees on the need for a robust arms trade treaty that protects human rights; and if he intends to become vocal about the resistance of Governments such as China, Egypt, Russia and the USA to strong human rights safeguards within any potential treaty. [9618/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): Ireland strongly supports the process of developing strict controls on arms and works actively to promote the objective of strengthening arms controls globally. My officials will participate in a UN Diplomatic Conference from 2-27 July, where I hope agreement can be reached on a global Arms Trade Treaty (ATT). Ireland has been active on work towards an ATT from the outset and during the preparatory process, including at the recent Preparatory Committee meeting held in New York from 13-17 February.

Ireland's objective is to secure a legally-binding and comprehensive treaty with universal application, one that is as robust as possible, and which takes full account of human rights obligations and international humanitarian law. While I am not in a position to comment on the negotiating positions which will be taken by other countries going into the July Diplomatic Conference, I can assure the Deputy that Ireland's objective has not altered since this process began, and that we will continue to work actively, with EU and other like minded partners, to agree an instrument establishing common international standards for the import, export and transfer of conventional arms.

79. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Foreign Affairs and Trade if his attention has been drawn to Britain's continued sale of firearms to Bahrain, with the British Government's approval for the sale of military equipment valued at more than 1 million pounds despite continuing political unrest in the Gulf State in the months following the violent crackdown on demonstrators a year ago in the region; and if he intends to raise this issue with the British Government. [9611/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I remain concerned about the threat to human rights and the overall political situation in Bahrain. More needs to be done to address the legitimate demands of those peacefully seeking reform and greater inter-communal dialogue in Bahrain. It is essential that a process of national reconciliation and dialogue involving the political opposition, civil society and the victims of human rights violations gets underway as soon as possible. While I was relieved that last week's first anniversary of the 2011 protests did not result in further bloodshed, I was perturbed by the police's heavy-handed response to protests and I urge the Bahraini authorities to ensure full respect for the right to freedom of assembly, in accordance with Bahrain's international obligations. The decision to transfer or deny the transfer of any military technology is at the national discretion of each exporting State. Ireland has not issued a license for the sale of military goods to Bahrain since the outbreak of the protests.

In 2008, the EU adopted a Common Position which defines the rules governing the control of exports of military technology and equipment by Member States. Under this Common Position, Member States assess all licence applications for military exports against a series of Common Criteria. There are eight separate criteria which take into account the effect that the arms transfer could have on the country of final destination. The factors assessed include, among others, the human rights situation on the ground, the existence of tensions or armed conflict, the preservation of regional peace, security and stability, the question of whether the export could affect the sustainable development of the importing state, and the risk of exported military technology or equipment being diverted within the buyer country or re-exported under undesirable conditions.

As a result of the Common Position, I would note that armaments companies in the EU are in compliance with one of the strictest export control regimes in the world.

The operation of the Council Common Position is kept under constant review by Member States in light of changing circumstances in individual buyer countries. Ireland strongly supports the Common Position and expects it to be fully implemented by all Member States. The Deputy can be assured that in discussions with our EU partners I will continue to make our position on this very clear.

International Agreements

80. **Deputy Jonathan O'Brien** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on the current status of the Euro-Med investigation; and if he will clarify if there has been a breach of Article 2 of the EU-Israel Euro Mediterranean Association Agreement concerning the parties' human rights obligations. [9617/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I understand the Deputy's question refers to the consideration by the former Joint Committee on European Affairs (JCEA) of the situation in Gaza and whether it constituted a breach of the EU-Israel Association Agreement, in particular Article 2 concerning the parties' human rights obligations. The Government regards Association Agreements, such as that which exists with Israel, as a central part of the EU's policy of seeking to remove barriers to trade and to develop trade

with all of our partner countries, in the Mediterranean or elsewhere. They are framework agreements regulating and structuring contacts and co-operation between the EU and our partners across the full range of policy areas. This formal structure is the way in which the European Union organises its relations with all of its southern neighbours with the exception of Syria and Libya.

Article 2 of the EU-Israel Association Agreement, and similar Articles in Association Agreements with other partners in the region, place human rights firmly as an essential element of the relationship established under the Agreement. The EU has insisted on putting this framework in place, despite the reluctance on the part of some partners to accept human rights clauses as part of these agreements. Many of our southern neighbours would prefer ad hoc co-operation without the formal structured relationship or dialogue on human rights issues established by Association Agreements. The provision on human rights in Association Agreements enables the EU to formally raise our concerns about human rights issues in the political dialogue established by the Agreement, and helps to negate any counter-argument that these are domestic issues in which we should have no interest.

Association Agreements and the human rights provisions they contain recognise that the EU does have ongoing human rights concerns with our partner countries, and establishes political processes to discuss and if possible resolve these concerns. It would be counterproductive, therefore, to assert that the existence of human rights concerns constitutes a breach of the Agreement. The likely result would be that none of the EU's neighbours would accept the inclusion of such a clause in any Association Agreement.

The EU-Israel Association Agreement itself makes no provision for suspension. Instead, it provides in Article 75 that either party may raise a problem with the operation of the agreement at the annual association council, where the parties will work to resolve it. In other words, this is a political process, not a legal one.

Question No. 81 answered with Question No. 65.

Humanitarian Aid

82. **Deputy Robert Troy** asked the Tánaiste and Minister for Foreign Affairs and Trade the actions he proposes to take to tackle the nascent famine in the Sahel region of the Sahara desert in order to avert a humanitarian disaster; and if he will make a statement on the matter. [9579/12]

Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello): Across the Sahel region of western Africa, a combination of drought, high grain prices, environmental degradation and chronic underdevelopment is expected to plunge millions of people into a new food crisis this year. Burkina Faso, Mali, Mauritania, Niger, Senegal, Chad, northern Cameroon and northern Nigeria are all likely to be affected. The UN is reporting that there are already an estimated 10 million people struggling to get enough to eat.

The region is ill prepared to manage a new food crisis, with a long history of recurrent droughts and food insecurity having eroded coping mechanisms and left many people increasingly vulnerable. Insecurity is also making the work of humanitarian organisations more difficult in many areas.

I have discussed the challenges involved with a number of key humanitarian partners over recent weeks, including Commissioner Kristalina Georgieva, and OCHA's Deputy Emergency Relief Coordinator, Catherine Bragg. We agreed that we must learn from the Horn of Africa emergency and ensure that we act now and before the peak of this crisis. Our interventions

[Deputy Joe Costello.]

must also strengthen people's livelihoods, target the most vulnerable groups in the most affected areas, and be well coordinated around national plans.

To this end, I have recently approved a package of funding for the region valued at over €5 million.

This support will be disbursed through a range of partners providing life-saving assistance on the ground, including UN agencies such as the World Food Programme and OCHA, the international federation of the Red Cross and Red Crescent societies (IFRC), which includes the Irish Red Cross, as well as a number of Irish NGOs.

Finally, together with other donors and aid agencies, we will work to ensure greater linkages between our emergency relief and development programmes and in this way tackle the underlying vulnerabilities of people across the region.

Nuclear Proliferation

83. **Deputy Pearse Doherty** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on Taiwan's plans to finish nuclear power plant four despite serious concerns over storage of radioactive waste being stored at existing power plants, an extensive list of defects on the unfinished NPPF project and two senior executives resigning from the project in late 2011 on that basis. [9613/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): Ireland adheres to the One-China policy, recognising the government of the People's Republic of China as the sole legitimate government of China. I have consulted with my colleague, the Minister for the Environment, Community and Local Government and have been advised that Ireland recognises the right of States to determine their own energy mix, including whether or not to develop nuclear power. It is Ireland's expectation that, where a decision is taken by any authority, regardless of its status, to develop a nuclear power industry, this will be done in line with the highest international standards with respect to safety and environmental protection.

In view of the potential for transboundary impacts arising from the malfunctioning of nuclear installations, however limited that may be, the importance of prioritising nuclear safety and environmental protection is a matter of concern to all States, including Ireland.

Trade Promotion

84. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the extent of the trade promotional network provided through and by him throughout Europe and globally, by way of embassies, trade missions or otherwise, with the objective of maximisation of trade opportunities with emphasis on the promotion of Irish exports; the degree to which new contacts are being made on an ongoing basis; the extent to which Irish exporters can avail of such promotional facilities; if regular appraisal of the strength and weaknesses of such services is done on a regular basis with a view to ensuring the highest possible standard of promotion for Irish quality products on world markets; and if he will make a statement on the matter. [9602/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The promotion of Ireland's economic and trading interests is a key priority for my Department and the Embassy network. Currently the diplomatic network includes 56 Embassies, 7 multilateral missions and 10 Consulates General. Many of our Ambassadors are also accredited to additional countries on a non-resident basis. The Embassy network is engaged on a continuous basis, in close co-operation with the relevant State Agencies, in the drive to promote Irish

exports and our economic profile internationally. Embassies are a very effective platform for accessing key business contacts and opportunities and they regularly host promotional events in association with the State Agencies. They are also essential to the facilitation of trade missions organised by the State Agencies, including the Enterprise Ireland missions bringing Irish companies to international markets. In preparing programmes of trade and promotional activity for Ministers and other visitors, the Embassy network ensures that high level visits are leveraged for maximum impact. This is the case, for example, during the key St. Patrick's Day period, the programmes for which are currently being prepared. As an essential part of their activity, Ambassadors and Embassy network staff are constantly developing political, business and media contacts which can be used to advance Ireland's economic interests overseas and they are ready to assist Irish exporters and business people whenever possible.

Under *Trading and Investing in a Smart Economy*, the Government's Trade Strategy and Action Plan for the integrated promotion of overseas trade, tourism and investment, twenty seven key markets have been identified based on the priorities of the State Agencies. The relevant Ambassador in each case chairs a local market team which includes representatives from the relevant State Agencies in the field. These market teams submit annual market plans as well as twice yearly reports on implementation for review by the Export Trade Council which I chair and which brings together the relevant Ministers, senior Departmental representatives, State Agency CEOs and individuals with experience of the export sector. The second meeting of the Council, which I chaired on 16 February 2012, provided the most recent opportunity to review the progress being made in relation to maximising trade opportunities in both existing and emerging markets.

Human Rights Issues

85. **Deputy Gerry Adams** asked the Tánaiste and Minister for Foreign Affairs and Trade if he acknowledges that arms sales from China and Russia are fuelling serious human rights violations in Darfur whose exports include significant quantities of ammunition, helicopter gunships, attack aircrafts, air-to-ground rockets and armoured vehicles; his views that the conflict in Darfur is sustained by the constant flow of weapons from abroad; and if he will make a statement on the matter. [9615/12]

Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello): We remain seriously concerned by the persistence of the conflict in Darfur and the continuing suffering of the people in the region. The UN estimates that, since 2003, the violence in Darfur has resulted in the deaths of over 300,000 people and the displacement of nearly three million.

In March 2005, the UN Security Council extended an existing arms embargo to include the Sudanese Government forces active in the region, and any other belligerents in North Darfur, South Darfur and West Darfur. Ireland takes the clear position that this embargo must be observed and that all States must fulfil their obligations under international law, including human rights and humanitarian law. We and our EU partners believe that the best hope for an improvement in the conditions facing the people of Darfur is through the full implementation of the Doha Document for Peace in Darfur, which was agreed between the Sudanese Government and rebel groups in May 2011 and which sets out a comprehensive framework for an end to the conflict. It addresses issues such as arms proliferation and it sets out measures for disarmament and arms control in Darfur. The EU Foreign Affairs Council last month, which was attended by the Tánaiste and Minister for Foreign Affairs and Trade, examined the situation in Darfur. Ministers stressed the importance of implementation of the Doha Document and emphasised that a lasting and comprehensive peace settlement can only be achieved with the involvement of all stakeholders in Darfur. They also expressed the readiness of the European

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Union to support recovery programmes as and when there are improvements in the security environment, and reaffirmed our support for the United Nations-African Union Mission in Darfur, UNAMID.

Ireland and our EU partners have consistently urged all rebel movements to engage in the peace process and have called on the Government of Sudan to keep open the door to peace. On behalf of the Government, I do so again today. It is essential that we retain a focus on the need for accountability for serious violations of human rights and international humanitarian law in Darfur and the obligation on the Government of Sudan and all UN member States to cooperate fully with the International Criminal Court.

86. **Deputy Pearse Doherty** asked the Tánaiste and Minister for Foreign Affairs and Trade if his attention has been drawn to the recent raid by the Ugandan Government on a workshop run by lesbian, gay, bisexual and transgender activists in Entebbe, Uganda; his views that this is a blatant infringement of human rights and if he will be calling publicly on the Ugandan Government to end the ongoing harassment of persons involved in such lawful activities.

[9614/12]

Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello): The Government shares the Deputy's concerns in relation to the situation of Lesbian, Gay, Bisexual and Transgender persons and activists in Uganda and we have consistently made our views on these issues known to the Ugandan authorities. I am aware of the recent incident in Entebbe in which a human rights defenders' workshop was disrupted.

More generally, we are concerned about reports of ongoing harassment against LGBT activists and individuals in Uganda, and we view the recent reintroduction in the Ugandan Parliament of a Private Members Bill seeking to criminalise homosexuality as of particular concern. The Deputy will be aware that a previous Private Members Bill raised similar concerns for us and we made our views known very clearly at Government level in Uganda. This bill was not followed through and did not have the support of the Government of Uganda.

Ireland has been actively engaged with the Ugandan Government for some time in highlighting the human rights implications of this draft legislation, and pointing out that the passage of any such law would be in conflict with Uganda's international human rights obligations and would damage relations with international partners.

Ireland has also consistently raised the issue locally through our Ambassador in Kampala, and we will continue to use every opportunity to raise the matter as an issue of human rights. Our Ambassador in Kampala has also engaged with local human rights groups in order to hear how best the international community should support the cause of human rights defenders in this area and we have been active in our support for individual defenders who have reported harassment and threats on the basis of sexual orientation.

We have communicated to the Ugandan Government that we believe that this issue has the potential to undermine and blemish Uganda's human rights reputation both domestically and internationally.

Ireland, in conjunction with our EU partners and the donor community, remains committed to ensuring that the citizens of Uganda do not suffer violence or discrimination on the grounds of their sexual orientation.

Diplomatic Representation

87. **Deputy Kevin Humphreys** asked the Tánaiste and Minister for Foreign Affairs and Trade his plans to allocate further diplomatic resources to the BRICS countries over the next year; if

he will provide details of his plan; if specific targets have been set to enhance trade and strengthen connections; and if he will make a statement on the matter. [9371/12]

88. **Deputy Kevin Humphreys** asked the Tánaiste and Minister for Foreign Affairs and Trade if he is satisfied with the number of diplomatic staff currently allocated to the BRICS countries; if he has conducted any assessment of the current allocation and its effectiveness in growing trade; and if he will make a statement on the matter. [9372/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I propose to take Questions Nos. 87 and 88 together.

Trading and Investing in a Smart Economy, the Government's Trade Strategy and Action Plan for the integrated promotion of overseas trade, tourism and investment, seeks to build on our strengths in existing markets and develop exports and tourism in emerging economies. The UK, USA and our Eurozone partners continue to be key markets for Ireland, given our strong knowledge and understanding of these markets and our shared historical and cultural linkages.

The Government is, of course, fully committed to developing and expanding engagement with key high potential markets, such as the so called BRICS countries — Brazil, Russia, India, China and South Africa. Each of these countries has been designated a priority market under the Trade Strategy based on the targets of the State Agencies and progress to date was most recently reviewed at the second meeting of the Export Trade Council, which I chaired on 16 February.

We are already increasing our trade footprint in these markets. I am confident that a range of trade missions and other initiatives during the year ahead will help to build on the progress already achieved in these and other markets.

Embassies and State Agencies based in the BRICS countries, through the local market teams established under the trade strategy and chaired by the Ambassador, are coordinating their resources to ensure the best possible return on Government investment in promotional activities in these markets.

A table setting out the details of staff in the Missions and the location of Honorary Consuls in the BRICS countries is provided below. The staffing figures include diplomatic and administrative staff on posting from Headquarters.

The size, scale and distribution of our diplomatic network is kept under review by my Department and considered by the Government on an ongoing basis. Any decision to retain or expand a Mission overseas is undertaken having regard to clear national priorities and available resources, and must be on the basis of an anticipated and ongoing significant return for the State.

BRICS Country	Missions	Staff at Missions	Honorary Consuls	Honorary Consul Locations
Brazil	Embassy in Brasilia	2	1	Sao Paulo
Russia	Embassy in Moscow	9 (including visa office)	1	St. Petersburg
India	Embassy in New Delhi	7 (including visa office)	4	Bangalore, Chennai Mumbai Kolkata
China	Embassy in Beijing	9 (including visa office)	1	Hong Kong
	Consulate General in Shanghai	3		
South Africa	Embassy in Pretoria Office in Cape Town	4	0	

Human Rights Issues

89. **Deputy Catherine Murphy** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will restate his position on extreme human rights violations being committed by the Government of the Syrian Arab Republic, which according to UN High Commissioner for Human Rights Pillay has resulted in the deaths of approximately 5,400 persons in the past year, primarily civilians; if he is in favour of immediate collective action to bring about a quick end to the violence; if he will outline the representations he has made at bilateral and multilateral level in an effort to resolve the crisis; and if he will make a statement on the matter. [9584/12]

120. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade the position regarding the situation in Syria and the decision by China and Russia to block the UN resolution; and if he will make a statement on the matter. [8005/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I propose to take Questions Nos. 89 and 120 together.

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 UN 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 weeks since 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 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 initial meeting of the Friends of Syria Group in Tunisia on 24 February, which will be attended by Arab League Foreign Ministers as well as EU High Representative Catherine Ashton and US Secretary of State Clinton amongst others, will provide a timely opportunity to consider next steps and to bring together representatives of Syria's fragmented peaceful opposition.

At UN level, Ireland and all EU partners voted in favour of a UN General Assembly Resolution on 16 February which was supported by an overwhelming majority of UN member states. The Resolution condemned human rights violations in Syria, called for an end to the violence, supported the Arab League peace plan and called on President Assad to resign in order to allow a political transition to begin. The UN General Assembly also received a briefing from

High Commissioner for Human Rights Pillay on 13 February which described the appalling and widespread human rights violations ongoing in Syria. The human rights situation in Syria is also likely to be addressed at the forthcoming session of the UN Human Rights Council later this month.

The EU is also playing its part, not least through the enactment of tough sanctions against Syria which include a ban on oil imports. 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. This may include additional restrictive measures.

Meanwhile, 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 idea is under consideration but it is clear that a prior ceasefire would be essential.

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.

Nuclear Proliferation

90. **Deputy Mick Wallace** asked the Tánaiste and Minister for Foreign Affairs and Trade his views that the decision by EU foreign ministers to impose further sanctions on Iran will have a serious impact on the Iranian people; his further views on recent reports that ordinary citizens are already facing difficulties due to soaring food prices; and if he will make a statement on the matter. [9627/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): Given the failure of the Iranian government to respond to the serious concerns of the international community raised by the International Atomic Energy Agency report of 8 November, the EU has recently been compelled to adopt two further rounds of restrictive measures against Iran, at the Foreign Affairs Councils held on 1 December 2011 and 23 January 2012 respectively. These latest sanctions adopted by the EU specifically target additional entities and individuals directly involved in Iran's nuclear activities in violation of UN Security Council resolutions. Among these entities are the Islamic Republic of Iran Shipping Line (IRISL) while there are also new restrictions against members of, as well as entities controlled by, the Islamic Revolutionary Guards Corps (IRGC). In addition, there are new measures in the energy sector, including a phased embargo of Iranian crude oil imports to the EU; in the financial sector, including against the Central Bank of Iran; and in the transport sector.

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 adequately and comprehensively addressed.

There is no doubt that Iran is becoming increasingly isolated internationally as a result of its government's refusal to address the nuclear issue. This isolation is compounding the already

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extensive economic problems which Iran is currently facing and is negatively affecting the wider Iranian population, with whom the EU has no quarrel.

However, these sanctions can be swiftly reversed if Iran takes concrete steps to address the very serious concerns of the international community and provide assurances as to the peaceful intentions of its nuclear programme. In this regard, I note with interest the recent letter of Iran's chief nuclear negotiator Saeed Jalili to EU High Representative Catherine Ashton, who leads negotiations on the nuclear issue with Iran on behalf of the E3+3, accepting HR Ashton's proposal of October 2011 to renew talks.

It is my belief that the additional measures adopted by the EU, as well as the tough bilateral sanctions implemented by US, Canada and the UK in recent months, have been of great influence in triggering this belated acceptance of talks by Iran. I hope that renewed negotiations will begin soon and that Iran will now address comprehensively the international concerns about the possible military dimension of its nuclear programme. I urge the Iranian side to enter negotiations this time in a genuine spirit of compromise and cooperation.

91. **Deputy Richard Boyd Barrett** asked the Tánaiste and Minister for Foreign Affairs and Trade in view of the imposition of sanctions on Iran because of their nuclear programme if he will consider calling for sanctions on Israel because of their nuclear activities; and if he will make a statement on the matter. [9624/12]

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 concern regarding possible military dimensions to Iran's nuclear programme. It concluded that information available indicated that Iran had carried out activities relevant to the development of a nuclear explosive device. In response to the failure on the part of Iran to address the international community's concerns following the International Atomic Energy Agency's latest report on the Iran nuclear issue, 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 aim of 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 the Government, as well as of its EU, US and international partners, that productive negotiations with Iran will get underway again soon and address comprehensively the many serious issues relating to Iran's nuclear programme, including its possible military dimensions.

Israel has never officially declared that it possesses nuclear weapons. It is one of just three states not to have ratified 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 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.

Diplomatic Representation

92. **Deputy Michael McGrath** asked the Tánaiste and Minister for Foreign Affairs and Trade if the recent media reports about him confirming that a review of the closure of the embassy in the Vatican would take place are true; and if he will make a statement on the matter. [9355/12]

121. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade if he intends to review the decision to close the Irish embassy in the Vatican; and if he will make a statement on the matter. [7784/12]

125. **Deputy Michael Healy-Rae** asked the Tánaiste and Minister for Foreign Affairs and Trade in view of the disclosure that the closing down of the embassy to the Holy See saved just €600,000 out of a total bill of €76 million for overseas embassies, if he will now reverse his decision and reopen our ties with Rome; and if he will make a statement on the matter. [9839/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I propose to take Questions Nos. 92, 121 and 125 together.

As was outlined in my statement of 3 November last year, the decision of the Government to close our embassy to the Holy See and to appoint a non-resident Ambassador was driven by economic factors deriving from our need to cut public expenditure and focus the modest resources of our diplomatic service on economic recovery. The total cost saving in a full year is estimated at €845,000.

However, as the economic situation improves and in the context of the regular review of our diplomatic network, it may be possible to revisit the matter at some time in the future. If the Vatican is prepared to relax its current requirements so as to allow the state-owned Villa Spada to serve as a location for both our Embassy to Italy and our Embassy to the Holy See that is something that can be taken into account in any future considerations.

EU Treaties

93. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has considered comments made in France by Minister Francois Fillon who considers that a referendum will be necessary to adopt a fiscal rule to balance its budget; his views that the same principle would apply here; and if he will make a statement on the matter. [9456/12]

111. **Deputy Richard Boyd Barrett** asked the Tánaiste and Minister for Foreign Affairs and Trade if he raised the question of the legitimacy of such a far-reaching agreement as the Eurocompact treaty being implemented without reference to the citizens of Europe through referenda at the EU leaders' summit on 30 January 2012; and if he will make a statement on the matter. [5271/12]

112. **Deputy Richard Boyd Barrett** asked the Tánaiste and Minister for Foreign Affairs and Trade if he raised the issue and his views on the matter of growing calls for a referendum on the Eurocompact treaty in Ireland at the EU leaders' summit on 30 January 2012; and if he will make a statement on the matter. [5272/12]

113. **Deputy Richard Boyd Barrett** asked the Tánaiste and Minister for Foreign Affairs and Trade if he raised the issue of demands for a referendum on the fiscal compact treaty in Ireland at the EU leaders' summit on 30 January 2012; and if he will make a statement on the matter. [6594/12]

114. **Deputy Richard Boyd Barrett** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will provide an update on the likelihood of a referendum being held here on the fiscal compact agreed by him and other EU leaders at the EU leaders' summit on 9 December 2011; and if he will make a statement on the matter. [2330/12]

116. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade if he intends to insist that the rights of all EU members be respected and that a new effort should be made to get Britain to agree to the treaty; and if he will make a statement on the matter. [5169/12]

118. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade his views that it is not a welcome development that in the first time in the history of the European Union that a treaty is not being signed by all its members; if he, or other EU members, will be making an effort to achieve unanimity before March; and if he will make a statement on the matter. [6387/12]

119. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will investigate comments from a high level European official who said that the EU treaty was drafted to avoid a referendum; if he agrees with this position; and if he will make a statement on the matter. [7778/12]

122. **Deputy Gerry Adams** asked the Tánaiste and Minister for Foreign Affairs and Trade if he raised the issue of the possibility of a referendum on the new EU treaty at the EU Council summit on 30 January 2012. [6465/12]

126. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the extent to which it is anticipated that the fiscal stability compact will be observed in the spirit and the letter; if he will outline anticipated action likely to be taken by countries who default; and if he will make a statement on the matter. [9978/12]

127. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the extent to which a commitment has been made within the eurozone and within the European union as a whole to adhere to political, fiscal and economic commitments already entered into or likely to arise from the fiscal stability compact; and if he will make a statement on the matter. [9979/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I propose to take Questions Nos. 93, 111 to 114, inclusive, 116, 118, 119, 122, 126 and 127 together.

When agreement was reached at the European Council in December to put in place new arrangements to enhance the stability of the euro area, Ireland made clear its preference for proceeding within the framework of the EU Treaties, and with the involvement of all 27

Member States. This did not prove possible, so it was agreed to proceed with a separate Treaty among those wishing to participate. Agreement on these new arrangements — set out in the “Treaty on Stability, Coordination and Governance in the Economic and Monetary Union” — was reached at the end of January by Heads of State and Government.

It is intended that the Treaty will be signed in the margins of the meeting of the European Council on 1/2 March, and that it will then be ratified by each of the Contracting Parties, in accordance with their respective constitutional requirements. It will enter into force once twelve Contracting Parties whose currency is the euro have ratified it. The target date for entry into force is 1 January 2013.

The question of whether an amendment of the Constitution will be required in order for Ireland to ratify the Treaty is currently being examined by the Attorney General, who will present her advice to the Government in due course. The Government has made it clear that if a referendum is required, one will be held.

It is a matter for other Contracting Parties to decide what approach they will take, taking into account their own constitutional requirements. It would not be appropriate for me to comment on what this might entail in each case.

The Treaty sets out how it will apply to Contracting Parties once it has entered into force and once they have ratified it. As with all international agreements, once they are bound by it, there will be a legal obligation on Contracting Parties to abide by its provisions. Article 8 of the Treaty provides for a role for the EU Court of Justice where possible breaches of Article 3.2, on the deficit brake, is concerned.

I am, of course, disappointed that it was not possible to proceed with the agreement of all 27 EU Member States. This was the Government’s strong preference, though I respect the rights of partners to decide the best approach from their respective perspectives.

I would of course, welcome participation by all Member States, and would note that Article 15 makes it clear that the new Treaty “shall be open to accession by Member States of the European Union other than the Contracting Parties”.

Furthermore, Article 16 of the new Treaty provides that “within five years, at most” of the new Treaty entering into force “the necessary steps shall be taken with the aim of incorporating the substance of this Treaty into the legal framework of the European Union”. This is a most welcome provision, and the Government hopes that such incorporation can take place at as early a date as possible.

In the meantime, it is important to recognise that, while the arrangements are not part of the EU Treaties, Article 2 makes it clear that the new Treaty “shall be applied and interpreted by the Contracting Parties in conformity with the Treaties on which the European Union is founded”.

Furthermore, the new Treaty shall apply only “insofar as it is compatible with the Treaties on which the European Union is founded and with European Union law”. This is an important provision that the Government argued for and strongly supports.

Finally, while the new Treaty is not part of the EU Treaties, many of its provisions are already found in EU Treaties or law, including within the Stability and Growth Pact, as strengthened by the six legislative measures adopted last year — the so-called “six-pack”.

International Financial Services Centre

94. **Deputy Mary Lou McDonald** asked the Taoiseach the success the IFSC pensions working

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group has had in promoting Ireland as a prime location for centralised management of pension funds. [9205/12]

The Taoiseach: Unlike other markets and activities undertaken in the IFSC, the cross-border pensions market is at an early development stage within Europe as a whole. To date, the success of the IFSC Pensions Working Group is evidenced by the development of Ireland's Common Contractual Fund structure (CCFs), to compete with other jurisdictions for the pooling of pension assets. 18 CCFs have been authorised to date, with total assets of €7.25Billion.

Building on this success the IFSC Pensions Working Group is seeking to broaden the potential for using Ireland as a base for the centralised management of pension schemes, which it is expected would increase the numbers employed in providing services to pension schemes in areas such as administration, legal, actuarial, investment and other highly valued roles.

Food and Beverage Exports

95. **Deputy Brendan Smith** asked the Taoiseach the value on a yearly basis of food and beverage exports to China from 2000 to 2011, inclusive; and if he will make a statement on the matter. [9252/12]

Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe): The information requested by Deputy Smith is presented in the following table.

The table shows the total value of exports of Food and live animals and Beverages, excluding commodity Division 08 — Feeding stuff for animals — for the years 2000 to 2011. The figures are an aggregate of China, Hong Kong and Macao.

Exports to China

Food and live animals and Beverages, 2000-2011

	Food and Live Animals	Beverages	Grand Total
Jan-Dec 2000	€95.3m	€0.9m	€96.2m
Jan-Dec 2001	€107.2m	€0.5m	€107.7m
Jan-Dec 2002	€42.5m	€1.3m	€43.8m
Jan-Dec 2003	€27.4m	€0.5m	€27.9m
Jan-Dec 2004	€28.0m	€1.1m	€29.1m
Jan-Dec 2005	€50.4m	€3.1m	€53.5m
Jan-Dec 2006	€72.4m	€2.6m	€75.0m
Jan-Dec 2007	€93.8m	€3.8m	€97.6m
Jan-Dec 2008	€78.1m	€3.7m	€81.8m
Jan-Dec 2009	€115.7m	€2.0m	€117.7m
Jan-Dec 2010	€128.7m	€3.6m	€132.3m
Jan-Dec 2011	€191.0m	€3.6m	€194.6m
Grand Total	€1,030.5m	€26.7m	€1,057.2m

Departmental Staff

96. **Deputy Thomas Pringle** asked the Taoiseach the numbers of persons employed in his Department and agencies thereof whose gross salary as of the latest date available was in each of the bands (details supplied); and if he will make a statement on the matter. [9293/12]

The Taoiseach: The information requested by the Deputy for my Department and the National Economic and Social Development Office (NESDO), which is the only State Agency under the aegis of my Department, is outlined in the following table:

Gross Salary Band	Number of Staff in the Department of the Taoiseach	Number of Staff*in NESDO
€0 — €10,000	0	0
€10,000 — €20,000	4	0
€20,000 — €30,000	43	0
€30,000 — €40,000	34	2
€40,000 — €50,000	35	5
€50,000 — €60,000	24	1
€60,000 — €70,000	7	0
€70,000 — €80,000	13	2
€80,000 — €90,000	8	5
€90,000 — €100,000	5	3
€100,000 — €115,000	5	2
€115,000 — €125,000	1	0
€125,000 — €150,000	3	1
Greater than €150,000	4	0

EU Presidency

97. **Deputy Niall Collins** asked the Taoiseach the preparations he has undertaken for the Irish Presidency of the Council of the European Union in January 2013; the amount of money spent on EU Presidency related activities to date in 2012; the estimated expenditure up to December 2012; the budget for the six-month Presidency specifically; the additional staff he has undertaken; the number of re-assigned staff he has undertaken; the estimated future staff requirements for the Presidency; and if he will make a statement on the matter. [9295/12]

The Taoiseach: My Department is playing a central coordinating role in preparations for Ireland's Presidency of the Council of the European Union in 2013. The Department is leading the coordination of policy planning for the Presidency, working closely with Ireland's Permanent Representation to the EU in Brussels, as well as with the Department of Foreign Affairs and Trade.

Senior officials from my Department also chair a number of smaller working groups tasked with more specific areas of planning including a semi-state agency group that is reviewing the promotional opportunities presented by the Presidency and a communications group. Officials from my Department are also working closely with the EU institutions in the run-up to the Presidency.

I have also met with several of my European colleagues in recent months and discussed issues including the Presidency. One of my recent meetings was with the Prime Minister of Denmark which currently holds the Presidency of the Council of the EU.

The Minister of State for European Affairs visited the European Parliament last November and will travel to Strasbourg again in March to meet with key contacts ahead of the Presidency. The Minister of State has also met with many of her counterparts in other EU Member States in recent months. Meetings have also been held with civil society representatives and other stakeholders.

[The Taoiseach.]

The 2012 estimate for my Department for the EU Presidency is €2.2 million, €1 million in respect of pay and €1.2 million in respect of non-pay. A total of €3,639.88 has been spent to date (i.e. 17 February 2012) by my Department in respect of the EU Presidency.

In keeping with the precedents set for previous EU Presidencies there is a need for additional staff to assist with the central planning and preparation functions for the forthcoming Presidency. These functions are now shared between my Department and the Department of Foreign Affairs and Trade in light of the transfer of functions between the Departments that took place last year.

I estimate that approximately 21 additional staff will be required by my Department for the duration of the Presidency. In view of the temporary nature of the work involved the emphasis being taken in relation to the filling of these posts is to seek redeployment from elsewhere in the public service as far as possible or to fill them by way of temporary recruitment.

In this regard two staff have already been redeployed to my Department from other parts of the civil service. My Department is also currently in the process of establishing a panel of temporary Executive Officers with relevant EU related qualifications to assist with necessary functions for the Presidency. It is expected that 10 people will be drawn from the panel as soon as it is established. It will be drawn from thereafter as required.

Youth Unemployment

98. **Deputy Patrick Nulty** asked the Taoiseach if he has responded to the letter from the European Commission President, Mr. Barroso, of 31 January last inviting him to submit plans and proposals to address youth unemployment; and if he will make a statement on the matter. [9481/12]

99. **Deputy Patrick Nulty** asked the Taoiseach if he plans to establish an action team as requested by European Commission President, Mr. Barroso, to address youth unemployment; and if he will make a statement on the matter. [9482/12]

100. **Deputy Patrick Nulty** asked the Taoiseach if a date for the European Commission team visit to Ireland to discuss youth unemployment as indicated in the letter from the European Commission President, Mr. Barroso, dated 31 January last has been set; and if he will make a statement on the matter. [9483/12]

The Taoiseach: I propose to take Questions Nos. 98 to 100, inclusive, together.

Following on from the informal European Council meeting in January, President Barroso wrote to the eight member states with youth unemployment levels significantly above the EU average. The countries involved are Spain, Greece, Slovakia, Lithuania, Italy, Portugal, Latvia and Ireland.

In his letter President Barroso offered the assistance of the Commission to explore ways to combat youth unemployment and increase supports for small and medium sized enterprises.

I replied to President Barroso indicating that I agree that there is urgency in tackling this issue.

I also highlighted that this initiative is timely in the context of the Government's recently published Action Plan on Jobs and the labour market activation policy statement "Pathways to Work" which is due to be published this week.

As a first stage in this process Commission officials are visiting today, Tuesday 21 February, to meet with officials from relevant Departments to explore these issues in some detail.

The Minister for Public Expenditure and Reform has informed the House, and the Commission is aware, that 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. We will, in the first instance, be looking at whether employment programmes might be re-focused to better effect.

Departmental Agencies

101. **Deputy Finian McGrath** asked the Taoiseach if he will provide the number of retired persons serving on State boards and commissions; and the amount it is costing the State. [9609/12]

The Taoiseach: There are no retired persons serving on State boards and commissions under the aegis of my Department.

Departmental Expenditure

102. **Deputy Niall Collins** asked the Taoiseach the total photography costs for his Department since coming to office; the list of occasions for which photographers were booked over the past year; the breakdown of costs associated with each occasion that a photographer was used; if there is a policy around the booking of photographers in his Department; and if he will make a statement on the matter. [9670/12]

The Taoiseach: The total spend by my Department on photography since March 2011 is €30,629.00. Increasingly my Department utilises its own staff to take photographs in house thereby reducing costs. The comparable cost in 2008 for example, was €83,398.00.

However for major events and inward state visits my Department continues to use the services of a professional photographic agency. As requested, attached is a breakdown of costs for each occasion a photographer was engaged.

A framework for the provision of professional photography services is currently being finalised by the Department of Foreign Affairs and Trade and will be open to all Government Departments in the coming days. My Department will enter this framework as soon as it is available.

Details of photogorpahy paymentsbetween 9th March 2011 and 7th February 2012

Vendor	Price	Payment Date	Reason for Job — Job description
MAXWELL PHOTOGRAPHY	514.75	18-Mar-11	Last Cabinet Picture Brian Cowen 01/02/2011 — Inv no. 28876 22/02/2011.
MAXWELL PHOTOGRAPHY	108.1	18-Mar-11	Last Cabinet Picture Brian Cowen 01/02/2011 — Inv no. 28876 22/02/2011.
MAXWELL PHOTOGRAPHY	100	18-Mar-11	Jpegs Cowen/Clinton 01/10/2010, Ahern/Clinton 17/11/2007 — Inv no. 28945 28/02/2011
MAXWELL PHOTOGRAPHY	21	18-Mar-11	Jpegs Cowen/Clinton 01/10/2010, Ahern/Clinton 17/11/2007 — Inv no. 28945 28/02/2011
MAXWELL PHOTOGRAPHY	488.5	18-Mar-11	Air Corps Baldonnell 22/02/2011 — Inv no. 28900 24/02/2011.
MAXWELL PHOTOGRAPHY	102.59	18-Mar-11	Air Corps Baldonnell 22/02/2011 — Inv no. 28900 24/02/2011.
MAXWELL PHOTOGRAPHY	475.5	18-Mar-11	Jpegs — Aras Mr Cowen Resignation 01/02/2011 — Inv no. 28944 28/02/2011.

[The Taoiseach.]

Vendor	Price	Payment Date	Reason for Job — Job description
MAXWELL PHOTOGRAPHY	99.86	18-Mar-11	Jpegs — Aras Mr Cowen Resignation 01/02/2011 — Inv no. 28944 28/02/2011.
MAXWELL PHOTOGRAPHY	25	18-Mar-11	Flight of The Earls — Inv no. 28946 28/02/2011.
MAXWELL PHOTOGRAPHY	5.25	18-Mar-11	Flight of The Earls — Inv no. 28946 28/02/2011.
MAXWELL PHOTOGRAPHY	64.5	18-Mar-11	Aras Dissolution 01/02/2011 — Inv no. 28947 28/02/2011.
MAXWELL PHOTOGRAPHY	13.55	18-Mar-11	Aras Dissolution 01/02/2011 — Inv no. 28947 28/02/2011.
MAXWELL PHOTOGRAPHY	125	18-Mar-11	Fulbright Awards images 24/06/2010 — Inv no. 27689 30/06/2010.
MAXWELL PHOTOGRAPHY	26.25	18-Mar-11	Fulbright Awards images 24/06/2010 — Inv no. 27689 30/06/2010.
Purchased using Department Credit Card	136.9	19-May-11	P. Kiernan, 19-April-2011, The Press Association, Nottingham, 120.00 GBP @ 0.8765.
Purchased using Department Credit Card	2.4	19-May-11	P. Kiernan, 19-April-2011, Cross order Handling Fee.
Petty cash	12.75	31-May-11	Hacketts Reprographics
Petty cash	7.5	31-May-11	Hacketts Reprographics Visa photos for 1 of the Taoiseach's delegation for USA Mar 2011, 10 Mar 2011
MAXWELL PHOTOGRAPHY	415.25	02-Jun-11	Inv no. 29203 1916 Commemoration 24/04/2011
MAXWELL PHOTOGRAPHY	87.2	02-Jun-11	Inv no. 29203 1916 Commemoration 24/04/2011
MAXWELL PHOTOGRAPHY	306.75	02-Jun-11	Inv no. 29228 SDLP 14/04/2011
MAXWELL PHOTOGRAPHY	64.42	02-Jun-11	Inv no. 29228 SDLP 14/04/2011
MAXWELL PHOTOGRAPHY	295.25	02-Jun-11	Inv no. 28992 Launch of Census 10/3/2011
MAXWELL PHOTOGRAPHY	62	02-Jun-11	Inv no. 28992 Launch of Census 10/3/2011
MAXWELL PHOTOGRAPHY	395.25	02-Jun-11	Inv no. 29004 Newly appointed Ministers 15/03/2011
MAXWELL PHOTOGRAPHY	83	02-Jun-11	Inv no. 29004 Newly appointed Ministers 15/03/2011
MAXWELL PHOTOGRAPHY	-0.01	02-Jun-11	A/C TAOI — Jesse Jackson 21/03/2011
MAXWELL PHOTOGRAPHY	338.5	02-Jun-11	Inv no. 29016 Jesse Jackson 21/03/2011
MAXWELL PHOTOGRAPHY	71.09	02-Jun-11	Inv no. 29016 Jesse Jackson 21/03/2011
MAXWELL PHOTOGRAPHY	331.75	02-Jun-11	Inv no. 29017 Book of Condolence — Japan 22/03/2011
MAXWELL PHOTOGRAPHY	69.67	02-Jun-11	Inv no. 29017 Book of Condolence — Japan 22/03/2011
MAXWELL PHOTOGRAPHY	331.75	02-Jun-11	Inv no. 29041 US Ambassador Dan Rooney 28/03/2011
MAXWELL PHOTOGRAPHY	69.67	02-Jun-11	Inv no. 29041 US Ambassador Dan Rooney 28/03/2011
MAXWELL PHOTOGRAPHY	50	02-Jun-11	Inv no. 29063 Jpegs 1916 Commemoration 04/04/2011

Vendor	Price	Payment Date	Reason for Job — Job description
MAXWELL PHOTOGRAPHY	10.5	02-Jun-11	Inv no. 29063 Jpegs 1916 Commemoration 04/04/2011
MAXWELL PHOTOGRAPHY	420.25	02-Jun-11	Inv no. 29124 Mass New Dail 09/03/2011
MAXWELL PHOTOGRAPHY	88.25	02-Jun-11	Inv no. 29124 Mass New Dail 09/03/2011
MAXWELL PHOTOGRAPHY	445.25	02-Jun-11	Inv no. 29125 Taoiseach Office P Call 09/03/2011
MAXWELL PHOTOGRAPHY	93.5	02-Jun-11	Inv no. 29125 Taoiseach Office P Call 09/03/2011
MAXWELL PHOTOGRAPHY	323.25	02-Jun-11	Inv no. 29126 Reception New Ministers 09/03/2011
MAXWELL PHOTOGRAPHY	67.88	02-Jun-11	Inv no. 29126 Reception New Ministers 09/03/2011
MAXWELL PHOTOGRAPHY	406.75	02-Jun-11	Inv no. 29127 New Cabinet Meeting 10/03/2011
MAXWELL PHOTOGRAPHY	85.42	02-Jun-11	Inv no. 29127 New Cabinet Meeting 10/03/2011
MAXWELL PHOTOGRAPHY	645.25	02-Jun-11	Inv no. 29128 New Ministers Appointments 09/03/2011
MAXWELL PHOTOGRAPHY	135.5	02-Jun-11	Inv no. 29128 New Ministers Appointments 09/03/2011
MAXWELL PHOTOGRAPHY	1,950.00	23-Jun-11	The Late Dr. Garret Fitzgerald's Funeral 21-22 May 2011 — Inv no. 29412 31/05/2011. Photography assignment covering attendance, taking colour, processing — Mansion House Morning x 2 evening x 1, Donnybrook Church 21 and 22 May 2011.
MAXWELL PHOTOGRAPHY	409.5	23-Jun-11	The Late Dr. Garret Fitzgerald's Funeral 21-22 May 2011. Inv no. 29412 31/05/2011. Photography assignment covering attendance, taking colour, processing — Mansion House Morning x 2 evening x 1, Donnybrook Church 21 and 22 May 2011.
Purchased using Department Credit Card	140.8	23-Jun-11	27 May 2011 Eoghan O'Neachtain — My Photo Book.de
MAXWELL PHOTOGRAPHY	3,750.00	23-Jun-11	President Obama Visit all day 23 May 2011. Inv no. 29418 31/05/2011. Daily rate to incorporate full day photography and full syndication of images.
MAXWELL PHOTOGRAPHY	787.5	23-Jun-11	President Obama Visit all day 23 May 2011. Inv no. 29418 31/05/2011. Daily rate to incorporate full day photography and full syndication of images.
MAXWELL PHOTOGRAPHY	-0.01	27-Jun-11	A/C TAOI — Taoiseach Enda Kenny and Church Leaders on 19 May 2011
MAXWELL PHOTOGRAPHY	338.5	27-Jun-11	Taoiseach Enda Kenny and Church Leaders on 19 May 2011 at Gov. Buildings. — Inv no. 29341 31/05/2011.
MAXWELL PHOTOGRAPHY	71.09	27-Jun-11	Taoiseach Enda Kenny and Church Leaders on 19 May 2011 at Gov. Buildings. — Inv no. 29341 31/05/2011.
MAXWELL PHOTOGRAPHY	520.25	27-Jun-11	British PM Visit to Gov. Buildings on 18 May 2011. — Inv no. 29338 31/05/2011.
MAXWELL PHOTOGRAPHY	109.25	27-Jun-11	British PM Visit to Gov. Buildings on 18 May 2011. — Inv no. 29338 31/05/2011.

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Vendor	Price	Payment Date	Reason for Job — Job description
MAXWELL PHOTOGRAPHY	48.67	27-Jun-11	US Congressman on 16 May 2011. — Inv No. 29334 31/05/2011. Photography assignment covering attendance, taking colour, processing, digital contact sheet.
MAXWELL PHOTOGRAPHY	231.75	27-Jun-11	US Congressman on 16 May 2011. — Inv No. 29334 31/05/2011. Photography assignment covering attendance, taking colour, processing, digital contact sheet.
MAXWELL PHOTOGRAPHY	338.49	28-Jul-11	Hungarian Prime Minister 01-06-11 Invoice No. 29442
MAXWELL PHOTOGRAPHY	71.08	28-Jul-11	Hungarian Prime Minister 01-06-11 — Invoice No. 29442
MAXWELL PHOTOGRAPHY	0.01	28-Jul-11	Hungarian Prime Minister 1/6/11
MAXWELL PHOTOGRAPHY	708.75	28-Jul-11	Excellence Awards ON 09/06/2011 — Invoice No. 29477 30/06/2011
MAXWELL PHOTOGRAPHY	148.84	28-Jul-11	Excellence Awards ON 09/06/2011 — Invoice No. 29477 30/06/2011
MAXWELL PHOTOGRAPHY	671.25	28-Jul-11	North South Ministerial Council 10-6-11 — Invoice No. 29478 30/06/2011.
MAXWELL PHOTOGRAPHY	140.96	28-Jul-11	North South Ministerial Council 10-6-11 — Invoice No. 29478 30/06/2011.
MAXWELL PHOTOGRAPHY	-0.01	28-Jul-11	President of European Council 17/6/11
MAXWELL PHOTOGRAPHY	464.5	28-Jul-11	President of European Council 17-6-11 — Invoice No. 29515 30/06/2011.
MAXWELL PHOTOGRAPHY	97.55	28-Jul-11	President of European Council 17-6-11 — Invoice No. 29515 30/06/2011.
MAXWELL PHOTOGRAPHY	215	28-Jul-11	President Obama Visit 23 May 2011 — Invoice No. 29558 30/06/2011.
MAXWELL PHOTOGRAPHY	45.15	28-Jul-11	President Obama Visit 23 May 2011 — Invoice No. 29558 30/06/2011.
MAXWELL PHOTOGRAPHY	612	28-Jul-11	Obama and Cabinet Ministers 23 May 2011 — Invoice No. 29560 30/06/2011.
MAXWELL PHOTOGRAPHY	128.52	28-Jul-11	Obama and Cabinet Ministers 23 May 2011 — Invoice No. 29560 30/06/2011.
MAXWELL PHOTOGRAPHY	275	28-Jul-11	Maxwells Invoice — New Ambassadors 30-6-11 — Invoice No. 29447 30/06/2011.
MAXWELL PHOTOGRAPHY	57.75	28-Jul-11	Maxwells Invoice — New Ambassadors 30-6-11 — Invoice No. 29447 30/06/2011.
MAXWELL PHOTOGRAPHY	295.25	28-Jul-11	Chinese Delegation — Invoice No. 29476
MAXWELL PHOTOGRAPHY	62	28-Jul-11	Chinese Delegation — Invoice No. 29476
MAXWELL PHOTOGRAPHY	231.75	28-Jul-11	Saudi Minister 14 June 2011 — Invoice No. 2959030/06/2011.
MAXWELL PHOTOGRAPHY	48.67	28-Jul-11	Saudi Minister 14 June 2011 — Invoice No. 2959030/06/2011.
MAXWELL PHOTOGRAPHY	306.75	28-Jul-11	Richard Haas meets Taoiseach Enda Kenny on 01/04/2011. — Inv no. 29591 30/06/2011.
MAXWELL PHOTOGRAPHY	64.42	28-Jul-11	Richard Haas meets Taoiseach Enda Kenny on 01/04/2011. — Inv no. 29591 30/06/2011.
DEPT OF FOREIGN AFFAIRS AND TRADE	2,106.14	28-Jul-11	LK Photo SPD11 Photographer D. Taoiseach
MAXWELL PHOTOGRAPHY	263.5	25-Aug-11	Invoice No. 29680 29/07/2011 — New Sec Gen and Ian Paisley on 26/07/2011.

Vendor	Price	Payment Date	Reason for Job — Job description
MAXWELL PHOTOGRAPHY	55.34	25-Aug-11	Invoice No. 29680 29/07/2011 — New Sec Gen and Ian Paisley on 26/07/2011.
MAXWELL PHOTOGRAPHY	575.25	25-Aug-11	Invoice No. 29643 29/07/2011 — Meeting EU Parliament President 12 July 2011.
MAXWELL PHOTOGRAPHY	120.8	25-Aug-11	Invoice No. 29643 29/07/2011 — Meeting EU Parliament President 12 July 2011.
MAXWELL PHOTOGRAPHY	-0.01	08-Sep-11	A/C TAOI — Strategy for International Services Industry 14-7-2011
MAXWELL PHOTOGRAPHY	288.5	08-Sep-11	Strategy for International Services Industry 14-7-2011 — Inv No. 29653 29/07/2011.
MAXWELL PHOTOGRAPHY	60.59	08-Sep-11	Strategy for International Services Industry 14-7-2011 — Inv No. 29653 29/07/2011.
HACKETT REPROGRAGHICS	16.52	15-Sep-11	Product code MISC, photoshop.
HACKETT REPROGRAGHICS	9.49	15-Sep-11	Product code FPP75DIG10-15, (QTY 10-15) 7x5 Digital Prints.
HACKETT REPROGRAGHICS	3.47	15-Sep-11	Product code MISC, photoshop.
HACKETT REPROGRAGHICS	1.28	15-Sep-11	Product code FPP75DIG 10-15, (QTY 10-15) 7x5 Digital Prints.
DEPT OF FOREIGN AFFAIRS AND TRADE	303.3	15-Sep-11	J. Higgins Photos Taoiseach 4/5 May 2011 — New York
MAXWELL PHOTOGRAPHY	463.5	03-Nov-11	Arvato — 150 new jobs announcement in Government Buildings 21 Sept 2011 — Inv No. 29960 29/09/2011.
MAXWELL PHOTOGRAPHY	97.34	03-Nov-11	Arvato — 150 new jobs announcement in Government Buildings 21 Sept 2011 — Inv No. 29960 29/09/2011.
MAXWELL PHOTOGRAPHY	281.75	29-Dec-11	Photocall TAOISEACH and New SDLP Leader 09/11/2011.
MAXWELL PHOTOGRAPHY	59.17	29-Dec-11	Photocall TAOISEACH and New SDLP Leader 09/11/2011.
MAXWELL PHOTOGRAPHY	3,270.00	29-Dec-11	Photographer for the Presidential Inauguration on 11/11/2011.
MAXWELL PHOTOGRAPHY	686.7	29-Dec-11	Photographer for the Presidential Inauguration on 11/11/2011.
Purchased using Department Credit Card	212.96	29-Dec-11	Kate O'Toole — 19 November 2011 — www.gettyimages.com
MAXWELL PHOTOGRAPHY	64.42	26-Jan-12	Taoiseach signs Book of condolence 20 Dec 2011.
MAXWELL PHOTOGRAPHY	306.75	26-Jan-12	Taoiseach signs Book of condolence 20 Dec 2011.
MAXWELL PHOTOGRAPHY	245.25	26-Jan-12	Taoiseach — Christmas Media Meeting 22 Dec 2011.
MAXWELL PHOTOGRAPHY	51.5	26-Jan-12	Taoiseach — Christmas Media Meeting 22 Dec 2011.

Passport Applications

103. **Deputy Michelle Mulherin** asked the Tánaiste and Minister for Foreign Affairs and Trade the reason a passport application was refused in respect of a person (details supplied) in County Mayo; and if he will make a statement on the matter. [9401/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The Passports Act, 2008 provides, inter alia, that only Irish citizens are entitled to be issued with Irish

[Deputy Eamon Gilmore.]

passports. Each application received by the Passport Service must, therefore, demonstrate that person's entitlement to Irish citizenship before a passport can issue. The person in question was born in Co. Mayo on 1 June, 2009. Her entitlement to Irish citizenship is governed by the provisions of the Irish Nationality and Citizenship Act, 1956, as amended (the Act). Section 6A of the Act provides that persons, born in the State on or after 1 January 2005, where neither parent is an Irish or British citizen or otherwise entitled to reside in the State or Northern Ireland without restriction, may claim citizenship by birth in the State (and thereby establish eligibility for an Irish passport) only where a parent has been lawfully resident in the State for three years of the four years preceding their birth.

It is the practice of this Department to seek and consider documentary proofs of Irish citizenship in all passport applications. In the case of passport applicants, born in the State on or after 1 January 2005, where neither parent is Irish, British, or otherwise entitled to reside in the State or Northern Ireland without restriction, proofs are specifically required in respect of the lawful residence in the island of Ireland of a parent to establish an entitlement to citizenship for the child.

In line with guidelines provided by Department of Justice and Equality, which is the Department responsible for immigration and citizenship, the proofs of lawful residence which are accepted and considered by this Department for passport applications are immigration stamps in passports and/or the registration cards/books which are given to persons registering with the Garda National Immigration Bureau (GNIB). These are official documents which can be objectively verified by the Department.

In the case of the person in question, two applications were made, on her behalf, to the Department in 2010 and 2011. On both occasions, the evidence of immigration stamps and cards in respect of the child's mother in the period 1 June, 2005 to 31 May, 2009 did not yield the required amount of lawful residence to demonstrate this person's entitlement to Irish citizenship and thus a passport.

The Passport Service wrote to the parents in respect of both applications to seek additional evidence of the parent's lawful residence in order to progress their daughter's passport application to passport issue. As no response was received to these letters, the Passport Service is unable to issue a passport to the person in question under the Passport Act, 2008.

Overseas Development Aid

104. **Deputy Stephen S. Donnelly** asked the Tánaiste and Minister for Foreign Affairs and Trade if the review of Ireland's international debt policy and the ongoing review of the White Paper on Irish aid will take into account the following matter (details supplied). [9941/12]

Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello): The aim of the current Review of the 2006 White Paper on Irish Aid is to examine the changing context for our aid programme, at home and globally, and to learn from what works best in delivering real results for poor people on the ground. The Review will set out clear priorities for the aid programme over the coming years.

I have recently launched a wide consultation process for the Review, involving the public, civil society, our partner countries and the private sector.

I would very much welcome input into the review from members of the Oireachtas. Members can input in writing, by contacting Irish Aid directly or by attending one of the consultations on the review of the White Paper.

The Government's debt policy strategy was prepared jointly by the Department of Foreign Affairs and the Department of Finance, and was launched in 2002. In our ongoing review we are surveying the changes in the global situation and the impact to date of debt relief efforts.

Much has already been achieved and Ireland has played a strong role in the development of a consensus on the issue of debt cancellation for the least developed countries. We have contributed our full financial share of over €116m to the two main global initiatives to address debt relief. We have also worked with our partners in our programme countries to help ensure that the additional money from debt relief has been spent on programmes that benefit the poor.

Many of the issues the Deputy has noted, including taxation and responsible lending, will be taken on board in our review of the White Paper. The review process is an important opportunity to ensure that our development programme builds on its strong reputation for quality and effectiveness in the fight against poverty and hunger.

Diplomatic Representation

105. **Deputy Michael McCarthy** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has explored the possibility of merging the ambassadorial functions and responsibilities of the Holy See and the Italian embassy; if he has asked the Holy See to reconsider their position regarding the joint servicing arrangement; if any discussions have taken place to date regarding a possible co-location of both embassies and their respective offices; and if he will make a statement on the matter. [9225/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): For what I understand are historical reasons, the Holy See does not accept accreditation from a resident Embassy that is also accredited to Italy. It is not acceptable for one Ambassador to be accredited to both States, neither is it acceptable for embassies to the Italian Republic and the Holy See to operate from the same address. If the Vatican is prepared to relax its current requirements so as to allow the state-owned Villa Spada to serve as a location for both our Embassy to Italy and our Embassy to the Holy See that is something that can be taken into account in any future considerations.

EU Treaties

106. **Deputy Pearse Doherty** asked the Tánaiste and Minister for Foreign Affairs and Trade if there is any basis in EU treaty law for the proposed automatic correction mechanism outlined in the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union; and if he will make a statement on the matter. [9449/12]

108. **Deputy Pearse Doherty** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will outline the EU treaty basis for the proposal to make the balanced budget rule as outlined in the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union subject to the jurisdiction of the European Court of Justice; and if he will make a statement on the matter. [9451/12]

109. **Deputy Pearse Doherty** asked the Tánaiste and Minister for Foreign Affairs and Trade if the proposed penalty of no more than 0.1% of GDP for non-compliance with a European Court of Justice judgment on compliance with Article 3(2) of the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union has any basis in EU treaty law or any other EU legal instrument; if so, if he will detail the legal basis of this proposed penalty; and if he will make a statement on the matter. [9454/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I propose to take Questions Nos. 106, 108 and 109 together.

When agreement was reached in December to put in place new arrangements to enhance the stability of the euro area, Ireland made clear its preference for proceeding within the EU Treaties, and with the involvement of all 27 Member States. This did not prove possible, so it was agreed to proceed with a separate Treaty among those wishing to participate. Agreement on these new arrangements — set out in the “Treaty on Stability, Coordination and Governance in the Economic and Monetary Union” — was reached at the end of January.

While the arrangements are not part of the EU Treaties, Article 2 makes it clear that the new Treaty “shall be applied and interpreted by the Contracting Parties in conformity with the Treaties on which the European Union is founded”. Furthermore, the new Treaty shall apply only “insofar as it is compatible with the Treaties on which the European Union is founded and with European Union law”. This is an important provision that the Government argued for and strongly supports.

What is more, Article 16 of the new Treaty provides that “within five years, at most” of the new Treaty entering into force “the necessary steps shall be taken ... with the aim of incorporating the substance of this Treaty into the legal framework of the European Union”. Again, this is a most welcome provision and the Government hopes that such incorporation can take place at as early a date as possible.

While the new Treaty is not part of the EU Treaties, many of its provisions are already found in EU Treaties or law, including within the Stability and Growth Pact, as strengthened by the six legislative measures adopted last year — the so-called “six-pack”.

107. **Deputy Pearse Doherty** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will detail in general terms the different legal obligations placed on him arising from political agreements at European Council level as represented in Council summit conclusions; regulations as agreed by the European Parliament and European Council; EU treaty law, inter-governmental treaty law; and if he will make a statement on the matter. [9450/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): EU Treaties are agreements between all EU Member States that create binding obligations in international law and constitute the primary source of Union law. A Regulation is a legislative act of the Union which, under the ordinary legislative procedure, is jointly adopted by the European Parliament and the Council under the powers conferred upon them by the Treaties. A Regulation has general application, is binding in its entirety and is directly applicable in all Member States.

Council Conclusions are conclusions adopted at Council meetings. They record political agreement within the Council on policy issues under discussion and the Council’s commitment to policy initiatives or actions. They also provide the opportunity for the Council to express its position on developments both within the European Union and internationally. Council Conclusions are not themselves legally binding instruments although they may refer to such instruments or even attach them as annexes.

Questions Nos. 108 and 109 answered with Question No. 106.

Diplomatic Assistance

110. **Deputy James Bannon** asked the Tánaiste and Minister for Foreign Affairs and Trade the assistance that has been offered to a person (details supplied) in County Longford who was

held in legal limbo abroad for years and only gained freedom earlier this year; and if he will make a statement on the matter. [9520/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The Irish citizen referred to by the Deputy was arrested in Guatemala in May 2006. Consular assistance was provided by the Department through the Embassy of Ireland in Mexico and with the assistance also of the Honorary Consul in Guatemala. The case was also raised at Ministerial level with the Guatemalan Governments, including by letter of May 2010. However, as I am sure the Deputy will appreciate, my Department is unable to interfere in the judicial processes of other countries.

The person named by the Deputy was tried by a Guatemalan court in September 2006 and sentenced to four years imprisonment. He appealed the decision and this led to a new trial being ordered. Following a number of appeals and counter-appeals he was cleared of all charges and released on 22 February 2011. Officials from Embassy Mexico attended his trials on several occasions and provided ongoing consular assistance during his imprisonment.

On release, the Embassy and Honorary Consul provided further consular assistance in relation to regularising his visa position. They also arranged for his subsistence needs and for his return to Ireland. The Irish citizen signed an undertaking to repay this amount. The Embassy arranged for him to be met on return to Ireland by an official from the Irish Commission for Prisoners Overseas in order to assist with his accommodation and welfare needs.

I understand that the person named by the Deputy is currently pursuing a legal case against the Guatemalan authorities in respect of his ordeal.

Questions Nos. 111 to 114, inclusive, answered with Question No. 93.

Northern Ireland Issues

115. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade his views regarding the recent poverty statistics particularly those in west Belfast and Derry published recently; if he intends to discuss them at a future North-South Ministerial Council meeting; and if he will make a statement on the matter. [3306/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The statistics published last month were deeply worrying, especially insofar as they concerned child poverty, and I am glad the Deputy has raised the matter. Discussions at North South Ministerial Council meetings, especially at plenaries, cover a wide range of matters including economic issues relevant to this topic. There are also individual measures within the current areas of North South cooperation which touch on this issue such as, addressing educational underachievement, access to health services and supports for job creation.

One of the target support groups of the EU PEACE 111 programme, which is channelled through the Special EU Programme Body (SEUPB), is people who have been excluded or marginalised from economic, social and civil support networks as a result of sectarianism or racism and which includes young people and minority communities. We are actively working to bring about a PEACE 1V programme to continue work in this area. I will raise these important poverty issues at the next Plenary meeting of the NSMC in June 2012.

Question No. 116 answered with Question No. 93.

117. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will provide an update on the implementation of the Weston Park Accord, including

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outstanding issues and his plans on the way in which these issues will be dealt with; and if he will make a statement on the matter. [6188/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The various measures included in the package agreed at Weston Park in August 2001 addressed four issues to assist in the successful implementation of the Good Friday Agreement: policing, normalisation, the stability of the institutions and decommissioning. There has been huge progress made in all of these areas and this progress was highlighted by a number of important milestones during 2011. April 2011 saw the one year anniversary of the successful devolution of justice and policing to the Northern Ireland Assembly. On 5 May 2011 the Northern Ireland Assembly elections took place, the first time that a full Assembly term had been served out since the signing of the Good Friday Agreement. The orderly and non-contentious manner in which the elections were held underlined that politics and society in Northern Ireland has continued the transition towards normality. Another important milestone was reached on 4 July 2011, when the Independent, International Commission on Decommissioning presented its final report to the two Governments. November 2011 marked the ten year anniversary of the establishment of the Police Service of Northern Ireland (PSNI). The PSNI continues to progress towards being fully representative of the communities it serves and there continues to be an excellent working relationship between it and An Garda Síochána. The Government, together with the British Government, remains committed to the full implementation of the Good Friday Agreement and stands ready to assist as and when necessary.

Questions Nos. 118 and 119 answered with Question No. 93.

Question No. 120 answered with Question No. 89.

Question No. 121 answered with Question No. 92.

Question No. 122 answered with Question No. 93.

EU Treaties

123. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade when he expects the legal advice from the Attorney General on the EU treaty and its ratification; and if he will make a statement on the matter. [9642/12]

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. There is no deadline for this work, the Attorney General will take whatever time she needs.

Once her advice is received, the Government will consider it and will take whatever steps are necessary. As the Deputy will be aware, members of the Government are not officially responsible to the Dáil for advice they may have received or sought from the Attorney General.

Departmental Expenditure

124. **Deputy Niall Collins** asked the Tánaiste and Minister for Foreign Affairs and Trade the total photography costs for his Department since coming to office; the list of occasions for

which photographers were booked over the past year; the breakdown of costs associated with each occasion that a photographer was used; if there is a policy around the booking of photographers within his Department; and if he will make a statement on the matter. [9664/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The total spend by my Department on photography since March 2011 is €57,561.65. The table outlines the costs associated with each occasion:

Event	Cost
State Visit of Queen Elizabeth II	€22,662.70
Credentials	€10,104.03
State Visit of Prince Albert of Monaco	€6,213.35
Expenditure of missions abroad*	€4,970.00
Official Visit to Mozambique, Malawi and Tanzania	€2,388.30
Diplomatic Corps New Years Greetings	€2,015.97
Global Irish Economic Forum	€1,923.90
Inauguration of President Higgins (reception)	€1,817.30
Africa Ireland Economic Forum	€1,220.59
Science for Development Award at BT Young Scientist	€682.20
Official Visit by Indian Minister	€569.00
Launch of the 2010 Irish Aid annual report	€569.00
Launch of EU Presidency Logo	€560.84
Launch of Africa Day 2011 — Dublin	€526.35
Official Farewell for the British Ambassador	€524.84
Launch of Our World Awards	€302.50
Launch of Certificate of Irish Heritage	€296.23
Irish Aid Fellowship Annual Meeting	€119.55
Official Visit to Korea/Japan	€95.00
Total	€57,561.65

*It was not possible in the time available to provide a detailed breakdown.

Where ever possible my Department utilises its own staff to take photographs in-house, thereby reducing costs. However, for major events when high-resolution photography is required for the media or for publication, my Department uses the services of a professional photographic agency. As the table indicates there were a significant number of such events in 2011.

In September 2011, the Department led a collaborative advertised tender process for the procurement of a competitive framework of photographic service providers which will be available for use by all Government Departments. The tender process is nearing completion and details of the new framework arrangements will shortly be posted on the National Procurement Service website: www.procurement.ie.

Question No. 125 answered with Question No. 92.

Questions Nos. 126 and 127 answered with Question No. 93.

Human Rights Issues

128. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the extent to which he and his EU colleagues have been made aware of large-scale

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human rights abuses in the wake of various conflict points globally; the action taken or likely to be taken to address such issues; and if he will make a statement on the matter. [9980/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): Human rights concerns remain central to our foreign policy. Together with our EU partners, Ireland closely monitors the human rights situations in many countries, including post-conflict countries, throughout the world. We do this on the basis of information obtained from a variety of sources including both official channels and non-governmental/civil society organisations. Where and when the situation warrants, we make known our concerns about human rights violations to the Governments in question. We do this bilaterally, through the EU, or through action at the UN General Assembly and the UN Human Rights Council.

Ireland supports the use of the full UN human rights machinery in responding to human rights abuses, including supporting the role of UN Human Rights Treaty Monitoring Bodies, Special Procedures and Mandate Holders and the convening, where appropriate, of Special Sessions of the UN Human Rights Council. At the UN, the EU regularly makes statements on the human rights situations in a number of countries from all regions. Ireland is fully associated with these statements.

The EU has adopted Common Positions on certain countries, which attach priority to promoting human rights, democracy, good governance and the rule of law. In addition, the EU conducts human rights dialogues with a number of countries and also raises human rights concerns as part of political dialogue meetings.

Ireland has been a consistent and strong supporter of the International Criminal Court, recognising it as an essential means of combating impunity for the most serious violations of international humanitarian law and human rights law. Active participation in multilateral organisations including the EU, UN and the Council of Europe provides an opportunity for Ireland to voice its concerns regarding human rights abuses. Through these organisations, international pressure can be brought to bear on those responsible for violation of human rights. Ireland will continue to use these mechanisms as a means of highlighting violations of human rights and furthering their protection.

129. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the number of countries in which the death penalty has not been yet abolished; the executions recorded on an annual basis through the enforcement of the death penalty; and if he will make a statement on the matter. [9981/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): Ireland is adamantly opposed to the use of the death penalty in all circumstances and accordingly seeks its universal abolition. We continue to work in close cooperation with our EU partners in accordance with the common EU guidelines on the issue of the death penalty, to seek its universal abolition. The EU guidelines, adopted in 1998, set out clearly the common EU position on the use of the death penalty. These guidelines seek, in the first instance, the universal abolition of the death penalty and state that where the death penalty still exists, the EU will continue to press for its use to be progressively restricted. The EU utilises every possible occasion to voice its concerns regarding the use of the death penalty and intervenes in cases which fall under the criteria set out in the EU Guidelines on the Death Penalty. Ireland strongly supports these efforts.

According to Amnesty International in its report “*Death Sentences and Executions 2010*”, 58 countries retain the death penalty for ordinary crimes. 96 countries do not provide for the

death penalty for any crime and 9 countries have laws that provide for the death penalty only for exceptional crimes under military law or crimes committed in exceptional circumstances. 34 countries retain the death sentence but can be considered as having abolished the death sentence in practice.

Unfortunately it is not possible to give an exact number of executions carried out for, as the report of the UN Secretary General on the “*Moratorium on the use of the death penalty*” (A/65/280 of 10 August 2010) points out, “that is very difficult to establish the number of cases in which the death penalty has been imposed and subsequently implemented due to their fact that several States keep figures on executions secret”. Amnesty International, in the report already cited, state that at least 527 executions were carried out in 2010.

The UN General Assembly passed a Resolution, 65/206, in 2010 which called on States to establish a moratorium on executions with a view to abolishing the death penalty. The Resolution was cosponsored by the EU member States and was adopted by 109 votes to 41 against, with 35 abstentions while 7 States were not present. The issue will be considered again at the General Assembly later this year. The abolition of the death penalty is a political priority for Ireland and our EU partners. We will continue to monitor developments regarding the death penalty and to work for its worldwide abolition.

130. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the extent to which he and his EU colleagues have focused on the ongoing issues of war, famine and starvation, genocide and ethnic cleansing at the various known flash points throughout the globe; the extent to which his EU and UN colleagues can co-operate to address such issue; and if he will make a statement on the matter. [9982/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): Unfortunately, many countries world-wide continue to face significant developmental and humanitarian challenges. Ongoing and protracted conflicts cause untold suffering for millions of people while global turbulence, such as the continuing financial and economic crisis and volatile food prices, have a major impact on food security. At the same time, millions more continue to live with the effects of natural disasters and their legacies. Responding to all of these challenges is not easy. Indeed, the situation in many countries remains fragile and some of those receiving help today will continue to require assistance in the years ahead. Meeting these demands requires not only an effective humanitarian and emergency response: it also means preparing for new crises, building resilience and working with development actors to address the underlying causes of conflict and disaster. It is tackling these challenges, comprehensively, coherently and effectively that has gained Ireland its international reputation in the field of development cooperation and humanitarian endeavour.

Ireland works close with international partners, including the EU and relevant UN organisations, in addressing the problems affecting individual countries and regions. We recognise the need for a coordinated and comprehensive approach in order to maximise the impact of international assistance. It is not sufficient to address the humanitarian and development aspects alone. Development programmes can only be effective if they have a secure environment in which to thrive.

I have regular discussions with my colleagues, at EU level, bilaterally and at UN fora, on issues relating to international peace and security. The meetings of the Foreign Affairs Council provide regular opportunities at which to consider such events and the response of the European Union and the wider international community to them. The Council is also the body which takes decisions in relation to the EU’s crisis management actions, such as the launching

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of new EU missions or significant changes to the 13 existing Common Security and Defence Policy (CSDP) missions — 10 of which are civilian operations.

Officials of my Department and the Department of Defence also hold regular discussions with like-minded countries, including in relation to the 9 different UN-mandated peace-keeping and peace enforcement missions on which members of the Defence Forces are currently deployed.

We are interested in further developing cooperation with the UN in crisis management and peace-keeping. An initiative proposed by Ireland on enhancing the EU's contribution to UN peacekeeping was formally discussed within the EU institutions in 2011 and an action plan is currently being developed to take forward work in this area. Ireland will continue to work to ensure that all of these issues continue to be a focus of attention at EU and multilateral level.

131. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the extent to which the events in Syria have been the subject of discussion at EU and UN level; the degree to which opportunity for positive intervention has been identified in such circumstances; and if he will make a statement on the matter. [9983/12]

132. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the extent to which the situation in Syria remains on the agenda at EU Council meetings; the action taken or proposed of a positive and restraining nature arising therefrom; and if he will make a statement on the matter. [9984/12]

133. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade when it is expected that the combined influence of the international community will be brought to bear to bring to an end the ongoing conflict in Syria; and if he will make a statement on the matter. [9985/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I propose to take Questions Nos. 131 to 133, inclusive, together.

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 recent visit to the United States.

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 weeks since 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 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 initial meeting of the Friends of Syria Group in Tunisia on 24 February, which will be attended by Arab League Foreign Ministers as well as EU High Representative Catherine Ashton and US Secretary of State Clinton amongst others, will provide a timely opportunity to consider next steps and to bring together representatives of Syria's fragmented peaceful opposition.

At UN level, Ireland and all EU partners voted in favour of a UN General Assembly Resolution on 16 February which was supported by an overwhelming majority of UN member states. The Resolution condemned human rights violations in Syria, called for an end to the violence in Syria, supported the Arab League peace plan and called on President Assad to resign in order to allow a political transition to begin. The UN General Assembly also received a briefing from High Commissioner for Human Rights Pillay on 13 February which described the appalling and widespread human rights violations ongoing in Syria. The human rights situation in Syria is also likely to be addressed at the forthcoming session of the UN Human Rights Council later this month.

The EU is also playing its part, not least through the enactment of tough sanctions against Syria which include a ban on oil imports. 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. This may include additional restrictive measures.

Meanwhile, 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 idea is under consideration but it is clear that a prior ceasefire would be essential.

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.

134. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the degree to which conflict in Africa remains an issue for discussion with his colleagues at EU and UN level; and if he will make a statement on the matter. [9986/12]

Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello): The issue of addressing conflict, including its causes and the resulting humanitarian situation in the Horn of Africa, has been the subject of recent discussion and decisions at both the European Union (EU) and United Nations (UN) levels. Addressing the many problems faced by the region remains a huge challenge given the issues of piracy off the coast of Somalia, the displacement of several hundred thousand people across the region, and an estimated 13 million

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people in need of emergency assistance. The centre of the crisis is in southern Somalia, where famine was declared last year in six areas of the country and where access for humanitarian aid agencies remains a major challenge, most especially in areas controlled by the Islamist group, Al-Shabaab.

In response to the fragile political and humanitarian situation, the EU in November 2011 adopted a Strategic Framework to guide the EU's engagement in the region. This renewed commitment to the Horn of Africa is rooted in the region's importance, the EU's desire to support the immediate welfare of the people of the Horn and the longer term need for economic development and human wellbeing there. The EU and its Member States recognised that instability in the region poses a growing challenge not only to the security of its peoples but also to the rest of the world.

EU engagement will be in support of both regional efforts, including through the Inter-Governmental Authority for Development (IGAD) and the African Union (AU), and national efforts to achieve lasting peace, security and justice, good governance based on the democratic principles of inclusion, the rule of law and respect for human rights.

To enhance the coherence, quality, impact and visibility of the EU's multifaceted action in the region, the EU last month appointed a Special Representative (EUSR) who, in close consultation with the EUSR for Sudan and South Sudan, will contribute to the EU's regional approach to the interrelated challenges facing the Horn. As Ireland recognises that a military and security approach can only have very limited success in addressing the crisis in Somalia and the wider region, we are strongly supportive of a comprehensive approach to tackling the problems of the region and we will support the EUSR in his work to ensure this.

The EU and Member States have supported African Union Mission in Somalia (AMISOM) since its launch in March 2007 through the African Union's African Peace Facility (AFP). As a regional peace-keeping mission, it is mandated to support transitional governmental structures, implement a national security plan, train the Somali security forces, and to assist in creating a secure environment for the delivery of humanitarian aid.

Ireland has been directly involved in the EU Training Mission (EUTM) which is contributing to strengthening the Transitional Federal Government of Somalia as a functioning Government serving the Somali population and aims to build regional capacity in the medium term.

The mission operates in close co-operation and coordination with other international actors, in particular, the UN and AMISOM. Five members of the Irish Permanent Defence Forces were deployed to the mission in April 2010. In June 2011 the Government approved continued participation in the mission, for a further period of one year beyond August 2011. On 8 August 2011, Colonel Michael Beary of the Irish Permanent Defence Forces, took over as Mission Commander.

I can assure you that Ireland, in association with EU partners will continue to work with regional governments, the UN, international partners, and humanitarian organizations to meet short-term emergency needs, to establish regional food security, and to tackle the causes of conflict which have prevented stable government throughout the region.

135. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the extent to which he and his EU colleagues, directly or through the UN can make a positive intervention to address human rights, ethnic cleansing and genocide in the horn of Africa and the Middle East; and if he will make a statement on the matter. [9987/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The current political and humanitarian situations in the Horn of Africa and the Middle East, and their human toll in terms of suffering and displacement, particularly in Somalia and Syria, are of great concern. During 2011, countries in the Horn of Africa continued to face significant developmental and humanitarian challenges. Ongoing drought in the region has resulted in over 12 million people being in desperate need of assistance. Ongoing and protracted conflict, particularly in Somalia, has caused untold suffering for millions of people. Over 250,000 people there are estimated by the UN to be living in famine conditions. At the same time, millions more across the region continue to live with the effects of natural disasters and their legacies.

The EU and Member States have supported the African Union Mission in Somalia (AMISOM) since its launch in March 2007 through the African Union's African Peace Facility (AFP). As a regional peace-keeping mission, it is mandated to support transitional Governmental structures, implement a national security plan, train the Somali security forces, and to assist in creating a secure environment for the delivery of humanitarian aid.

Ireland, through the provision of Mission Commander and a number of Irish Permanent Defence Forces members has been directly involved in the EU Training Mission (EUTM) which is contributing to strengthening the Transitional Federal Government of Somalia as a functioning Government serving the Somali population and aims to build regional capacity in the medium term. This is a very practical expression of our commitment to peace and stability there.

A more positive picture is evident in Ethiopia and Kenya. In these two countries the authorities have worked hard over many years to build resilience and enhance the coping mechanisms of those vulnerable to external shocks or disasters. Due in part to support from Ireland and others, Kenya and Ethiopia have taken steps to protect their populations from the worst effects of the regional crisis.

The Government remains actively involved at the EU and UN levels in pushing for a strongly coordinated approach to address the many challenges in the region. In response to the fragile political and humanitarian situation, the EU in November 2011 adopted a Strategic Framework to guide the EU's engagement in the region. In order to ensure that the actions proposed in the framework are implemented, the EU recently appointed a Special Representative (EUSR) who, in close consultation with the EUSR for Sudan and South Sudan, will contribute to the EU's regional approach to the interrelated challenges facing the Horn. With regard the Middle East, 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.

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 weeks since, 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.

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

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Syria. The initial meeting of the Friends of Syria Group in Tunisia on 24 February, which will be attended by Arab League Foreign Ministers as well as EU High Representative Catherine Ashton and US Secretary of State Clinton amongst others, will provide a timely opportunity to consider next steps and to bring together representatives of Syria's fragmented peaceful opposition.

At UN level, Ireland and all EU partners voted in favour of a UN General Assembly Resolution on 16 February which was supported by an overwhelming majority of UN member states. The Resolution condemned human rights violations in Syria, called for an end to the violence in Syria, supported the Arab League peace plan and called on President Assad to resign in order to allow a political transition to begin. The EU is also playing its part, not least through the enactment of tough sanctions against Syria which include a ban on oil imports.

Overseas Development Aid

136. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the extent to which commitments entered into by the international community in the aftermath of such natural disasters such as the earthquake in Haiti have been honoured in full or in part; the degree to which it can be anticipated that such commitments will be delivered on; and if he will make a statement on the matter. [9988/12]

Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello): On 12 January 2010, Haiti was struck by one of the most devastating earthquakes in recent history, causing approximately 230,000 deaths and 300,000 injuries. The earthquake destroyed much of Port-au-Prince and the surrounding areas, left about 1.5 million people homeless and caused losses and damage estimated at approximately €5.9 billion. Given the scale of the death and destruction inflicted, it is perhaps little surprise to learn that the country is still struggling to rebuild and recover.

In spite of the enormous challenges however, some two years on from the quake, a massive and sustained humanitarian operation has nevertheless yielded remarkable results. Almost a million people have moved from camps to homes. Under extremely challenging conditions, five million cubic metres of debris have been removed, 400,000 houses have been inspected for damage, and shelters have been provided for 420,000 people. Many schools and hospitals have been rebuilt, and more children are being educated today than before the earthquake.

While focusing on longer-term development, we should also remember that the humanitarian crisis in Haiti is far from over. More than 500,000 people still live in camps, and a cholera epidemic continues to claim lives. The underlying structural challenges, including under-development and governance, also need to be addressed as we move from crisis to recovery.

Large-scale investment will therefore continue to be required both in order to provide immediate relief and to help rebuild destroyed communities and infrastructure. While US \$4.5 billion worth of assistance has been pledged by the international community, UN figures indicate that only US \$2.38 billion of this has actually been disbursed to date. We will therefore continue to use all available opportunities in international fora, in Brussels, New York, Geneva and elsewhere, to urge other donors to keep their promises and to provide the kind of long-term, coordinated and predictable funding which will be required in order to move Haiti from crisis to recovery.

For our part, we in Ireland have worked hard to meet our own commitments to the people of Haiti. Some €11.5 million of the €13 million pledged at the Haiti Donor Conference in New

York in March 2010 has now been committed. We intend to meet our entire pledge in the coming months.

Irish funding has prioritised the needs of the most vulnerable populations, including women and children as well as the basic humanitarian needs of the population more generally. Support has been provided to UNICEF, Concern, Goal, Plan, World Vision and Haven in 2010 and 2011 for the provision of clean water and sanitation, shelter and housing to the affected population. €1 million was also provided to the Haiti Reconstruction Trust Fund for projects managed by the World Bank in line with priorities agreed with the Haitian authorities. Ireland's assistance has made a great difference in the lives of thousands of Haitians.

Since the earthquake, there have also been 18 deployments of the Irish Aid-administered Rapid Response Corps to Haiti to assist in areas such as logistics, engineering and water and sanitation. Volunteers have deployed to work with organisations such as the UN World Food Programme (WFP), Concern Worldwide, Goal and the UN Office for the Coordination of Humanitarian Affairs (OCHA).

Foreign Conflicts

137. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the extent to which he can influence and encourage positive stability measures in Libya; and if he will make a statement on the matter. [9989/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): One year after the Libyan uprising began, it is clear that the Libyan people supported by the international community are making progress towards establishing a democratic Libya, but that major challenges remain. I welcome the fact that, in an important step in Libya's democratic transition, Libyan officials on 8 February finalised the new electoral laws for the National Assembly elections which are due to take place by June. Once elected, the National Assembly will then draw up a new constitution.

At the same time, I am seriously concerned at reports that the armed militias in Libya are committing widespread human rights abuses with impunity, as documented in Amnesty International's report of 16 February. There is no doubt that such actions, if left unchallenged by the rule of law, will continue to fuel insecurity and hinder the rebuilding of state institutions.

The international community, including Ireland and its EU partners, are determined to continue supporting Libya in its journey towards democratisation. The High-level Meeting on Libya in New York on 20 September 2011 en marge of the 66th session of the UN General Assembly, which I attended, made clear the international community's political support for the National Transitional Council as the interim authorities in Libya as well as providing for formal acceptance into the United Nations of the new Libya. The United Nations Support Mission for Libya (UNSMIL) is leading the international community's practical assistance during the transition period to Libyan national efforts in a range of areas, including the restoration of public security and order, the promotion of rule of law, the restoration of public services and support for human rights.

Ireland, the EU and others in the international community will continue to seek ways to assist Libya in its nascent democratic transition, which it is hoped will foster a period of economic growth and stability for the Libyan people.

Human Rights Issues

138. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the extent, if any, to which he and his EU or UN colleagues have managed to highlight

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human rights abuses as identified by the OSCE special representatives on human rights defenders and to implement OSCE guidelines for the protection of human rights defenders with particular reference to cases (details supplied); and if he will make a statement on the matter. [9990/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): Human Rights are, and have always been, a priority of successive Irish Governments and a central part of our foreign policy. Ireland attaches considerable importance to the vital work of human rights defenders and condemns all acts or threats of violence against organisations and individuals working to protect human rights. Ireland, along with our partners in the EU, is committed to promoting human rights and to eliminating torture and mistreatment of prisoners. The EU makes detailed representations regularly in response to executions, extrajudicial killings, arrests of human rights activists and restrictions on freedom of expression. In 2004, during Ireland's Presidency of the EU, a set of EU Guidelines for the protection of Human Rights Defenders were formulated. Our Presidency gave us the unique opportunity to bring the issue of Human Rights Defenders centre stage. The guidelines ensure that EU Missions outside the EU monitor, report, and assess the situation of Human Rights Defenders. They outline the steps required to ensure that pressure on the relevant authorities, where necessary, remains high. Ireland is also currently a member of the EU Human Rights Working Group's Task Force on Human Rights Defenders, which looks at practical ways of implementing the Guidelines and making them more effective. At the United Nations, Ireland has committed to support Human Rights Defenders in line with the UN Declaration on Human Rights Defenders. This Declaration was adopted by consensus by the UN General Assembly in 1998, and it remains the normative basis for international efforts for human rights defenders. Ireland has consistently taken the lead in negotiating resolutions at the United Nations General Assembly to ensure human rights defenders can operate in an environment free from hindrance and insecurity. Ireland actively promotes the work of Human Rights Defenders at the Human Rights Council. We have acted as burden sharer on behalf of the European Union to secure the renewal of the special procedures mandate for Special Rapporteur on the situation of Human Rights Defenders and on resolutions which ensure that the spirit of the 1998 Declaration on Human Rights Defenders is adhered to.

The Organisation for Security and Cooperation in Europe (OSCE) has accumulated a substantial body of commitments in the fields of human rights, democracy and the rule of law. The participating States of the OSCE have long recognised the importance of Human Rights Defenders in helping states to meet the human rights standards to which they have committed. The recognition of civil society and the role NGOs play in promoting respect for human rights was first reflected in the 1975 Helsinki Final Act and has been reaffirmed since then in many OSCE commitments. Specific commitments in relation to Human Rights Defenders were first made in 1994, when participating States emphasised the need for their protection.

In 2007, a "Focal Point on Human Rights Defenders and National Human Rights Institutions" was created within the OSCE's Office for Democratic Institutions and Human Rights (ODIHR). The Focal Point runs training for human rights defenders aimed at developing monitoring and advocacy skills and supports the development of networks of human rights defenders. However, the OSCE does not have a Special Representative on Human Rights Defenders, nor are there specific guidelines on Human Rights Defenders. In my capacity as Chairperson-in-Office of the OSCE in 2012, I am committed to ensuring that the OSCE supports Human Rights Defenders in the most effective way, and will explore the opportunities

for strengthening OSCE engagement, within the limitations imposed by consensus decision-making in the OSCE.

As regards the individual cases mentioned:

- Mr. Dilmurod Saidov, an independent Uzbek journalist and member of the Ezgulik Human Rights Organisation, who has written about corruption and abuse of power by local officials, and about social and economic problems in the Samarkand region, was sentenced to twelve-and-a-half years imprisonment in a closed trial in 2009, on charges of extortion and forgery. At the time of the trial, the OSCE Representative of the Freedom of the Media wrote to the Uzbek Foreign Minister expressing alarm at the extremely harsh sentence, following a trial which did not meet international standards of fair procedure. At the 10th meeting of the Cooperation Council between the European Union and the Republic of Uzbekistan on 14 November 2011, the EU stressed its serious concern at the overall situation regarding human rights in Uzbekistan, calling on the Uzbek authorities to urgently undertake effective measures to make progress in this regard, in particular by releasing all imprisoned human rights defenders and prisoners of conscience, allowing unimpeded operation of non-governmental organisations in the country and cooperating fully with all relevant UN Special Rapporteurs. I welcome Uzbekistan's commitment to pursue numerous reforms in the Universal Periodic Review procedure of the United Nations Human Rights Council in March 2009.
- Mr. Azimjan Askarov, an ethnic-Uzbek human rights activist in Kyrgyzstan, has received a life sentence in prison on charges of organizing mass disorder, inciting inter-ethnic hatred, hostage-taking, and incitement to murder during violence in southern Kyrgyzstan in June 2010. Concerns have been expressed regarding over-reliance on police evidence, and the failure of the authorities to adequately address the intimidation of defence witnesses and lawyers, to consider exculpatory evidence, and to effectively follow-up on indications of possible torture. Concerns have also been expressed about Mr. Askarov's health. On 20 December 2011, Ambassador Janez Lenarčič, the Director of ODIHR, expressed dismay over a Supreme Court decision to uphold the life sentence imposed by lower courts, referring to the serious violations of Askarov's right to a fair trial. In a statement released on 22 December, UN High Commissioner for Human Rights, Ms Navi Pillay, said it was particularly alarming that the Supreme Court judges had failed to consider claims that confessions had been extracted under duress. On 10 January 2012, the EU delegation in Kyrgyzstan issued a statement calling upon the Kyrgyz authorities to consider all possible ways to re-examine the case of Mr. Askarov and his co-defendant, noting reports of serious violations of legal procedures. I have been closely monitoring this case in recent weeks and we have communicated our concerns to the Government of Kyrgyzstan. I hope that the new Government will give the case the most careful consideration.
- Mr. Abdulhadi Al-Khawaja, a leading Bahraini human rights activist and a former Frontline coordinator, was arrested in April 2011 for his alleged role in the unrest in Manama last year. On 22 June 2011, after violent abuse in detention which resulted in serious head injuries requiring urgent medical treatment, Mr Al-Khawaja was sentenced to life imprisonment. As I have stated previously, I do not believe that Mr Al-Khawaja received a trial meeting international standards. His trial was conducted in circumstances closely resembling a military trial, whereas civilians should be tried

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in ordinary civilian courts. I welcome the reforms that have been introduced in Bahrain since the 2011 uprising but I regret that Mr Al-Khawaja remains in detention. There is an urgent need for an investigation into the circumstances surrounding Mr Al-Khawaja's arrest, detention and subsequent trial. I will continue to monitor developments in this case closely.

- Mr. Chen Guangchen, a blind rights defence lawyer, and his family, are being held under house arrest in Shandong Province in China. His case has been raised frequently with the Chinese authorities in EU human rights dialogues and in bilateral contacts. Human rights issues were discussed most recently during the visit of China's Vice President, Mr. Xi Jinping, to Ireland, from 18-20 February 2012. Human rights are included in regular political dialogues and are also raised during specific human rights dialogues with China which have taken place since 1995.

Departmental Agencies

139. **Deputy Finian McGrath** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will provide the number of retired persons serving on State boards and commissions; and the amount it is costing the State. [10355/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): There are no state boards under the aegis of my Department. The only commission that is under my Department's auspices is the Ireland — United States Commission for Educational Exchange which was established on a statutory basis and enjoys autonomy of management and administration, in accordance with the Educational Exchange (Ireland and the United States of America) Act, 1991. I have certain specific statutory responsibilities in respect of the Commission, including the appointment of four of its eight member board for a two-year period. None of the current members of the board is retired. Members of the board serve in a voluntary capacity and are not remunerated.

Illicit Trade in Tobacco

140. **Deputy Robert Dowds** asked the Minister for Finance his plans to increase the fines for those engaged in the illegal tobacco trade; and if he will make a statement on the matter. [9229/12]

141. **Deputy Robert Dowds** asked the Minister for Finance the penalties available to the courts in terms of tackling the illegal tobacco trade. [9230/12]

155. **Deputy Robert Dowds** asked the Minister for Finance if he will quantify the loss to the State of the sale of illegal tobacco and if he will indicate the extent of that loss. [9228/12]

Minister for Finance (Deputy Michael Noonan): I propose to take Questions Nos. 140, 141 and 155 together.

I am informed by the Revenue Commissioners that a survey commissioned by Revenue and the Office of Tobacco Control in 2009 estimated that 20% of cigarettes consumed in the State had not been taxed in this jurisdiction. This figure was further broken down as 14% illicit product and 6% legally imported by passengers arriving into the State from other jurisdictions. A similar survey in the last quarter of 2010 confirmed these estimates. Based on an estimate of 14%, the loss to the Exchequer from illicit cigarette consumption in 2011 would be in the region of €250m (excise duty + VAT). A further survey is currently underway.

Section 119, as amended, of the Finance Act 2001 contains penalties for offences in relation to cigarette smuggling. That section sets out the various actions that constitute offences of evasion or attempted evasion of excise duty, as well as the penalties, by way of a fine or imprisonment, for such offences.

Where a conviction for an offence under section 119 occurs following a summary prosecution, the fine that may be imposed is €5,000. A Court may also impose a term of imprisonment not exceeding 12 months, either instead of or in addition to the fine. For convictions following prosecution on indictment, the applicable fine is an amount not exceeding €126,970 or, where the value of the tobacco products concerned is greater than €250,000, not exceeding three times the value of the products. The Court may also impose a term of imprisonment not exceeding 5 years, as an alternative, or in addition, to the fine.

Section 78 of the Finance Act 2005 includes penalties for the illegal sale of tobacco products. A Court may, following a summary conviction, impose a fine of €5,000 or a term of imprisonment not exceeding 12 months, or both. The penalty following conviction on indictment is a fine not exceeding €126,970 or imprisonment for a term not exceeding 5 years, or both a fine and imprisonment.

The specific penalty to be imposed in any particular case is a matter for the Courts. Section 130(2) of the Finance Act, 2001 permits a trial judge, in his or her discretion, to mitigate a fine incurred for an offence under excise law, provided that the amount so mitigated is not greater than 50% of the amount of the fine.

The fines for excise offences have been increased in the recent past: those that apply in the event of conviction on indictment were increased substantially by the Finance Act 2010. The need for further changes will be kept under review, taking account, among other considerations, of practical experience of the operation of the increased fines.

EU Directives

142. **Deputy Pearse Doherty** asked the Minister for Finance the legal status of EU Regulation No. 1175/2011 of the European Parliament and European Council of 16 November 2011; if this regulation requires any transposition into Irish law before it takes legal effect; and if he will make a statement on the matter. [9448/12]

Minister for Finance (Deputy Michael Noonan): The EU Regulation to which the Deputy refers is “Regulation (EU) No. 1175/2011 of the European Parliament and of the Council of 16 November 2011 amending Council Regulation (EC) No 1466/97 on the strengthening of the surveillance of budgetary positions and the surveillance and coordination of economic policies”. This Regulation is one of the five EU Regulations and one EU Directive that go to make up the so called Six-Pack of economic governance reform measures that were first announced in 2010. The five EU Regulations came into effect on December 13th, 2011.

The purpose of this Regulation is to contribute to the strengthening of budgetary surveillance within the EU through an amendment to the rules of the Stability and Growth Pact’s preventive and corrective arms. At the core of this Regulation is a focus on the Stability and Growth Pact’s preventive measures, and it sets out fiscal policy requirements for those Member States whose fiscal deficit is below the threshold tolerance of 3 per cent of GDP. The reference points remain the medium-term budgetary objectives, which themselves are to be updated regularly.

Under the terms of this Regulation, if a Member State deviates significantly from the adjustment path to the medium-term budgetary objective a warning will be addressed to it by the Commission and the Council will, within one month, examine the situation and make recommendations for adjustments, to be made within a maximum of five months. If the Member State

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fails to take sufficient corrective action within this period, the Commission shall recommend to the Council to adopt (by qualified majority) a decision to this effect, and also revised recommendations on policy measures to be taken by the Member State. If the Council rejects the Commission recommendation, and the Member State persists in not taking sufficient corrective action, a month later the Commission can put another proposal to council which can only be rejected by simple majority (only euro area countries can vote on a decision of non-compliance relating to another euro area country).

Regulations are the most direct form of EU law, in that as soon as they are passed, they have binding legal force throughout every EU Member State, on a par with national laws. National governments do not have to take any action themselves to implement EU regulations.

They are different from EU Directives, which are addressed to national authorities, who must then take action to make them part of national law.

Fiscal Policy

143. **Deputy Pearse Doherty** asked the Minister for Finance the methodology used by him to calculate the State's structural deficit; and if he will make a statement on the matter. [9455/12]

Minister for Finance (Deputy Michael Noonan): The structural deficit refers to the general government deficit adjusted for the economic cycle and one-off / temporary measures. Unlike the headline deficit, the structural deficit cannot be measured directly and must be estimated. This is difficult to do with any degree of accuracy, especially in a small open economy such as Ireland's, as acknowledged by the Fiscal Council in its recent report. As such, all estimates of the structural deficit are surrounded by considerable uncertainty. Budget 2012 provided estimates of the structural deficit for the period 2011-15. The starting point was identifying the cyclical position of the economy, which was estimated on the basis of the harmonised production function methodology developed jointly by the European Commission and Member States (further details can be found in European Economy, Economic Paper 420, July 2010, available on DG ECFIN's website). The idea is to estimate the difference between aggregate demand and aggregate supply. The latter — potential output — is determined on the basis of available quantities of capital and labour, along with estimates of trend total factor productivity (TFP). The difference between aggregate demand and supply, which is known as the output gap, establishes the cyclical position of the economy. The elasticity of the budget balance with respect to the economic cycle is estimated to be 0.4 in Ireland's case.

By adjusting the headline deficit projections set out in Budget 2012 for this cyclical component and for one-off measures, an estimate of the structural deficit for each of the years 2011 to 2015 was arrived at. Like all estimates, these will be updated periodically as we go forward. In terms of any assessment post 2015, while the same methodology would apply it must also be noted that even greater uncertainty would surround any such forecast.

Motor Imports

144. **Deputy Olivia Mitchell** asked the Minister for Finance the rationale behind the decision to register imported cars starting from the number 120,000, as there does not seem to be any reasonable administrative reason or any consumer information purpose, but it does serve to devalue imported cars; and if he will make a statement on the matter. [9732/12]

Minister for Finance (Deputy Michael Noonan): I am advised by the Revenue Commissioners that a new vehicle registration computer system was introduced in December 2011. Because of budgetary constraints, it was not possible to carry forward all the registration details of vehicles

registered in the previous 19 years to the new system. Accordingly, a simplified model that did not require the details of the registration number assigned to the last vehicle registered in each of the licensing authorities in each of the previous 19 years was adopted for issuing registration numbers for prior years. The simplified model assigns registration numbers starting from a particular number for each licensing authority regardless of year. The particular number chosen had to be sufficiently high to enable additional unique registrations to be added. The starting registration number for each licensing authority was selected to ensure that there is no possibility of a vehicle being assigned a number that was previously assigned to another vehicle under the old system. Accordingly, the number will be higher than would have been assigned in the normal course of events for some years.

This is a short-term phenomenon. Vehicles presented for registration that were first registered in 2011 and subsequent years (in another State) will not be affected by this change and will be assigned the next available number in the sequence for that licensing authority and year of registration.

Tax Clearance Certificates

145. **Deputy Finian McGrath** asked the Minister for Finance the position regarding taxation in respect of persons (details supplied) in Dublin 5. [9135/12]

Minister for Finance (Deputy Michael Noonan): I am informed by the Revenue Commissioners that following receipt of updated pension figures from the Department of Social Protection, it transpires that the person in question is in receipt of a Department of Social Protection Old Age Pension with an Increase for a Qualified Adult. In the circumstances the person concerned is entitled to one PAYE Tax Credit in respect of the pension. He is not entitled to an additional PAYE Tax Credit or an additional Standard Rate Band in respect of the Qualified Adult portion of this pension. Accordingly his Tax Credit Certificate for 2012 is correct.

146. **Deputy Patrick O'Donovan** asked the Minister for Finance if a review will be carried out in a case (details supplied). [9136/12]

Minister for Finance (Deputy Michael Noonan): I am advised by the Revenue Commissioners that a claim for medical expenses of €5,384 was received from the person named for 2009 and a net refund of €177.65 issued on 14th December 2011, €88.99 to the person named and €88.66 to his spouse. In processing the refund, an apparent under deduction of PAYE for 2009 of €897.74 came to light from the P35 forms submitted by the employers. A copy of the P60s for 2009 has been requested from the person named to establish the reason for the under deduction, and should any additional refund arise, it will be duly processed.

Tax Collection

147. **Deputy Bernard J. Durkan** asked the Minister for Finance if a refund of income tax is payable in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [9171/12]

Minister for Finance (Deputy Michael Noonan): I have been advised by the Revenue Commissioners that they have written to the person concerned requesting the details necessary to establish if he is entitled to a refund of income tax.

Mortgage Arrears

148. **Deputy Finian McGrath** asked the Minister for Finance if he will review a matter (details supplied) [9183/12]

Minister for Finance (Deputy Michael Noonan): Subject to the provisions of the Central Bank Code of Conduct on Mortgage Arrears and the wider legal framework, the banks in Ireland, including those in which the State has a significant shareholding, are independent commercial entities and decisions on the handling of their loans, including mortgages, are, in the first instance, a commercial matter for the individual institutions. However, the Government is acutely aware of the increasing financial stress that some households are facing arising from difficulty in meeting their mortgage commitments. The Government, therefore, has established a Steering Group to oversee and drive the implementation of the recommendations contained in the report of the Inter-Departmental Working Group on Mortgage Arrears across Government. The Inter-Departmental Group concluded that those people who can meet their mortgage obligations should do so but that appropriate measures need to be developed to assist those mortgage holders who are experiencing real difficulty in meeting their repayments. Significant progress has already been achieved in implementing the Group's recommendations. For example, the Minister for Justice, Equality and Defence has published a draft Personal Insolvency Bill to provide a framework for the resolution of unsustainable personal debt, including mortgage debt, in a non judicial framework. In addition, the Central Bank, as regulator, has required mortgage lenders to develop strategies and implementation plans to deal with their individual mortgage arrears situations. The Central Bank is currently reviewing these strategies and examining the plans of lenders to offer appropriate longer term solutions, such as those recommended in the Inter-Departmental Mortgage Arrears Working Group report and other options that banks may develop themselves, for their customers who may have unsustainable mortgages. The Central Bank will continue to engage with lenders on the further development and implementation of these plans.

Tax Code

149. **Deputy Alan Farrell** asked the Minister for Finance the rate of VAT which will be imposed on admissions to open farms according to the amendment of schedule, section 83(1)(c) of the Finance Bill; and if he will make a statement on the matter. [9201/12]

Minister for Finance (Deputy Michael Noonan): Under Section 83 of the Finance Bill 2012 I am proposing to apply the 9% reduced VAT rate to admissions to open farms with effect from 1 January 2012.

Currency Exchange

150. **Deputy Kevin Humphreys** asked the Minister for Finance the outstanding amount of punts remaining to be exchanged for euro at the Central Bank of Ireland at the end of January 2011; if he will detail the legislation or regulations under which this exchange is currently regulated by and taking place under; if he will confirm that the Central Bank of Ireland must under Irish law continue to exchange punts to euro indefinitely; if he will consider introducing a final date for transfer after which the outstanding punts will no longer be exchanged; the annual cost of providing such an exchange service and facilitating the disposal of used punts; and if he will make a statement on the matter. [9211/12]

Minister for Finance (Deputy Michael Noonan): I am informed by the Central Bank that the outstanding amount of punts remaining to be exchanged for euros at the Central Bank of Ireland at the end of January 2011 was as follows:

- Irish £ banknotes €237.4 million,
- Irish £ coin €125.1 million.

Section 121 of the Central Bank Act 1989, as inserted by Section 18 of the Economic and Monetary Union Act 1998, provides that the Central Bank of Ireland may continue to redeem Irish pound notes, or any other notes that were previously legal tender. The Government does not intend to introduce a final date for exchange of outstanding punts at this time, but the process will be kept under review in consultation with the Central Bank.

Based on 2010 figures, the annual cost of providing such an exchange service and facilitating the disposal of used punts is estimated at €368,600.

151. **Deputy Kevin Humphreys** asked the Minister for Finance if his attention has been drawn to the fact that an average of more than €10,000 is exchanged from punts to euro at the Central Bank of Ireland on a daily basis; if he monitors this exchange process; if any examination or explanation process is required to ascertain the location from whence such large sums are coming from more than a decade since they introduction of the euro; and if he will make a statement on the matter. [9212/12]

Minister for Finance (Deputy Michael Noonan): I have been informed by the Central Bank that some €2.6m was exchanged from punts to euros at the Central Bank of Ireland in 2011, with some variation in the daily amounts. The Central Bank is satisfied of the legitimacy of the level of exchange, which is derived from various sources. The Central Bank does not have details of the profile of larger exchanges, but I am advised that it intends to undertake an analysis of this. The Central Bank also intends to consult with other National Central Banks about whether the total outstanding amount of Irish currency is typical. However, the Central Bank continuously monitors the currency exchange process to ensure the provision of a secure public service including appropriate audit trails and procedures to notify the authorities of any suspicious transactions.

Tax Yield

152. **Deputy Pearse Doherty** asked the Minister for Finance the total revenue to be raised in 2012 from the imposition of a 5% surcharge on persons with gross incomes of more than €100,000 on the amount of income sheltered by property reliefs, including section 23 reliefs and accelerated capital allowance schemes; and if he will make a statement on the matter. [9215/12]

Minister for Finance (Deputy Michael Noonan): As the Deputy will be aware Finance Bill 2012 contains two proposed measures aimed at reducing the cost to the State of the “legacy” property-based tax incentive schemes and bringing it to an end in a shorter time period. These measures consist of a property relief surcharge, which will take effect from 1 January 2012 and a cap on property-based Accelerated Capital Allowance Schemes to be introduced from 1 January 2015. The Exchequer yield from the property relief surcharge will depend on the level of use of the “legacy” reliefs by individuals falling within the ambit of the measure thus it is difficult to be certain on the amount that it will generate. However, I have no reason at this stage to change the figure of €15m savings in a full year, which I announced at Budget time.

The property relief surcharge and the 2015 cap on accelerated capital allowances, which limit property tax reliefs that benefit high income earners, demonstrate this Government’s commitment to developing a fairer tax code.

These provisions reflect the findings of the Economic Impact Assessment on the measures proposed by the previous Government for restricting the property-based “legacy” tax relief schemes. The Impact Assessment, which was published with the Finance Bill, considered the impacts of these proposals and highlighted, in particular, the vulnerability of small investors to insolvency if they lost these reliefs. The Economic Impact Assessment report concludes that

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relief to small scale investors should not be restricted in the current climate but that there is scope for larger investors to contribute more.

This Government believes that large scale investors in property that attracts tax reliefs can and should make more of a contribution. The property relief surcharge will therefore be imposed on investors with an annual gross income of €100,000 and over. It is also estimated that the change to the high earners restriction in 2010 will yield additional taxes from high earners who benefit from tax reliefs.

153. **Deputy Pearse Doherty** asked the Minister for Finance the total lost tax revenue in 2011 arising from income sheltered from taxation by section 23 reliefs and accelerated capital allowance schemes; and if he will make a statement on the matter. [9216/12]

Minister for Finance (Deputy Michael Noonan): I am informed by the Revenue Commissioners that the latest relevant information available as to the cost to the Exchequer of all property related tax schemes (Section 23 type reliefs and accelerated capital allowances) is for the year 2009, based on personal income tax returns filed by non-PAYE taxpayers and corporation tax returns filed by companies for that year. On that basis the estimated cost is €342 million. This figure includes owner-occupier relief. It should be noted that any corresponding data returned by PAYE taxpayers in the income tax return (Form 12) is not captured in the Revenue computer system. However, any PAYE taxpayer with non-PAYE income greater than €3,174 is required to complete an income tax return (Form 11).

The estimated relief claimed has assumed tax forgone at the 41% rate in the case of individuals and 12.5% in the case of companies. The figures shown correspond to the maximum Exchequer cost in terms of income tax and corporation tax.

154. **Deputy Pearse Doherty** asked the Minister for Finance with respect to the standard rate VAT increase to 23%, if any assessment has been carried out by him on the impact of this tax increase on the domestic economy, retail sales and or employment levels; and if he will make a statement on the matter. [9217/12]

Minister for Finance (Deputy Michael Noonan): At Budget time, the Government carefully considered the various options open to it in terms of taxation. One of the key objectives of the Government is to get people back to work. Indirect taxes have a less adverse impact on economic activity and employment, which is why Budget 2012 focused on indirect taxes, such as VAT, rather than on income tax. As we have very little actual data for 2012 as of yet, it is too early to assess the impact of the increase in the standard VAT rate.

Question No. 155 answered with Question No. 140.

Financial Services Regulation

156. **Deputy Clare Daly** asked the Minister for Finance the number of charitable trusts registered at the International Financial Services Centre; the total funds channelled through these trusts during the years 2007 to 2011, inclusive, and the tax foregone by exempting these trusts from Irish corporation tax. [9296/12]

Minister for Finance (Deputy Michael Noonan): The 6 charities listed below are eligible charities for the purposes of a tax exemption and have their addresses at the IFSC.

Charities

CHY8877	Treoir, The National Federation of Services for Unmarried Parents	14 Gandon House Custom House Square IFSC Dublin 1
CHY12414	HEAnet Ltd	5 Georges Dock IFSC Dublin 1
CHY9928	National College of Ireland	Mayor Street IFSC Dublin 1
CHY15929	National College of Ireland Foundation Limited	National College of Ireland Mayor Street IFSC Dublin 1
CHY17364	RD 8 Dollymount Charitable Trust	C/o Eureka Reinsurance Ireland Limited Georges Dock House IFSC Dublin 1
CHY17960	Clowns Without Borders — Ireland	C/o 14 Gandon House IFSC Dublin 1

Revenue is not aware that any of these charities has any involvement in the business of the IFSC itself.

As the deputy may be aware, however, in certain financial transactions it is common practice for the shares in special purpose companies (SPCs) to be owned by a public charity. This ensures that, firstly, the SPC is not consolidated into the balance sheet of the financial institution (“the originator”) that has transferred loans to the SPC thereby ensuring that the originator is in a position to make further loans and, secondly, that the originator will not be liable for any non-performing loans included in the assets transferred to the SPC. The use of a charitable trust for these purposes is a common occurrence internationally in certain financial transactions.

As a general rule, special purpose companies are established as “orphan” companies. A typical structure for an orphan company would consist of an Irish private limited company (i.e. the SPC), the entire issued share capital of which is held on trust for charitable purposes. The trustee holders of the share capital can be individuals or nominee shareholder companies (charitable trust companies), all of whom hold their shareholding under declaration of trust executed in favour of Irish charities. Charitable trusts are used internationally in special purpose company structures.

It is important to note that the charity is a shareholder in the company and does not hold any assets or liabilities. All assets and liabilities are held by the SPC. It is the company, not the charity, which carries on the business — and funds are not channelled through the charity. Instead, any residual profits left in the SPC after its business is completed are paid by way of dividend to the charitable trust. SPCs are not entitled to any tax deduction for the payment of such dividends.

The number of such charitable trusts cannot be readily determined or estimated by reference to any identifying feature. It is likely that the total amount of residual dividends they receive, being incidental to the main business, is relatively small.

Insurance Premiums

157. **Deputy Tom Fleming** asked the Minister for Finance the measures being put in place to ensure that car, life and health insurance companies will not use the European Court of Justice ruling on gender which will come into effect on the 21 December 2012 to effect a mass increase in premiums as opposed to a pricing structure based on the average risk; and if he will make a statement on the matter. [9312/12]

Minister for Finance (Deputy Michael Noonan): The Deputy should note at the outset that neither the Central Bank, nor I have powers to direct an insurance company as to how it should price its insurance policies. This is a commercial decision for the company in question. However

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in relation to the European Court of Justice ruling in the Test Achats case, the EU Commission has brought out guidelines on the application of the court judgement because it centres on an interpretation Council Directive 2004/113/EC of 13 December 2004 which implements the principle of equal treatment between men and women in the access to and supply of goods and services. These guidelines cover the impact of the Test Achats ruling including the contracts concerned.

The EU Commission also indicate in their guidelines that they would like to encourage a competitive and innovative industry such as the insurance sector to make the necessary adjustments and offer attractive unisex products to consumers without an unjustified impact on overall price levels. The Commission further indicate that they will remain vigilant in following the evolution of the insurance market in order to detect any unjustified rise in prices attributable to the Test Achats ruling, including the use of the tools that are available under competition law in the event of alleged anti-competitive conduct.

Finally, the Deputy might wish to note that the Commission will report on the implementation of the Test Achats ruling in national law and in insurance practice in 2014 in the context of a more general report on the implementation of the Directive.

Pension Provisions

158. **Deputy Simon Harris** asked the Minister for Finance the number of public sector workers currently required to make payments under both the pension related deduction for their public pensions and the pension fund levy in respect of any interest they may have in a funded pension scheme; and if he will make a statement on the matter. [9316/12]

Minister for Finance (Deputy Michael Noonan): Not all of the information sought by the Deputy is available. This is because members of pension schemes are not charged with paying the 0.6% stamp duty levy on pension fund assets which was introduced last year. The levy is a charge on the trustees of pension schemes and on the insurers and administrators who manage the assets of pension schemes and it is they who are liable to pay the levy. It is up to those trustees and administrators to decide in each case whether and how the levy should be passed on and who should be impacted and to what extent, given the particular circumstances of the pension funds or pension plans for which they are responsible. I have no general information on the decisions taken by trustees and administrators in this regard.

With regard to the numbers of public servants paying the pension-related deduction (PRD) which was first introduced in March 2009, I am advised by my colleague the Minister for Public Expenditure and Reform that the latest figure for the number of whole-time equivalent public servants is 296,870. The vast majority of these would be members of public service pension schemes and would be liable for the PRD.

Credit Availability

159. **Deputy Dominic Hannigan** asked the Minister for Finance if any of the banks in which the State has an investment have applied to take part in the European progress microfinance facility; and if he will make a statement on the matter. [9326/12]

Minister for Finance (Deputy Michael Noonan): The European Progress Microfinance Facility is a facility which enables selected microcredit providers in the EU to increase lending, by issuing guarantees, thereby sharing the providers' potential risk of loss and by providing funding to increase microcredit lending. The microcredit providers may be private or public banks, non-bank microfinance institutions and not-for-profit microcredit providers.

The question of whether or not individual banks should decide to make use of this facility is an operational matter for the individual banks concerned. I can confirm that neither of the pillar banks has applied for the facility.

As the Deputy may be aware and in line with the commitment in the Programme for Government, a Microfinance Fund to provide loans to small businesses is being developed by my colleague, the Minister for Jobs, Enterprise and Innovation for establishment early this year. It is anticipated the Micro Finance Loan Fund will generate up to €100million in additional micro-enterprise lending which will benefit over 5,000 businesses over a ten year period.

Tax Reliefs

160. **Deputy Michael McGrath** asked the Minister for Finance the amount of research and development tax credits granted in each of the past four years; and if he will make a statement on the matter. [9342/12]

Minister for Finance (Deputy Michael Noonan): I am informed by the Revenue Commissioners that the total amounts of research and development tax credits allowed from 2006 to 2009, the latest year available, are shown in the following table:

Year	Research and Development Tax Credit
	€m
2006	74.7
2007	165.6
2008	146.0
2009	216.1

The credits shown above are derived from the corporation tax returns for accounting periods ending in 2006 to 2009.

State Banking Sector

161. **Deputy Michael McGrath** asked the Minister for Finance if he will provide details of the Irish Bank Resolution Corporation's plans for the disposal or management of its remaining loan book; the value of the loan book and details of the locations to which it relates; the current estimated timeframe for winding up the bank; and if he will provide an update on the current estimate of the final cost of rescuing the institution. [9376/12]

Minister for Finance (Deputy Michael Noonan): The Deputy will appreciate that much of the information requested in his question is subject to external factors and that it is not practical to be definitive in terms timelines or costs at this point. Suffice to say that the Board of the bank is charged with the work-out of the Bank's assets in a manner that will best protect the interests of the State. However, the framework within which the bank is operating is set out in the EU Commission Decision on the restructuring plan which issued on 29.6.2011. The link below provides access the redacted version of the Decision.

IBRC is working to generate options for the efficient work out of its loan books in accordance with the Bank's approved mandate. This includes examining accelerated disposal where this makes economic sense. Following the timely sale of the majority of the Bank's US loan portfolios, the bank now continues with further detailed analysis of the remaining loans in Ireland and the UK. This analysis will further inform the Board and management team of IBRC on the timing of the next phases of deleveraging. The exact value of its remaining loans will be reported in the Bank's annual report and accounts which are due for release next month.

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The final cost of rescuing the institution is estimated to be within the current capital provided by the State and will predominately be a function of the property markets in Ireland and the UK together with the availability of counterparty liquidity to enable further disposals by way of recoveries, repayments and sales. It will also depend on the outcome of any negotiations on the promissory note between the Government and the EU that are still underway. The estimated timeframe for the resolution of the institution is currently nine years as detailed in the Bank's approved restructuring plans. <http://ec.europa.eu/competition/state—aid/cases/239466/239466—1251121—21—3.pdf>.

Departmental Reports

162. **Deputy Michael McGrath** asked the Minister for Finance the current status of the internal report requested by the Secretary General of his Department in regard to the €3.6 billion accounting error in the reported figure for Ireland's general Government debt for end 2010; the person who is preparing this report; when it is expected to be completed and given to him; if he will give a progress report into the external review of the systems in the Department, the National Treasury Management Agency and the Central Statistics Office which was promised by him when the mistake came to light on 1 November 2011; the person who is conducting this external review; when it is expected to be completed; if he intends to publish in full the internal report and the external review; and if he will make a statement on the matter. [9379/12]

Minister for Finance (Deputy Michael Noonan): A draft of the internal report has been prepared by management in my Department with the professional support of the Department's Internal Audit Unit. Following advice from the Attorney General's Office, it is being circulated to some of the parties involved who will be allowed sufficient time to provide their final comments on it. Thereafter, the report will be finalised and submitted to me and then to the Government. Deloitte Consultants have been appointed to undertake the external review which is now under way. I expect the external report to be finalised by the end of the first quarter of this year.

My intention is, subject to legal advice and in a timely manner, to submit both reports to the Committee of Public Accounts and make them public.

Although this error was most regrettable, it was a statistical reporting discrepancy where our debt level was mistakenly stated as being higher than it actually was, but which had no impact on the 2011 budgetary deficit.

Financial Services Regulation

163. **Deputy Michael McGrath** asked the Minister for Finance if he will provide an update on the application of the Central Bank of Ireland's fitness and probity regime to current executives working in the banking industry; the details of the number and employment details of those currently being assessed under the new standards; and if he will make a statement on the matter. [9380/12]

Minister for Finance (Deputy Michael Noonan): The Central Bank Reform Act 2010 Act provides for new powers to be exercised by the Bank to ensure the fitness and probity of nominees to key positions within financial service providers and of key office-holders within those providers. The new fitness and probity regime is being rolled out by the Central Bank through a code and regulations that were published on 1 September 2011. The regulations apply to Pre-Approval Controlled Functions and Controlled Functions.

The Fitness and Probity Standards are being implemented on a phased basis as follows: from 1 December 2011, the standards applied 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; and they will apply to all persons occupying Controlled Functions as at 1 December 2012.

The Central Bank may refuse to approve a proposed appointment to a Pre-Approval Controlled Function where it is of the opinion that the proposed appointee is not of such fitness and probity as is appropriate to perform the relevant function. Where the Central Bank refuses to approve a proposed appointment, then a regulated financial service provider may not appoint the person to the role.

The Central Bank, as part of its role in the on-going supervision of the financial services sector, may from time to time consider that there is reason to suspect the fitness and probity of any person performing a controlled function and may commence an investigation into that person. All assessments of fitness and probity of persons being proposed to Pre-Approval Controlled Function roles, and of persons performing controlled functions are made with respect to the criteria set out in Section 25(3) of the Act and a Code issued by the Central Bank under Section 50 of the Act entitled “Fitness and Probity Standards (Code issued under Section 50 of the Central Bank Reform Act 2010)”. The existence and progress of such investigations are confidential and details of such investigations may not be disclosed by the Central Bank. The Central Bank does not comment on individual cases

The Central Bank regulations identify 41 senior positions as Pre-Approval Controlled Functions such as Chief Executive Officer, Director or Heads of Compliance, Risk, and Internal Audit. The regulations also prescribe specific categories as Controlled Functions and persons performing these functions include the staff who 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 Central Bank have informed me that they are reviewing the position of executive and non-executive directors of covered institutions that received state support and who are remaining in director posts after 1 January 2012 to decide whether or not an investigation into any of those persons might be appropriate. This process provides opportunities for persons to make representations to independent decision makers appointed by the Central Bank. The Central Bank does not comment on individual cases.

National Asset Management Agency

164. **Deputy Michael McGrath** asked the Minister for Finance if he will provide details of the number of individual cases that comprise the €160 million of asset transfers by National Asset Management Agency debtors to family members which have been now reversed by the agency; if all of these reversals have been achieved without the necessity for court action; the number of individual cases in which NAMA is pursuing similar reversals; and if any court action is planned or currently underway to achieve this objective. [9381/12]

Minister for Finance (Deputy Michael Noonan): NAMA advises me that in the case of 31 of the 188 debtors under its direct management, it has secured agreement to reverse asset transfers with an aggregate value of €160m. In another 17 cases, assets transfers have been identified and NAMA is confident that its current discussions with debtors will conclude with additional transfer reversals or the granting of charges to it over unencumbered assets. In 5 other cases to date, NAMA has initiated legal action to reverse asset transfers. NAMA also advises me

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that in the case of 32 of those debtors, no asset transfers to relatives appear to have taken place in the past five years.

A number of directly-managed debtors have borrowings with no recourse other than the secured asset and in those instances debtors have no legal obligation to reverse asset transfers or offer additional unencumbered assets. Finally as regards the other debtors under its direct management, NAMA has either already enforced against the debtors concerned or is engaged in further investigation and legal review of possible asset transfers. Some of these cases will ultimately lead to additional reversals or the granting to NAMA of additional charges over assets which are currently unencumbered.

In the case of the 598 debtors whose debt is managed by the participating institutions on NAMA's behalf (par debt of €13 billion), the business plan cycle is approaching completion. It is expected that the current engagement with these debtors will yield additional reversals of asset transfers to relatives by the time the process has completed.

NAMA has already stated that the maximum amount it expects to recover as additional security is of the order of €500 million.

Financial Services Regulation

165. **Deputy Kevin Humphreys** asked the Minister for Finance his plans to regulate high interest pay day loan companies, and other financial institutions that charge exorbitant annual percentage rates for short term loans given out through the Internet including a company (details supplied) which has an APR of approximately 4,400%; if he will consider introducing an upper limit on the APR chargeable; if he will outline the regulations that currently apply; and if he will make a statement on the matter. [9395/12]

Minister for Finance (Deputy Michael Noonan): The Central Bank have advised me that the company referred to in the Deputy's question is not regulated by them and that there are no authorised providers of pay day loans in the State at present. If a company wishes to offer a pay day loan service in the State it would have to seek a money lender's licence from the Central Bank to do so. Moneylenders have to apply to the Central Bank annually to have their licences renewed. A money lender's licence granted by the Central Bank is specific to that moneylender in that each individual moneylender's licence outlines the specific products that the moneylender offers, the APR for each product and the total cost of credit for each product.

Moneylenders often lend small value loans for short periods and hence such loans tend to be more expensive than other forms of credit. I have no plans at present to introduce an interest rate cap on moneylending.

In addition to the licensing system, the Central Bank has in place a Consumer Protection Code for Licensed Moneylenders (the Code). The Central Bank has power to impose sanctions on moneylenders for a contravention of the Code. The Code sets out General Principles with which a moneylender must comply. For example, a moneylender must act honestly and professionally, with due skill, care and diligence in the best interest of consumers. The Code also places requirements on moneylenders in relation to the provision of information to the consumer, preservation of a consumer's rights, knowing the consumer, suitability, unsolicited contact (cold calling), disclosure, errors, handling complaints, consumer records, unsolicited credit facilities, arrears and guarantees, debt collection and the contents and presentation of advertisements.

Banks Capitalisation

166. **Deputy Shane Ross** asked the Minister for Finance further to Parliamentary Question No. 122 of 22 November 2011, if he will confirm that all amendments to methodologies and changes to formulas applied by the Central Bank of Ireland in the period between receipt of initial instructions from the EBA and submission of final results to the EBA were fully disclosed to and approved by the peer review team appointed by the EBA; and if he will make a statement on the matter. [9429/12]

Minister for Finance (Deputy Michael Noonan): I refer the Deputy to my replies to recent Parliamentary Questions (ref: 35901/11 of 22 November 2011 and 38796/11 of 6 December 2011), which address the query raised in his latest question. The position as regards this matter has not changed. I am advised by the Central Bank of Ireland (CBI), that they assisted the European Banking Authority (EBA) in carrying out a European-wide bank solvency stress test in July 2011. The test was applied to three Irish banks in accordance with a methodology that was pre-agreed with the EBA. As a result of the significant restructuring underway in the Irish banking system at the time, the methodology applied by the EBA to the Irish banks differed in some respects to that prescribed to the other European banks participating in the exercise.

The differences in methodology were introduced to fully account for the Irish banks requirement to deleverage their balance sheets in the coming years and also to consider the detailed loan loss forecasts produced by BlackRock Solutions on behalf of the CBI earlier in 2011 as part of the Irish PCAR stress tests. By taking account of the negative impact of the asset disposals and the losses forecast by BlackRock, the Irish banks were subject to a much tougher stress test than other banks participating in the European stress test. In addition, Irish, Greek and Portuguese banks were issued with separate cost of funds instructions to account for the impact of the sovereign spreads and external support programmes.

In order to assure quality in the process and the outputs in the European stress test, the EBA assigned a team of independent peer reviewers to verify that methodologies were applied consistently and correctly. This team, which comprised of senior European stress testing experts, worked with the CBI to validate and verify the submissions made by the Irish banks. This iterative process resulted in many clarifications leading to instructions to each of the Irish banks. Once updated submissions were received from the banks, the CBI checked and subsequently forwarded them on to the EBA for further validation and review. The results/submissions made by the Irish Banks were not amended in any way before being forwarded on to the EBA peer review team.

I am further advised by the CBI, that one of their employees expressed a concern over the way in which the EBA stress testing procedure was applied in Ireland. In response, CBI management commissioned an investigation. This investigation was conducted by the CBI's Internal Audit Department under the CBI's 'speak-up' policy. Based on the report of this investigation, which has been accepted by the employee, CBI Management are satisfied that, while the complaint was made in good faith, there is no reason for concern with the figures provided to the EBA.

Despite the additional conservatism applied to the Irish banks, all three Irish banks passed the European stress test. This is a direct result of applying a much tougher PCAR stress test earlier in 2011, as part of the Irish Financial Measures Programme, and requiring the banks to recapitalise based on the results of that stress test. The PCAR stress test was overseen by a series of independent observers, including the Troika, and was widely regarded by market

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participants as being credible and a benchmark on information disclosure that other supervisory authorities should follow.

Tax Reliefs

167. **Deputy Gerry Adams** asked the Minister for Finance the cost of tax foregone to the Exchequer through tax reliefs for the development of private nursing homes since 2007; if he will provide a breakdown of the amount of tax foregone to the Exchequer from such schemes in County Louth since 2007. [9431/12]

Minister for Finance (Deputy Michael Noonan): I am informed by the Revenue Commissioners that the cost of tax foregone to the Exchequer in terms of income tax and corporation tax for the development of nursing homes for each of the years 2007 to 2009, the latest year available, is set out in the table below:

Year	Exchequer Cost
	€m
2007	18.3
2008	19.8
2009	21.6

I am also informed by the Revenue Commissioners that the information provided in tax returns in relation to claims for tax relief in respect of investment in private nursing homes is not sufficiently detailed to provide a basis for deriving the number of private nursing homes that have qualified on a county by county basis. I am not therefore in a position to provide the information requested by the Deputy on a geographical basis.

Mortgage Arrears

168. **Deputy Pearse Doherty** asked the Minister for Finance the number of households currently in mortgage distress, that is in arrears of more than 90 days or in restructured payment agreements with their lender, who will be eligible for the increased rate of mortgage interest relief announced in budget 2012; and if he will make a statement on the matter. [9437/12]

Minister for Finance (Deputy Michael Noonan): As the Deputy may be aware, the Central Bank published, on 17 February last, the latest data in relation to mortgage arrears. This shows that at end December 2011, 70,911 private residential mortgage accounts were in arrears of 90 days or more. A further 74,379 accounts were categorised as restructured at the end of December 2011, of which, 37,582 had arrears of varying categories.

The increased rate of mortgage interest relief that I announced in Budget 2012 applies to first time buyers who purchased between 2004 and 2008. Mortgage interest relief is available on the interest paid on a qualifying loan. This measure is intended to assist in preventing mortgage holders from going into arrears on their mortgages. It will benefit some 189,000 mortgages relating to some 270,000 individuals.

State Banking Sector

169. **Deputy James Bannon** asked the Minister for Finance the reason there is such a variance in mortgage rates between the State owned lending institutions, which is causing anguish and financial hardship to the borrower; and if he will make a statement on the matter. [9519/12]

Minister for Finance (Deputy Michael Noonan): The lending institutions in Ireland, including those in which the State has a significant shareholding, are independent commercial entities. Ultimately the pricing of financial products, including standard variable mortgage interest rates, is a commercial decision for the management team and board of each lending institution, having due regard to their customers and the impact on profitability, particularly where the cost of funding to each lending institution, including deposit pricing, is under pressure.

Tax Reliefs

170. **Deputy Denis Naughten** asked the Minister for Finance when the mortgage interest relief measures for those who were first-time buyers between 2004 to 2008 announced in budget 2012 will come into effect; and if he will make a statement on the matter. [9529/12]

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 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.

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.

National Asset Management Agency

171. **Deputy Pearse Doherty** asked the Minister for Finance if he will provide a geographical analysis of the National Asset Management Agency's advances to developers, both approved advances and actual cash advances, to include Ireland, Northern Ireland and Britain; and if he will make a statement on the matter. [9536/12]

Minister for Finance (Deputy Michael Noonan): The details requested by the Deputy are set out hereunder. New Advance Approvals of €980 million are split between:

- Ireland (41%),
- Northern Ireland (1%),

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- Great Britain (50%),
- Other locations (8%).

Actual drawdown payments of €740 million are split between:

- Ireland (39%),
- Northern Ireland (1%),
- Great Britain (52%),
- Other locations (8%).

The €385 million in advances drawn down in respect of assets in Britain must be seen in the context of a total portfolio acquisition value of close to €11 billion, as well as asset sales of about €3 billion of loan and property assets, in that country.

Tax Code

172. **Deputy Pearse Doherty** asked the Minister for Finance if he will provide a table outlining the projected net tax effect for each individual proposal of each section of the Finance Bill 2012; and if he will make a statement on the matter. [9537/12]

Minister for Finance (Deputy Michael Noonan): The expected cost or yield of those measures referred to in the Bill which were also included in the Budget was set out on pages B.5 to B.12 of the Summary of Budget Measures document published on Budget Day. Many of the individual proposals contained in the Bill, which were not specifically referred to in the Budget, are technical in nature and do not involve significant revenue changes. Information in relation to measures which do have significant revenue implications can be made available in the context of discussions at Committee Stage of the Bill.

Tax Reliefs

173. **Deputy Patrick Nulty** asked the Minister for Finance if he will provide details of the projected cost of tax relief available to those benefiting from the special assignee relief programme to send their children to fee paying schools; and if he will make a statement on the matter. [9649/12]

Minister for Finance (Deputy Michael Noonan): Section 14 of Finance Bill 2012 provides for the Special Assignee Relief Programme (SARP). This programme will reduce the cost to employers of assigning key individuals in their companies from abroad to take up positions in the Irish based operations of their employer. In recognition of differences in curriculums taught and primary languages that may be spoken by the assignee and/or their children being brought to Ireland, vouched primary and secondary school fees of up to €5,000 per annum per child, where paid for by the employer on behalf of an employee will be allowed free of benefit-in-kind taxation.

The cost of this benefit-in-kind relief will ultimately depend on demand, the number of assignees that transfer children to Ireland and whether the employer is willing to pay the relevant fees. The overall estimated cost of SARP provided at the time of the Budget was based on 100 individuals qualifying for the maximum relief available under the scheme. If half of these assignees placed one child in a fee paying school at a cost of €5,000 per annum and

the employer paid the relevant fees, the cost of the exemption from benefit-in-kind taxation on such fees would be just over €100,000.

Budget Submissions

174. **Deputy Patrick Nulty** asked the Minister for Finance if he will supply details of the organisations or groups who made contact with him to lobby on the Finance Bill 2012; if he will confirm if there was contact between his Department and companies (details supplied); if he will confirm the details of the contacts; and if he will make a statement on the matter. [9650/12]

Minister for Finance (Deputy Michael Noonan): As part of the Budget and Finance Bill 2012 process I received submissions from in the order of 700 organisations, companies and individuals and I would of course have been in touch also with my Ministerial colleagues. Before the Budget I personally met with various groups including the Irish Farmers' Association, the Irish Creamery Milk Suppliers' Association, the Irish Business and Employers' Confederation, the Irish Congress of Trade Unions, the Construction Industry Federation and the Community and Voluntary pillar. Following Budget Day some additional submissions were received by my Department and, after publication of Finance Bill 2012, meetings were held with a number of organisations. These included one of those on the list supplied by the Deputy, namely KPMG. My officials also had e-mail and telephone contact with another of the organisations listed by the Deputy, Financial Services Ireland.

I would advise the Deputy that such contacts are a normal part of the Finance Bill process as various groups seek clarification of the measures being proposed.

Tax Code

175. **Deputy Patrick Nulty** asked the Minister for Finance the number of persons who benefited from the special assignment relief programme in the years 2008, 2009, 2010 and 2011; and if he will make a statement on the matter. [9651/12]

Minister for Finance (Deputy Michael Noonan): As the Deputy will be aware, the Special Assignment Relief Programme (SARP) announced in the Budget was not in force for the tax years 2008 to 2011. The relief will come into force for the tax years 2012 and subsequent tax years when the current Finance Bill passes all Stages in both houses of the Oireachtas and is signed into law by the President.

Tax Reliefs

176. **Deputy Patrick Nulty** asked the Minister for Finance if he will provide full details of the tax reliefs available to the companies involved in aircraft leasing here; and if he will make a statement on the matter. [9652/12]

Minister for Finance (Deputy Michael Noonan): I am informed by the Revenue Commissioners that there are no tax reliefs available which are specific to aircraft lessors. In general, however, a company carrying on a trade of aircraft leasing would, similar to any other company carrying on a trade, be charged to corporation tax, in respect of its trading income at a rate of 12.5%.

In addition, when computing its profits for an accounting period, a company would be entitled to claim capital allowances in respect of the wear and tear on plant and machinery owned by it and in use for the purposes of its trade at the end of that accounting period. In the case of an aircraft leasing company, this means that the company could claim a capital

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allowance in respect of the cost of acquiring an aircraft. The allowance is granted over a period of 8 years at a rate of 12.5% per annum.

Tax Code

177. **Deputy Patrick Nulty** asked the Minister for Finance the potential gain for the Exchequer of the provision to tax illness benefit and occupational injury benefit, as provided for in the Finance Bill 2012; and if he will make a statement on the matter. [9653/12]

Minister for Finance (Deputy Michael Noonan): The yield from removing the tax exemption for the first 36 days of Illness Benefit and Occupational Injury is estimated at €13 million in a full year which was stated in the Budget 2012 Booklet. This information is available, along with all other Budget 2012 taxation measures, on my Department's website at *www.finance.gov.ie*.

Tax Reliefs

178. **Deputy Patrick Nulty** asked the Minister for Finance the cost to the Exchequer of increasing mortgage interest relief for persons who bought a house for the first time between the years 2004 and 2008 in the Finance Bill 2012; and if he will make a statement on the matter. [9654/12]

Minister for Finance (Deputy Michael Noonan): The cost of increasing mortgage interest relief to 30 per cent for first-time buyers who took out their first mortgage in the period 2004 to 2008 is estimated at €52 million in a full year which was stated in the Budget 2012 Booklet. This information is available, along with all other Budget 2012 taxation measures, on my Department's website at *www.finance.gov.ie*.

Departmental Expenditure

179. **Deputy Niall Collins** asked the Minister for Finance the total photography costs for his Department since coming to office; the list of occasions for which photographers were booked over the past year; the breakdown of costs associated with each occasion that a photographer was used; if there is a policy around the booking of photographers within his Department; and if he will make a statement on the matter. [9663/12]

Minister for Finance (Deputy Michael Noonan): In response to the Deputy's Question details of the occasions on which photographers were used since coming to office are contained in the following table:

Use of Photographer

Company used	Details	Cost €
Maxwell Photography Ltd	Brian Lenihan — photo required for Minister's Conference — Engaged on 30th March 2011	€424.41
Maxwell Photography Ltd	Signing of Taxation agreement with Germany — Engaged on 31st March 2011	€400.21
Maxwell Photography Ltd	Signing ceremony for Double Taxation Agreement with Switzerland — Minister of State Hayes and Swiss Ambassador — Engaged 26th January 2012	€285.05

Banks Recapitalisation

180. **Deputy Pearse Doherty** asked the Minister for Finance if he will detail all ELA loans

currently held by IBRC detailing the amount of the loans, the interest being charged on the loans, the maturity dates of the loans; and if he will make a statement on the matter. [9673/12]

Minister for Finance (Deputy Michael Noonan): The information requested by the Deputy is commercially sensitive and is not specifically disclosed by the Central Bank. However, details of Anglo Irish Bank's primary sources of funding are disclosed in the former bank's interim report for the six months ended 30 June 2011 which are accessible at the attached link. These accounts will be updated in the IBRC Annual Report and Accounts for 2011 due for publication at the end of March of this year. The Deputy will be aware that while there is an implicit link between the current repayment schedule on the Promissory Note and ELA there is no specific repayment schedule, as such, in relation to ELA. Any discussions in relation to ELA would of necessity have to include the ECB.

As I have indicated I am committed to reviewing the approach to the Promissory notes with a view to reducing the overall cost to the State of correcting the banking system.

<http://www.ibrc.ie/About-us/Financial-information/Latest-interim-report/Interim-Report-2011.pdf>

Consultancy Contracts

181. **Deputy Gerry Adams** asked the Minister for Finance further to Parliamentary Question No. 146 of 14 February 2012, if he is satisfied that no conflict of interest arises between IBRC retaining the services of the strategic advisory arm of a company (details supplied) to advise on asset sales while the investment arm of the company bids to purchase these same assets; from whom IBRC received independent advice on the appointment; if this advice will be made public; and if he will make a statement on the matter. [9690/12]

Minister for Finance (Deputy Michael Noonan): I have been assured by the bank that no conflict of interest arises from the retention by IBRC of the advisors referred to in the Deputy's question.

I can confirm that FTI Consulting provided independent advice to the Bank in relation to the appointment of the strategic advisory arm of the company referred to in the question. Specifically FTI advised the bank in relation to the absence of any conflict of interest between the engagement of the advisory arm of the company and the possibility of the investment arm of that company bidding for assets. FTI consulting were similarly engaged for the Bank's successful sale of its US loan portfolios in 2011 to ensure that the sale process was open, fair and transparent and that established procedures were followed.

Customs and Excise Seizures

182. **Deputy Seán Kenny** asked the Minister for Finance the amount of cigarettes, tobacco products, illegal tablets, offensive weapons and so on that have been seized by Customs and Excise for the years 2008 to 2011 inclusive; the number of successful convictions obtained in each of these years for same; and if he will make a statement on the matter. [9705/12]

Minister for Finance (Deputy Michael Noonan): The Revenue Commissioners are the State agency with primary responsibility for the control of imports and exports. They are also responsible for the collection of all taxes and duties, including tobacco products tax, and for tackling the illicit trade in cigarettes and tobacco products and for prosecuting those involved. The Commissioners also enforce import and export prohibitions and restrictions on other commodities, including those relating to controlled drugs and medicines and firearms and other offensive weapons. The following table lists the quantities of cigarettes and tobacco products seized by

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Revenue for the years 2008 to 2011 and the convictions obtained in these years for both the smuggling and sale of illicit tobacco products:

Year	Cigarettes (million)	Tobacco (kgs)	Convictions
2008	135.2	3,083	86
2009	218.5	10,451	164
2010	178.4	3,367	137
2011	109.1	11,159	160

The following table lists the quantities of controlled drugs and medicines and firearms and other offensive weapons seized by Revenue for the years 2008 to 2011. Under agreed protocol the prosecution of individuals for import offences involving these commodities is primarily a matter for An Garda Síochána.

Year	Controlled Drugs (kgs)	Controlled Medicines	Firearms and other offensive weapons (No.)
2008	5,397.94	515, 971 tablets and 2.9 litres	186 firearms and 9kg explosives and 5,000 rounds ammunition
2009	3,936.88	639,997 tablets and 3.75 litres	301 firearms
2010	531.25	1,248,031 tablets and 0.6 litres	201 firearms
2011	2,588.40	1,258,580 tablets and 5.7 litres	419 firearms

Ministerial Appointments

183. **Deputy Gerry Adams** asked the Minister for Finance if a person (details supplied) has been appointed to the National Asset Management Agency advisory group; and if he will make a statement on the matter. [9707/12]

Minister for Finance (Deputy Michael Noonan): 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.

Departmental Agencies

184. **Deputy Gerry Adams** asked the Minister for Finance further to Parliamentary Question No. 153 of 14 February 2012, if he will provide the names of the 16 firms empanelled to advise National Asset Management Agency on loan sales in Europe and the US; the way this panel was put together; the number of officers in NAMA who have previously worked for firms on that list including a breakdown of the number of staff that worked for each firm; and if he will make a statement on the matter. [9708/12]

Minister for Finance (Deputy Michael Noonan): The names of the 16 firms on the Loan Sale Advisory Services Panels are set out as follows:

Table

Panel 1 — Europe	Brookland Partners Cantor Fitzgerald CB Richard Ellis Cushman and Wakefield Cushman and Wakefield The Debt Exchange Eastdil Secured Ernst and Young Goldman Sachs Jones Lang LaSalle KPMG Lazard Savills
Panel 2 — USA	UBS CB Richard Ellis Credit Suisse The Debt Exchange Eastdil Secured Ernst and Young Holliday Fenoglio Fowler (HFF) Houlihan Lokey Jones Lang LaSalle KPMG Lazard

The Deputy should note that NAMA as a contracting authority is subject to EU Directive 2004/18/EC, as implemented in Ireland by the European Communities (Award of Public Authorities’ Contracts) Regulations 2006 (the “Regulations”), in respect of the procurement of goods, works and services above certain values (the “EU Thresholds”). The principles underpinning the Regulations are equal treatment, non-discrimination, mutual recognition, proportionality and transparency.

In certain cases, NAMA has established panels of service providers who have demonstrated, through a tendering process, that they are best placed to provide a particular service. NAMA advises me that it may then hold mini-tenders among suitably-qualified members of a panel to obtain the most competitive price for any particular assignment. This will apply to the Loan Sale Advisory Services Panels

Compiling information about the number of NAMA officers who previously worked for any of the firms above would add very little clarity to the matter of conflicts of interest since it would not cover all situations where potential conflicts could arise. More importantly, the key issue 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 in the outcome of the process. NAMA advises me that this enables the Agency to ensure:

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- 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.

Ministerial Transport

185. **Deputy Timmy Dooley** asked the Minister for Finance if he uses a State car; the type of car that is used; how often he has used it since coming to office; the cost of the person employed to drive the car; the cost of their salary; the cost of their vehicle expenses; if the person employed as driver was previously a State employee; if that person is also in receipt of a State pension; the total cost of the service to date; and if he will make a statement on the matter. [9716/12]

Minister for Finance (Deputy Michael Noonan): Since 1 May 2011 Cabinet Ministers with the exception of An Taoiseach, An Tánaiste and the Minister for Justice and Law Reform now use their own cars on official business. All Ministers are now paid for official mileage up to 96,540 kilometres [or 60,000 miles] per annum. Ministers of State have used their own cars on official business since 1984. The travel rates payable depend on the car engine size.

There is no payment for the cost of a car used on official business and there are no fixed payments towards changing a vehicle.

The travel rates are designed to compensate for the use of an individual's car on official business. The expenses that are covered by the motor travel formula can be broken into two categories; the overhead and the running costs. The overhead costs include depreciation, insurance costs, AA/RAC membership, driving licence and car tax. The running costs include the cost of maintenance, tyres, oil and petrol. This is the same basis used within the civil service and revenue.

The salaries of the drivers (2) are paid separately and are not integrated within the rates. The salary of each driver is €631.75 per week and they work week on week off.

The current Ministerial travel rates are set out below. My mileage claims to date are €17,911.07.

Ministerial Travel Rates

Effective from 5 March 2009

Rate per Miles

Official Motor Travel in a calendar year	Engine Capacity up to 1200cc	Engine Capacity 1201cc to 1500cc	Engine Capacity 1501cc to 2000cc	Engine Capacity 2001cc and over
0-4,000 miles	62.94 cent	74.42 cent	95.05 cent	114.06 cent
4,001 miles and over	34.13 cent	38.00 cent	45.79 cent	54.95 cent

Rates per Kilometres

Official Motor Travel in a calendar year	Engine Capacity up to 1200cc	Engine Capacity 1201cc to 1500cc	Engine Capacity 1501cc to 2000cc	Engine Capacity 2001cc and over
Up to 6,437km	39.12 cent	46.25 cent	59.07 cent	70.89 cent
6,438km and over	21.22 cent	23.62 cent	28.46 cent	34.15 cent

Tax Reliefs

186. **Deputy Noel Grealish** asked the Minister for Finance the reason the non-principal private residence charge cannot be added to the list of allowable items specified in section 97 of the Taxes Consolidation Act 1997 by an amendment in the Finance Bill currently before Dáil Éireann, in view of the fact that the NPPR was not in existence when the Act was passed; the reason he believes the charge is not a business expense incurred solely because a person has liability to the NPPR, given that the Revenue Commissioners assess rental income on the net amount of rent received, that is, the gross rent less allowable expenses incurred in earning the rent; and if he will make a statement on the matter. [9753/12]

Minister for Finance (Deputy Michael Noonan): The Local Government (Charges) Act 2009, as amended, provides the legislative basis for the charge on non-principal private residences. Policy relating to this charge is a matter for the Minister for the Environment, Community and Local Government. A person in receipt of rental income is assessed to income tax on the net amount of the rents received, i.e. the gross rents less allowable expenses incurred in earning those rents. In computing the net amount of the rents received, only those deductions that are specified in the Taxes Consolidation Act 1997 are allowable. The legislation is quite clear in this matter and section 97 of that Act sets out the allowable deductions in computing taxable rental income. As the Deputy notes the Non-Principal Private Residence charge is not included on the list of allowable items, and therefore it is not an allowable expense in computing taxable rental income.

The main deductible expenses are:

- Any rent payable by the landlord in the case of a sub-lease.
- The cost to the landlord of any goods provided or services rendered to a tenant.
- The cost of maintenance, repairs, insurance and management of the property.
- Interest on borrowed money used to purchase, improve or repair the property.
- Payment of local authority rates in the case of rateable properties used for commercial purposes.

The range of allowable deductions available to residential property investors represents a significant cost to the State. The Revenue Commissioners estimate 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.

In the current difficult financial circumstances it is imperative that we stabilise public expenditure and tax expenditures in many areas are being reduced in order to broaden the tax base. In this context, I have no plans to introduce further tax reliefs for residential landlords.

Mortgage Interest Rates

187. **Deputy Terence Flanagan** asked the Minister for Finance his views on a matter (details supplied) regarding ECB interest rate cuts; and if he will make a statement on the matter. [9781/12]

Minister for Finance (Deputy Michael Noonan): Neither the Central Bank nor I have any responsibility for the variable mortgage interest rate charged by financial institutions. I have no powers to compel mortgage lenders to reduce to reduce their variable mortgage interest rates. However the Central Bank has advised me that within its existing powers it will continue to engage with specific lenders which appear to have standard variable rates set disproportionate to their cost of funds.

Social Welfare Code

188. **Deputy Dara Calleary** asked the Minister for Finance if he will clarify the anomaly that exists in the way the universal social charge is deducted from pensions (details supplied) depending on who is paying the pension; and his views that the universal social charge deduction (details supplied) is fair and justifiable. [9808/12]

Minister for Finance (Deputy Michael Noonan): The position is that the Universal Social Charge, which came into effect on 1 January 2011, is a tax payable on all gross income. However, there are a number of exemptions and reliefs from the USC. There is a lower exemption limit, which from 1 January 2012 is €10,036 per annum, €193 per week. In addition, individuals aged 70 years and over are not liable to the top rates of USC. Furthermore, payments from the Department of Social Protection including the contributory and non-contributory social welfare pensions are exempt from the USC. Accordingly, payments from the Department of Social Protection are not reckonable in computing liability to the USC. As the Deputy may be aware, the USC was reviewed by my Department in the lead up to Budget 2012 and the report can be obtained at www.finance.gov.ie.

State Banking Sector

189. **Deputy Mary Lou McDonald** asked the Minister for Finance if he believes that it is acceptable that the EBS intends to charge a fee of €7,000 to a family seeking to pay off the balance of their fixed rate mortgage. [9840/12]

Minister for Finance (Deputy Michael Noonan): I am advised by the Central Bank that when credit institutions provide fixed rate mortgages to customers, they utilise wholesale funding at a fixed rate to match the fixed credit they provide to customers. If interest rates fall, credit providers may be locked into accessing wholesale market credit at a higher rate than they can charge customers in the current retail market. As a result, a cost arises which is covered through the charging of a break cost. In the current environment, interest rates have fallen, and as a result there may be a differential between the interest rate that the credit provider has locked into, some time in the past, for the funds supplied to customers and what they can charge to customers, for the remaining period of the fixed rate loan.

Section 121 of the Consumer Credit Act 1995 permits a mortgage lender to apply an early redemption fee in certain circumstances, which includes breaking a fixed rate contract.

190. **Deputy Michael McGrath** asked the Minister for Finance if he is satisfied that the pillar banks have met their lending targets in 2011; if he will provide details, for each bank, of the

amount of new credit sanctioned and new credit actually drawn down in 2011; and if he will make a statement on the matter. [9842/12]

Minister for Finance (Deputy Michael Noonan): As the Deputy is aware, the Government has imposed lending targets on the two domestic pillar banks for the three calendar years, 2011 to 2013. Both banks were required to sanction lending of at least €3 billion in 2011, €3.5 billion this year and €4 billion in 2013 for new or increased credit facilities to SMEs. The details for each individual bank in relation to new credit sanctioned and new credit drawn down in 2011 are commercially sensitive and for this reason I cannot provide the information to the Deputy. However I can confirm to the Deputy that both banks have reported to me that they have achieved their 2011 targets. This information is currently being independently assessed by Mr John Trethowan of the Credit Review Office and will be dealt with in his quarterly report for end December 2011 which is due to be published shortly.

Tax Code

191. **Deputy Pádraig Mac Lochlainn** asked the Minister for Finance if he will reconsider his decision to apply the health levy to the salary of frontier workers in view of the fact that they do not avail of health facilities in this State. [9843/12]

Minister for Finance (Deputy Michael Noonan): The Health Levy was abolished in Budget 2011 along with the Income Levy. They were replaced by the Universal Social Charge which has few, if any, special exemptions.

Tax Yield

192. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Finance the amount of VAT refunded on below-cost selling of alcohol for each of the years 2009, 2010 and 2011; if he will address this issue immediately; and if he will make a statement on the matter. [9864/12]

Minister for Finance (Deputy Michael Noonan): Separate figures are not available for input VAT on goods that were subsequently sold at a discount because traders' VAT returns show only the total input VAT and the total output VAT for the period covered by the return. VAT is a tax on the value added to a supply and the collection and recovery of VAT takes place at each stage of the chain of supply from manufacturing to retailer. Under EU and domestic VAT rules traders who are registered for VAT collect VAT on the goods and services that they sell. In turn such traders are entitled to recover the VAT they incur on their business inputs used in the purchase or production of goods or delivery of services. Consequently, if there is a decrease in value at any stage in the process the trader is entitled to a refund of the excess of VAT incurred over that collected.

In this regard, where a retailer is in a situation of net VAT gain as a result of below cost selling, this is not a loss to the Exchequer or an additional benefit to the retailer, it is merely how VAT is charged.

Economic Growth

193. **Deputy Thomas P. Broughan** asked the Minister for Finance if he is satisfied that his estimated projection level of growth in the Irish economy will actually occur in 2012; and if he will make a statement on the matter. [9933/12]

Minister for Finance (Deputy Michael Noonan): The Budget forecast is for real GDP growth of 1.3 per cent in 2012. Given the highly uncertain environment, the Budget documentation also pointed to a number of risks to this forecast — some to the downside and some to the

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upside. These risks are all still valid. The Budget forecast was prepared on the basis of economic information (domestic and international) available up to end-November 2011, and was mid-range at that time. There have been a number of developments since then — some negative, but some positive. Obviously, the euro-area sovereign debt crisis and the possibility of a more prolonged global slowdown are of concern. On the other hand, recent exchange rate developments will benefit the exporting sector, while what looks to be a more benign path for ECB interest rates will help households.

At this stage of the year, there is very little actual economic data relating to 2012. Of the domestic and international data that are available, some of these have not been as poor as some were assuming. In addition, we have seen concerted policy action at European level and I am confident that this will help restore confidence in the euro area.

As more information becomes available over the coming months, my Department will take it on board and, as is the norm, will present updated economic forecasts in the April Stability Programme Update.

Tax Code

194. **Deputy Tom Hayes** asked the Minister for Finance the reason the tax anomaly for employer contributions to PRSAs and occupation pension schemes has not been addressed. [9993/12]

Minister for Finance (Deputy Michael Noonan): I assume the Deputy is referring to the Universal Social Charge (USC) treatment of employer contributions to PRSAs and occupational pension schemes. The position is that the amount contributed by an employer to a PRSA is treated as a benefit-in-kind (BIK) in the income tax system and, therefore, is seen as the employee's own contribution and is subject to the USC in the same way as any other income of an employee. In contrast, an employer's contribution to a non-PRSA occupational pension scheme is not treated as the employee's own contribution and is therefore not taxed as a BIK.

The different tax treatment of employer contributions to occupational pensions and PRSAs has been in existence since the introduction of the PRSAs. The tax treatment of PRSAs is an integral part of the PRSA and was devised as part of the design of PRSAs. Exempting employers' contributions to PRSAs from the USC may provide an opportunity for tax avoidance where, by agreement between employer and employee, the employer makes the majority or all of the contribution to ensure that the employee would avoid the charge of the USC.

I should point out this particular issue was included in the recent review of the USC. This review was published on my Department's website in January of this year. In view of the foregoing and taking everything into consideration, I have decided not to make any changes to the treatment of PRSAs in respect of the USC at this time. However, as with all taxes I will keep the matter under review.

State Aid

195. **Deputy Gerry Adams** asked the Minister for Finance further to Parliamentary Question No. 148 of 14 February 2012, to list the persons who are the members of the Allied Irish Banks, AIB, non-core team in place to manage AIB's de-leveraging. [10007/12]

Minister for Finance (Deputy Michael Noonan): As indicated in my response to Parliamentary Question No. 70 of 9 November 2011, Peter Spratt is part of the AIB executive manage-

ment team and Head of the Non-Core Unit at AIB. The Board of AIB have ultimate responsibility for AIB's de-leveraging.

Job Creation

196. **Deputy Micheál Martin** asked the Minister for Finance if there has been an assessment done by him on the number of jobs that will be created by the tax break proposal in the Finance Bill 2012. [9366/12]

Minister for Finance (Deputy Michael Noonan): Finance Bill 2012 contains a number of measures designed to support investment, stimulate research and, ultimately, create jobs. As I said in my Second Stage speech last Tuesday, the Bill should be viewed as one element of a wider strategy to support economic activity. In relation to the Special Assignee Relief Programme and the Foreign Earnings Deduction, it is not possible to estimate the number of jobs that might be created by SARP and FED. This will ultimately be decided by a myriad of factors and not solely on the availability of the relevant tax reliefs. It is worth noting that job retention is also a valid policy objective of the Government and it is hoped that the above mentioned tax reliefs will also contribute towards the achievement of that objective.

As regards financial services, the Strategy for the International Financial Services Industry in Ireland, which was launched by the Taoiseach in July of last year, identifies a competitive and internationally respected tax framework as one of the key foundations for success and Finance Bill 2012 contains a package of measures to support this industry in meeting the ambitious strategy target of creating 10,000 jobs over the next five years. The elimination of double taxation is central to the competitiveness of the sector and is the driver for a number of the measures in this Bill. None of the measures being introduced have a significant cost element. In general, the measures are primarily focussed on removing barriers to investment.

The various changes to the R&D tax credit scheme announced in Budget 2012 and being provided for in the Finance Bill are being introduced to help make the scheme more beneficial to small and medium sized companies and to help companies generally to encourage and reward those employees directly involved in the R&D process on a cost neutral basis from the Exchequer's perspective. It is not possible to assess with any degree of certainty what the direct or indirect employment impact of these measures will be.

Sovereign Debt Markets

197. **Deputy Micheál Martin** asked the Minister for Finance if Ireland will be re-entering the markets during 2012; and if he will make a statement on the matter. [9365/12]

Minister for Finance (Deputy Michael Noonan): It has been stated repeatedly that the intention of the National Treasury Management Agency (NTMA) is to return to sovereign debt markets as soon as market conditions permit. On 25th January 2012 it re-engaged with the bond market and extended the maturity of some €3.5 billion of debt which was due for repayment just after the end of the EU/IMF Programme. This is a significant first step in terms of managing Ireland's post-Programme funding requirements. The steps necessary to position the NTMA for such a return include continued progress in the reduction of the budget deficit in line with the targets agreed in the EU/IMF Programme, together with the implementation of policies that will see Ireland return to sustainable economic growth. Of course, resolution of the wider euro area sovereign debt and banking crisis is also a critical factor. The NTMA is in ongoing contact with market participants and will advise me when it feels that the time is right to re-enter the markets.

EU Treaties

198. **Deputy Micheál Martin** asked the Minister for Finance his views regarding the weakening position of the economy in Spain and the challenges it will pose to the new EU treaty rules; and if he will make a statement on the matter. [7782/12]

Minister for Finance (Deputy Michael Noonan): I am conscious of recent economic developments in Spain and, in particular, the recent announcement that the deficit target for last year was missed. I note, however, that the new government has been proactive in addressing this shortfall, which is a positive development. In terms of the EU Treaty rules, it is also worthwhile noting that the latest European Commission figures (November 2011) put Spanish public debt at around 70 per cent at present, which is well below that of other large euro area countries. Finally, I have noted that yields on Spanish government debt have fallen noticeably since the end of last year. So market sentiment has improved and this is to be welcomed.

EU-IMF Programme

199. **Deputy Micheál Martin** asked the Minister for Finance the reason the EU treaty will not lead to further austerity given the capping of annual structural deficits at 0.5% of GDP when the present EU rules limit annual deficits at 3% of GDP and that the Minister's estimation is 3.7% by 2015; and if he will make a statement on the matter. [7780/12]

Minister for Finance (Deputy Michael Noonan): The Stability and Growth Pact consists of two regulations (two “arms”), a corrective arm and a preventive arm, both of which have been recently amended as part of the ‘six pack’ of legislative reforms. Ireland is currently subject to the corrective arm of the Pact — we are required to correct our excessive (i.e. greater than 3 per cent of GDP) headline deficit by end-2015. The fiscal component of Ireland's joint EU/IMF programme of financial assistance is built upon correcting the public finances. Putting the public finances on a more sustainable footing involves, in the first instance, a correction of our excessive deficit. In this regard, the decision of the Ecofin Council requires that Ireland correct its excessive deficit by end-2015, and a consolidation path towards correction (involving annual targets for the deficit) has been agreed. Therefore, it is our existing fiscal consolidation adjustment path that is valid until 2015. During the negotiation of the fiscal compact Ireland sought and received assurances that none of the provisions of the Fiscal Compact are to be interpreted as altering in any way the economic policy conditions under which financial assistance has been granted to Ireland in the Stabilisation Programme involving the European Union, its Member States and the International Monetary Fund. This is now clarified in the Preamble.

Once the excessive deficit is corrected, Ireland will be subject to the preventive arm of the Pact. So from 2016 onwards, we will be required to meet, or be making sufficient progress towards our medium term (budgetary) objective — the so-called MTO. In terms of the speed of consolidation towards the MTO, it is expected that the Commission will provide clarity on the time-frame for convergence, taking into consideration country-specific sustainability risks, that participating Member States will be required to respect. The MTO is set in structural terms, but as has been outlined before, there are considerable uncertainties surrounding estimates of this in Ireland. Leaving aside the methodological considerations, it should be remembered that estimates of the structural balance in 2015 are not fixed — policies that may be implemented by Government in the intervening period can be expected to have a bearing on the figure.

For instance, micro-economic reforms that help to address some of the skills mismatch in the labour market could help lower the “equilibrium” unemployment rate with a structurally beneficial impact on the public finances (on both the revenue and expenditure sides) — in other words, the structural fiscal position could improve with reforms. In this context, the

Government's recently announced action plan for jobs, which is designed to significantly improve employment over the next number of years, will alter the outlook for the labour market. This will impact positively on the amount of fiscal adjustment that may be required.

So, in summary, there are lots of moving parts and so the speed and scale of additional consolidation post-2015 must be seen in this context. However, what is clear is that in order to continue to restore sustainability to our public finances, Ireland's budgetary position will — for the foreseeable future — have to be in balance or in surplus in structural terms.

Economic and Monetary Union

200. **Deputy Micheál Martin** asked the Minister for Finance if he intends to publish a paper on the implications for domestic economic policy of an EU common economic policy; and if he will make a statement on the matter. [6587/12]

202. **Deputy Micheál Martin** asked the Minister for Finance if he has undertaken or commissioned any economic analysis of the proposals agreed at the December European Union Council. [6195/12]

Minister for Finance (Deputy Michael Noonan): I propose to take Questions Nos. 200 and 202 together.

The Deputy will be aware that there is already provision in the EU Treaties that Member States regard their economic policies as a matter of common concern. In practice, this means that Member States policies should adhere to certain guiding principles as set out in various processes, including National Reform Plans, the EU2020 and the Integrated Guidelines. In relation to the proposals agreed in the December European Council, I am assuming that the Deputy is referring to the fiscal compact element of the proposals agreed at the December European Council, which is now embedded in the *Treaty on Stability, Coordination and Governance in the Economic and Monetary Union* agreed by participating Heads of State or Government at end-January.

Recent legislative reforms (the so-called “six-pack”) together with additional legislative proposals (the “two-pack”) are designed to *inter alia* improve surveillance and monitoring of Member States economic and fiscal policies. I see this as a positive development, as it will ensure an earlier detection of harmful imbalances as well as ensure their timely correction. Greater economic and fiscal discipline within the EU is in all of our interests and is to be welcomed.

Financial Transactions Tax

201. **Deputy Micheál Martin** asked the Minister for Finance his response to the recent announcement of President Sarkozy to introduce a transaction tax from 1 August; if he has discussed this issue directly with him, or at the EU Council; and if he will make a statement on the matter. [6384/12]

Minister for Finance (Deputy Michael Noonan): The French Government is proposing to introduce a tax on financial transactions from August this year, although at first glance the French proposal does not seem to be as wide as the EU Commission's proposed Financial Transactions Tax (FTT). It is more akin to our existing Stamp Duty on share transactions. The French proposal does not cover trading in sovereign and private sector bonds and derivatives, which would be taxable under the Commission's FTT. I have no plans to introduce such a tax on a unilateral basis. I have stated clearly in the past my view that any tax on financial transactions would be best applied on a wide international basis to include the major financial

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centres. If such a tax cannot be introduced on a global basis, I think it would be better if it were introduced on an EU-wide basis, as this would prevent any distortion of activity within the Union. Our major concern is that, if an FTT is introduced, it could affect the financial services industry, especially in the IFSC, and lead to some activities moving abroad. If, as some countries have proposed, the tax was to be brought in under enhanced co-operation arrangements, we would fear we could lose business to London, since the UK is strongly opposed to this initiative. In the past, certain financial activities moved to London when other countries enacted similar taxes.

The current draft proposal in relation to a FTT is still being discussed at EU Council Working Party level and will be considered again by the Council of Ministers later this year. I have made clear our views, as has the Taoiseach, in discussion with our European colleagues.

Question No. 202 answered with Question No. 200.

EU Treaties

203. **Deputy Micheál Martin** asked the Minister for Finance his views that the recent EU treaty will actually deal with the substantive debt crisis in the EU, particularly with the most recent developments in Greece; and if he will make a statement on the matter. [6386/12]

Minister for Finance (Deputy Michael Noonan): One of the key objectives of the *Treaty on Stability, Coordination and Governance in the Economic and Monetary Union* is to ensure that the public finances in participating Member States remain on a sustainable path in order to safeguard the stability of the euro area and the EU as a whole. Within a monetary union, the scope for spillovers from inappropriate policies in one participating Member State to another Member State is not insignificant, as is clearly evident from the current crisis. In this regard, Member States agreeing to run a balanced budgetary position over the economic cycle and to reduce public indebtedness over time, are, broadly speaking, appropriate instruments for public policy.

Respecting the requirements of the Treaty together with full implementation of the previously agreed five-point action plan will undoubtedly result in greater stability in the monetary union. A key action point in the five-point plan is resolving the Greek situation; the other measures involve recapitalising the European banking system, building of firewalls to prevent contagion, addressing the situation of vulnerable Member States and improved governance.

In relation to Greece, clearly the situation is difficult. However, on Monday night, taking account of the significant efforts made by Greece, euro area Finance Ministers reached agreement on a policy package that constitutes the basis for a successor Programme. Furthermore, euro area Ministers reiterated their commitment to provide adequate support to Greece during the life of the Programme and beyond until it has regained market access, provided that Greece fully complies with the requirements and objectives of the adjustment Programme.

Banking Sector Regulation

204. **Deputy Micheál Martin** asked the Minister for Finance his plans in respect of restructuring the Anglo Irish Bank promissory note and lowering the annual payment burden; and if he will make a statement on the matter. [5154/12]

Minister for Finance (Deputy Michael Noonan): As I have indicated I am committed to reviewing the approach to the Promissory notes with a view to reducing the overall cost to the State of correcting the banking system. The Troika have agreed to engage in a process with

Irish Officials to produce a common paper which will consider options for re-engineering the notes in terms of the maturity of the notes, the interest rate, the cash flows etc. In tandem with this technical review the Government has commenced a campaign at political level to garner support for an approach which is more beneficial to the Irish State. Additional detail on such proposals will be available when the on-going work is further advanced.

EU Treaties

205. **Deputy Gerry Adams** asked the Minister for Finance if the linking of accessing the European Stability Mechanism to the new fiscal compact treaty was discussed at the EU Council meeting on 30 January 2012; and the position he took on this issue. [6589/12]

Minister for Finance (Deputy Michael Noonan): The preamble to the Inter-Governmental Treaty agreed by Heads of State or Government on 30 January stresses the importance of the European Stability Mechanism (ESM) Treaty as an element of strengthening the Economic and Monetary Union. It also states that the granting of new assistance from the ESM will be conditional, from 1 March 2013, on ratification of the Inter-Governmental Treaty. The ESM Treaty contains a similar provision. The ESM Treaty states that both Treaties are complementary in fostering fiscal responsibility and solidarity within the Economic and Monetary Union.

It has been clarified that the linkage of both the ESM and the Inter-Governmental Treaties refers to new applications for assistance under the ESM and will not affect the transfer to the ESM of undisbursed amounts promised to Ireland (and other programme countries) under the EFSF. Ireland is in favour of seeing responsible fiscal management put in place across the EU to ensure that future growth and prosperity is assured. It is only through growth that we can overcome the unemployment challenge which we face.

Departmental Agencies

206. **Deputy Finian McGrath** asked the Minister for Finance if he will provide the number of retired persons serving on State boards and commissions; and the amount it is costing the State. [10354/12]

Minister for Finance (Deputy Michael Noonan): In response to the Deputy's question the following state boards and commissions fall under the remit of my Department. The National Treasury Management Advisory Committee, National Pension Reserve Fund Commission, National Assets Management Agency, National Development Finance Agency, State Claims Agency, Irish Fiscal Advisory Council, Credit Union Advisory Committee and Commission on Credit Unions. In relation to the boards associated with these bodies no records of employment status of the members are held by my Department.

Institutional Abuse

207. **Deputy Sandra McLellan** asked the Minister for Education and Skills if he is still determined to set up a trust fund for the survivors of institutional abuse; when the trust fund will be put in place; if his attention has been drawn to the survivors' objection to the trust fund; and if he will make a statement on the matter. [9339/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I am committed to establishing the proposed Statutory Fund for survivors of institutional abuse and as work on the drafting of the Bill is at an advanced stage, I hope to be in a position to publish the Bill in the coming weeks.

[Deputy Ruairí Quinn.]

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

FÁS Training Programmes

208. **Deputy Dominic Hannigan** asked the Minister for Education and Skills the supports available for persons who are not on the live register or in receipt of any social protection payment to access training programmes, job supports and any other initiative that is available; and if he will make a statement on the matter. [9949/12]

Minister for Education and Skills (Deputy Ruairí Quinn): In 2011 the further education and training sectors provided almost 300,000 places. In addition, enrolments in the third level sector reached 161,000 and 5,900 places were offered through the Springboard initiative. The Department of Education and Skills will maintain this general level of provision in 2012. There is a wide variety of training programmes available through FÁS Training Services for the unemployed. Individuals who are not on the Live Register or in receipt of any social protection payment can apply to access FÁS Training Programmes. However, they will not be entitled to a FÁS Training Allowance whilst participating on the FÁS Training Programme.

There is a range of full-time and part-time further education programmes available to those not in receipt of a welfare payment. Part-time courses, mainly at NFQ Levels 1-4, and targeted at adults with less than upper second level education, are available under the Adult literacy and Community Education Scheme and the Back to Education Initiative. Full-time courses at NFQ Levels 5 and 6 or equivalent are available under the Post Leaving Certificate programme. Early school leavers aged between 15 and 20 are eligible for the Youthreach programme.

In addition, it is open to any individual to apply for a place on an undergraduate or post graduate higher education programme in the publicly funded higher education sector and depending on their previous level of educational attainment and personal circumstances they may be eligible for support under the Free Fees Scheme or the Student Grant Scheme. In general, students who previously pursued a course of study are not eligible for free fees support or grant assistance for a second period of study at the same level. Such students may, however, be eligible for tax relief for their tuition fees, as are students who undertake courses of study on a part time basis. Full details of all supports available to students who wish to return to education are available at www.studentfinance.ie. Information on available tax reliefs for tuition fees can be accessed on www.revenue.ie. In addition, as part of the joint industry-government ICT Action Plan, which I launched at the end of January, 750 places have been made available on new ICT skills conversion programmes which are being rolled out in higher education institutions across the country. Access is free of charge to participants who will obtain a post-graduate qualification in core computing skills at honours degree level. Further details are available at www.bluebrick.ie.

Individuals who are not on the live register or in receipt of any social protection payment can access Skillnets (www.skillnets.com) Training Programmes in two ways: Training Networks Programme (TNP) or Job-seekers Support Programme (JSSP). Under the Training Networks Programme (TNP) each network has a limited number of free places for job-seekers on its main programme of courses that are run for member companies of networks. There are many

courses whereby no specific educational requirement is needed in order to take part in training but in some instances a background in the discipline or related discipline would be required. The Job Seekers Support Programme is aimed solely at unemployed people and includes free training in skills in demand by companies combined with direct access to employers through meaningful work placements.

The creation of a new further education and training authority, SOLAS, will facilitate a coherent integrated strategic national response across the Irish further education and training sectors. SOLAS will also help to facilitate the development of a strong further education and training sector within the Irish educational system which will effectively meet the needs of those who leave traditional second level schooling and those availing of 'second chance' education. The new SOLAS mandate will be to ensure the provision of 21st century high-quality further education and training programmes to jobseekers and other learners. These programmes will be integrated, flexible, value-for-money and responsive to the needs of learners and the requirements of a changed and changing economy.

Social Welfare Code

209. **Deputy Peter Mathews** asked the Minister for Education and Skills if he retains a record of employment in respect of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [9141/12]

Minister for Education and Skills (Deputy Ruairí Quinn): Prior to 1st April 1974 an insurable income limit was laid down by the then Department of Social Welfare and if an individual's earnings exceeded these limits a Social Welfare contribution was not payable by the employee. From 1 January 1973 the earnings of the person mentioned were in excess of the insurable limit of £1,600 and therefore she was not liable to pay a social welfare contribution. My Department has confirmed from our records that a Health Contribution was deducted from the remuneration of the person referred to by the Deputy during the period in question.

School Staffing

210. **Deputy Michael McCarthy** asked the Minister for Education and Skills his plans to make changes in the provision of guidance counsellors to schools; his plans to reduce the current provision of guidance counsellors; and if he will make a statement on the matter. [9148/12]

246. **Deputy Sandra McLellan** asked the Minister for Education and Skills if he will review the guidance allocation for a school (details supplied) in County Cork; and if he will make a statement on the matter. [9635/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 210 and 246 together.

My Department has just recently published Circular 0009/2012 to inform all post primary school management and staff of the staffing arrangements for post-primary schools for the 2012/13 school year, including in particular, the requirements to manage guidance from within the standard allocation. The circular is available on the Department website.

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.

Teachers' Remuneration

211. **Deputy Michael McCarthy** asked the Minister for Education and Skills the position regarding the decision to remove the Master's degree allowance for teachers; and if he will make a statement on the matter. [9149/12]

233. **Deputy Clare Daly** asked the Minister for Education and Skills if he will reverse the decision to suspend all allowances to new entrant teachers, which will see them earning 30% less than their peers. [9409/12]

236. **Deputy Shane Ross** asked the Minister for Education and Skills if he will reverse the decision to cut allowances to new teachers in recognition of the fact that it expects new teachers to carry out the same amount of duties for substantially less pay than their counterparts; and if he will make a statement on the matter. [9428/12]

265. **Deputy Michael Healy-Rae** asked the Minister for Education and Skills his views on a matter (details supplied) regarding new teaching graduates. [9883/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 211, 233, 236 and 265 together.

A public service-wide review of allowances, announced by the Government as part of Budget 2012, is currently being led by the Department of Public Expenditure and Reform. Under Circular 70/2011 teachers who had 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. Such teachers will not be paid any additional allowance where they acquire any further qualification on or after 5 December 2011. The position of teachers who, on 5 December 2011, were undertaking courses will be considered in the context of the review.

Teachers who were new entrants to teaching between 5 December 2011 and 31 January 2012 are eligible for allowances on the basis of their qualifications at entry to the profession to a maximum of the allowance applicable to an honours primary degree/pass masters degree at that time.

Circular 3/2012 provides that allowances are not payable to new beneficiaries; i.e. those who become eligible for receipt of the allowance in question on or after 1 February 2012. 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. These decisions were taken pending the outcome of the public service-wide review of allowances and due to the upward pressure on the cost of teacher allowances. Without immediate action, this upward pressure would have cancelled out the savings made elsewhere in the education system and would bring about even harsher adjustments to schools and services than has been seen in the recent budgets. I am not in a position to comment further on the position in relation to teacher allowances until the outcome of the public service-wide review of allowances is known.

Special Educational Needs

212. **Deputy John Deasy** asked the Minister for Education and Skills to identify the person who determines the allocation of resource hours to individual children with additional educational needs; and if he will make a statement on the matter. [9174/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I wish to advise the Deputy that the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs) for allocating resource teaching hours to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support.

All mainstream Primary schools have been allocated permanent additional teaching resources under the General Allocation Model to cater for the learning support/resource teaching needs of children with high incidence special educational needs, such as mild/ borderline mild learning difficulties or for specific learning disability. Allocations in respect of all other applications by schools for resource teaching hours for children with special educational needs are determined by NCSE Special Educational Needs Organisers, in the context of my Department's criteria for the allocation of such support.

213. **Deputy Finian McGrath** asked the Minister for Education and Skills if he will support an urgent family case (details supplied). [9192/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I have previously advised the Deputy of the role of the appropriate state agencies in providing support to the child to whom he refers. I am advised that the relevant agencies including the National Educational Welfare Board and the National Council for Special Education continue to be positively engaged with the family of the child in question.

School Staffing

214. **Deputy Peadar Tóibín** asked the Minister for Education and Skills the date on which the school by school review for each school in County Meath will take place with regard to the loss or retention of legacy posts. [9218/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The announcement I made on the 11th January in relation to my Department reporting to me within four weeks refers only to the impact of the withdrawal of certain posts allocated under previous disadvantaged schemes in DEIS Band 1 and Band 2 primary schools.

The School to which the Deputy refers is not included as part of this report as the school in question is not included in the DEIS programme but retained, on a concessionary basis, teaching posts from previous disadvantaged schemes.

My Department is finalising the staffing allocations for schools for 2012/13 and is not in a position at the moment to give details as to how this measure affects individual schools. In addition to the budget measures, consideration must be given to the effect of increases and decreases in enrolment on schools' staffing entitlements annually.

Schools will be notified in the coming weeks of their staffing entitlements under the new arrangement for 2012/13.

Schools Building Projects

215. **Deputy Peadar Tóibín** asked the Minister for Education and Skills if he will consider the building of a new campus for a school (details supplied) in Navan, County Meath, or the amalgamation of the school with another for the purpose of sharing a new campus; and if he or one of his senior staff will meet with this Deputy to discuss this further. [9219/12]

Minister for Education and Skills (Deputy Ruairí Quinn): As the Deputy is aware, a campus development for Navan is already in train which will provide for a primary, post primary and

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special school to cater for the projected pupil growth in the area over the coming years. My Department has no plans to develop a second campus for the school to which the Deputy refers.

The school concerned recently applied to my Department for funding to replace temporary accommodation. The application is currently being considered and my Department will be in contact with the school authorities as soon as this process has been completed. In the circumstances, a meeting with the Deputy is not considered necessary at this time.

Third Level Access

216. **Deputy John O'Mahony** asked the Minister for Education and Skills his views on the requirement for a foreign language at leaving certificate level for a degree course at National University Ireland colleges; and if there are plans to change this criteria; and if he will make a statement on the matter. [9220/12]

Minister for Education and Skills (Deputy Ruairí Quinn): Under the Universities Act 1997 the universities are autonomous and academically independent institutions. The establishment of entry requirements for third level programmes is therefore entirely a matter for the institutions themselves. While a third language has been a standard requirement for entry to NUI colleges, I understand that in recent years the universities have dropped this requirement for some courses, including science and engineering related courses, in order to encourage greater uptake.

Special Educational Needs

217. **Deputy Catherine Murphy** asked the Minister for Education and Skills the number of students with dyslexia who were deemed in 2011 to have a degree of learning disability specific to basic reading writing or mathematics which places them at or below the second percentile; the number of laptop computers that were provided to students in this category; and if he will make a statement on the matter. [9232/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I wish to advise the Deputy that the National Council for Special Education (NCSE) through its network of local Special Educational Needs Organisers (SENOs) is responsible for processing applications from schools for special educational needs supports. SENOs also make recommendations to my Department where assistive technology is required.

All mainstream Primary schools have been allocated additional teaching resources under the General Allocation Model (GAM) to cater for children with high incidence special educational needs, including Specific Learning Disability (SLD), of which dyslexia is one such SLD. It is a matter for the individual school to use its professional judgement to identify pupils that will receive this support and to use the resources available to the school to intervene at the appropriate level with such pupils. As support for Specific Learning Disability in Primary schools is provided for through the GAM, my Department does not have details of the number of students with dyslexia receiving such support locally through general allocation, at Primary level.

My Department also provides funding for a number of special schools and special classes attached to mainstream primary schools which have been sanctioned to meet the needs of children with SLD, including dyslexia. There are 4 Special Schools and approximately 16 Special Classes attached to mainstream Primary schools catering for pupils with SLD.

In relation to second level pupils with Specific Learning Disability attending mainstream schools, it is open to schools to apply to their local SENO for additional teaching support for

such pupils who are assessed as being of average intelligence or higher and having a degree of learning disability specific to basic skills in reading, writing or mathematics which places them at or below the 2nd percentile on suitable, standardised, norm referenced tests. The latest data available from the NCSE show that there were 3,417 pupils in receipt of support for SLD in 2010, at post primary level.

Schools may apply to the NCSE for the provision of assistive technology to support pupils who have been assessed as having a special educational need which requires specific assistive technology support. 108 grants were sanctioned in 2011 in respect of pupils with SLD in Primary and special schools. However, as the applications were sanctioned on the basis of the disability category of SLD, as opposed to specifically for dyslexia, it is not possible to advise how many of these grants were made for students with dyslexia.

Schools who wish to apply for assistive technology support for pupils with special educational needs should contact their local SENO. The list of SENO contact details is available at the NCSE website www.ncse.ie.

Vocational Education Committees

218. **Deputy Seán Ó Fearghaíl** asked the Minister for Education and Skills the number of executives and administration staff in each of the 33 vocational education committee head offices; if he would list these by grade, that is CEO, EO, AEO, PO, APO, VII and so on; and if he will make a statement on the matter. [9237/12]

Minister for Education and Skills (Deputy Ruairí Quinn): My Department monitors the total number of executive and administrative staff posts in vocational education committees, where such posts are funded from my Department's pay funding allocation. These figures are used for the purposes of the public sector number returns and to monitor the employment control framework in the VEC sector.

The table below outlines the executive and administrative staffing numbers for each VEC as of 30th September 2011, the most recent date for which full figures for the sector are available.

There is a total of 824 whole time equivalent (WTE) staff for this category. This figure includes administrative staff employed in Further Education programmes (e.g. VTOS, Youthreach), who may be located either in VEC head offices or centres for education. Of the 824 WTE staff, 163 WTEs are employed in such Further Education programmes. Administrative staff located in VEC post-primary schools are not included in the figures:

(as at 30-9-11)

(ref: PQ 9237 21-2-12)

VEC	WTE staff
City of Cork	30.1
City of Dublin	94.1
City of Limerick	20.6
City of Waterford	16.5
Dún Laoghaire	18.6
City of Galway	19.1
Co Carlow	17.3
Co Cavan	15.8
Co Clare	26.8
Co Cork	41.3

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VEC	WTE staff
Co Donegal	38.0
Co Dublin	63.5
Co Galway	38.2
Co Kerry	32.3
Co Kildare	22.6
Co Kilkenny	17.3
Co Laois	14.9
Co Leitrim	7.6
Co Limerick	27.0
Co Longford	14.5
Co Louth	20.1
Co Mayo	20.0
Co Meath	21.1
Co Monaghan	16.6
Co Offaly	17.4
Co Roscommon	10.2
Co Sligo	13.9
Co Tipperary (NR)	19.1
Co Tipperary (SR)	15.0
Co Waterford	12.6
Co Westmeath	22.8
Co Wexford	31.4
Co Wicklow	28.5
Total	824.4

Proposed Legislation

219. **Deputy Joan Collins** asked the Minister for Education and Skills if he will confirm the status of the Residential Institutions Statutory fund of €110 million; if he will confirm the purpose of the fund and the persons who may access it; and the criteria there will be for survivors to access the fund. [9238/12]

Minister for Education and Skills (Deputy Ruairí Quinn): Work on the drafting of the Residential Institutions Statutory Fund Bill is at an advanced stage and I hope to be in a position to publish the Bill in the coming weeks.

The Fund will focus on victims of residential institutional abuse, with eligibility being confined to those who received an award from the Redress Board or those who received awards pursuant to court actions and who would otherwise have received awards from the Board. While the Fund will target resources at approved services to support survivors' needs, including counselling, psychological support services and mental health services together such health and personal social services, educational services and housing services as the Fund may determine, the Fund will determine the extent of, and conditions attaching to, the provision of these approved services.

The Fund will also promote understanding of the effects of abuse on former residents among service providers and will evaluate the effectiveness of the approved services in meeting the needs of former residents.

To date, €21.05 million of the cash contributions offered have been received and placed in a special interest bearing account in the Central Bank pending the establishment of the Statutory Fund.

Múineadh Teangacha Eachtracha

220. D'fhiafraigh **Peadar Tóibín** den Aire Oideachais agus Scileanna an dtabharfaidh sé eolas faoin líon Múinteoirí Cuairte atá ag múineadh teangacha Eorpacha (Fraincis, Iodáilis, Gearmáinis, Spáinnis) i dTionscnamh na Nua-Theangacha sa Bhunscoil (MLPSI-450); cén líon daoine a chaillfidh a gcuid post de bharr chinneadh an Rialtais; agus cé mhéid airgid a shábháil an Rialtas. [9251/12]

Minister for Education and Skills (Deputy Ruairí Quinn): Mar chuid de chinntí Bhuiséad 2012 atáthar tar éis a fhógairt, tiocfaidh deireadh le Tionscnamh na Nuatheangacha i mBunscoileanna ag deireadh na scoilbhliana 2011/2012.

Caithfear an €2.5 milliún de choigiltí a bheidh ann de bharr an bhirt seo ar chostas feidhmithe na Straitéise Náisiúnta Litearthachta agus Uimhearthachta, atá ina thiomantas lárnach i gClár an Rialtais.

Ó ceapadh im Aire Oideachais agus Scileanna mé, táim tar éis labhairt arís agus arís eile faoin ngá le caighdeán oideachasúla a ardú. Chomh fada is a bhaineann le leasú an churaclaim, is iad na tosaíochtaí sa tréimhse atá amach romhainn ná an ghnóthachtáil sa litearthacht agus san uimhearthacht a neartú, leasuithe a chur i bhfeidhm sa mhatamaitic, sa Ghaeilge agus san eolaíocht, agus leasuithe sa Teastas Sóisearach a chur chun cinn.

Faoi Thionscnamh na Nuatheangacha fostaíonn tuairim is 270 bunscoil teagascóirí páirtaimseartha chun teagasc teanga a sholáthar. Íocann Boird Bhainistíochta scoileanna na teagascóirí seo as deontais a eisíonn mo Roinnse. Tiocfaidh deireadh le fostú teagascóirí ag na scoileanna seo faoi Thionscnamh na Nuatheangacha ag deireadh na scoilbhliana reatha.

State Bodies

221. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Skills the number and names of the State bodies under the aegis of his Department which are subject to the Revised Code of Practice for the Governance of State Bodies; and if he will make a statement on the matter. [9263/12]

222. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Skills if he has received the annual report on corporate governance from all State bodies under the aegis of his Department which are subject to the Revised Code of Practice for the Governance of State Bodies for 2010 as required under section 13.1 of the code; if not, if he will outline which State bodies have not done so and if having reviewed the reports he is satisfied that all State bodies are complying with the provisions of the code; and if he will make a statement on the matter. [9269/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 221 and 222 together.

Below for the Deputy's information is a list of the 20 bodies currently under the aegis of my Department.

Some 17 of these agencies are required to provide corporate returns to my Department. The two Irish Research Councils are included in the Higher Education Authority's return for the

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purposes of corporate governance while the National Council for Guidance in Education operates under the aegis of Léargas Ltd.

I can confirm to the Deputy that all of the bodies that are required to provide a comprehensive report under Section 13.1 of the Code of Practice for the Governance of State Bodies have done so in respect of 2010.

The requirement to provide a comprehensive report is not applicable to the Residential Institutions Redress Board, the Residential Institution Review Committee and the Commission to Inquire into Child Abuse due to the arrangements in place and the nature and scale of their activities.

In addition the Education Finance Board has adopted the Code of Practice. The Board is subject to specific statutory provisions in relation to providing an annual report and annual accounts to the Minister. It should be noted that the General Scheme of the Residential Institutions Statutory Fund Bill includes provisions to dissolve the Education Finance board with the new Fund assuming the functions of the Board in relation to the remainder of moneys available to it.

Bodies under aegis of Department of Education and Skills (February 2012)

An Chomhairle um Oideachais Gaeltachta agus Gaelscolaíochta (COGG)
 Commission to Inquire Into Child Abuse (CICA)
 Education Finance Board (EFB)
 FÁS
 Further Education and Training Awards Council (FETAC)
 Grangegorman Development Authority (GDA)
 Higher Education and Training Awards Council (HETAC)
 Higher Education Authority (HEA)
 Irish Research Council for Science, Engineering and Technology (IRCSET)
 Irish Research Council for the Humanities and Social Sciences (IRCHSS)
 Léargas Ltd. — The Exchange Bureau
 National Centre for Guidance in Education (NCGE)
 National Council for Curriculum and Assessment (NCCA)
 National Council for Special Education (NCSE)
 National Qualifications Authority of Ireland (NQAI)
 Residential Institutions Review Board (RIRB)
 Residential Institutions Review Committee RIRC)
 Skillnets Ltd.
 State Examinations Commission
 The Teaching Council

Education and Training Authority

223. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Skills his plans to publish the findings of the recent consultation on SOLAS; the timeframe for the establishment of SOLAS; and if he will make a statement on the matter. [9273/12]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): The SOLAS Implementation Group, which I chair, initiated a stakeholder consultation process towards the end of last year concerning the establishment of SOLAS — the new further education and training authority. It published a consultation paper to assist in that process and

submissions were received from a wide range of interested parties. I intend to hold an information seminar for stakeholders shortly as part of the ongoing consultation. Following this seminar it is my intention to publish a summary of the outcomes of the consultation process.

Given the complex elements involved, including enacting appropriate legislation, it is expected that the process of establishing SOLAS will be completed by the end of 2012.

Vocational Education Committees

224. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Skills the reason there is no reference in the general scheme for the Education and Training Boards Bill 2011 to the existing role and responsibilities of vocational education committees to co-ordinate youth work activities as required under the Youth Work Act; if there will be provision in the draft Bill for this work to be transferred to the new education and training boards; and if he will make a statement on the matter. [9274/12]

Minister for Education and Skills (Deputy Ruairí Quinn): In October 2011 the General Scheme of an Education and Training Boards Bill was referred to the Oireachtas Joint Committee on Jobs, Social Protection and Education. The General Scheme was also published at that time. Following discussions with my Department and relevant stakeholders, the committee prepared a report which I responded to at a meeting of the committee on 25 January 2012. The General Scheme has now been referred to the Office of the Parliamentary Counsel to the Government for formal drafting. The General Scheme does not incorporate the provisions of the Youth Work Act 2001 which is a substantive piece of legislation in its own right. Rather, it is likely that amendments will be made to that Act to reflect the establishment of education and training boards and the dissolution of vocational education committees. This is something which my officials will pursue with the Parliamentary Counsel's Office as part of the drafting process.

School Curriculum

225. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Skills the progress made towards introducing a digital media component to the transition year programme as committed to in the programme for Government; and if he will make a statement on the matter. [9275/12]

Minister for Education and Skills (Deputy Ruairí Quinn): Having Fun with Computer Programming and Games is a module on the NCCA website which has been developed for Transition Year by LERO, the Irish Software Engineering Research Centre. LERO brings together leading software engineering teams from universities and institutes of technology in a centre of excellence with a strong industry focus. Students learn to write their own programmes, animations and stories and develop computer programming and games skills using Scratch software. The lesson plans and materials needed to teach the module are available from LERO. Whether the module is offered is a matter for decision locally by schools. To date the programme is being implemented in 50 schools and 150 have registered their interest in providing it in the future. Professional development for teachers is being provided by LERO with the support of the National Centre for Technology in Education.

Pupil-Teacher Ratio

226. **Deputy Tom Fleming** asked the Minister for Education and Skills if he will review the new teacher-pupil ratio to enable small rural schools to retain their current complement of

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teachers, thus ensuring that our children receive the high standard of education that they deserve; and if he will make a statement on the matter. [9298/12]

228. **Deputy Tom Fleming** asked the Minister for Education and Skills if a school (details supplied) in County Kerry may be regarded as a special case in relation to the teacher-pupil ratio thus ensuring that the children attending this school may continue to receive the highest standard of education, as this will not be the case in the event that they are losing a teacher; and if he will make a statement on the matter. [9314/12]

241. **Deputy Michael Healy-Rae** asked the Minister for Education and Skills the position regarding staff quotas; if he will once again look at what is being proposed and bearing in mind that little if any funding will actually be saved by these measures, reconsider the position; and if he will make a statement on the matter. [9507/12]

245. **Deputy Olivia Mitchell** asked the Minister for Education and Skills if, in making the decisions regarding the number of teachers allocated to small primary schools, a school (details supplied) in Dublin 8 can be considered a special case in view of the particular purpose for which the school was set up, its historic association with the Cathedral; and if he will make a statement on the matter. [9582/12]

263. **Deputy Robert Troy** asked the Minister for Education and Skills when the appeals process be open for small schools affected by the reduction in the pupil-teacher ratio. [9860/12]

264. **Deputy Robert Troy** asked the Minister for Education and Skills if he will consider applying the new pupil-teacher ratio to all schools seeking an additional teacher and let the current system stand for existing schools. [9861/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 226, 228, 241, 245, 263 and 264 together.

My Department will be notifying schools shortly of the new staffing arrangements for the 2012/13 school year. It will include details 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. 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.

Departmental Property

227. **Deputy Michael McGrath** asked the Minister for Education and Skills his plans to surrender a lease it has in place regarding a building formerly used as a primary school (details supplied). [9313/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I can confirm to the Deputy that my Department is in receipt of a request to divest my interest in the property to which he refers, which has very recently been vacated by the school. My officials have been in contact with the Patron's office in relation to this request and a response to the request will issue in due course.

Question No. 228 answered with Question No. 226.

Departmental Staff

229. **Deputy Brendan Ryan** asked the Minister for Education and Skills if the extra resources provided to the Redundancy Unit of his Department succeeded in tackling the backlog in processing redundancy payments; the length of this backlog now; and if he will make a statement on the matter. [9332/12]

Minister for Education and Skills (Deputy Ruairí Quinn): Extra resources were assigned to the Redundancy Unit at the end of October 2011 to ensure that Special Needs Assistants that have been made redundant would have their claims for payment processed as quickly as possible. At that time, there was a backlog of applications of approximately 10 months. The Redundancy Unit is currently processing claims received in August/September 2011. My Department continues to prioritise the processing of redundancy applications from those SNAs who have not obtained alternative employment in a non teaching capacity in primary, secondary or community/comprehensive schools in the current school year.

Teaching Bodies

230. **Deputy Brendan Ryan** asked the Minister for Education and Skills the role the Teacher's Council of Ireland play in the improvement of education in Ireland; if he will confirm if membership of the TCI mandatory; if so, the reason for same; if he will give further details of what each member receives in return for their annual subscription; and if he will make a statement on the matter. [9337/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The Teaching Council is the professional standards body for the teaching profession. The Council seeks to set and uphold high professional standards for teaching and teachers. It does this in the interests of pupils and the public good but equally for the reputation and status of the profession. Quality of teaching has been determined as the single most influential factor towards achieving good educational outcomes for students. The work of the Council is focused towards the maintenance and improvement of the standards of teaching and includes: Developing and implementing a 'Continuum of Education' which links the professional education and training needs throughout all phases of a teachers career*. Restructuring and extending the programmes of initial teacher education in order that newly qualified teachers are better equipped for the needs of the modern day classroom*. Reviewing and accrediting teacher education programmes. Putting in place higher qualification and teacher education standards for teachers in the three sectors — Primary, Post-Primary and Further Education. Putting in place strict good character and Garda vetting requirements. Publishing a Code of Professional Conduct for teachers (which is currently being revised). Putting in place induction procedures for newly qualified teachers and a probation process applicable to all newly registered teachers. Preparing for Fitness to Teach procedures and processes when the Council's powers in this area are commenced by the Minister. Developing a Continued Professional Development framework for teachers.

The individual teacher benefits from being a member of a fully regulated profession. The work of the Council supports teachers in the following key areas: Protecting standards of entry

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to the profession, promoting induction processes and fostering best practice in continuing professional development. Reviewing and accrediting programmes of teacher education. Promoting research and engaging in debate and discussion on policy issues related to education. Dealing with complaints as to alleged professional misconduct made against teachers (when Part 5 of the TCA is commenced). Advising Government on teaching supply and other professional issues. Enhancing the teacher's individual status and identity by his or her being part of a recognised, collective professional entity, with statutory authority and recognition. Enhancing the status of the profession and use every opportunity to promote teaching as a career.

Through all of the above the Teaching Council will help teachers to set and maintain the standards for the profession. It is the policy of my Department that all teachers paid from State funds should be registered by the Teaching Council and suitably qualified. The Education (Amendment) Bill paves the way for the commencement of Section 30 of the Teaching Council Act which is part of the progression towards a fully regulated profession, while also providing for the employment, in certain exceptional and limited circumstances, of persons who are not registered teachers under the Teaching Council Act 2001.

Special Educational Needs

231. **Deputy Jack Wall** asked the Minister for Education and Skills if a submission (details supplied) will be considered in relation to the request for a primary school place for a person; the mechanism the family should follow; and if he will make a statement on the matter.

[9382/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I wish to advise the Deputy that the enrolment of a child in a school is a matter in the first instance for the parents of the child and the Board of Management of a school. My Department has no role in relation to processing applications for enrolment to schools.

The policy of my Department is to secure the maximum possible level of inclusion of students with special educational needs in mainstream primary and post-primary schools, in order to ensure that as many children as possible can be educated with their peers within their own community.

My Department therefore provides for a range of placement options and supports for schools which have enrolled pupils with special educational needs in order to ensure that, wherever a child is enrolled, s/he will have access to an appropriate education. Children with special educational needs may be enrolled in a mainstream school and attend all mainstream classes and receive additional teaching support through the learning support and/or resource teacher. Or they may enrol in a mainstream school and attend a special class, or they may enrol in a special school.

The National Educational Welfare Board (NEWB) is the statutory agency which can assist parents who are experiencing difficulty in securing a school place for their child. The NEWB will try to help parents to find a school placement if their child has been unable to secure a school placement to date. The NEWB can be contacted at National Educational Welfare Board, National Headquarters, 16-22 Green Street, Dublin 7 or by telephone at 01-8738700.

In addition, the National Council for Special Education (NCSE) Special Education Needs Organisers (SENOs) can assist parents to identify appropriate educational placements for children with special educational needs.

Parents may contact their local SENO directly to discuss their child's special educational needs and to seek assistance in identifying placement options, using the contact details available on *www.ncse.ie*.

Where a school refuses to enrol a pupil, the school is obliged to inform parents of their right under Section 29 of the Education Act 1998 to appeal that decision to the Secretary General of my Department. Only where an appeal under Section 29 is upheld, may the Secretary General of my Department direct a school to enrol a pupil.

232. **Deputy Catherine Murphy** asked the Minister for Education and Skills if his attention has been drawn to any reported difficulties in the use of interactive whiteboard technologies for children with autism spectrum disorders and related sensory difficulties; if his attention has been drawn to any problems caused by the flickering effect in the operation of whiteboards; if so, the remedial measures that will be taken to solve such problems; and if he will make a statement on the matter. [9392/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I am not aware of any reported difficulties in the use of interactive whiteboard technologies for children with autism spectrum disorders and related sensory difficulties. If the Deputy is aware of any specific problems in this regard I would be very grateful if she could forward me the relevant details as soon as possible.

As the Deputy may be aware, under the terms of the 2009/2010 ICT Infrastructure grant my Department did not prescribe any specific ICT configuration in the context of teaching and learning for pupils with special educational needs. Given the range of individual needs, a single central technical recommendation would not be appropriate. School boards of management have full autonomy therefore in choosing equipment which best supports local needs, subject of course to appropriate provision in relation to health and safety. In that regard, in accordance with the Safety, Health and Welfare at Work Act, individual school authorities are responsible in the first instance for ensuring the safety and welfare of children and others in their care.

Question No. 233 answered with Question No. 211.

Higher Education Grants

234. **Deputy Paschal Donohoe** asked the Minister for Education and Skills if his attention has been drawn to the fact that students eligible for a maintenance grant are unable to avail of it if they are attending a private college; if he will review this situation; and if he will make a statement on the matter. [9412/12]

Minister for Education and Skills (Deputy Ruairí Quinn): Under my Department's student grant scheme, eligible candidates may receive funding provided they are attending an approved course at an approved institution as defined in the scheme. Private colleges operated on a for-profit basis are not listed as approved institutions for student grant purposes. The Deputy will appreciate that, in the current economic climate, I am not in a position to consider any such extension of the list of approved institutions. However, tax relief on tuition fees may be available for students attending courses in private colleges. Details in relation to this relief are available from the Revenue Commissioners.

School Transport

235. **Deputy Dominic Hannigan** asked the Minister for Education and Skills if there is a minimum age for children to use the post primary school transport service who are going into first year; and if he will make a statement on the matter. [9424/12]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): There is no stipulation in my Department's Post Primary School Transport Scheme regarding a minimum age requirement for eligible children who wish to avail of school transport services. However, conditions are set down in the "Rules and Programmes for Secondary Schools", regarding the criteria for the recognition of pupils at second level. One of these rules states that a recognised pupil means a pupil who is not less than 12 years of age on the 1st day of January of the school year.

Question No. 236 answered with Question No. 211.

Schools Refurbishment

237. **Deputy Noel Harrington** asked the Minister for Education and Skills if there are grants or assistance available for a school (details supplied) in County Cork to install or replace a water filter for their water supply as county council grants are only available to private domestic premises; and if he will make a statement on the matter. [9461/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The Deputy will be aware that a Minor Works Grant issued to primary schools last November for the school year 2011/2012 at a cost of €28m. As part of this scheme, the school in question received a grant of €7,664 and it is open to the school to prioritise the use of these funds to address such issues as those to which the Deputy refers.

School Staffing

238. **Deputy Gerry Adams** asked the Minister for Education and Skills if a school (details supplied) in County Louth which is a DEIS Band 2 school will retain its legacy post which predates DEIS; and if he will make a statement on the matter. [9466/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The report on the Impact in Terms of Posts of Budget Measures in relation to The Withdrawal from DEIS Band 1 and Band 2 Urban Primary Schools of Posts from Disadvantaged Schemes pre-dating DEIS has been completed and submitted for my consideration. The report details the facts for each individual school affected by this measure, and applies the most up to date enrolments for September 2011. In addition, the report takes 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. I will make an announcement shortly regarding the final outcome for the schools concerned, including the school referred to by the Deputy.

Schools Building Programme

239. **Deputy Kevin Humphreys** asked the Minister for Education and Skills if he will provide an update on the school building programme in respect of a school (details supplied); when construction will commence; and if he will make a statement on the matter. [9490/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The schedule of accommodation for the school building project referred to by the Deputy is currently being developed. Officials from my Department will be in further contact with the school authorities in that regard. The current position of all projects on the school building programme, including this project, may be viewed on my Department's website at www.education.ie. Details in relation to projects are updated regularly during the year.

As the Deputy is aware, the Government's Medium Term Infrastructure and Capital Investment Framework, which was published on 10th November 2011, sets out the demographic challenge facing the education system in the coming years. In view of the need to ensure that every child has access to a school place, the delivery of major school projects and smaller projects devolved to schools to meet the demographic demands nationally will be the main focus for capital investment in schools in the coming years. I have previously committed to publishing shortly a five year plan outlining the school building projects that will commence construction in that time.

240. **Deputy Kevin Humphreys** asked the Minister for Education and Skills if he will provide details of, and an update on the school building programme in respect of a school (details supplied); when construction will commence; and if he will make a statement on the matter. [9493/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The schedule of accommodation for the proposed school building project referred to by the Deputy is currently being finalised. As the Deputy is aware, the existing school site has certain constraints in terms of size, access and the fact that there is a protected structure and associated conservation issues that requires a sympathetic design solution. The next step in the architectural process will involve the arrangements for the appointment of a design team. The current position of all projects on the school building programme, including this project, may be viewed on my Department's website at www.education.ie. As the Deputy is aware, I have already indicated in the context of the announcement on the 10th November 2011 last of the Government's Medium Term Infrastructure and Capital Investment Framework, which sets out the demographic challenge facing the education system in the coming years, that I intend to publish shortly a five year plan outlining the projects that will commence construction in that time.

Question No. 241 answered with Question No. 226.

242. **Deputy Ciara Conway** asked the Minister for Education and Skills when the design team will be appointed for a school (details supplied) in County Waterford; and if he will make a statement on the matter. [9532/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I am pleased to inform the Deputy that the tender process for the appointment of a design team for the school building project to which she refers is nearing completion. The members of the design team have been selected following a tender competition and are currently being assessed by the Project Supervisor Design Process (PSDP) as is required under Health and Safety regulations. Once this is complete, assuming no issues arise, the contracts of appointment will issue to the design team.

243. **Deputy Ciara Conway** asked the Minister for Education and Skills the position regarding the application of a school (details supplied) in County Waterford for an extension to its current school building to deal with growth in numbers and the special needs of the pupils that attend same; and if he will make a statement on the matter. [9533/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I am pleased to advise the Deputy that in November 2011, my Department sanctioned a devolved grant to the school to which she refers to provide for improved facilities for special needs pupils. I understand that this grant has not yet been drawn down by the school authority. During the period 2006-2007, a major building project was completed at the school to provide for a 24 classroom facility. The total cost of the project was in excess of €3m. My Department is satisfied that the level of

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accommodation already provided, together with the special needs facilities to be provided with the devolved grant, is sufficient to meet the school's essential accommodation needs.

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

Preschool Services

244. **Deputy Gerry Adams** asked the Minister for Education and Skills the options for free preschool education available to the parents of a child (details supplied) who currently avails of the early childhood care and education scheme five days a week. [9581/12]

Minister for Education and Skills (Deputy Ruairí Quinn): As the Deputy may be aware, the vast majority of supports for child care, including preschool education, are not provided by my Department, but by the Department of Children and Youth Affairs. The principal vehicle for the delivery of preschool education is the free preschool year under the Early Childhood Care and Education programme, which was introduced in January 2010 and provides early learning to children in the year before they commence primary school. Children with special needs can avail of their free pre-school year over a two-year period. My Department provides for some targeted initiatives for preschool children. In the main, these are delivered through the primary school system. For children under the age of five who are enrolled in primary schools, the National Council for Special Education, through its network of Special Educational Needs Organisers, liaises with assessment officers in the HSE in respect of the assessment of need process under the Disability Act 2005. Pupils with Down's syndrome may receive additional teaching support in primary schools, either under the terms of the General Allocation Model of teaching supports if the pupil's educational psychological assessment places the pupil in the mild general learning disability or high incidence disability category, or through an allocation of individual additional resource teaching hours if the child is assessed as being within the low incidence category of special need, as defined by my Department's Circular Sp Ed 02/05. Pupils with Down's syndrome who have care needs may also receive access to special needs assistant support. It is open to schools to apply to the school's assigned Special Educational Needs Organiser for additional teaching and/or care supports, in line with my Department's criteria in this regard.

Question No. 245 answered with Question No. 226.

Question No. 246 answered with Question No. 210.

Departmental Expenditure

247. **Deputy Niall Collins** asked the Minister for Education and Skills the total photography costs for his Department since coming to office; the list of occasions for which photographers were booked over the past year; the breakdown of costs associated with each occasion that a photographer was used; if there is a policy around the booking of photographers within his Department; and if he will make a statement on the matter. [9661/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The total photography costs for my Department since 9 March 2011 are €381.15 (€315 + €66.15 VAT). This cost relates to copies of photographs taken of a school project and their use on an A1 display board which was submitted to the Royal Institute of Architects of Ireland for the joint RIAI/Department colloquium on school design which was held on 30 June 2011 in Dublin.

Schools Building Projects

248. **Deputy Michael McCarthy** asked the Minister for Education and Skills to provide an update on an application for an extension to a school (details supplied) in County Cork; if he will provide a timeline for when he expects a decision to be made on same; and if he will make a statement on the matter. [9672/12]

Minister for Education and Skills (Deputy Ruairí Quinn): An application for major school capital funding has recently being received from the school referred to by the Deputy. This application is under consideration and officials from my Department will be in contact with the school shortly.

School Enrolments

249. **Deputy Simon Harris** asked the Minister for Education and Skills if he will clarify specifically if he is empowered to order primary schools to review their catchment areas and policies; and if he will make a statement on the matter. [9676/12]

Minister for Education and Skills (Deputy Ruairí Quinn): It is the responsibility of the managerial authorities of schools to implement an enrolment policy in accordance with the Education Act 1998. In this regard, a board of management may find it necessary to restrict enrolment to children from a particular area or a particular age group or, occasionally, on the basis of some other criterion. 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. The Deputy will be aware that last June, I launched a discussion paper on school enrolment. The document, Discussion Paper on a Regulatory Framework for School Enrolment, contains suggestions on how to make the process of enrolling in schools more open, equitable and consistent. I have made it clear that the paper was not meant to be prescriptive, nor have any decisions been made as to what elements will be contained in any final regulations or legislation. The purpose of the paper was to lead and provoke debate on enrolment policies and practices. I invited education partners and interested parties to submit their views to my Department by 28 October last. My officials are now co-ordinating the submissions received. The feedback from this consultation will help inform the nature and scope of a new regulatory framework for school enrolment.

Teaching Qualifications

250. **Deputy Brian Walsh** asked the Minister for Education and Skills the position regarding the registration of untrained substitute primary teachers with the Teaching Council; if there are any supports in place to enable these untrained teachers to become formally qualified teachers; and if he will make a statement on the matter. [9692/12]

Minister for Education and Skills (Deputy Ruairí Quinn): It is desirable that there be a fully qualified professional body of teachers. The Teaching Council aims to promote and maintain the highest standards of teaching, learning and professional conduct in our schools. People who were not qualified but were employed as a teacher in a recognised school, and paid out of moneys provided by the Oireachtas, or eligible to be so employed on establishment of the Teaching Council in March 2006 were allowed to become registered under sections 31(2) and 31(3) of the Teaching Council Act 2001. In March 2006, the details of 998 substitute teachers (at primary level) were transferred to the Council of which 298 were not deemed qualified at the time of transfer. Out of this figure, some 204 did not apply for registration under section 31(3) within the specified period or have since let their registration lapse, 55 people completed

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the qualifications required in order to be deemed qualified and 39 people remain registered without the required qualifications. For people who did not register under sections 31(2) and 31(3), the Teaching Council requires that the requirements as set out under Regulation 2 of the Teaching Council Registration Regulations, which were approved in November 2009 are met for registration as a primary teacher. It is possible to become formally qualified through a Postgraduate Diploma in Education held in the four publicly funded Colleges of Education, and a private college, Hibernia College, for the purpose of enabling third level graduates to qualify as primary teachers. People who successfully complete this course may be registered by the Teaching Council as qualified for service in the State's primary schools.

Ministerial Travel

251. **Deputy Timmy Dooley** asked the Minister for Education and Skills if he uses a State car; the type of car that is used; how often he has used it since coming to office; the cost of the person employed to drive the car; the cost of their salary; the cost of their vehicle expenses; if the person employed as their driver was previously a State employee; if that person is also in receipt of a State pension; the total cost of the service to date; and if he will make a statement on the matter. [9714/12]

Minister for Education and Skills (Deputy Ruairí Quinn): In March 2011, the Government agreed new measures for Cabinet Ministers in relation to the provision of official transport to take effect from 1 May 2011. On my appointment as Minister from 9 March 2011 until 30 April 2011, I was provided with a State car. Since 1 May 2011, in line with the revised procedures, I have used my own car. I am provided with the services of two civilian drivers who are retired members of An Garda Síochána and are in receipt of a Garda pension. They are paid a wage of €631.75 per week and any appropriate subsistence allowances in respect of their official duties. The total subsistence payments for the two drivers for 2011 amounted to €1,468.11. Up to 31 December 2011, I claimed €10,966 in respect of travel expenses. It should be noted that the travel arrangements for Ministers in the previous Fianna Fáil — Green Party Government cost the taxpayer an average of approximately €280,000 per annum per Minister.

Redundancy Payments

252. **Deputy Michael Lowry** asked the Minister for Education and Skills the position regarding an application for a redundancy payment in respect of a person (details supplied) in County Tipperary; the reasons for the delay in processing same; if his attention has been drawn to the hardship being caused in this case; and if he will make a statement on the matter. [9727/12]

Minister for Education and Skills (Deputy Ruairí Quinn): A redundancy application from the person referred to by the Deputy was received on 9 August 2011 and has now been reached for processing. Some outstanding documentation is being requested from the school concerned. As soon as this has been received, the application will be processed and payment will issue as quickly as possible. Every effort is being made to process SNA redundancy applications as quickly as possible.

Institutes of Technology

253. **Deputy Tom Fleming** asked the Minister for Education and Skills if he will support the combined efforts of the Institute of Technology Tralee, Cork Institute of Technology and Limerick Institute of Technology in obtaining university status; and if he will make a statement on the matter. [9737/12]

Minister for Education and Skills (Deputy Ruairí Quinn): On Monday, 13 February last, the Higher Education Authority published a number of documents intended to provide a broad framework for future system development in Irish higher education, including a clear four-stage process and criteria for designation as a technological university. Groups of institutions proposing to merge and apply for designation as technological universities will need to submit a formal expression of interest within six months. They will be advised within a further six months whether they can proceed to the second stage for designation. Decisions on the success or otherwise of applications in the final stages will be made on the advice of a fully independent international expert panel, having regard to the transparent criteria that have now been published.

Special Educational Needs

254. **Deputy Micheál Martin** asked the Minister for Education and Skills if a school (details supplied) will retain all of its special needs assistant posts this year; and if he will make a statement on the matter. [9749/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I wish to advise the Deputy that the position in relation to this matter is as set out to him in my reply of 31st January, 2012. The National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs) for allocating resource teachers and Special Needs Assistants (SNAs) to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support. This now includes a requirement for the NCSE to have regard to an overall cap on the number of SNA posts.

The NCSE has advised all mainstream schools, including the school referred to by the Deputy, of their SNA allocation for the current school year, taking into account the care needs of qualifying pupils attending the school. The NCSE recently published statistical information on SNA allocations on a county by county and school by school basis on its website www.ncse.ie.

The Deputy will also be aware that Special Needs Assistants (SNAs) are recruited specifically to assist in the care of pupils with disabilities in an educational context. SNA allocations are not permanent as the level of SNA support allocated to a school may be increased or decreased as pupils who qualify for SNA support enrol or leave a school or where a child's care needs may have diminished over time. The allocation of SNAs in each school can therefore alter from year to year.

Schools have been invited to make applications to the NCSE for SNA support for the 2012/13 school year by 16th March, 2012. They will then subsequently be advised of their allocation for the next school year, based on the number of valid applications received and the extent of the care needs of qualifying children.

Third Level Education

255. **Deputy Robert Troy** asked the Minister for Education and Skills if he will give a commitment that no decision will be made on the future of third level institutes by him or the Higher Education Authority prior all submissions being received, acknowledged and consulted with. [9763/12]

Minister for Education and Skills (Deputy Ruairí Quinn): On Monday 13th February, the Higher Education Authority (HEA) published a number of documents intended to provide a broad framework for future system development in Irish higher education. All institutions have

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now been invited to identify their key strengths and their future strategic fit within the system and submit a realistic plan to the HEA on that basis. Each higher education institution has been given six months in which to make a submission to the HEA setting out its strategic intentions.

By the end of this year HEA will have considered these strategic proposals and will advise me on a “blueprint” or outline structure for the higher education system over the next 10-20 years. The future development direction of individual higher education institutions will be agreed within this context and there will be full engagement with institutions in relation to their strategic plans and future funding arrangements.

Schools Building Projects

256. **Deputy Dominic Hannigan** asked the Minister for Education and Skills the process for a school to make a case to be included on the school building list under the Infrastructure and Capital Investment 2012-16; if there will be a mid-term review of the school building list that a school can seek to be included on; and if he will make a statement on the matter. [9764/12]

Minister for Education and Skills (Deputy Ruairí Quinn): As the Deputy is aware, I will shortly publish a five year plan outlining the school building projects that will commence construction in that time.

In view of the need to ensure that every child has access to a physical school place, the delivery of major school projects to meet future projected demographic demands will be the main focus for capital investment in schools in the coming years. School building projects currently in the architectural planning process will be considered in the context of the plan. In addition, my Department will also be prepared to consider applications by schools for capital funding for additional classrooms where an immediate enrolment need in an area has been identified and where school’s existing accommodation cannot provide for this growth.

In addition to the five year plan, my Department is committed to publishing a detailed plan on an annual basis in relation to planned expenditure on individual major school projects commencing construction. The first of these in relation to 2012 expenditure was published in December 2011 last. Information in respect of the plan for 2012 is available on the Department’s website at *www.education.ie*.

Industrial Relations

257. **Deputy Thomas Pringle** asked the Minister for Education and Skills the reason the board of management of a school (details supplied) has not engaged with the TUI on the matter of the grievance procedure invoked on behalf of their member as per the agreed procedures between the TUI, ASTI and ACCS; and if he will make a statement on the matter. [9774/12]

Minister for Education and Skills (Deputy Ruairí Quinn): It is a matter for the Board of Management as the employer, in consultation with the relevant school management body and trade union, to conduct grievance procedures in respect of a teacher. My Department has no function in this area.

Higher Education Grants

258. **Deputy Dara Calleary** asked the Minister for Education and Skills the reason for the delay with a higher education grant appeal submitted to the Central Appeals Board in respect of a person (details supplied) in County Mayo. [9782/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The independent Student Grant Appeals Board was established in September 2011. The Appeals Board sits at regular intervals to consider appeals submitted under Section 21 of the Student Support Act 2011.

The appeal of the person referred to by the Deputy is one of thirty six appeals to be considered at the February sitting of the Appeals Board which takes place on Tuesday 21st February. The decision of the Appeals Board will be notified in writing to the appellant, the awarding authority and the appeals officer concerned.

Departmental Reports

259. **Deputy Michael Healy-Rae** asked the Minister for Education and Skills when is it estimated that the value for money review of small primary schools, which is currently being drawn up, will be finished and ready for publication; and if he will make a statement on the matter. [9827/12]

Minister for Education and Skills (Deputy Ruairí Quinn): Work is well advanced on the value for money review of small primary schools. I expect that the report of the review should be available to me shortly. I will then have to consider its outcomes and proposals. When this process is complete, publication will be arranged.

Vocational Education Committees

260. **Deputy Mary Lou McDonald** asked the Minister for Education and Skills if he will provide in tabular form the annual allowance and expenses each vocational education committee chief executives receives for VEC board membership. [9834/12]

Minister for Education and Skills (Deputy Ruairí Quinn): Chief Executive Officers (CEOs) of Vocational Education Committees (VECs) are paid directly by the Committees which employ them. The Deputy should note that the CEO is not a member of the VEC.

Apart from basic salary, CEOs may qualify for payment of allowances in respect of the discharge of the role of Transport Liaison Officer and/or as Secretary to a Board of Management of a Comprehensive School.

CEOs do not receive expenses for attendance at VEC meetings. However, travel and subsistence is payable in accordance with public sector norms to CEOs for their attendance at meetings away from the VEC's headquarters and where the attendance of the CEO is necessary for the discharge of their role.

The table sets out the allowances paid in 2011 in respect of each CEO in addition to the amount paid in respect of travel and subsistence to each CEO for the same year:

Allowances and Expenses of VEC CEOs 2011

(Ref: PQ 9834 21-2-12)

	CEO Allowances	CEO Expenses
City of Cork	€5,493.00	€7,190.41
City of Dublin	€0.00	€4,083.12
City of Limerick	€5,493.00	€5,447.56
City of Waterford	€5,493.00	€3,041.00
Dún Laoghaire	€5,493.00	€2,724.53
City of Galway	€7,760.00	€4,779.70
Co. Carlow	€5,493.00	€5,107.28

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	CEO Allowances	CEO Expenses
Co. Cavan	€7,787.00	€9,437.00
Co. Clare	€12,939.00	€12,149.58
Co. Cork	€15,645.00	€12,191.00
Co. Donegal	€16,155.00	€7,265.03
Co. Dublin	€5,493.00	€5,645.42
Co. Galway	€16,099.00	€11,636.00
Co. Kerry	€8,552.06	€5,168.94
Co. Kildare	€10,373.78	€11,589.01
Co. Kilkenny	€7,954.23	€3,228.20
Co. Laois	€6,028.01	€7,118.81
Co. Leitrim	€11,349.00	€3,244.48
Co. Limerick	€11,032.00	€0.00
Co. Longford	€7,787.00	€3,906.85
Co. Louth	€9,385.00	€6,910.00
Co. Mayo	€10,994.36	€11,495.68
Co. Meath	€9,615.56	€7,699.69
Co. Monaghan	€9,388.86	€9,538.12
Co. Offaly	€7,462.58	€3,230.12
Co. Roscommon	€5,474.00	€4,207.00
Co. Sligo	€7,760.22	€8,370.13
Co. Tipperary (NR)	€7,760.24	€5,963.32
Co. Tipperary (SR)	€8,494.46	€9,590.95
Co. Waterford	€7,787.00	€5,460.00
Co. Westmeath	€7,760.22	€2,835.84
Co. Wexford	€11,032.00	€5,315.58
Co. Wicklow	€7,760.22	€5,732.25
Total	€283,093.80	€211,302.60

School Closures

261. **Deputy Michael McGrath** asked the Minister for Education and Skills, further to Parliamentary Question No. 181 of 29 November 2011, if there is any further update on the matter raised. [9835/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I wish to advise the Deputy that the Diocesan Office recently facilitated a visit by my Department to the property in question. My Officials will be in further communication with the Diocesan Office shortly.

School Transport

262. **Deputy Robert Troy** asked the Minister for Education and Skills if two discretionary pupils paying the extra charge will be calculated in compiling the necessary numbers at the start of term in order to secure the continuation of a particular school bus service. [9859/12]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): Under the terms of my Department's School Transport Schemes a minimum number of 10 eligible children residing in a distinct locality, as determined by Bus Éireann, are required before

consideration may be given to the establishment or retention of school transport services, provided this can be done within reasonable cost limits.

This minimum number requirement refers to eligible children only.

Questions Nos. 263 and 264 answered with Question No. 226.

Question No. 265 answered with Question No. 211.

Departmental Agencies

266. **Deputy Finian McGrath** asked the Minister for Education and Skills if he will provide the number of retired persons serving on State boards and commissions; and the amount it is costing the State. [10351/12]

Minister for Education and Skills (Deputy Ruairí Quinn): There are currently seven retired public servants serving on boards of bodies under the aegis of my Department where annual remuneration fees apply.

In addition the Chairpersons of both the Residential Institutions Redress Board (RIRB) and the Residential Institutions Review Committee (RIRC) are both retired public servants and are paid salaries subject to pension abatement. Two other members of the RIRC are retired public servants who are paid a per diem rate subject to pension abatement.

A summary of fees paid to retired public servants relating to Bodies under the aegis of my Department is provided for the Deputy's information. Details relating to private pensions in respect of board members of bodies are not held by either my Department or individual bodies.

Summary of Fees paid to retired public servants relating to Bodies under the aegis of the Department of Education and Skills

Board Name	Number Retired Public Servants	Fees Applicable
FÁS	1	€11,790 per annum (Ordinary Member)
Grangegorman Development Authority	1	€8,978 per annum (Chairperson)
Higher Education Authority	1	€7,695 per annum (Ordinary Member)
Skillnets Ltd.	1	€5,985 per annum (Ordinary Member)
State Examinations Commission	3	€11,970 per annum (Chairperson) €7,695 per annum (Ordinary Member)
Residential Institutions Redress Board	1	The Chairperson of the RIRB has recently retired from the Judiciary and the salary payable will be the difference between the pension payable and the approved annual remuneration rate of €212,005.
Residential Institutions Review Committee	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. Two other board members of the RIRC are paid a per diem rate subject to pension abatement. The per diem rate from 1st January 2011 is €668 per day.
Total Retired Public Servants in receipt of payments:	11	

Regulatory Impact Analysis

267. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Public Expenditure and Reform the progress made towards the implementation of the commitment in the programme for Government requiring Government Departments to carry out regulatory impact assessments before Government decisions are taken; and if he will make a statement on the matter. [9288/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): Regulatory Impact Analysis (RIA) is a tool used by Departments to assess the costs, benefits and qualitative impacts of regulatory proposals. The use of this tool has been mandatory in relation to proposals for primary legislation as well as significant secondary and EU regulations since 2005, although, in general the practice to date has been that RIAs were only published once a Bill or Statutory Instrument was published.

The Better Regulation function has historically been shared between the Departments of the Taoiseach and Jobs, Enterprise and Innovation. In this context, the Department of the Taoiseach previously offered advice and support to Departments undertaking Regulatory Impact Analysis (RIAs) including through the preparation and updating of guidelines on the use of RIA in an Irish regulatory context. During the re-configuration of Departments following the appointment of this Government, the staff previously assigned to the Better Regulation Unit within the Department of the Taoiseach transferred to my Department but have been assigned to other duties.

There is no specific Better Regulation Unit within my Department at present. The locus of responsibility for the Regulatory Impact Analysis support aspect of the Better Regulation agenda has yet to be finalised and is the subject of ongoing discussion at senior official level. However, while there may be a need to update guidelines and related supports, the production and publication of RIAs remains a matter for the individual Departments concerned.

Flood Relief

268. **Deputy Dominic Hannigan** asked the Minister for Public Expenditure and Reform when the Office of Public Works will begin work on putting back the bridge that was removed and placed in the field behind an estate (details supplied); their plans for the bridge; and if he will make a statement on the matter. [9299/12]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): The bridge in question was removed during flood relief works undertaken by the Office of Public Works (OPW) in the Dunboyne area on behalf of Meath County Council following the major flood events in 2000 and 2002. The bridge was no longer used for traffic.

The cast iron sections of the bridge were sent to the OPW's Central Engineering Workshop for restoration and repainting. This work has been completed and the restored sections remain in storage by the OPW.

It is a matter for Meath County Council to decide as to the future of the bridge. The OPW has contacted the Council with a view to progressing the matter.

EU Funding

269. **Deputy Patrick Nulty** asked the Minister for Public Expenditure and Reform the actions he will take to draw down the unallocated European social funds as proposed by the European Commission to address youth unemployment; and if he will make a statement on the matter. [9484/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): Following the informal European Council meeting on 30 January 2012, Commission President Barroso launched an initiative to boost growth and tackle the problem of youth unemployment. He indicated his intention to work with Member States, particularly those where the situation of young people is most difficult, using structural funds among other instruments, to strengthen national efforts to combat youth unemployment and accelerate and strengthen support to SMEs as a key source of jobs in the EU. No new funds are being made available at present, however.

I strongly welcome President Barroso's initiative and I and other members of the Government will be working closely with the European Commission on its implementation. A Commission team will be in Dublin on 21 February 2012 for meetings with a team lead by the Department of the Taoiseach, which will include representatives from my Department. Dealing with unemployment is the major priority for the Government and this is an initiative which must be utilized to maximum effect.

At present, however, Ireland has no unallocated structural funds. Indeed I am pleased to report that recent Commission figures show that Ireland has the highest absorption rate of structural funds in the EU at 48% for the current 2007-2013 funding round, and it is estimated that the remaining 52% allocated to Ireland will be drawn down.

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 PEACE III, INTERREG IVA and Ireland Wales programmes. 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).

The general programme priorities in Ireland, which were agreed with the Commission, are the promotion and encouragement of innovation, the knowledge economy, enterprise, research and development, up-skilling 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.

In the absence of unused structural funds in Ireland or new funding from other EU sources we will, in the first instance, be looking at whether existing employment programmes might be re-focused to better effect. If, at a later stage, additional EU funding becomes available, Ireland will make the necessary applications and will use the resources to meet key economic and social objectives.

Pension Provisions

270. **Deputy Simon Harris** asked the Minister for Public Expenditure and Reform if his attention has been drawn to the situation facing some former university lecturers who retired far in advance of 2010 who have had their pension payments cut as against the guarantee issued by him in budget 2010 to public servants that any person taking retirement would have their pension and lump sum entitlements based on their pre-pay cut salary, his views on this dichotomous situation; and if he will make a statement on the matter. [9495/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): As the Deputy may know, the Financial Emergency Measures in the Public Interest (No. 2) Act 2009 introduced a pay cut with effect from 1 January 2010 for serving public servants. Section 3 of that Act provided that the pay cut did not affect pensions until a future date to be set by the Minister

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for Finance. That date was set as 29 February 2012 after which public service pensions coming into payment will be affected by the pay reduction.

The Financial Emergency Measures in the Public Interest Act 2010 provides that with effect from 1 January 2011 a former university lecturer or indeed any former public servant with a pension in payment or coming into payment on or before 29 February 2012 is subject to the Public Service Pension Reduction which applies on a progressive basis to public service pensions of over €12,000 per annum and is estimated to save €100 million in a full year.

In short, in a case such as the Deputy describes, where a public servant retired or retires before 29 February 2012 their pension was or is reduced, but was or is calculated on the pre-pay cut pay rate.

The PSPR is part of the budgetary targets contained in the joint EU/IMF Programme of Financial Support. Continued access to funding under the Programme is conditional upon the delivery of the budgetary adjustments agreed under the terms of the Programme and outlined in the Memorandum of Understanding.

Public Service Staff

271. **Deputy Tom Fleming** asked the Minister for Public Expenditure and Reform if all Government offices in County Kerry will be retained; if current staffing levels will be maintained; and if he will make a statement on the matter. [9191/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): As part of its Reform Agenda, the Government is committed to reducing public service numbers to 282,500 by the end of 2015 with the aim of producing a more customer focused, leaner, more efficient, better integrated public service which delivers maximum value for money. Details of Public Service staff numbers and Government Offices are not held centrally on a county by county basis. The Deputy is advised to contact the relevant Ministers directly for such information. The Department of Public Expenditure and Reform does not have any Offices in Co. Kerry.

Departmental Bodies

272. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Public Expenditure and Reform the number and names of the State bodies under the aegis of his Department which are subject to the revised code of practice for the governance of State Bodies; and if he will make a statement on the matter. [9261/12]

273. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Public Expenditure and Reform if he has received the annual report on corporate governance from all State bodies under the aegis of his Department which are subject to the revised code of practice for the governance of State bodies for 2010 as required under section 13.1 of the code, if not, if he will outline which State bodies have not done so and if having reviewed the reports he is satisfied that all State bodies are complying with the provisions of the code; and if he will make a statement on the matter. [9267/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I propose to take Questions Nos. 272 and 273 together.

In relation to my own Department the only state body under my aegis that is subject to the Revised Code of Practice for the Governance of State Bodies is An Post National Lottery Company.

An Post National Lottery Company will submit its annual report on corporate governance as part of its overall annual report for 2011 to me as Minister for Public Expenditure and Reform no later than 31 December 2012. The latest completed report for 2010 was submitted to the Minister for Finance in 2011.

Departmental Staff

274. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Public Expenditure and Reform the progress towards implementation of the commitment in the programme for Government to amend the rules to ensure that no senior public servant including political appointees or Minister may work in the private sector in any area involving a potential conflict of interest with their former area of public employment, until at least two years have elapsed after they have left the public service; and if he will make a statement on the matter. [9289/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The Programme for Government contains a commitment to “amend *the rules to ensure that no senior public servant (including political appointees) or Minister can work in the private sector in any area involving a potential conflict of interest with their former area of public employment, until at least two years have elapsed after they have left public office*”.

This commitment is being progressed by the Department of Public Expenditure and Reform as part of its work to introduce a legislative framework for the regulation of lobbyists.

A consultation process is underway since shortly before Christmas 2011 in respect of the regulation of lobbying. The closing date for submissions is 29 February 2012. The main issues in respect of which information and views have been requested are based on 10 Principles for Transparency and Integrity in Lobbying developed and approved by all OECD countries in the form of a Recommendation by the OECD Council in February 2010. The issue of conflict of interest is included in this process.

275. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Public Expenditure and Reform the progress towards implementation of the commitment in the programme for Government to open up all appointments at principal officer level and above to external competition and the commitment that at least one-third of such appointments will be reserved for candidates from outside the civil service for a five year period; and if he will make a statement on the matter. [9291/12]

276. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Public Expenditure and Reform the number of appointments made at principal officer level or above since 5 March 2011; the number of such appointments of candidates from outside the Civil Service; and if he will make a statement on the matter. [9292/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I propose to take Questions Nos. 275 and 276 together.

As part of the reform of the public service, the Government is committed to the introduction of new skills and talent across all Departments. In the Programme for Government we have said that appointments at Principal Officer level and above will be open to external competition.

Since the introduction of the moratorium on recruitment and promotion in March 2009 no general open recruitment campaigns at principal officer level and above have taken place for positions in the civil service. Some specialised recruitment has taken place where there is a clear and targeted identification of specific skills needs.

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Decisions in respect of future recruitment campaigns will be taken in the context of the business needs of the relevant organisation, the moratorium on recruitment and promotion and any redeployment arrangements agreed for the civil and public service.

Since 5 March 2011 there have been 5 appointments at PO1 level to posts in the civil service. One appointee came from the private sector, two from the civil service and the other 2 from the wider public sector.

In relation to appointments above Principal Officer level, the Top Level Appointments Committee (TLAC) holds competitions for and advises Ministers/ Government, as appropriate, on appointments to civil service posts at Secretary General, Deputy Secretary and Assistant Secretary and equivalent levels. Since early 2007 the policy has been that open competitions are held for Assistant Secretary and Deputy Secretary and equivalent posts. More recently this policy has been extended to Secretary General posts. In the past TLAC did not make recommendations in relation to the filling of a small number of Secretary General posts including that of Secretary General in the Department of Finance. That post was recently advertised openly as was the Comptroller and Auditor General post.

Since 5 March, 2011 there have been 22 appointments made at Assistant Secretary level and upwards. Out of the 22 appointments 3 were from outside the civil service and were at Assistant Secretary level.

Members' Allowances

277. **Deputy Catherine Murphy** asked the Minister for Public Expenditure and Reform the amount paid to each qualifying party leader and each independent TD and Senator under section 1 of the Oireachtas (Ministerial and Parliamentary Office) (Amendment) Act 2001 for the period of time between the commencement of the 31st Dáil and 24th Seanad in 2011 and 31 December 2011; the specific number of payments made to each qualifying party leader and to each independent TD and Senator under the terms of section 1 of the aforementioned Act; and if he will make a statement on the matter. [9441/12]

282. **Deputy Catherine Murphy** asked the Minister for Public Expenditure and Reform if a mechanism exists whereby an independent TD or Senator may voluntarily furnish to the Standards in Public Office Commission a detailed account of expenditure of funds received under the terms of the Party Leader's Allowance; and if he will make a statement on the matter. [9472/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I propose to take Questions Nos. 277 and 282 together.

The Party Leader's Allowance is provided for in the Oireachtas (Ministerial and Parliamentary Offices) Act, 1938, as amended by the Oireachtas (Ministerial and Parliamentary Offices (Amendment) Act, 2001. The allowance is paid to the parliamentary leader of a qualifying party in relation to expenses arising from the parliamentary activities, including research, of the party. Payments are made in respect of members of the party elected to Dáil Éireann and members elected/nominated to Seanad Éireann at the last preceding general election, or a subsequent bye-election or, in the case of Seanad Éireann, nominated to it after the last preceding general election. The conditions governing entitlement to payment of the allowance are set out in the Act. The primary restriction in the Act on the use of the allowance is that it may not be used in respect of election expenses.

Under the legislation, the amounts paid to the parliamentary leader of a qualifying party are calculated on the following basis:

TDs	€	Government Parties* €
First 10 members	71,520	47,680
11 members to 30	57,214	38,143
More than 30 members	28,616	19,077

Senators	€
First 5 members	46,766
Over 5 members	23,383

*The legislation provides that, in the case of a qualifying party forming part of the Government, the combined allowances due in respect of TDs of that party are reduced by one third.

The legislation also provides that payments may be made to a member of Dáil Éireann, who at the last preceding general election or at a subsequent bye-election was elected as a member other than as a member of a qualifying party. Such qualifying Independent TDs are entitled to an annual rate of €41,152. A similar provision in the Act provides for an annual payment of €23,383 for Independent Senators.

The total amounts of the allowances paid to 31 December 2011 and number of payments made in respect of each party and each Independent TD and Senator is at Appendix I. Payments specified in respect of qualifying members of Dáil Éireann are for the period 25 February 2011 to 31 December 2011. Having regard to members of Seanad Éireann, in the case of elected members, the allowance was payable from 26 April 2011. In the case of members nominated by the Taoiseach, the allowance was payable from 20 May 2011. The allowances are generally payable monthly in arrears into a bank account specified by the beneficiary of the allowance.

The 2001 Act gives a statutory oversight role in relation to the Party Leader's Allowance to the Standards in Public Office (SIPO) Commission. This requires each party leader to prepare a statement of expenditure for the allowance, to have it audited by an independent auditor and furnish it with the auditor's report to the Commission. Based on the accounts submitted, the Commission is required to make a report to the Minister in relation to the use of the Party Leader's Allowance and cause a copy of the report to be laid before the Oireachtas. Allowances paid to Independent members are not subject to these oversight provisions and there is no legislative provision under the 2001 Act whereby voluntary statements of expenditure can be submitted. Any changes to the matters prescribed in the Act require primary legislation.

As previously indicated, I intend to bring proposals to Government shortly in relation to the allowance.

Party Leader's Allowance — amounts paid to December 2011*

Party	Total €	Number of payments
Fine Gael	2,250,522.74	10
Fianna Fáil	1,462,769.98	10
Labour	1,462,570.11	10
Sinn Féin	893,432.68	10
Socialist Party	120,902.86	10
People Before Profit	120,902.86	10

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Party	Total €	Number of payments
<i>Independent TDs</i>		
F McGrath	34,783.20	10
M Lowry	34,783.20	10
M O Sullivan	34,783.20	10
S Ross	34,783.20	10
Michael Wallace	0.00	Nil
Michael Healy Rae	34,783.20	10
Noel Grealish	34,783.20	10
Stephen Donnelly	34,783.20	6
Luke Flanagan	34,783.20	10
John Halligan	34,783.20	10
Mattie McGrath	34,783.20	8
Catherine Murphy	34,783.20	10
Thomas Pringle	34,783.20	10
Tom Fleming	34,293.30	9
Seamus Healy	34,783.20	10
<i>Independent Senators</i>		
D Norris	15,913.41	8
F Quinn	15,913.40	8
R Mullen	15,913.40	8
John Crown	15,913.40	8
Sean Barrett	15,913.40	7
Martin McAleese	3,247.63	1
Fiach Mac Conghaill	14,394.35	6
Eamon Coghlan	14,394.35	7
Dr. Katherine Zappone	14,394.35	7
Mary Ann O'Brien	14,394.35	7
Marie-Louise O'Donnell	14,394.35	7
Jillian van Turnhout	14,394.35	7

*Members of Dáil Éireann — Total amount paid for the period 25 February 2011 to 31 December 2011.

Members of Seanad Éireann — Total amount paid for the period 26 April 2011 to 31 December 2011 in the case of elected members and from 20 May 2011 to 31 December in the case of members nominated by the Taoiseach.

278. **Deputy Catherine Murphy** asked the Minister for Public Expenditure and Reform the annual amount paid to each qualifying party under the Electoral Acts, and not section 1 of the Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act, 2001, for the period of time between the commencement of the 31st Dáil and 24th Seanad in 2011 and 31 December 2011; the specific number of such payments made to each qualifying party under the terms of the aforementioned Act; and if he will make a statement on the matter. [9442/12]

281. **Deputy Catherine Murphy** asked the Minister for Public Expenditure and Reform the mechanism there is to ensure that the Exchequer funds received by a political party under the terms of the Party Leader's Allowance that are accounted for under the heading expenditure applied to the purchase of support services for a parliamentary party from the party are not paid to a party in respect of support services which are already funded through Exchequer funds allocated to that political party under the terms of section 50 (c) of the Electoral (Amendment) Act 2011; if no such mechanism exists, his plans to review the use and existence

of this category by political parties to vouch for spending under the terms of the Party Leader's Allowance; and if he will make a statement on the matter. [9471/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I propose to take Questions Nos. 278 and 281 together.

Section 50(c)(ii)(I)(a) of the Electoral (Amendment) Act 2001, provides for an annual sum of €4.948 million to be shared among qualified political parties. Payments are calculated on the basis of the share of first preference votes obtained by an individual qualified party at the previous general election.

Section 50(c)(i)(a) of the Electoral (Amendment) Act 2001 also provides for an annual payment in each period of 12 months to each qualified party of €126,973.81.

Details of payments made to qualifying parties during the period 9th March 2011, the date of commencement of the 31st Dáil, to 31st December 2011, are set out in Appendix I. Payments in respect of both the first preference and flat rate amounts are generally made quarterly in arrears. Consequently, details of payments made to qualifying parties during the period of commencement of the 31st Dáil to 31st December 2011, include payments made to qualifying parties in respect of a period of the 30th Dáil. Four payments were made in the specified period to each of Fianna Fáil, Fine Gael, the Labour Party and Sinn Féin. One payment was made to the Green Party.

The Standards in Public Office Commission (SIPO) has an important oversight role in relation to the Party Leader's Allowance paid to qualifying party leaders under the Party Leader's Allowance legislation. SIPO has a similar statutory oversight role in relation to Exchequer funding received by political parties under the Electoral Acts.

The Deputy will be aware that I intend to bring proposals to Government shortly in relation to the Party Leader's Allowance. It is open to the Deputy to bring forward any proposals she may wish on the nature and scope of the activities that may be funded by political parties under the terms of this legislation and activities that may be funded under the Electoral Acts, as part of the review of the allowance.

Payments made under section 50(c) of the Electoral (Amendment) Act 2011 during the period 9th March 2011 to 31st December 2011

Qualifying Party	Details of payment	23/03/2011	04/04/2011	13/07/2011	03/10/2011	Grand Total
Fianna Fail	Sum of Flat rate	€19,398.78	€12,344.68	€31,743.45	€31,743.45	€95,230.36
	Sum of 1ST Preference	€336,484.59	€101,196.90	€260,220.61	€260,220.61	€958,122.71
Fine Gael	Sum of Flat rate	€19,398.78	€12,344.68	€31,743.45	€31,743.45	€95,230.36
	Sum of 1ST Preference	€221,213.48	€209,424.53	€538,520.21	€538,520.21	€1,507,678.43
Labour Party	Sum of Flat rate	€19,398.78	€12,344.68	€31,743.45	€31,743.45	€95,230.36
	Sum of 1ST Preference	€81,977.96	€112,806.26	€290,073.23	€290,073.23	€774,930.68
Sinn Féin	Sum of Flat rate	€19,398.78	€12,344.68	€31,743.45	€31,743.45	€95,230.36
	Sum of 1ST Preference	€56,206.76	€57,647.48	€148,236.37	€148,236.37	€410,326.98
The Green Party	Sum of Flat rate	€19,398.78				€19,398.78
	Sum of 1ST Preference	€37,987.76				€37,987.76
Total Sum of Flat rate		€96,993.90	€49,378.72	€126,973.80	€126,973.80	€400,320.22

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Qualifying Party	Details of payment	23/03/2011	04/04/2011	13/07/2011	03/10/2011	Grand Total
Total Sum of Ist Preference		€733,870.55	€481,075.17	€1,237,050.42	€1,237,050.42	€3,689,046.56

Question No. 279 withdrawn.

280. **Deputy Catherine Murphy** asked the Minister for Public Expenditure and Reform his plans to reform the mechanism for party political funding provided for in the Electoral Acts and or the Oireachtas staff and resources provisions made available to parliamentary parties under the terms of section 9 of the Oireachtas (Ministerial and Parliamentary Offices) (Secretarial Facilities) Regulations 2008 (S.I. No. 36 of 2008) as distinct from his proposals to reform the system of funding known as the Party Leader's Allowance which is administered subject to the provisions of section 1 of the Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act, 2001; and if he will make a statement on the matter. [9464/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): It is understood that the Deputy is referring to funding for Members of the Oireachtas who are not representatives of the main political parties. This matter would be a subject for discussion between the Houses of the Oireachtas Commission and my Department in the context of the preparation of a Houses of the Oireachtas Commission (Amendment) Bill which requires to be enacted before the end of the current year.

Question No. 281 answered with Question No. 278.

Question No. 282 answered with Question No. 277.

Departmental Expenditure

283. **Deputy Niall Collins** asked the Minister for Public Expenditure and Reform the total photography costs for his Department since coming to office; the list of occasions for which photographers were booked over the past year; the breakdown of costs associated with each occasion that a photographer was used; if there is a policy around the booking of photographers within his Department; and if he will make a statement on the matter. [9668/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): In the period in question there were no occasions for which photographers were booked. In relation to my Department there is no official policy set out around the booking of photographers. However as with all procurement, value for money would be a key factor in procuring photographic services should the need arise.

Ministerial Transport

284. **Deputy Timmy Dooley** asked the Minister for Public Expenditure and Reform if he uses a State car; the type of car that is used; how often he has used it since coming to office; the cost of the person employed to drive the car; the cost of their salary; the cost of their vehicle expenses; if the person employed as their driver was previously a State employee; if that person is also in receipt of a State pension; the total cost of the service to date; and if he will make a statement on the matter. [9721/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The Deputy may be aware that since 1 May 2011 all Cabinet Minister with the exception of Taoiseach, Tánaiste and Minister for Justice and Law Reform now use their own cars on official business. All Ministers are now paid for official mileage up to 96,540 kilometres [or 60,000 miles] per annum. Ministers of State have used their own cars on official business since 1984.

The travel rates payable depend on the car engine size.

There is no payment for the cost of a car used on official business and there are no fixed payments towards changing a vehicle.

The travel rates are designed to compensate for the use of an individual's car on official business. The expenses that are covered by the motor travel formula can be broken into two categories; the overhead and the running costs. The overhead costs include depreciation, insurance costs, AA/RAC membership, driving licence and car tax. The running costs include the cost of maintenance, tyres, oil and petrol. This is the same basis used within the civil service and revenue.

There are two civilian drivers employed to drive my car. The salary of each driver is €631.75 per week and they work week on week off.

In relation to mileage expenses I have claimed a total of €8,799 since taking office.

For information purposes I have included details of the current Ministerial travel rates effective as from 5th March 2009.

Ministerial Travel Rates

Effective from 5 March 2009

Rate per Miles

Official Motor Travel in a calendar year	Engine Capacity up to 1200cc	Engine Capacity 1201cc to 1500cc	Engine Capacity 1501cc to 2000cc	Engine Capacity 2001cc and over
0-4,000 miles	62.94 cent	74.42 cent	95.05 cent	114.06 cent
4,001 miles and over	34.13 cent	38.00 cent	45.79 cent	54.95 cent

Rates per Kilometres

Official Motor Travel in a calendar year	Engine Capacity up to 1200cc	Engine Capacity 1201cc to 1500cc	Engine Capacity 1501cc to 2000cc	Engine Capacity 2001cc and over
Up to 6,437km	39.12 cent	46.25 cent	59.07 cent	70.89 cent
6,438km and over	21.22 cent	23.62 cent	28.46 cent	34.15 cent

Public Service Staff

285. **Deputy Brendan Griffin** asked the Minister for Public Expenditure and Reform if he will explain the process for a person in the public sector hoping to transfer to another Government Department; and if he will make a statement on the matter. [9784/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The Public Service Agreement 2010-14 (Croke Park Agreement) provides for agreed redeployment arrangements to apply in the Civil Service and in other parts of the public service. Under the Agreement,

[Deputy Brendan Howlin.]

redeployment generally takes precedence over all other methods of filling a vacancy and supercedes any existing agreements on the deployment of staff. It sets out the agreed redeployment arrangements within the Health, Education, and Local Authority sectors; and within and between the Civil Service and Non-Commercial State Sponsored Bodies (NCSSB). It also provides that cross sectoral redeployments will follow the arrangements agreed for the NCSSBs.

The redeployment arrangements allow staff to be moved from activities which are of lesser priority, or which have been rationalised, reconfigured, or restructured, to areas of greater need. In general redeployment opportunities are to be sought in the first instance within each sector (e.g. health, education, local authority, etc.). The arrangements are not intended to be a staff mobility scheme and in practical terms represent a means of facilitating the targeted reduction in public service numbers in the period 2010 to 2014 while sustaining the ongoing delivery of services.

The Public Appointments Service (PAS) has put in place a system of Resource Panels of Civil Service and State Agency staff to support the redeployment processes in those sectors agreed under the Croke Park Agreement. It is a matter for the employer to identify the number and grades of posts to be redeployed in the first instance and to upload the posts onto the PAS panels. Posts to be filled by redeployment are offered in the first instance to the relevant panel or panels.

Where staff are not available for redeployment in a particular location, the post, if approved for filling by my Department, may be offered to staff who had already indicated an interest in transferring there, whether directly to the Department concerned or through the Central Applications Facility (CAF), which was set up to facilitate the implementation of the Decentralisation Programme. However, the possibilities to facilitate requests for such transfers are now more limited due to ongoing reductions in public service numbers, the necessity for redeployment to take precedence and the cancellation of the decentralisation programme.

The Senior Public Service (SPS) provides mobility opportunities for Assistant Secretaries to move to posts at equivalent level within the civil service. As the SPS is extended to the wider public service, mobility will be extended on an incremental basis.

Departmental Agencies

286. **Deputy Finian McGrath** asked the Minister for Public Expenditure and Reform if he will provide the number of retired persons serving on State boards and commissions; and the amount it is costing the State. [10361/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): In response to the Deputy's question details in relation to the number of retired persons serving on State Boards or commissions under the aegis of my Department are as follows:

An Post National Lottery have two retirees sitting on their board. The total annual fees for these two members is €25,000.

The Public Appointments Service have three retirees sitting on their board. The total annual fees for these three members is €27,360.

Company Law

287. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Jobs, Enterprise and Innovation the progress made towards the implementation of the commitment in the programme for Government to enact legislation to provide for binding code of practice for corporate govern-

ance, which will be obligatory for companies wishing to be listed on Irish Stock Exchange; and if he will make a statement on the matter. [9290/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Any company that wishes to list on the Irish Stock Exchange's main market must implement the Corporate Governance Code.

While the legal obligation to comply with the Code only applies to companies listed on the main market, the Irish Stock Exchange's own Listing Rules require companies on the secondary market to report on how they have applied the principles of the Code or, where they have not applied those principles, to explain why.

The Corporate Governance Code is subject to regular review and updating. It was last reviewed in 2010 and new principles on gender diversity on boards are expected to be incorporated this year. At the same time, the European Commission is examining the need for EU wide measures and this may yield proposals later this year. Clearly, if these proposals are for legislation, we will be implementing them in Irish law.

Meanwhile, work is progressing on the Companies Bill, which will consolidate and reform the existing canon of company law. One novel feature of the Bill is that it will bring together into one statutory provision all the existing fiduciary duties of directors, to make them more accessible and comprehensible to all.

County Enterprise Boards

288. **Deputy Dominic Hannigan** asked the Minister for Jobs, Enterprise and Innovation the location at which the local enterprise office in County Meath will be located; if there will be multiple offices in the county or one central office; if only one central, will there be outreach days or events in other parts of the county so an awareness is built about the new office; and if he will make a statement on the matter. [9317/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): As the Deputy will be aware, under the recently launched the Action Plan for Jobs, I propose to establish a new "one-stop-shop" small and micro-enterprise support structure. These "One Stop Shops" will be called "Local Enterprise Offices" and will build on the significant work done by the CEBs to date. The new structure will be achieved through the dissolution of the existing CEBs and the creation of a new Micro Enterprise and Small Business Unit within Enterprise Ireland that will work with the Local Authorities to establish a Local Enterprise Office (LEO) in each Local Authority.

In conjunction with the dissolution of the CEB legal structure, Enterprise Ireland and the Local Authorities will be tasked with the practicalities of setting-up and rolling-out a LEO structure. In this regard there is clearly a lot of detailed developmental work to be done over the coming months to effect these changes, and to put appropriate new structures in place.

Job Creation

289. **Deputy Patrick Nulty** asked the Minister for Jobs, Enterprise and Innovation if he will consult with youth organisations and the representative body for the youth sector, the National Youth Council of Ireland, to discuss actions to address youth unemployment; and if he will make a statement on the matter. [9485/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The Government published its Action Plan for Jobs earlier this month. The objective of the Action Plan for Jobs is to transform the operating environment for business in order to support enterprise growth

[Deputy Richard Bruton.]

and enable job creation. The Government will achieve this objective by systematically removing obstacles to competitiveness, promoting innovation and trade, supporting new and existing businesses to develop and expand, and by deepening the impact of foreign direct investment in Ireland. The Government has also identified a number of key sectors where Ireland can gain competitive advantage in global markets and benefit from employment growth. The Actions which we take through this plan are expected to reform Government and the wider economy in order to make it easier for businesses to establish and thrive, which will, in itself, result in job creation potential across all sectors and for all cohorts of Irish society, including young people.

Policy responsibility for matters including job seeker supports and activation, and training and education, rest respectively with my colleagues, the Minister for Social Protection, Ms. Joan Burton, T.D. and the Minister for Education and Skills, Mr. Ruairi Quinn, T.D. The Government will shortly be launching a new programme — Pathways to Work — to help ensure that each unemployed person is assessed and offered opportunities for training to learn new skills and improve their employment prospects.

Research Funding

290. **Deputy Mary Mitchell O'Connor** asked the Minister for Jobs, Enterprise and Innovation if he has considered the proposal, by a person (details supplied) of the European Science Foundation, that Ireland establish a European institute of mathematics and innovation to create a new European infrastructure focused on mathematics for innovation following recommendations of a Forward Look managed by the European Science Foundation in collaboration with the European Mathematical Society; and if he will make a statement on the matter. [9511/12]

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Sean Sherlock): One of the recommendations arising from the European Science Foundation “Forward Look, Mathematics and Industry” publication which I launched in October 2011, was that EU and National funding agencies should coordinate clusters of excellence in industrial mathematics to create a European Institute of Mathematics for Innovation (EIMI).

The European Institute, given the complexity with so many groups involved, would be primarily a virtual institute bringing together the wide variety of mathematical expertise across Europe and act as a single point for industry, collaboration and education.

Ireland would welcome the opportunity to be part of the EIMI initiative given that, primarily through efforts supported by Science Foundation Ireland and the Higher Education Authority, we have worked hard to develop several groups of scale and top-class quality working in the area of industrial mathematics and computation for industry. Examples of these groups are:

- MACSI — the Mathematical Applications Consortium for Science and Industry at the University of Limerick,
- ICHEC — Irish Centre for High-End Computing at NUI Galway and Trinity College Dublin;
- The 4C group (the Cork Constraint Computation Centre) at UCC; and
- The Hamilton Institute at NUI Maynooth.

Each of these groups has already an excellent track record of success in working with multiple industry partners. Now as part of the evolution of our national research effort and for further

enterprise development needs SFI are looking at ways to consolidate our own mathematics groups in this area to fully realise the potential for Irish industry and beyond.

Ireland must, if we are to reach our full potential and compete on a global stage, ensure that we foster the development of mathematicians and bring them together with industry to generate progress and innovation. Working in conjunction with a European Institute of Mathematics and Innovation is very much aligned with our policy thinking.

Ensuring enhanced mathematical capacity at national level is also underpinned by policy initiatives being delivered through the Department of Education and Skills such as the establishment of the National Centre of Excellence in Science and Mathematics Teaching and Learning, based in the University of Limerick; the introduction of curricula changes such as Project Maths; and the National Strategy to Improve Literacy and Numeracy among Children and Young People 2011-2020, “Literacy and Numeracy for Learning and Life”.

County Enterprise Boards

291. **Deputy Tony McLoughlin** asked the Minister for Jobs, Enterprise and Innovation the role of local authority members in relation to the establishment and oversight of the new local enterprise offices as proposed in the Action Plan for Jobs; in view of the fact that the county enterprise boards had local authority members alongside business people and local authority executive members on the boards will there be a similar role envisaged in the establishment of LEOs; and if he will make a statement on the matter. [9531/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): As the Deputy will be aware, under the recently launched the Action Plan for Jobs, I propose to establish a new “one-stop-shop” small and micro-enterprise support structure. These “One Stop Shops” will be called “Local Enterprise Offices” and will build on the significant work done by the CEBs to date. The new structure will be achieved through the dissolution of the existing CEBs and the creation of a new Micro Enterprise and Small Business Unit within Enterprise Ireland that will work with the Local Authorities to establish a Local Enterprise Office in each Local Authority.

With the dissolution of the CEBs as thirty-five individual legal entities the statutory, and corporate governance role, carried out to date by existing CEB Board members will cease to be required. However there is clearly a lot of detailed developmental work to be done over the coming months to effect these changes, and to put appropriate new structures in place, and I look forward to a positive engagement with all relevant Parties, including existing CEB Board members, who can assist and advise on the roll-out of the new structure.

Competition Authority

292. **Deputy Thomas Pringle** asked the Minister for Jobs, Enterprise and Innovation if he will ask the Competition Authority under section 30(2) of the Competition Act 2002 to carry out a market study or analysis of the cement, concrete and aggregates industry considering the vast amount of local authority money spent on those products including cement, concrete, asphalt, tarmac, bitumen, sand, gravel and so on; the recent findings by the Office of Fair Trading in the UK; the fact that proceedings have been initiated by the European Commission against the main operators in the industry in ten EU countries including a participant in the Irish market and two players in the Irish market who have previously been fined on a number of occasions for anti-competitive practices in Europe; and if he will make a statement on the matter. [9773/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I am aware that the Competition Authority, as the statutory independent body responsible for enforcing competition law in the State, has received information relating to alleged anti-competitive behaviour in the concrete industry. Section 29(3) of the Competition Act 2002 provides that the Authority is independent in the performance of its functions. Under section 30(1)(b) of that Act, the Competition Authority is responsible for investigating breaches of the Act. It is the Authority's policy not to comment on investigations. As investigations and enforcement matters generally are part of the day-to-day operational work of the Authority, I have no direct function in the matter.

In light of this, I do not believe that it is appropriate to comment further.

Proposed Legislation

293. **Deputy Michael Healy-Rae** asked the Minister for Jobs, Enterprise and Innovation his views on a matter (details supplied) regarding the Industrial Relations (Amendment) (No. 3) Bill 2011. [9997/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The Industrial Relations (Amendment) (No. 3) Bill 2011 was published on 22 December 2011. The Bill has completed Second Stage in the Dáil and is currently awaiting Committee Stage.

The main purpose of the Bill is to implement the commitment in the Programme for Government to reform the Joint Labour Committee system. The reform of the legal framework for our statutory wage setting mechanisms is aimed at increasing employers' ability to retain and employ workers, particularly in sectors hard hit by the prevailing economic circumstances, such as the hospitality sector, and to facilitate necessary cross-sector adjustment.

In addition, the Bill provides for the more comprehensive measures required to strengthen the legal framework for the Employment Regulation Orders and Registered Employment Agreement sectoral wage setting mechanisms, under the Industrial Relations Acts 1946 to 2004, in the light of deficiencies in the original legislation identified in the July 2011 High Court judgment in the John Grace Fried Chicken case.

The fact that the process of making EROs has been found by the High Court to be unconstitutional, together with the identified lack of adequate Oireachtas scrutiny of this process, only underscores some of the main features of the recommendations for reform that were put forward by the Independent Review Report on these statutory wage setting mechanisms — the Duffy/ Walsh report. The commissioning of the independent review of the ERO and REA systems was one of the undertakings given by the last Government in the context of the EU and IMF-supported financial assistance programme for Ireland.

When enacted, this Bill, will implement the programme of reforms to the JLC/REA systems agreed by Government in July 2011. It will radically overhaul the system so as to make it fairer and more responsive to changing economic circumstances and labour market conditions. It will also reinstate a robust system of protection for workers in these sectors in the aftermath of the High Court ruling in the John Grace Fried Chicken case.

The principal measures in the legislation include:

- JLCs will have the power to set a basic adult rate and two additional higher rates, based on length of service in the sector or enterprise concerned as well as the standards and skills recognised for the sector concerned.

- JLCs will no longer set Sunday premium rates. In order to recognise the special status of Sunday working a statutory Code of Practice will be prepared by the LRC following submissions from employers and trade unions. This Code will provide guidance to both parties in the sectors covering EROs on the compensatory arrangements, including such additional amounts as are reasonable, for Sunday working and on the procedure to apply in the event of disputes concerning the varying entitlements to Sunday working.
- Companies will be able to derogate from EROs and REAs in cases of financial difficulty. For this to occur, the Labour Court must satisfy itself that specified criteria have been met. Such derogation will be granted, for a limited period, in cases of proven economic difficulty, following consultation with the employees.
- In setting rates, JLCs will have to take into account a series of economic and industrial relations factors.
- The burden of compliance and record-keeping requirements for employers in these sectors will be reduced.
- Providing for Ministerial involvement in the supervision of JLCs and in the making of orders to vary or revoke EROs.
- Providing for use of civil remedies rather than an exclusive reliance on criminal sanctions.
- The constitutionality of EROs and REAs will be restored through inclusion of robust principles and policies.

I am also proceeding with a series of complementary reforms to the JLC/REA systems which can be implemented without the need for legislative change, including:

- Reducing the number of JLCs from 13 to 6;
- Standardising benefits such as overtime through a nationally agreed protocol or Code of Practice, through the normal process of consultation with the employers and trade union interests.

From the beginning of this process I have been determined to strike a balance between protecting vulnerable workers and providing reforms that would make the systems more competitive and more flexible so as to allow the creation of jobs in these sectors.

From an employer's perspective, the overall effect of these reforms will be to substantially reduce the burden of record-keeping and compliance. This Bill will make the long-established minimum wage setting mechanisms fairer and more responsive to changing economic circumstances and will eliminate rigidities that are considered to have had a negative impact on competitiveness and jobs in the affected sector.

Departmental Funding

294. **Deputy Luke 'Ming' Flanagan** asked the Minister for Jobs, Enterprise and Innovation if, under sections 39 and 43 of the Competition Act 2002, he will increase the funding of the Competition Authority in view of the recent debate in Dáil Éireann whereby it emerged that due to lack of funding, the Competition Authority's ability to carry out its statutory and other functions is compromised; his views on the matter considering the fact that according to a

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previous head of the Competition Authority, anti-competitive practices are costing the economy 2% to 3% of GDP annually; and if he will make a statement on the matter. [9184/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Competition policy in a small open economy is vital for all sectors of the economy but particularly so in the locally traded sector, including services, since it is the locally traded sector that determines Ireland's competitiveness. Studies have shown the link between competition and productivity growth with evidence coming from the comparison of the economic performance of countries with competitive as opposed to restricted market systems.

Ensuring competition within Ireland's domestic economy is, therefore, vital to improving our overall competitiveness. If sheltered elements of the locally traded sector are not exposed to greater competition, services inflation will continue to outpace the Eurozone average and the cost competitiveness of Irish firms will worsen.

My Department is currently undertaking a review of the resources of the Competition Authority. I expect this review to be completed by the end of March 2012. This review will have to take account of Government policy to reduce the size and cost of the public sector through the Employment Control Framework. Until that review has been finalised, I am not in a position to comment further in the matter.

295. **Deputy Simon Harris** asked the Minister for Jobs, Enterprise and Innovation if he will outline the range of business start-up grants offered by him for those persons seeking support who have not been claiming jobseeker's allowance or benefit payments; the way a person may apply for these schemes; the average time it takes to process new applications; and if he will make a statement on the matter. [9245/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): State assistance for micro and small businesses and services in Ireland is currently delivered principally by the County and City Enterprise Boards (CEBs) and Enterprise Ireland (EI), operating as agencies under the aegis of my Department. Enquiries and applications for the range of financial and non-financial supports available are made direct to the relevant Agency and each application is dealt with on an individual basis in line with the identified business need and in the context of the Agency's eligibility criteria. Further information and contact details for each of the CEBs can be obtained through their national website *www.enterpriseboards.ie*. Enterprise Ireland's High Potential StartUp (HPSU) Team is located at The Plaza, Eastpoint Business Park, Dublin 3. Early Stage Start-Up enquiries to EI should be directed to Phone No. 01 7272885, Fax No: 01 7272020 or e-mail: *client.service@enterprise-ireland.com*; Website: *www.enterprise-ireland.com*.

In addition, I have been reviewing the structure of enterprise supports in recent months and, in particular, the role of the CEBs. As the Deputy will be aware, 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. EI will work with the Local Authorities to establish a new network of Local Enterprise Offices (LEOs). 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*. With regard to the crucial

micro and small business sectors — from which many of our new jobs will come — my objective is to ensure that there is a continued clear focus of Government policy and supports.

State Bodies

296. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Jobs, Enterprise and Innovation the number and names of the State bodies under the aegis of his Department which are subject to the Revised Code of Practice for the Governance of State Bodies; and if he will make a statement on the matter. [9266/12]

297. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Jobs, Enterprise and Innovation if he has received the annual report on corporate governance from all State bodies under the aegis of his Department which are subject to the Revised Code of Practice for the Governance of State Bodies for 2010 as required under section 13.1 of the code, if not, if he will outline which State bodies have not done so and if having reviewed the reports he is satisfied that all State bodies are complying with the provisions of the code; and if he will make a statement on the matter. [9272/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I propose to take Questions Nos. 296 and 297 together.

There are 13 State Bodies (1 of which comprises the 35 County and City Enterprise Boards) under the aegis of my Department which are subject to the Code of Practice for the Governance of State Bodies. These are:

1. Forfás,
2. Enterprise Ireland,
3. National Standards Authority of Ireland,
4. 35 County and City Enterprise Boards (CEBs),
5. Science Foundation Ireland,
6. IDA Ireland,
7. Shannon Development,
8. Competition Authority,
9. National Consumer Agency,
10. Irish Accounting and Auditing Standards Authority,
11. Personal Injuries Assessment Board,
12. Labour Relation Commission, and
13. Health and Safety Authority.

I have received annual reports under Section 13.1 of the Code for 2010 for all these State Bodies, with the exception of the following CEBs: South Cork, South Dublin, Galway, Mayo, Sligo, Waterford City, and Waterford County, whose reports are currently being finalised. In relation to all other reports received to date, I am assured that they are in compliance with the provisions of the Code.

Pricing Orders

298. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Jobs, Enterprise and Innovation if he will support the re-introduction of a ban on below cost selling of alcohol products; and if he will make a statement on the matter. [9282/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Since the repeal of the Restrictive Practices legislation, no statutory basis exists for me, as Minister for Jobs, Enterprise and Innovation, to make a minimum pricing order.

I am aware of concerns raised about the high level of consumption of alcohol and the consequential detrimental effects caused to individuals and to society in general. In that regard, I note the recent publication of the Steering Group Report on a National Substance Misuse Strategy. Government will consider, in due course, how best to respond to that report.

Proposed Legislation

299. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Jobs, Enterprise and Innovation when he plans to publish the competition and consumer Bill; the plans he has for consultation with stakeholders on the Bill; and if he will make a statement on the matter. [9283/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I intend publishing the Consumer and Competition Bill later this year. I look forward to the active and constructive engagement of Members of this House during its consideration of the Bill.

Wide-ranging public consultations have already taken place on most of the constituent parts of the proposed Bill. A public consultation on possible changes to the Competition Act 2002 was previously undertaken while the Advisory Group on Media Mergers, whose recommendations will form part of the Bill, also engaged in a consultation process before they submitted their report. Finally, two separate public consultations were undertaken by my Department in respect of the proposed code of practice for the grocery goods sector: the Bill will include enabling provisions for such a code of practice.

Consumer Protection

300. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Jobs, Enterprise and Innovation if he will ensure that consumer protection actions and activities are not watered down as a result of the merger of the Competition Authority and the National Consumer Agency in view of his decision to appoint the chair of the Competition Authority as the chairperson-designate of the new merged agency; and if he will make a statement on the matter. [9284/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I do not accept the Deputy's concerns that the consumer protection actions and activities will be watered down as a result of the merger of the Competition Authority and the National Consumer Agency. The decision to merge the two bodies is aimed at ensuring improved co-ordination of these two policy areas. Enforcing both competition and consumer law will give the newly merged body synergies and efficiencies in carrying out its functions. This will have benefits for consumers due to the existence of a stronger and more co-ordinated body dealing with consumer and competition issues.

On the issue of the appointment of the Chairperson of the Competition Authority, who will also act as the Chairperson-designate of the proposed new merged agency, the role of the Chairperson-designate is focussed on helping shape the administrative structure of the merged body, leading its development in the early years thus providing valuable continuity during the transitional period to the formal establishment and functioning of the body. In that context I

am happy to note that the two bodies are working closely together under the Chairperson-designate in advance of the formal merger to ensure that there is a seamless transition to the new merged body when it is formally established.

Proposed Legislation

301. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Jobs, Enterprise and Innovation when he plans to publish legislation to provide for the transposition of the Consumer Rights Directive; and if he will make a statement on the matter. [9285/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Member States are required to adopt legislative measures giving effect to the Consumer Rights Directive by 13 December 2013 and to apply those measures by 13 June 2014.

As I indicated on the launch of the report of the Sales Law Review Group on 18 October 2011, I have decided to use the opportunity presented by the requirement to transpose the Directive to update and consolidate the primary and secondary legislation relating to consumer contracts for which my Department has responsibility. A comprehensive Consumer Rights Act of this kind will bring about substantial improvements for consumers, will create clearer rules for businesses, and will be simpler to understand for both consumers and businesses.

The preparation of consolidated primary legislation along these lines will be more demanding and time-consuming than the implementation of the Consumer Rights Directive on a stand-alone basis by means of secondary legislation. My aim is to have the general scheme of such a Bill ready by early 2013. I intend to implement the provisions of Articles 19 and 22 of the Directive on payment charges and additional charges in 2012, a year ahead of the deadline for the adoption of legislative measures to give effect to the Directive.

Consumer Protection

302. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Jobs, Enterprise and Innovation in view of the ban on credit and debit card surcharges required under the Consumer Credit Directive, the date on which he plans to commence section 48 and 49 of the Consumer Protection Act 2007; and if he will make a statement on the matter. [9286/12]

303. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Jobs, Enterprise and Innovation if he has been in contact with Minister Hoban in the British Government who indicated he wished to work with the Irish Government with a view to implementing a ban on credit and debit card surcharges by the end of 2012; and if he will make a statement on the matter. [9287/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I propose to take Questions Nos. 302 and 303 together.

I am assuming that the Deputy's question refers to the provision of fees for the use of means of payment at Article 19 of the recently adopted Consumer Rights Directive. This provides that:

Member States shall prohibit traders from charging consumers, in respect of the use of a given means of payment, fees that exceed the cost borne by the trader for the use of such means.

Article 19 does not ban credit or debit card surcharges, but provides instead that such charges shall not exceed the cost to the trader of the means of payment in question. As such, it differs materially from section 48 of the Consumer Protection Act 2007 which contains a prohibition on surcharges where one method of payment is chosen in preference to another. Sections 48

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and 49 of the Act clearly go beyond the provisions of Article 19 of the Consumer Rights Directive and, as the Directive is a maximum harmonisation instrument, it is not open to Member States to exceed its provisions. The commencement of sections 48 and 49 of the Consumer Protection Act is therefore not an option available to me in the context of the implementation of the Directive.

As I have previously indicated, it is my intention to implement the provisions of Articles 19 and 22 of the Consumer Rights Directive on payment charges and additional charges in 2012, a year ahead of the deadline of December 2013 set by the Directive.

I have not been in contact with the Financial Secretary to the UK Treasury, Mark Hoban M.P., or with any other Minister in the UK Government, regarding the implementation of Article 19 of the Consumer Rights Directive. There have been contacts at official level about the implementation of the Directive. While co-operation is advantageous in these matters, particularly between Member States with close economic and social ties, all Member States must obviously give full effect to the provisions of European Union legislation.

Copyright Law

304. **Deputy Michael McGrath** asked the Minister for Jobs, Enterprise and Innovation the steps he is taking to address the concerns that have been expressed regarding the proposed statutory instrument on copyright law. [9323/12]

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Sean Sherlock): The proposed Statutory Instrument is intended to ensure the return to the legal position that was considered to pertain, in relation to injunctions against intermediaries, prior to a High Court judgment in October 2010. This judgment also stated that Ireland was not in compliance with its obligations under EU law.

Several concerns were expressed after the judgment by interested parties. Accordingly a public consultation was held on the wording of the proposed Statutory Instrument. This consultation was widely publicised at the time and more than 50 submissions were received. I am extremely grateful to those interested parties, groups and individuals who responded. Their submissions have proved very valuable in providing a comprehensive understanding of the differing views on the many issues involved. There was also liaison with the Office of the Attorney General and the Department of Communications, Energy and Natural Resources.

The submissions were carefully considered and legal opinion contained therein was referred to the Office of the Attorney General. I also met with several organisations with specific interests. The matter was debated in the Dáil on 31st January 2012. I made it clear then that any injunction under the proposed amendment of the Copyright Act 2000 would have to be considered in the context of the pronouncements of the Court of Justice of the European Union in judgments connected with this area.

These judgments (particularly *Sabam v Scarlet* and *Sabam v Netlog*) held that the protection of the fundamental right to intellectual property must be balanced against the protection of the fundamental rights of others who would be affected by the granting of an injunction. These rights include the right to conduct a business, to privacy, to freedom to receive and impart information. In addition, any measures proposed should not be unnecessarily complicated or costly.

Since the Lisbon Treaty, any legislation upholding EU law is bound by the Charter of Fundamental Rights of the European Union.

As the nature of injunctions which may be sought is infinitely varied, I consider that the best protection for balancing all the rights involved will be obtained by a careful scrutiny on a case-by-case basis of the competing interests by means of judicial process.

EU Funding

305. **Deputy Dominic Hannigan** asked the Minister for Jobs, Enterprise and Innovation if any microfinance intermediary has applied to administer the European progress microfinance facility here; and if he will make a statement on the matter. [9328/12]

306. **Deputy Dominic Hannigan** asked the Minister for Jobs, Enterprise and Innovation if any Irish company may access the European progress microfinance facility through a different country's intermediary; and if he will make a statement on the matter. [9329/12]

307. **Deputy Dominic Hannigan** asked the Minister for Jobs, Enterprise and Innovation the progress that has been made on the microfinance start up fund; the date on which it will be operational; and if he will make a statement on the matter. [9330/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I propose to take Questions Nos. 305 to 307, inclusive, together.

The European Progress Microfinance Facility is a European Investment Fund (EIF) initiative to support entrepreneurship and employment through microfinance activities. It was established by the EU Commission in 2010.

It does not directly provide microfinance to either Member States' Governments or entrepreneurs. Instead, following a rigorous due diligence process, selected microfinance providers across the EU who fulfil the requirements are accredited by the EIF and can avail of supports designed to increase lending, into the Microenterprise sector.

Specifically, capped guarantees may be provided to eligible intermediaries partially covering their portfolios of micro-loans, or loan facilities may be availed of to increase lending to micro-enterprises. The guarantees provided are intended to mitigate bad debts incurred in the lending operations. Microfinance providers may apply for the guarantee, or for the loan facility, but may not avail of both. Eligible intermediaries are any public and private institutions that provide microfinance loans and/or guarantees to individuals, or micro-enterprises established in the EU Member States. To apply to become an intermediary, interested institutions must submit a formal application for Progress Microfinance micro-credit guarantee directly to the EIF. Each agreement is negotiated individually and is subject to approval by the European Commission, following due diligence.

Any EU microfinance institution may apply to the EIF under this Facility and State involvement is not a prerequisite. Information on the EU Progress Microfinance Facility is available on the EIF website.

I understand that an existing intermediary in Ireland, First Step, has availed of the Competitiveness and Innovation Programme guarantee scheme under the EIF, which preceded the EU Progress facility.

I am currently finalising the delivery structures for a State-backed Microfinance Loan Fund to provide loans to the microenterprise sector. This Fund is designed to stimulate lending to sustainable microenterprises and is targeted at start-up, newly established, or growing micro enterprises across all industry sectors, employing not more than 10 people. It will provide loans of up to €25,000 for commercially viable proposals that do not meet the conventional risk criteria applied by commercial banks.

[Deputy Richard Bruton.]

The Government recently approved the allocation of €10 million as seed capital for the Fund. It is anticipated that the Fund will supplement this seed capital by leveraging further funding from private sources, including the banks.

My Department has had discussions with the EIF to explore the possibilities of access to the Progress Microfinance Facility for the Fund when established. Following establishment of the Microfinance lending facility, application will be made for the EIF guarantee facility. A rigorous due diligence process is required to secure EIF accreditation. Following EIF approval of the guarantee facility, and subject to completion of all administrative and corporate governance requirements, it is anticipated that the Loan Fund will become operational by mid-year.

Job Creation

308. **Deputy Gerry Adams** asked the Minister for Jobs, Enterprise and Innovation the growth projections for the domestic economy that underpins his jobs action plan; and if he will make a statement on the matter. [9338/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The objective of the Action Plan for Jobs is to transform the operating environment for business in order to support enterprise growth and enable job creation. The Government will achieve this objective by systematically removing obstacles to competitiveness, promoting innovation and trade, supporting new and existing businesses to develop and expand, and by deepening the impact of foreign direct investment in Ireland. The Government has also identified a number of key sectors where Ireland can gain competitive advantage in global markets and benefit from employment growth.

Delivery of the Action Plan is not predicated on domestic growth projections. Rather, by adopting the right policy decisions, we will influence growth in the economy through increased trade, productivity, innovation and competitiveness.

Downward pressure on business costs, improving access to finance for business, maximising procurement opportunities for SMEs and targeted infrastructural investment are just some examples of actions which will specifically boost growth in the domestic economy. Increased export activity — which is a key objective of the Action Plan — will also promote economic growth and will support employment in both exporting companies and in their domestic sub-supply enterprises.

In addition, the individual sectors which have been targeted for attention all hold potential for high growth globally, as outlined in the relevant sections of the Action Plan. Maximising the emerging opportunities in these sectors will have a positive effect on employment in the domestic economy, including in areas such as Tourism, Agri-food production, Retail and Wholesale and Construction.

Criminal Prosecutions

309. **Deputy Kevin Humphreys** asked the Minister for Jobs, Enterprise and Innovation the number of criminal cases on an annual basis that have been brought forward to the courts by the Office of Corporate Enforcement whether with or without the gardaí, since it was established in 2001; if he will indicate on an annual basis the number of the cases that have resulted in convictions; the broad reason for each; the length of time the current director has been in place; and if he will make a statement on the matter. [9415/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The Director of Corporate Enforcement is independent in carrying out his statutory functions and is subject to strict confidentiality conditions in relation to those functions. The Office of the Director of Corporate Enforcement publishes an Annual Report in relation to the work of the Office including statistics on the number of civil and criminal enforcement cases brought forward by the Director. Those Reports are available at *www.odce.ie*. The current Director has been in place since the establishment of the Office on 28 November 2001.

Business Regulation

310. **Deputy Thomas P. Broughan** asked the Minister for Jobs, Enterprise and Innovation if he is taking any initiatives to facilitate and encourage the development of the co-operative business model here; and if he will make a statement on the matter. [9418/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Last year, I secured the agreement of Government to draft legislation to ease the regulatory burden on co-operative societies and to make it easier to start up and run a co-operative as an alternative form of enterprise organisation. I hope to publish this Draft Bill during 2012. I expect that the amendments I am proposing will make the co-operative model more attractive for those wishing to use it.

My responsibility lies in the legislative provision for co-operatives in general. Any initiatives to facilitate or promote the development of co-operatives in particular sectors, for example child care, education or housing, would be a matter for my colleagues in the respective Government Departments.

311. **Deputy Gerry Adams** asked the Minister for Jobs, Enterprise and Innovation further to Parliamentary Question No. 483 of 14 February 2012, if he accepts that the lack of fee regulation for receivers and liquidators appointed to companies is to the detriment of unsecured creditors and other creditors further down the preferential chain; if he will consider introducing legislation to deal with this issue; and if he will make a statement on the matter. [9634/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The Companies Acts contain provisions governing the activities of receivers and liquidators, including provisions in relation to fees. In a members voluntary winding up, the members in general meeting, appoint the liquidator and fix his or her remuneration. If the company does not fix the liquidator's remuneration, it may be fixed by the High Court. In a creditors' voluntary winding up, the committee of inspection, or if there is no such committee, the creditors, fix the remuneration to be paid to the liquidator. Within 28 days after the remuneration has been fixed by the committee of inspection or by the creditors, any creditor or contributory who alleges that such remuneration is excessive may apply to the Court to fix the remuneration to be paid to the liquidator.

In addition, in the case of a court ordered liquidation, the Rules of the Superior Court contain provisions in relation to liquidator fees. Where a receiver is appointed on foot of a debenture, his or her remuneration will generally be agreed by the debenture holder. However the Court may, on application to it, fix the amount to be paid by way of remuneration to a person appointed as receiver notwithstanding that the remuneration has already been fixed. The remuneration of a liquidator or receiver appointed by the Court is a matter for Court. In light of the legislative provisions already in place I have no plans for further legislation in this matter.

Departmental Expenditure

312. **Deputy Niall Collins** asked the Minister for Jobs, Enterprise and Innovation the total photography costs for his Department since coming to office; the list of occasions for which photographers were booked over the past year; the breakdown of costs associated with each occasion that a photographer was used; if there is a policy around the booking of photographers within his Department; and if he will make a statement on the matter. [9666/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I can advise the Deputy that the total cost of photography incurred by my Department since coming into office is €2,031. The list of occasions for which photographers were booked and the breakdown of invoiced costs to date associated with each occasion that a photographer was used are as follows:

	€
Small Business Advisory Group Launch	€409
Irish Ambassadors for Female Entrepreneurship	€223
One Millionth Document Filed Online at the Companies Registration Office	€484
Ministerial image shot for Repeat use	€245
Launch of the Final Report of the Sales Law Review Group	€386
Launch of the Report of “The Voice of Small Business”	€284

The Department uses external photographers sparingly and selects from a number of photographic agencies on file. In addition and with a view to keeping costs to a minimum, the Department uses its own facilities and staff to take photographs in-house.

Trade Data

313. **Deputy Seán Kenny** asked the Minister for Jobs, Enterprise and Innovation the balance of trade between the Republic of Ireland and its top 40 trading countries for 2010 and 2011 in order of financial importance; and if he will make a statement on the matter. [9693/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Trade data for the full year 2011 is not yet available from the Central Statistics Office. The requested data in respect of 2010 is set out in the table with the top 40 countries ranked in order of our total trade (exports plus imports) and showing the relevant surplus (or deficit) in each case.

For the calendar year 2010, Ireland’s total exports (Merchandise and Services) were €163.03bn with total imports of €126.70bn, giving an overall surplus of €36.33bn, the highest annual figure on record.

	Country		Services Exports 2010 (€m)	Total Exports 2010 (€m)	Merchandise Imports 2010 (€m)		Total Imports 2010 (€m)	Total Trade (Merchandise and Services) 2010 (€m)	Total Trade Balance 2010 (€m)
1	USA	20,761	5,234	25,995	6,427	24,644	31,071	57,066	-5,076
2	Great Britain and NI	13,752	14,395	28,147	14,813	10,466	25,279	53,426	2,868
3	Germany	6,354	7,760	14,114	3,493	3,482	6,975	21,089	7,139
4	Netherlands	3,091	3,422	6,513	2,226	10,243	12,469	18,982	-5,955
5	Belgium	13,531	1,342	14,873	1,084	1,123	2,207	17,080	12,667
6	France	4,482	5,109	9,591	1,842	3,364	5,206	14,797	4,386

	Country		Services Exports 2010 (€m)	Total Exports 2010 (€m)	Merchandise Imports 2010 (€m)		Total Imports 2010 (€m)	Total Trade (Merchandise and Services) 2010 (€m)	Total Trade Balance 2010 (€m)
7	Italy	2,709	4,204	6,913	780	2,335	3,115	10,028	3,798
8	Spain	3,359	2,350	5,709	666	1,834	2,500	8,209	3,209
9	Switzerland	3,557	1,752	5,309	847	1,575	2,422	7,731	2,888
10	Luxembourg	76	1,081	1,157	28	5,818	5,846	7,003	-4,689
11	China	1,672	1,790	3,462	2,517	302	2,819	6,280	643
12	Japan	1,754	1,323	3,077	798	615	1,413	4,490	1,664
13	Bermuda	0	960	960	0	3,131	3,131	4,092	-2,171
14	Norway	419	738	1,157	1,291	220	1,511	2,668	-354
15	Sweden	672	1,252	1,924	341	369	710	2,634	1,214
16	Denmark	413	805	1,218	779	301	1,080	2,297	138
17	Australia	775	941	1,716	119	405	524	2,240	1,192
18	Russia	373	1,300	1,673	160	196	356	2,029	1,317
19	Poland	592	702	1,294	320	275	595	1,889	699
20	Canada	571	555	1,126	242	494	736	1,861	390
21	Singapore	550	579	1,129	508	148	656	1,785	473
22	Portugal	425	570	995	99	452	551	1,546	444
23	India	162	788	950	301	113	414	1,364	536
24	Finland	291	683	974	190	176	366	1,340	608
25	Hong Kong	819	140	959	235	112	347	1,306	613
26	Austria	312	497	809	165	315	480	1,289	328
27	South Africa	283	654	937	87	209	296	1,233	642
28	Turkey	430	374	804	256	156	412	1,216	392
29	UAE	270	514	784	110	179	289	1,072	495
30	Czech Republic	436	303	739	194	142	336	1,074	403
31	Hungary	162	490	652	202	90	292	944	360
32	*Malaysia	693	*	*	205	*	*	*898	*488
33	South Korea	357	210	567	244	40	284	851	282
34	Mexico	466	64	530	231	27	258	789	272
35	Saudi Arabia	499	235	734	11	42	53	787	681
36	Israel	251	360	611	71	96	167	778	444
37	Taiwan	190	323	513	163	64	227	740	286
38	Greece	307	203	510	29	128	157	667	352
39	Brazil	260	180	440	166	49	215	655	224
40	*Cayman Islands	1	627	628	0	*	*	*628	*628

*Country-specific Services trade data in respect of some countries is suppressed on confidentiality grounds by the CSO and these are marked with an *. Relevant totals in those cases are, accordingly, incomplete.

Ministerial Transport

314. **Deputy Timmy Dooley** asked the Minister for Jobs, Enterprise and Innovation if he uses a State car; the type of car that is used; how often he has used it since coming to office; the cost of the person employed to drive the car; the cost of their salary; the cost of their vehicle expenses; if the person employed as their driver was previously a State employee; if that person is also in receipt of a State pension; the total cost of the service to date; and if he will make a statement on the matter. [9719/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I wish to advise the Deputy that I do not have the use of a State car but instead I use my private car for official business. This arrangement is in accordance with the Government Decision of the 15th March

[Deputy Richard Bruton.]

2011 which in effect extended to Cabinet Ministers the arrangements which have been in place for Ministers of State with regard to the use of private cars in place of State cars.

Under this Government Decision, I may claim mileage expenses in accordance with rates and regulations set down by the Department of Finance. The mileage rates payable include capital costs as well as depreciation, comprehensive insurance (Class 1), maintenance and petrol. Please see below details of mileage expenses which I have received to date:

Details of mileage expenses paid to Minister Bruton 1st May 2011 to 17th February 2012

Date	Purpose of Expenditure	Amount
May 2011 to Feb 2012	Mileage expenses in respect of use of private car for official business	€5,446.73

This arrangement with regard to the use of my private car for official business also makes provision for the employment of two civilian drivers. The salary for a Civilian Driver is €631.75 per week.

Civilian drivers may claim subsistence on the same basis as civil servants with the exception of certain drivers who live more than 24.14kms or more from the G.P.O. Details of subsistence expenses paid to the Civilian drivers are set out below:

Details of subsistence expenses paid to Civilian drivers (Minister Bruton): 1st May 2011 to 17th February 2012.

Driver	Purpose of Expenditure	Amount
Driver 1	Subsistence	€224.86
Driver 2	Subsistence	€398.47

Both of my drivers are former public servants and both are in receipt of a pension from their former employment. However, in accordance with the relevant legislation governing the respective pension schemes of which they were members, their pensions are not subject to abatement.

The total cost of the service to date, covering all of the above elements including employer PRSI contributions in respect of the civilian drivers, is €67,056.

FÁS Training Programmes

315. **Deputy Robert Troy** asked the Minister for Jobs, Enterprise and Innovation if an employer is required under legislation to pay the prescribed rates of pay by FÁS for an apprentice or can they decide to pay a reduced amount; and if he will make a statement on the matter. [9846/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): An apprentice within the meaning of or under the Industrial Training Act 1967 or the Labour Services Act 1987 is paid by the employer during the on-the-job phase of apprenticeship training. Outside of those sectors covered by a Registered Employment Agreement, apprenticeship wage rates are not legally enforceable. The actual rate paid to such apprentices may vary depending on the occupation and employer. Generally, rates are based on the year of apprenticeship training and increase over the course of the apprenticeship.

Pay rates and other terms and conditions of workers, including apprentices, in the Construction, Electrical Contracting and Printing sectors are set out in Registered Employment Agreements that govern those sectors. When registered with the Labour Court, these agreements are

legally binding, not only of the parties to the agreement, but also to others who are in the class, type or group to which the agreements are expressed to apply.

Enforcement of the provisions of a Registered Employment Agreement may be effected by direct complaint to the Labour Court. A trade union may complain to the Labour Court that a particular employer is not complying with a Registered Employment Agreement. If, after investigating a complaint, the Court is satisfied that an employer is in breach of a Registered Employment Agreement the Court may by order direct compliance with the agreement. Failure to comply with such an order is an offence punishable by a fine.

Alternatively, REAs can be enforced by Inspectors of the National Employment Rights Authority (NERA). These inspectors have power to enter premises, inspect wage sheets and other records, interview the employers and workers concerned, recover arrears and, if necessary, take legal proceedings against an employer who is in breach of an REA.

Under the Payment of Wages Act, 1991 an employer may not reduce a worker's pay without his or her agreement.

That Act provides that non-payment of wages or any deficiency in the amount of wages properly payable by an employer to an employee is regarded as an unlawful deduction from wages unless the deficiency or non-payment is attributable to an error of computation.

If an employee considers a reduction in their wages to be an improper deduction from wages or non-payment of wages, the employee can refer a complaint to a Rights Commissioner under the Payment of Wages Act.

Pension Provisions

316. **Deputy Mary Lou McDonald** asked the Minister for Social Protection her plans regarding the introduction of a pension scheme for community employment supervisors and assistant supervisors. [9151/12]

Minister for Social Protection (Deputy Joan Burton): I would refer the Deputies to my reply to Questions Nos. 99, 89 and 102 on 1 December 2011. The position remains unchanged.

Community Development

317. **Deputy Noel Harrington** asked the Minister for Social Protection if she will appoint a senior officer from her Department to negotiate a resolution of a recurring issue between an organisation (details supplied) and the Revenue Commissioners; if she will confirm that an operational grant will be paid to the same organisation for the years 2012 and 2013; and if she will make a statement on the matter. [9679/12]

Minister for Social Protection (Deputy Joan Burton): It was my understanding that the matters raised in correspondence received from the Deputy in regard to Lehanmore Community Co-operative Society had been resolved and that a solution acceptable to the management board had been agreed and sanctioned in the latter months of 2010.

Under the Community Service Programme (CSP), a three year contract is in place until 31 December 2013. Under the terms of the contract, operational funding of €4,000 annually has been awarded to Lehanmore Community Co-operative Society. CSP funding is primarily intended to fund wages however, operational funding is only awarded on an exceptional, hardship basis to relatively few grantees. CSP funding is expressed as a fixed annual contribution towards the costs of employing full time equivalent workers and in many cases a manager. In general, contract holders are responsible for generating sufficient income from trading and other sources to cover all their costs and financial requirements including working capital/cash

[Deputy Joan Burton.]

flow between grant instalments, to supplement wages, to build financial reserves, and to meet other contingencies.

Social Welfare Code

318. **Deputy Sandra McLellan** asked the Minister for Social Protection if she will consider a medical review in the case of a person (details supplied) in County Cork; and if she will make a statement on the matter. [9133/12]

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. An invalidity pension claim in respect of the person concerned was disallowed on the grounds that she is not considered to be permanently incapable of work. She was notified of this decision on 1st December 2010.

The person concerned appealed the decision to the independent Social Welfare Appeals Office. Having considered the available information and medical evidence in this case, including that presented at an oral appeal hearing, the appeals officer upheld the decision and disallowed the appeal. The person concerned was notified of the appeals officer's decision on 26th January 2012. An appeals officer's decision is final and conclusive in the absence of fresh facts or evidence.

It is open to the person concerned to make a new claim for invalidity pension by completing a claim form and forwarding any additional medical evidence she may have which has not previously been submitted to the department. In this event, the claim will be investigated, a decision will be made and she will be notified directly of the outcome.

Departmental Offices

319. **Deputy Terence Flanagan** asked the Minister for Social Protection if all staff at Kilbarack and Coolock social welfare offices, Dublin, have access to the Internet and e-mail; the state of access for all social welfare offices throughout the country; and if she will make a statement on the matter. [9146/12]

Minister for Social Protection (Deputy Joan Burton): I wish to advise the Deputy that all Departmental staff have access to the internet and e-mail to support them in carrying out their work.

Social Welfare Code

320. **Deputy Nicky McFadden** asked the Minister for Social Protection if any derogation from the reduced employers' redundancy rebate will be introduced for small and medium sized enterprises; and if she will make a statement on the matter. [9150/12]

Minister for Social Protection (Deputy Joan Burton): The primary purpose of the redundancy payments scheme is to compensate workers, under the Redundancy Payments Acts, 1967 to 2011, for the loss of their jobs by reason of redundancy. Compensation is based on the worker's length of reckonable service and reckonable weekly remuneration, subject to a ceiling of €600 per week.

It is the responsibility of the employers to pay statutory redundancy to all their eligible employees. An employer who pays statutory redundancy payments to the employees is then entitled to a rebate from the State. Rebates to employers and lump sums paid directly to employees are paid from the Social Insurance Fund (SIF). Significant and increasing amounts

have been paid out in redundancy rebates to employers from the SIF in recent years. While the SIF is constituted primarily from employer contributions, the taxpayers' contribution is also significant. One of the factors which influenced the Government's decision to revise the rebate rate was the increasing costs of rebates in recent years.

The deficit in the Social Insurance Fund is a matter of concern. Prior to the implementation of the revised rebate, the Social Insurance Fund refunded employers 60 per cent of the cost of making people redundant. €152.2 million was paid out in rebates to employers in 2006; €167.4 million was paid in 2007; €161.8 million was paid in 2008; €247.9 million in 2009; €373.2 million in 2010 and €188.2 million in 2011. The amounts paid out in lump sums to employees have also increased.

As part of the deliberations on Budget 2012 it was decided that the 60% level of rebate is not sustainable in the current economic climate. While I acknowledge that this may cause difficulties for employers it should be noted that redundancy rebate payments to employers are not common in many EU and other jurisdictions.

Community Employment Schemes

321. **Deputy Mary Lou McDonald** asked the Minister for Social Protection further to her commitment to community employment schemes that in the event that the changes in the training and material grant announced in the budget create financial difficulties for schemes, that her Department will continue to provide funding for those schemes until the completion of the financial review and that the internal guidance to officials is that up to €1,000 may be available to a scheme in respect of the training and materials grant for this year, subject to demonstration of need; the additional funding she has put in place to enable officials award up to €1,000. [9162/12]

Minister for Social Protection (Deputy Joan Burton): As indicated, my Department will continue to provide funding for all Community Employment schemes while the financial review is underway. This review will be completed at the end of March 2012.

Department officials are meeting with projects on an individual basis and making the necessary arrangements in relation to short term funding issues. This funding is being met from within the Department's allocation. As this process is on-going and the funding requirement varies from project to project, the full details of the funding arrangements for each project will not be available until the review process is completed.

Social Welfare Benefits

322. **Deputy Eric Byrne** asked the Minister for Social Protection if arrears for the period December 2008 and September 2009 will be forwarded to a person (details supplied); and if not, the reason therefor; if his attention has been drawn to the fact that this person was refused the one parent family allowance in view of the fact that they took up an offer of a VTOS course, however, the person believes that social protection guidelines at the time were contrary to this and actually allowed for a payment of one parent family allowance to someone if they took up a VTOS course; and if she will make a statement on the matter. [9163/12]

Minister for Social Protection (Deputy Joan Burton): The person concerned was paid job-seeker's benefit from 15 December 2008 to 30 September 2009 when she commenced a VTOS course. While on the VTOS course she received a weekly training allowance equivalent to the maximum personal rate of jobseeker's benefit plus an increase in respect of a qualified child.

[Deputy Joan Burton.]

The person concerned applied for one parent family payment from 17 September 2009. Her application was disallowed as she had secured a position on a VTOS course and this decision was upheld on appeal. Persons in receipt of one parent family payments are also eligible for VTOS courses provided they are in receipt of payment prior to commencement of the VTOS course.

Social Welfare Appeals

323. **Deputy Martin Heydon** asked the Minister for Social Protection the position regarding an appeal for mortgage interest supplement in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [9165/12]

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 3rd December 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 10th 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.

Social Welfare Code

324. **Deputy Clare Daly** asked the Minister for Social Protection the reason persons in receipt of disability payments are ineligible for the JobBridge scheme. [9169/12]

Minister for Social Protection (Deputy Joan Burton): The National Internship Scheme is currently 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.

Given the scale of the unemployment crisis, it is important that as employment opportunities become available they are taken up by those on the Live Register. The key objective of labour market policy is 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.

Individuals who are in receipt of a disability allowance however can access the Work Placement Programme, which provides participants with a work experience placement of between two and nine months. During this time participants may be able to retain their social welfare entitlements.

In addition, people in receipt of a disability allowance can access a range of other specific programmes, such as the Supported Employment Programme and the Wage Subsidy Scheme.

Both of these programmes aim to assist people with a disability to secure and maintain a job in the labour market. Our 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 Disability Allowance forms part of this broader review process.

Social Welfare Benefits

325. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the reason for the delay in awarding of rent support in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [9172/12]

Minister for Social Protection (Deputy Joan Burton): The person concerned made an application for rent supplement on the 25th of January 2012. He was required to reduce his rent to the limit applicable to a single person. The person concerned is not the primary carer of the child and is not in receipt of a child dependant allowance on his current FÁS payment. The person concerned has no history of providing rental accommodation at the higher rate and hence must reduce his rent accordingly.

Social Welfare Code

326. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the definition of light work as in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [9173/12]

Minister for Social Protection (Deputy Joan Burton): Light category work involves a mix of sitting, standing and walking. It may also involve some occasional exertion. The following are examples of light categories of work: assembly, packing, sorting, systems surveillance, security, stocking, office work, and sales assistant. Light work may be defined as follows: “Physical demand requirements are in excess of those for sedentary work. Light work usually requires walking or standing to a significant degree. However, if the use of the arm and/or leg controls requires exertion of forces greater than that for sedentary work and the worker sits most of the time, the job is rated light work. Exerting up to 20 pounds of force occasionally and or up to 10 pounds of force frequently, and/or negligible amount of force constantly to move objects.” (Reed P. 1997. *The Medical Disability Advisor*. Reed Group, CO. USA.)

Evidence based medicine suggests that a return to work, where possible, offers the best outcome for most patients. Of course, further medical evidence can always be submitted if there is a change in circumstances and the case will be re-considered.

Social Welfare Appeals

327. **Deputy Brendan Griffin** asked the Minister for Social Protection when a decision will issue on a carer’s allowance appeal in respect of a person (details supplied) in County Kerry; and if she will make a statement on the matter. [9179/12]

Minister for Social Protection (Deputy Joan Burton): Further to my response to PQ 39097/11 on 7th December 2011, I am advised by the Social Welfare Appeals Office that there is no update to the information given previously. 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.

Redundancy Payments

328. **Deputy Catherine Murphy** asked the Minister for Social Protection If she has received

[Deputy Catherine Murphy.]

an RP50 within the past year in respect of a person (details supplied) in County Kildare; if the redundancy is paid directly to the former employee in all cases; if not, the arrangements in place to ensure that the eligible recipient receives the statutory redundancy; and if she will make a statement on the matter. [9199/12]

Minister for Social Protection (Deputy Joan Burton): The time limit for making a claim for a redundancy lump sum payment is 52 weeks after the date of termination of employment. A redundancy lump sum claim in respect of the person concerned was manually submitted on 30 November 2011. The date of termination of employment detailed on the application form is 5 July 2009 and therefore the time limit for making a claim for a redundancy lump payment has expired.

Social Welfare Benefits

329. **Deputy Michael McNamara** asked the Minister for Social Protection her plans to institute an income supplement scheme similar to family income supplement that can be availed of by citizens who are childless; if she will consider such a measure in view of the fact that many childless persons have onerous financial commitments incurred during the boom years; and if she will make a statement on the matter. [9223/12]

Minister for Social Protection (Deputy Joan Burton): The Family Income Supplement (FIS) provides income support for employees with families on low earnings. This preserves the incentive to remain in employment in circumstances where the employee might otherwise only be marginally better off than if he or she were in receipt of other social welfare payments. The question of introducing a similar scheme for persons of working age without children would have to have regard to a number of factors including the arrangements already in place to provide income support to people of working age on low incomes, through schemes such as jobseeker's allowance and the part-time job incentive scheme which is available to those who were previously on a jobseekers payment for 15 months or more and are now working under 24 hours per week while seeking full time employment; and the cost of introducing such a measure in the context of the need to prioritise the use of the limited resources available for the development of the wider social welfare system. There are no plans to introduce a scheme of the nature suggested. The introduction of such a scheme would have to be considered in a budgetary context.

Social Welfare Appeals

330. **Deputy Marcella Corcoran Kennedy** asked the Minister for Social Protection when a domiciliary care allowance appeal will be processed in respect of a person (details supplied) in County Offaly; and if she will make a statement on the matter. [9234/12]

Minister for Social Protection (Deputy Joan Burton): I am advised by the Social Welfare Appeals Office that following the submission of additional evidence, in this case, the Appeals Officer has revised his decision and has allowed the appeal. The person concerned has been notified of the revised decision. 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.

331. **Deputy Gerry Adams** asked the Minister for Social Protection the position regarding an appeal for invalidity pension in respect of a person (details supplied) in County Louth; in

view of the time elapsed since the original application, can the appellant be granted an oral hearing as a matter of urgency; and if she will make a statement on the matter. [9235/12]

Minister for Social Protection (Deputy Joan Burton): I am advised by the Social Welfare Appeals Office that an Appeals Officer having fully considered all the available evidence disallowed the appeal of the person concerned by way of a 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 his 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.

332. **Deputy Peter Mathews** asked the Minister for Social Protection the position regarding an appeal in respect of a cut to disability allowance in the case of a person (details supplied) in Dublin 16; if she will provide a timeframe for when this appeal will be completed; and if she will make a statement on the matter. [9246/12]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that the appeal from the person concerned was assessed by a Medical Assessor of the Social Welfare Services who was of the opinion that he was capable of work. He appealed this decision and in that context the appeal was assessed by another Medical Assessor who also expressed the opinion that he was capable of work.

In the light of this, it was decided to afford the person concerned an opportunity of setting out the complete and up to date grounds of his appeal and to furnish any further medical evidence that he wished to submit in support of his appeal. These have been received and the disability allowance section of the Department has been requested to submit relevant documents to this office on his case. On receipt of their response his appeal will be referred to an Appeals Officer for consideration. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

State Bodies

333. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social Protection the number and names of the State bodies under the aegis of her Department which are subject to the revised code of practice for the governance of State bodies; and if she will make a statement on the matter. [9264/12]

334. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social Protection if she has received the annual report on corporate governance from all State bodies under the aegis of her Department which are subject to the revised code of practice for the governance of State bodies for 2010 as required under section 13.1 of the code, if not, if she will outline which State bodies have not done so and if having reviewed the reports she is satisfied that all State bodies are complying with the provisions of the code; and if she will make a statement on the matter. [9270/12]

Minister for Social Protection (Deputy Joan Burton): I propose to take Questions Nos. 333 and 334 together.

[Deputy Joan Burton.]

The three statutory bodies operating under the aegis of the Department are the Social Welfare Tribunal, the Citizens Information Board and the Pensions Board. In addition, the Office of the Pensions Ombudsman comes under the remit of the Department but it does not have a Board.

Social Welfare Tribunal

The revised Code of Practice for the Governance of State Bodies does not apply to the Social Welfare Tribunal due to its structure and purpose. The Tribunal deals with cases where entitlement to Jobseeker's Benefit or Assistance is refused due to an involvement in a trade dispute. All Tribunal decisions are recorded in a Register of Adjudications and a copy of the decision is sent to the Minister, the applicant, the employer and to any other interested person. The Tribunal does not produce an annual report.

Citizens Information Board

The Citizens Information Board operates in accordance with the Revised Code of Practice for the Governance of State Bodies and has complied with all requirements of Section 13.1 of the Code. The Statement on Internal Financial Control reflects the Board's compliance with the Code. The Board's Financial Statements have been audited and certified by the Comptroller and Auditor General.

The Annual Report for 2010 was received by me in December 2011.

Pensions Board and Office of the Pensions Ombudsman

The Pensions Board and the Office of the Pensions Ombudsman both operate in accordance with the Revised Code of Practice for the Governance of State Bodies. This is reflected in the Statements on Internal Financial Control contained in the Annual Reports of these bodies. The Comptroller and Auditor General has reviewed these Statements on Internal Financial Control and confirmed compliance.

The Annual Report of the Pensions Board for 2010 was accepted by the Department in May 2011 and launched by me in June 2011.

The Annual Report of the Office of the Pensions Ombudsman for 2010 was accepted by the Department in November 2011.

National Employment and Entitlement Service

335. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social Protection her plans to consult stakeholders regarding the establishment of the National Employment and Entitlements Service; the timeframe for the establishment of the NEES; and if she will make a statement on the matter. [9276/12]

Minister for Social Protection (Deputy Joan Burton): The establishment of the National Employment and Entitlement Service (NEES) was approved by the Government in July 2011 and subsequently the NEES project plan was published by me in August 2011. As outlined in the published plan, the development and implementation of the NEES is a four year project spanning 2011-2014. Detailed implementation and delivery targets and key milestones are set out covering each area of the implementation process.

In the establishment and development of the NEES, the Department has already engaged on a bilateral basis with a number of stakeholders and has also held a number of briefings and consultations with customer representative groups on the implementation of the new integrated service. In addition an external Advisory Group is being established to advise on the implementation of the new service and I expect to announce the membership of this group shortly.

Employment Support Services

336. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social Protection the measures she will undertake to monitor compliance by employers with the requirements of the JobBridge scheme; and if she will make a statement on the matter. [9277/12]

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 78 days in the last 6 months. Participation on the Scheme is voluntary.

The aim of JobBridge is to assist individuals bridge the gap between unemployment and the world of work. JobBridge aims to offer individuals of all skill levels, ranging from those who left school early to highly qualified graduates, a unique opportunity to develop new skills and earn valuable experience. JobBridge can offer a diverse range of jobseekers a chance that will at the very least improve their prospects of securing employment in the future. In this regard, you should note that the scheme is not designed solely for graduates, it is open to all individuals who meet the eligibility criteria irrespective of their skill levels. Low skilled individuals have a right to access an activation measure that is specifically designed to improve their skills, enhance their experience and improve their chances of securing employment.

Postings on the JobBridge website are monitored in accordance with the criteria governing the scheme. Internships not in accordance with the intent of the scheme are removed.

Control mechanisms and conditions have been put in place to protect the integrity of the scheme and to ensure that the intern and host organisation both benefit from the arrangement.

To ensure compliance, DSP are monitoring internships to ensure that they are of sufficient quality and that both host organisations and interns are abiding by the spirit and the rules of the scheme. Host Organisations must also complete monthly online compliance returns.

A 'whistle blowing' feature has been introduced where any individual who suspects that an internship may be in breach of the scheme's criteria may contact the JobBridge team. All such claims will be investigated.

337. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social Protection further to Parliamentary Question No. 193 of 6 December 2011, if she has awarded the contract for the evaluation of the JobBridge scheme and to whom; if so, when she expects the evaluation to be completed; and if she will make a statement on the matter. [9278/12]

Minister for Social Protection (Deputy Joan Burton): JobBridge, the National Internship Scheme, came into operation on 1st July 2011. As of 17th February, a total of 4,791 internships have commenced.

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 the successful vendor will be selected 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 indi-

[Deputy Joan Burton.]

vidual to provide them with a pathway to employment and to prevent and reduce long term unemployment

It is anticipated that the evaluation will be completed by the end of the first quarter 2013.

Social Welfare Appeals

338. **Deputy Marcella Corcoran Kennedy** asked the Minister for Social Protection when a decision on an illness benefit appeal will issue in respect of a person (details supplied) in County Offaly; and if she will make a statement on the matter. [9300/12]

Minister for Social Protection (Deputy Joan Burton): Payment of illness benefit, to the person concerned, was disallowed by a Deciding Officer following an examination by a Medical Assessor of the Department who expressed the opinion that she was capable of work.

An appeal was registered on 14th December 2011 and the Social Welfare Appeals Office has advised me that, in accordance with statutory requirements, the Department was asked for the documentation in the case and the Deciding Officer's comments on the grounds of the appeal. In that context, an examination by another Medical Assessor will be carried out. The person concerned will be notified when arrangements for the examination have been completed.

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

339. **Deputy Paschal Donohoe** asked the Minister for Social Protection the position regarding a review of the social welfare system whereby those self-employed may gain jobseeker's assistance; and if she will make a statement on the matter. [9307/12]

347. **Deputy Dara Calleary** asked the Minister for Social Protection her plans to extend full welfare benefits to self-employed persons on a par with PAYE employees; and if she will make a statement on the matter. [9349/12]

Minister for Social Protection (Deputy Joan Burton): I propose to take Questions Nos. 339 and 347 together.

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 job-seeker'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 Welfare Appeals

340. **Deputy Marcella Corcoran Kennedy** asked the Minister for Social Protection the position regarding an appeal in respect of a person (details supplied) in County Laois; and if she will make a statement on the matter. [9315/12]

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 8th February 2012. 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. When received, the appeal in question will be referred to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Benefits

341. **Deputy Mary Lou McDonald** asked the Minister for Social Protection the reason a person (details supplied) will have their weekly payments reduced by €50. [9319/12]

Minister for Social Protection (Deputy Joan Burton): The person referred to was deemed eligible for participation on Community Employment (CE) on the basis of his duration in receipt of Unemployment Assistance. His weekly CE payment is calculated on this basis and with reference to previous UA and child dependent payments received from the Department. I can confirm that no payment reduction will be applied to those participating on CE and falling in to this category.

Social Welfare Appeals

342. **Deputy Simon Harris** asked the Minister for Social Protection the position regarding an appeal against a refusal to grant domiciliary care allowance in respect of a person (details supplied) in County Wicklow; if she will provide a time frame for when this appeal will be completed; and if she will make a statement on the matter. [9340/12]

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 1st February 2012. 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. When received, the appeal in question will be referred 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.

343. **Deputy Simon Harris** asked the Minister for Social Protection the position regarding an appeal against the refusal to grant carer's allowance in respect of a person (details supplied) in County Wicklow; if she will provide a time frame for when this appeal will be completed; and if she will make a statement on the matter. [9341/12]

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 23rd January 2012. 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. When received, the appeal in question will be referred to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Benefits

344. **Deputy Richard Boyd Barrett** asked the Minister for Social Protection the reason a person (details supplied) has been refused a clothing allowance despite having been in receipt of this allowance for many years and also has been refused an orthopaedic bed despite it being recommended by their general practitioner. [9344/12]

Minister for Social Protection (Deputy Joan Burton): The person concerned was refused a clothing allowance on 11 August 2010 and the decision was upheld on appeal on the grounds that no medical evidence was submitted that he suffers from a chronic ailment or serious illness that gives rise to a need for extra clothing.

The person concerned was awarded an orthopaedic mattress in August 2006. His request for assistance with an orthopaedic mattress in March 2009 was refused as he was assisted with the same request less than three years previously.

345. **Deputy Brian Walsh** asked the Minister for Social Protection the position regarding an application for carer's allowance in respect of a person (details supplied) in County Galway; and if she will make a statement on the matter. [9346/12]

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 concerned. 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

346. **Deputy Dara Calleary** asked the Minister for Social Protection the position in regarding an appeal for invalidity pension in respect of a person (details supplied) in County Donegal. [9347/12]

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 12th January 2012. 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. When received, the appeal in question will be referred to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Question No. 347 answered with Question No. 339.

Social Welfare Code

348. **Deputy Finian McGrath** asked the Minister for Social Protection if she will support a proposal (details supplied) on the habitual residence condition in the Social Welfare Bill. [9353/12]

353. **Deputy Dan Neville** asked the Minister for Social Protection in relation to carer's allowance applications for family carers returning to Ireland for caring duties, if she is in favour of removing the habitual residence condition for such applications. [9397/12]

Minister for Social Protection (Deputy Joan Burton): I propose to take Questions Nos. 348 and 353 together.

Carers allowance is a means tested social assistance payment made to persons who are unable to work because they are providing full time care and attention to older people or people with disabilities. The provisional outturn for carers in 2011, including carer's allowance, carer's benefit and respite care grant was approximately €658 million. This does not include the cost of the household benefits package or free travel which carers also receive. In 2011, there were almost 52,000 people in receipt of carers allowance from my Department; 22,000 of whom were getting half-rate carers allowance in addition to another social welfare payment, an increase of almost 40% since 2008.

The habitual residence condition, as provided for in section 246 of the Social Welfare (Consolidation) Act, 2005 (as amended), applies to claims for jobseeker's allowance, non-contributory State pension, blind pension, non-contributory widow's and widower's pensions, guardian's payment, one-parent family payment, carer's allowance, disability allowance, supplementary welfare allowance including rent supplement, and child benefit. The effect of the condition is that a person whose habitual residence is elsewhere is not qualified for these payments in Ireland. The purpose of this condition is to safeguard the social welfare system from abuse by restricting access for people who are not economically active and who have little or no established connection with Ireland.

The legislation directs the deciding officer to take into consideration all the circumstances of the case, including, in particular, the following factors specified by the European Court of Justice:

1. The length and continuity of residence in the State or in any other particular country;
2. The length and purpose of any absence from the State;
3. The nature and pattern of the person's employment;
4. The person's main centre of interest; and
5. The future intentions of the person concerned as they appear from all the circumstances.

[Deputy Joan Burton.]

I have no plans to change this requirement for carer's allowance. The operation of the scheme is kept under review to ensure it operates fairly and that applicants are not being refused without full and appropriate consideration. There are a number of issues which contribute to rejection on HRC grounds. These include:

- The applicant's main centre of interest clearly being outside Ireland, including Irish nationals returning home who clearly indicate that their homes, lives and future intentions are out of this State and that their stay in Ireland is of a short duration;
- Failure to provide relevant documentation (such as proof that they have terminated their employment, residency, closed bank accounts abroad etc.) or no documentation at all;
- Clear evidence that an applicant is continuing to receive welfare from another jurisdiction based on their residency there, for example a person receiving disability living allowance based on their residency in Northern Ireland;
- Persons who make multiple applications in a very short time for different allowances such as jobseekers, disability and carers.

The Deputies should be aware that the number of applications for carer's allowance refused on grounds of habitual residency is small. In 2011, 13,888 applications for carer's allowance were processed. Of these, 223 were refused on the basis of habitual residency, of which 42 were Irish nationals. This means that, in 2011, approximately 1.6% of all applications were refused on habitual residency grounds.

Employment Support Services

349. **Deputy Maureen O'Sullivan** asked the Minister for Social Protection if there are plans to allow college and university students unemployed during summer months to gain experience in their area through JobBridge, although they have not been claiming the required three months of jobseeker's benefit or allowance in order to avail of such opportunities; if long-term college or university students may be exempt from the three month social welfare claim criteria needed to access JobBridge support in order to help students gain sufficient experience to compete in the market by the time they graduate and avoid emigration; and if she will make a statement on the matter. [9374/12]

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. However, currently there are no plans to exempt any categories or individuals from the three month social welfare claim criteria.

Social Insurance

350. **Deputy Michael McGrath** asked the Minister for Social Protection her plans to levy PRSI on the rental income earned by landlords; and if she will make a statement on the matter. [9377/12]

Minister for Social Protection (Deputy Joan Burton): Employees who do not have additional earned income other than earnings from employment, do not currently pay PRSI on unearned income, such as rental income.

One of my key goals in the Department is to reform the system of social protection to put it on a sounder financial footing in the future. One of the matters I am most concerned about is the deficit in the Social Insurance Fund. It is my intention to widen the PRSI income base to make certain types of unearned income, such as rental income, liable to PRSI. Any proposal to bring additional sources of income within the base on which PRSI is charged would have to be considered taking account of all of the implications, including the potential for providing access to additional social insurance entitlements.

Data Protection

351. **Deputy Michael McGrath** asked the Minister for Social Protection if she will provide details of the number and nature of cases that she has referred to the Data Protection Commissioner relating to the possible access to and use of confidential, personal information held on its IT systems; and if she will make a statement on the matter. [9378/12]

Minister for Social Protection (Deputy Joan Burton): My Department, because of the nature of its work, holds extensive and detailed personal information about our customers. It takes its obligations to its customers under the Data Protection Acts 1988 and 2003 very seriously and takes the strongest line in relation to the misuse of customer information. Any breach of trust by staff with regard to the confidentiality of information is treated as serious misconduct under the Civil Service Disciplinary Code.

Since 2008, two data breach incidents have been brought to the attention of the Data Protection Commissioner's Office. One case involved the theft of laptop computer from an office used by staff from the Office of the Comptroller and Auditor General. This contained records of some 380,000 DSP customers. The second case led to recent court action taken by the Data Protection Commissioner against three insurance companies and is currently the subject of a continuing Garda investigation.

[Deputy Joan Burton.]

Over the last number of years the Department has strengthened security and data protection protocols. The security of systems and processes is regularly reviewed and there is password protection on all accounts. A dedicated unit has been established to oversee business information protection across the Department and has developed and communicated policies and procedures covering the use of systems and data. Staff are regularly reminded of their obligations under data protection and security policies and the penalties applied to such misuse.

Social Welfare Appeals

352. **Deputy Noel Coonan** asked the Minister for Social Protection when an application for domiciliary care allowance appeal will be finalised in respect of a person (details supplied) in County Tipperary; and if she will make a statement on the matter. [9394/12]

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 1st February 2012. 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. When received, the appeal in question will be referred to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Question No. 353 answered with Question No. 348.

Question No. 354 withdrawn.

Social Welfare Benefits

355. **Deputy Finian McGrath** asked the Minister for Social Protection if persons who are constantly involved in crime may claim benefits all of the time, for example, if a drug dealer out on bail can claim social welfare benefits. [9402/12]

Minister for Social Protection (Deputy Joan Burton): As my department has outlined in previous correspondence to the deputy, persons awaiting trial may generally continue to satisfy the scheme conditions pertaining to the working age schemes, such as jobseeker's allowance, disability allowance and one-parent family payment. Disallowances under social welfare legislation apply in respect of periods of imprisonment but, as it is not the role of my department to presuppose the outcome of a trial, no specific restrictions apply in respect of persons on bail. There are no plans to change policy in this area.

Question No. 356 withdrawn.

Social Welfare Appeals

357. **Deputy Brian Walsh** asked the Minister for Social Protection the position regarding a scope application appeal in respect of a person (details supplied) in County Galway; and if she will make a statement on the matter. [9417/12]

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.

358. **Deputy Brian Walsh** asked the Minister for Social Protection the position regarding a disability allowance appeal application in respect of a person (details supplied) in County Galway; and if she will make a statement on the matter. [9420/12]

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 his 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.

359. **Deputy Noel Coonan** asked the Minister for Social Protection when an application for disability allowance appeal will be finalised in respect of a person (details supplied) in County Tipperary; and if she will make a statement on the matter. [9457/12]

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 19 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 be sought. These papers were received in the Social Welfare Appeals Office on 12 January 2012 and the appeal will be assigned, in due course, to an Appeals Officer who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Question No. 360 withdrawn.

361. **Deputy Noel Coonan** asked the Minister for Social Protection when an application for invalidity allowance will be finalised in respect of a person (details supplied) in County Limerick; and if she will make a statement on the matter. [9459/12]

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 29

[Deputy Joan Burton.]

September 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 7 October 2011 and the appeal was assigned to an Appeals Officer on 22 November 2011 who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

362. **Deputy Sandra McLellan** asked the Minister for Social Protection if she will have files sent from the disability section to the appeals office immediately for an appeal that was lodged on 19 December 2011 in respect of a person (details supplied); her views that three months is an acceptable amount of time to have to wait for files to be sent from a department to the appeals office; when a decision will issue on the appeal of the person; and if she will make a statement on the matter. [9470/12]

Minister for Social Protection (Deputy Joan Burton): The person concerned applied for disability allowance on 13 May 2011. The medical evidence supplied with his claim was referred to one of the department's medical assessors who was of the opinion, based on the information supplied, that the person was not medically suitable for disability allowance. The deciding officer accepted this opinion and the claim was refused and the person was notified in writing of this decision on 27 July 2011.

Further medical evidence received was referred to one of the Department's medical assessors who was also of the opinion, based on the information supplied, that the person was not medically suitable for disability allowance. The deciding officer accepted this opinion and the original decision to refuse the claim remained unchanged. The person was notified in writing of this outcome on 14 November 2011.

The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 19 December 2011. The Department was notified of this appeal on 22 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.

On 17 January 2012 the Department received further medical evidence from the appeals office which they had received on behalf of the person. As part of the person's appeals process, the Department referred all the medical evidence received in the case to another medical assessor for an appeal review. The medical assessor's opinion was received on 17 February 2012 and he is also of the opinion, based on all the information supplied, that the person is not medically suitable for disability allowance. The deciding officer will now give their comments and refer the file to the Social Welfare Appeals Office. When received, the appeal in question will be referred, in due course, to an Appeals Officer who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing.

363. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the current position in respect of an outstanding appeal for child benefit in the case of a person (details supplied) in County Meath; when a decision will be made in respect of same; and if she will make a statement on the matter. [9497/12]

Minister for Social Protection (Deputy Joan Burton): The initial claim for child benefit from the person concerned was disallowed on 14 December 2005 as she was not considered to be habitually resident. This decision was not appealed.

A second application was received on 15 March 2011 and was again disallowed on habitual residence grounds. The person concerned was notified of this decision on 29 September 2011 and she was advised of her right of appeal within twenty one days. As this decision was not appealed the case is now closed.

Social Welfare Code

364. **Deputy Eric Byrne** asked the Minister for Social Protection if she will confirm that persons engaged and employed as school wardens will be automatically paid jobseeker's allowance during the holiday periods, mid-term breaks, Easter, summer and Christmas; her view on whether the time taken to process these payments is unfair; if she will endeavour to ensure that the system of payments to school wardens will be improved; and if she will make a statement on the matter. [9503/12]

Minister for Social Protection (Deputy Joan Burton): My Department is committed to delivering the best possible service to its clients and in this regard all operational procedures are subject to continuous business process improvement supported by modern technology.

Under social welfare legislation it is not possible to automatically award job-seeker claims to educational workers in the circumstances you describe. In the past, this has led to difficulty in dealing with the large numbers of educational sector workers making claims during the mid-term, Easter and summer breaks. In order to deal with this volume of claims in a more efficient manner, a new system has been introduced whereby a jobseeker's application form is automatically issued to these workers, including school wardens, in advance of the short breaks thereby removing the need for these clients to call into the office. These clients are now only required to attend at a social welfare local office in person once per year during the summer break. This initiative delivers an enhanced service to clients and allows resources to be better utilised.

Asylum Support Services

365. **Deputy Ciara Conway** asked the Minister for Social Protection the position regarding families in direct provision centres (details supplied); and if she will make a statement on the matter. [9528/12]

Minister for Social Protection (Deputy Joan Burton): Since April 2000 the needs of asylum seekers are catered for under the direct provision system operated by the Reception and Integration Agency of the Department of Justice, Equality and Law Reform. Under the system asylum seekers are provided with full board accommodation and other facilities such as laundry services and access to leisure areas. To take account of the services provided, a direct provision allowance of €19.10 per adult per week and €9.60 per child per week is payable in respect of any personal requisites required. This payment is currently being made by the Community Welfare Division of the Department of Social Protection on behalf of the Department of Justice, Equality and Law Reform.

It continues to be open to any asylum seeker to seek assistance for a particular once-off need by way of an exceptional needs payment under the supplementary welfare allowance scheme. There is no automatic entitlement to any such payment and there are no time bound restrictions. Each application is determined based on the particular circumstances of the case.

Social Welfare Code

366. **Deputy Dara Murphy** asked the Minister for Social Protection the reason certain supplementary welfare payments, for example, the diet supplement, are based on the 2007 social

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welfare payment rate and not the current level of social welfare payment; and if she will make a statement on the matter. [9530/12]

Minister for Social Protection (Deputy Joan Burton): Any person who is receiving a social welfare or health service executive payment who has been prescribed a special diet as a result of a specified medical condition, and whose means are insufficient to meet their needs, may qualify for a diet supplement under the supplementary welfare allowance scheme.

The amount of diet supplement payable in individual cases is calculated by assessing one-third (single people) or one-sixth (couples) of the applicant's weekly income against the cost of the relevant diet.

The last study into the cost of specialised diets was carried out in 2007. Accordingly when diet supplement payments for qualifying individuals are being calculated the social welfare rates for 2007 are used.

The Department intends reviewing the diet supplement scheme in 2012.

367. **Deputy Paschal Donohoe** asked the Minister for Social Protection if she will review the decision to reduce the income disregard for those in receipt of one parent family payment; and if she will make a statement on the matter. [9638/12]

Minister for Social Protection (Deputy Joan Burton): The earnings disregard in the one-parent family payment (OFP) aims to support a lone parent to enter employment by contributing to the costs of taking up employment, including childcare. Prior to 2012 a lone parent could earn up to €146.50 per week and retain their full OFP. From 1 January, 2012, an OFP recipient can earn up to €130 per week and receive the full rate of the OFP. Half of the earnings over this amount are assessed as means up to a maximum of €425 per week — with a reduced rate of OFP payable.

Evidence suggests that the OFP earnings disregard has been successful in encouraging people to enter employment. However, while the disregard does seem to have played a role in facilitating lone parents to enter the workforce, it may also have had the effect of trapping lone parents in low-paid part-time employment in order to keep their earnings below the disregard. The result is that, despite the fact that many lone parents are in employment, relatively small numbers are moving off the OFP scheme because their earnings exceed the upper limit.

The reduction of the OFP earnings disregard moves the scheme towards a single means-tested social assistance payment for people of working age, which is the Department's strategy with regard to means tested income support. This payment will end the categorisation of customers, including lone parents, into different payment types and will instead focus on the person and on their individual capacities. People can then be given, or be directed to, the supports and services that they need in order to return to, or take up, employment, training or educational opportunities.

There are no plans to reverse the reduction of the OFP earnings disregard.

Pension Provisions

368. **Deputy Peter Mathews** asked the Minister for Social Protection the reason a deduction in the pension of a person (details supplied) in Dublin 24 has taken place; and if she will make a statement on the matter. [9647/12]

Minister for Social Protection (Deputy Joan Burton): The person concerned has applied to retire from the civil service on 29th February 2012. Their pension will be calculated in accord-

ance with the entitlements attached to their occupational pension scheme and they will receive their full entitlements.

Departmental Expenditure

369. **Deputy Niall Collins** asked the Minister for Social Protection the total photography costs for her Department since coming to office; the list of occasions for which photographers were booked over the past year; the breakdown of costs associated with each occasion that a photographer was used; if there is a policy on the booking of photographers within her Department; and if she will make a statement on the matter. [9669/12]

Minister for Social Protection (Deputy Joan Burton): Photography services are used, in conjunction with press releases and conferences, to communicate my Department's initiatives, schemes and services to our customers and to the regional and national media. Photography services were used on five occasions over the past year, as set out in the table below. The total cost was less than €2,200.

The procurement of these photography services is carried out in accordance with National and EU procurement procedures.

Date	Purpose	Cost
29th July 2011	Launch of JobBridge	€1,035.16
7th November 2011	Mortgage Arrears Seminar	€254.10
9th November 2011	Social Inclusion Forum	€254.10
21st November 2011	2 Social Inclusion Projects	€326.70
13th February 2012	Launch of the Partial Capacity Scheme	€264.45
Total Cost		€2,134.51

Social Welfare Appeals

370. **Deputy Michael McGrath** asked the Minister for Social Protection the position regarding an illness benefit appeal in respect of a person (details supplied) in County Cork. [9685/12]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 12 September 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 31 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.

371. **Deputy Simon Harris** asked the Minister for Social Protection the position regarding an appeal against a refusal to grant domiciliary care allowance payments in respect of a person (details supplied) in County Wicklow; if the appeal will be processed by the social welfare appeals office; and if she will make a statement on the matter. [9688/12]

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 8th February 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers

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and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. When received, the appeal in question will be referred to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Employment Support Services

372. **Deputy Paul J. Connaughton** asked the Minister for Social Protection the reason a person (details supplied) in County Galway has been excluded from the JobBridge programme, in view of the fact they are available for work and want to work; and if she will make a statement on the matter. [9689/12]

Minister for Social Protection (Deputy Joan Burton): The JobBridge internship programme is provided by the Department to assist jobseekers enter or re-enter the labour market. It is specifically confined to unemployed people in receipt of Jobseekers Allowance, Jobseekers Benefit and jobseekers who are signing for social insurance contribution credits, for a period of 3 months or more.

The person referred to is not eligible to participate on the JobBridge programme as she is not in receipt of JA, JB or signing for credits.

Departmental Staff

373. **Deputy Seán Kenny** asked the Minister for Social Protection the number of persons currently working in social welfare offices (details supplied) by grade; if any of these offices will receive additional staff; and if she will make a statement on the matter. [9694/12]

Minister for Social Protection (Deputy Joan Burton): The Table below details the number of people, and full-time equivalent posts, currently assigned to the Local Offices in Coolock and Kilbarrack.

	Grade	Posts	People
Coolock	Higher Executive Officer	1	1
	Executive Officer	4	4
	Staff Officer	7.8	8
	Clerical Officer	17.1	20
Coolock Total		29.9	33
Kilbarrack	Higher Executive Officer	1	1
	Executive Officer	5	5
	Staff Officer	6.8	7
	Clerical Officer	11.35	12
	Services Officer	1	1
Kilbarrack Total		25.15	26

There are no plans to assign additional staff to Coolock or Kilbarrack local offices. However, work is ongoing to fill existing vacancies by way of redeployment or transfer. The staffing needs

of the Department are continuously reviewed, having regard to workloads and the competing demands arising.

Ministerial Transport

374. **Deputy Timmy Dooley** asked the Minister for Social Protection if she uses a State car; the type of car that is used; how often she has used it since coming to office; the cost of the person employed to drive the car; the cost of their salary; the cost of their vehicle expenses; if the person employed as their driver was previously a State employee; if that person is also in receipt of a State pension; the total cost of the service to date; and if she will make a statement on the matter. [9722/12]

Minister for Social Protection (Deputy Joan Burton): The Government decided in March 2011 to confine the use of state cars from 1 May 2011. Accordingly, I now use my own car for official business. The travel /mileage rates payable depend on the car engine size and also incorporate a number of expense elements associated with the cost of running a car. These cost elements include insurance, full membership of AA/RAC, road tax and licence. The engine size of my car is 1400cc and the rate applicable is 46.25 cent per kilometre.

The mileage costs, which I have claimed since 01 May 2011 to 31 December 2011, amount to €5,825.92.

I have two civilian drivers, both on a remuneration rate of €631.75 per week. They may also claim travel and subsistence allowances, in accordance with the Department of Public Expenditure and Reform regulations for necessary absences on official duties from home and headquarters.

The total cost of travel and subsistence claimed by my drivers to date is €753.15.

One of my drivers was previously employed by An Garda and is in receipt of a Garda pension.

Social Welfare Applications

375. **Deputy Alan Farrell** asked the Minister for Social Protection the procedures for persons applying for social welfare who have literacy problems or reading and writing disabilities; the way these options are communicated clearly to social welfare applicants; and if she will make a statement on the matter. [9730/12]

Minister for Social Protection (Deputy Joan Burton): My Department facilitates access to information on social welfare entitlements for citizens who have literacy problems or reading and writing disabilities.

Written information, including forms and leaflets, is provided in a format accessible for people with specific needs, such as braille, audio tape or large print, on request.

My Department has worked in partnership with the National Adult Literacy Agency (NALA) to implement a “Plain English” policy to ensure that all forms and leaflets are produced in a simple, clear, easy to read format that is accessible to people with different levels of literacy ability. Staff of the Department have undergone training on ‘Plain English’ guidelines by a NALA representative. Information on the range of schemes and services provided by the Department, including documents of interest to people with disabilities, is published on the website www.welfare.ie in accessible HTML code. This allows customers to view these documents in large print view, high contrast view or, alternatively, to use assistive technology to access the content.

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Customers with literacy difficulties may also get assistance in relation to their entitlements or help in completing their forms by contacting my Department directly by telephone or in person at any one of my Department's social welfare local offices or branch offices. Customers may also receive help with any aspect of their application from staff of the Citizens Information Board, which receives funding from my Department.

Social Welfare Appeals

376. **Deputy Gerry Adams** asked the Minister for Social Protection if she will request the social welfare appeals office to schedule, as speedily as possible in view of the lengthy time since initial application, an oral hearing in respect of the disability allowance appeal of a person (details supplied) in County Meath; and if she will make a statement on the matter. [9733/12]

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 18th January 2012. 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. When received, the appeal in question will be referred to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Benefits

377. **Deputy Sandra McLellan** asked the Minister for Social Protection when a carer's allowance application will be approved and processed in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [9742/12]

Minister for Social Protection (Deputy Joan Burton): I confirm that the department is in receipt of an application from the person concerned for an increase in her carer's allowance in respect of a second care recipient. On completion of the necessary investigations relating to all aspect of her claim a decision will be made and the person concerned will be notified directly of the outcome.

378. **Deputy Sandra McLellan** asked the Minister for Social Protection her views on whether 13.5 weeks is an acceptable time to be waiting without a decision being made on a carer's allowance application. [9743/12]

Minister for Social Protection (Deputy Joan Burton): The average time taken to award an application in the quarter ended September 2011 was 17 weeks. Figures for the last quarter of 2011 are unavailable as, due to the introduction of a new claims processing system in the carer's allowance area, new claims are being processed on the new system while older claims are still being processed on the old system. Figures for processing times in January 2012 on the new system will be available shortly.

In order to meet the challenge of increased volumes of new claims for its schemes, the Department has embarked on a major programme of process redesign and modernisation, including the deployment of new computer systems. This new processing system is being introduced for the carer's allowance scheme. The first tranche of new carer's allowance claims began to be processed under the new system in August 2011. It is anticipated that the new system will introduce significant processing efficiencies and a quicker and more responsive service to

the customer. Accordingly, the project is being given high priority and involves a significant level of time and commitment from the relevant staff in the Department. This has had a short-term negative impact on claim processing times which is expected to continue until the completion of the modernisation project in June of this year when all existing carer's allowance claims will be transferred onto the new processing system.

Some 7,698 applications are registered as awaiting a decision at present, down from 8,540 at the beginning of September 2011. I acknowledge that the time taken to process carer's allowance claims at present is not satisfactory but I am satisfied that the Department is taking appropriate steps to resolve the situation. In addition to dealing with the approximately 330 new carer's allowance applications that are received each week, overtime working is being applied to help reduce backlogs that have built up. However, it is expected to be a significant number of months before the backlog is reduced to an acceptable level.

While the new systems and processes will facilitate a significant improvement in overall processing times, it should be noted that individual claims may continue to take some time to process. Delays can also arise if those applying for the allowance are not in a position to supply all the necessary information in support of their claim.

In the meantime, if a person's means are insufficient to meet his or her needs while awaiting a decision on a claim, he or she can apply for a means tested supplementary welfare allowance payment from their local community welfare officer.

379. Deputy Sandra McLellan asked the Minister for Social Protection when a decision will issue on a carer's allowance application in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [9744/12]

Minister for Social Protection (Deputy Joan Burton): The person concerned was refused an increase in her carers allowance in respect of a second care recipient on the ground that, based upon the medical evidence provided, the care recipient is not so disabled as to require full time care and attention as prescribed in regulations. On 16 January 2012 she was notified of this decision and the reason for it. Additional medical evidence has subsequently been received and will be reviewed by a medical assessor. She will be notified directly of the outcome of the review in due course.

Social Welfare Code

380. Deputy Noel Grealish asked the Minister for Social Protection further to Parliamentary Question No. 101 of 8 February 2012, if it is credible for rent supplement not to be considered a competition issue given that it effectively benchmarks rental rates for private rented accommodation; and if she will make a statement on the matter. [9752/12]

Minister for Social Protection (Deputy Joan Burton): The State plays a major role in the private rental market through the rent supplement scheme. As the Department currently funds approximately 40% of the private rented sector it is essential that State support for rents are kept under review, reflect current market conditions and do not distort the market in any way. It is essential that rents are allowed to stabilise from a natural balance of supply and demand, rather than as a result of a price floor funded by the taxpayer.

Rent supplement costs are managed by reviewing and setting maximum rent limits for each county, with the premise that there is adequate supply at or below these levels whilst at the same time ensuring that persons in full-time employment, especially those on low incomes, can enter the private rental market and secure accommodation in their preferred area of choice.

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During the recent rent limit review the Department aligned maximum rent limits to reflect availability in each county for those seeking rent supplement support. The new limits have been designed to follow the market, not to distort or force the market in any way. Rent supplement's maximum limits are not calculated to offer a benchmark to landlords — the most recent review has ensured that this will remain the case.

Pension Provisions

381. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the correct amount of old age pension payable in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [9759/12]

Minister for Social Protection (Deputy Joan Burton): The person concerned has been notified of his entitlements. Based on his PRSI record, he is in receipt of a State pension (contributory) at the maximum personal rate of €230.30 per week, a fuel allowance of €20 per week and an increase for a qualified child of €29.80 per week.

He had previously been in receipt of a living alone allowance of €7.70 per week which was discontinued following the award of a qualified child increase.

Social Welfare Appeals

382. **Deputy Michael Healy-Rae** asked the Minister for Social Protection the reason a person (details supplied) has had their domiciliary care allowance stopped; and if she will make a statement on the matter. [9780/12]

Minister for Social Protection (Deputy Joan Burton): The continued entitlement to domiciliary care allowance of the person concerned was reviewed in January 2011. The completed medical review form was referred to one of the Department's Medical Assessors who found that the child was no longer medically eligible for the allowance. A letter issued on 26th January 2011 advising of the decision.

The person concerned subsequently lodged an appeal against this decision. As part of the appeal process, the case was recently reviewed by a second Medical Assessor who found that the child was medically ineligible for the payment. The file has now been sent to the Social Welfare Appeals Office for consideration of the appeal.

Social Welfare Benefits

383. **Deputy James Bannon** asked the Minister for Social Protection the position regarding an application for disability allowance in respect of a person (details supplied) in County Westmeath; and if she will make a statement on the matter. [9798/12]

Minister for Social Protection (Deputy Joan Burton): I confirm that the Department is in receipt of an application for disability allowance from the above named person. On completion of the necessary investigations on all aspects of the claim a decision will be made and the person concerned will be notified directly of the outcome. The average time taken to process a claim to completion, including assessment of the claimant's means, medical condition and habitual residence status is approximately 17 weeks.

384. **Deputy James Bannon** asked the Minister for Social Protection the position regarding an application for invalidity pension in respect of a person (details supplied) in County Westmeath; and if she will make a statement on the matter. [9799/12]

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 his claim was examined by a medical assessor who was of the opinion that the person concerned is not eligible for invalidity pension as he does not satisfy the medical criteria. The application for invalidity pension was, accordingly, disallowed by a deciding officer. The applicant has been notified of this decision and the reason for it.

385. **Deputy James Bannon** asked the Minister for Social Protection the position regarding an application for carer's allowance in respect of a person (details supplied) in County Longford; and if she will make a statement on the matter. [9802/12]

Minister for Social Protection (Deputy Joan Burton): I confirm that an application for carer's allowance has been received from the person in question in relation to care for the above named persons. On 7 February 2012, the case was referred to an investigative officer of this department for means assessment and confirmation that all conditions necessary for receipt of the allowance are satisfied. On completion of the necessary investigations, a decision will be made and she will be notified directly of the outcome.

386. **Deputy Eric Byrne** asked the Minister for Social Protection if she will outline the rationale behind the decision to refuse an application for back to education allowance in respect of a person (details supplied); if this case will be reviewed; if so, can payment be forthcoming; and if she will make a statement on the matter. [9836/12]

Minister for Social Protection (Deputy Joan Burton): The person concerned was approved for a course of study under the government's springboard initiative which offers people the opportunity to study on a part-time basis while continuing to receive their existing job-seeker's payment.

As the course of study being pursued by the person concerned is not approved as a full-time course he is not entitled to the back to education allowance.

387. **Deputy Brendan Ryan** asked the Minister for Social Protection in view of the new rates in rent supplement, what is expected of tenants in relation to landlords who do not bring their rents down in line with the reduction in rent supplement payments; if there is any protections for persons who may be unable to pay rent; and if she will make a statement on the matter. [9838/12]

Minister for Social Protection (Deputy Joan Burton): The purpose of the rent supplement scheme is to provide short-term income support to assist with reasonable accommodation costs of eligible people living in private rented accommodation who are unable to provide for their accommodation costs from their own resources and who do not have accommodation available to them from another source.

As the Department currently funds approximately 40% of the private rented sector it is essential that State support for rents are kept under review, reflect current market conditions and do not distort the market in a way that could increase rent prices for others, such as low paid workers and students.

New maximum rent limits came into force on 1 January 2012. These new limits are in line with the most up to date market data available. The emphasis of the rent limit review was to

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ensure that maximum value for money for tenants and the taxpayer was achieved whilst at the same time ensuring that people on rent supplement are not priced out of the market for private rented accommodation.

All new rent supplement applications are subject to these limits. Existing claims will be reassessed using the new limits; most claims are reviewed every six months, or when an existing lease expires. 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. Such applicants will be afforded reasonable time periods to secure new accommodation. Department officials administering rent supplement will continue to ensure that the rent supplement recipients' accommodation needs are met. There will be no incidence of homelessness due to these changes.

The rent limit review will have no impact on the income of a person in receipt of rent supplement. The impact of the change in the rent limits will be on the amounts received by landlords who rent to rent supplement recipients.

Question No. 388 withdrawn.

389. **Deputy John McGuinness** asked the Minister for Social Protection if an application for domiciliary care allowance will be expedited in respect of a person (details supplied) in County Carlow. [9855/12]

Minister for Social Protection (Deputy Joan Burton): The continued entitlement to domiciliary care allowance of the person concerned was reviewed in November 2011. The case was referred to one of the Department's Medical Assessors who reviewed the entitlement based on the medical review form submitted and found that the child was no longer medically eligible for the allowance.

The person concerned was notified of the decision on 10th January 2012 and she has appealed the decision. As part of the appeal process, the case has been forwarded to another of the Department's Medical Assessors for further consideration, including a review of any new information supplied. Upon receipt of the Medical Assessor's opinion, the case will be further reviewed and forwarded for consideration by the Appeals Office, as necessary.

Social Welfare Appeals

390. **Deputy John McGuinness** asked the Minister for Social Protection if she will expedite a response to an application now under appeal for domiciliary care allowance in respect of a person (details supplied) in County Carlow. [9856/12]

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 31st January 2012. 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. When received, the appeal in question will be referred to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Question No. 391 withdrawn.

Social Welfare Benefits

392. **Deputy Terence Flanagan** asked the Minister for Social Protection if a disability allowance will be approved in respect of a person (details supplied) in Dublin 9; and if she will make a statement on the matter. [9867/12]

Minister for Social Protection (Deputy Joan Burton): The person concerned applied for disability allowance on 12 May 2011.

The medical evidence supplied with her application was referred to one of the department's medical assessors who was of the opinion, based on the information supplied, that she was not medically suitable for disability allowance. The deciding officer accepted this opinion and the claim was refused and the person was notified in writing of this decision on 21 September 2011.

The person subsequently forwarded further medical evidence in support of her application which was referred to a medical assessor. A decision will shortly be made on the review of the person's application for disability allowance and she will be notified in writing of the result.

393. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social Protection the number of Irish, EU and non-EU citizens refused a welfare payment in 2010 due to failure to satisfy the habitual residence condition. [9868/12]

Minister for Social Protection (Deputy Joan Burton): Statistical information relating to the volume of claims processed by the Department in 2010 is incomplete due to industrial action during which figures were not collected for several months. Furthermore, records of decisions in relation to claims refused on the grounds of Habitual Residence Condition (HRC) were not maintained in sufficient detail in 2010 to permit the segregation of nationalities which would allow the provision of the information requested by Deputy.

I am informed however that 5,906 decisions to refuse a welfare payment due to a customer's failure to satisfy the HRC were recorded in 2010. Of these decisions 650 have been identified as being claims for welfare payments from Irish Nationals refused on the grounds of HRC.

Social Welfare Appeals

394. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social Protection the total number of applications to the social welfare appeals office for the years 2010 and 2011 that were initially refused based on failure to satisfy the habitual residence condition; and if she will provide a breakdown of the number of decisions overturned and upheld. [9869/12]

Minister for Social Protection (Deputy Joan Burton): The figures requested are given in the following table:

Year	No. of HRC Appeals Decisions	Appeals upheld/partially upheld	Appeals disallowed
2010	4,146	747	3,399
2011	5,549	2,369	3,180

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.

Community Employment Schemes

395. **Deputy Martin Heydon** asked the Minister for Social Protection the difference between the Tús scheme and community employment schemes with reduced training grants; her views that the differences between the two schemes is sufficient to warrant two separate administration structures; and if she will make a statement on the matter. [9872/12]

Minister for Social Protection (Deputy Joan Burton): While both Tús and Community Employment (CE) focus on those who are long-term unemployed, and aim to improve the employability and work readiness of participants by providing them with the opportunities to put skills into practice and learn new ones enabling progression to work, further education or skill development opportunities. The aim of CE is to enhance the employability and mobility of disadvantaged and unemployed persons by providing work experience and training opportunities for them within their communities. Placements on Tús are for a 12 month continuous period, while duration on CE varies depending on a person's age and type of scheme (Part-time Integration Option (PTI) or Part-time Job Option (PTO)).

A policy review of the overall range of employment support, activation and work schemes operated by the Department is currently underway. The aim of the review is to assess the schemes, individually and in combination, 'in the light of their contribution to the Department's policy objective of supporting people of working age into employment' and to recommend any changes to the current range of schemes/programmes seen as required on the basis of the analyses carried out'. The review has been underway since mid-2011 and is scheduled for completion by the end of March.

Social Welfare Appeals

396. **Deputy John McGuinness** asked the Minister for Social Protection if an appeal will be expedited in respect of a person (details supplied) in County Kilkenny; and if a repayment arrangement outlined by them in the appeal will be accepted. [9881/12]

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 07th January 2012. 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 23rd 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.

397. **Deputy Michael Healy-Rae** asked the Minister for Social Protection the position regarding rent allowance appeal in respect of a person (details supplied) in County Kerry; and if she will make a statement on the matter. [9882/12]

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 26th 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 be sought. These papers were received in the Social Welfare Appeals Office on 05th 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.

Social Welfare Benefits

398. **Deputy Brendan Griffin** asked the Minister for Social Protection if a domiciliary care allowance payment will be backdated in respect of a person (details supplied) in County Kerry; and if she will make a statement on the matter. [9927/12]

Minister for Social Protection (Deputy Joan Burton): An application for domiciliary care allowance (DCA) was received on 4th July 2011 and was found eligible for the allowance. DCA is payable from the month following receipt of the application unless good cause is shown for the delay in submitting the claim. The allowance was put into payment from 1st of August 2011, the month after the application was made. The person concerned did not indicate on her application form that she was seeking payment from an earlier date.

The person concerned subsequently lodged an appeal against the decision seeking to have the award of DCA backdated. She was informed by the Social Welfare Appeals Office on the 10th December 2011 that the appeal had not been allowed. The decision/appeal process for this application is now complete.

Redundancy Payments

399. **Deputy Brendan Smith** asked the Minister for Social Protection if a company (details supplied) has notified her of redundancies; if so, the rate of rebate that will be applicable in respect of these redundancies; and if she will make a statement on the matter. [9992/12]

Minister for Social Protection (Deputy Joan Burton): Some 17 redundancy rebate claims in respect of the company concerned have been received.

Where the date of dismissal for the purposes of redundancy occurs on or before 31 December 2011 a 60% rebate rate will apply. The dates of dismissal detailed on the 17 claims are in 2011 and, accordingly, a 60% rebate rate will apply to these claims.

Turbary Rights

400. **Deputy Pat Breen** asked the Minister for Arts, Heritage and the Gaeltacht if a person (details supplied) in County Clare will be facilitated; and if he will make a statement on the matter. [9167/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): The land referred to in the Deputy's Question is situated in one of 24 raised bog special areas of conservation (SACs) affected, from the end of last year, by the cessation of turf cutting for reasons of environmental protection under the EU Habitats Directive.

In April 2011, the Government announced a redress package for those affected by the cessation of turf cutting in such cases. 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 cost 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 to inform them of the cessation of turf cutting in these sites and to invite applications

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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.

National Monuments

401. **Deputy Gerry Adams** asked the Minister for Arts; Heritage and the Gaeltacht in view of the fact that there is a consent application before him for work to the 1916 National Monument at 14 to 17 Moore Street, Dublin, that will lead to building on and under and within its protected area as designated, since his undertaking to preserve the monument under Preservation Order No. 1 of 2007 was adopted by both Houses of the Oireachtas, when will Members of the Oireachtas be given an opportunity to examine this unprecedented application to alter, build on and demolish elements of a national monument in the commercial interest of a private developer. [9256/12]

402. **Deputy Gerry Adams** asked the Minister for Arts; Heritage and the Gaeltacht the involvement of the National Assets Management Agency in the plans before him to alter, build on and demolish elements of the national monument at 14 to 17 Moore Street. [9257/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): I propose to take Questions Nos. 401 and 402 together.

The National Monuments Preservation Order in relation to Nos. 14 to 17 Moore Street was made in 2007 by the Minister for Environment, Heritage and Local Government, as Minister responsible for heritage matters at that time. The effect of the order is that works affecting these properties, including any excavation or ground disturbance within, around or in proximity to them, require my consent under section 14 of the National Monuments Act 1930, as amended. The Oireachtas Consultation Group on Commemorative Matters will continue to be informed of developments in relation to the Moore Street monument in the context of its role in the 1916 centenary preparations. I have no function in relation to the operations of the National Assets Management Agency.

Semi-State Bodies

403. **Deputy Sandra McLellan** asked the Minister for Arts, Heritage and the Gaeltacht the reason semi-State bodies are reverting back to the English language names, for example Bord na gCon is now widely known as the Irish Greyhound Board; and if he will make a statement on the matter. [9501/12]

Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley): At the outset, it should be noted that my Department has no statutory responsibility in relation to the naming of individual public bodies.

However, in the context of promoting the use of the Irish language generally and, in particular, when agreeing statutory language schemes with public bodies listed under the Official Languages Act 2003, I can assure the Deputy that it is my Department's policy to encourage public bodies to use the Irish language version of their name, as appropriate.

An Fhoireann Rannach

404. D'fhiafraigh **Peadar Tóibín** den Aire Ealaíon, Oidhreachta agus Gaeltachta ós rud é gur eagraíocht é Foras na Gaeilge atá freagrach don Chomhairle Aireachta Thuaidh /Theas (CATT), do na Ranna atá faoi cheannas an Aire Jimmy Deenihan agus an Aire Carál Ní Chuilín go háirithe, agus gur eagraíocht uile-oileáin é, agus réimse leathan cúraimí air, ach é

freagrach as an nGaeilge a chur chun cinn go sonrath, rud a chiallaíonn gur eagraíocht é atá ag plé le cúraimí a thagann faoi scáth na pleanála teanga, cén fáth, mar sin, nach bhfuil oiread is duine amháin atá cáilithe sa Phleanáil Teanga fostaithe ag Foras na Gaeilge; cé go bhfuil cáilíocht pleanála teanga ag leibhéal máistreacht ar fáil ó Acadamh na hOllscolaíochta Gaeilge le thart ar cúig bliana anuas, tráth a bhfuil go leor fostaíochta curtha ar fáil ag an eagraíocht. [9643/12]

Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley): Dírím aird an Teachta ar mo fhreagra ar Cheist Dála Uimh. 111 ar 1 Feabhra 2012.

Tuigfidh an Teachta, ar ndóigh, gur ceist í d'Fhoras na Gaeilge sa chéad áit cinntí a dhéanamh faoi na cáilíochtaí a mheastar a bheadh riachtanach d'aon phost san áisíneacht.

Departmental Expenditure

405. **Deputy Niall Collins** asked the Minister for Arts, Heritage and the Gaeltacht the total photography costs for his Department since coming to office; the list of occasions for which photographers were booked over the past year; the breakdown of costs associated with each occasion that a photographer was used; if there is a policy around the booking of photographers within his Department; and if he will make a statement on the matter. [9657/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): I assume that the Deputy is referring to costs arising where photographers were engaged by my Department to cover Ministerial or Departmental events.

As the Deputy will be aware, the Department of Arts, Heritage and the Gaeltacht was established on 2 June 2011. Relevant photography costs incurred by my Department since that date amounted to some €2,578. This includes costs both for the booking of photographers and some general ancillary costs, such as postage, etc, where relevant. The table below lists the occasions on which photographers were booked since June 2011 to date and the costs associated with each specific occasion.

Occasion	Cost
Edinburgh Festival Fringe — Networking Event	€362.23
Launch of Introduction of Architectural Heritage of County Galway	€100
Culture Night, Dublin	€599.25
2011 National Famine Commemoration, Clones	€400
2011 Open House Dublin, Lir Theatre, in conjunction with the Irish Architecture Foundation	€0.00*
2011 National Famine Conference, Dublin	€370.87
Release of White-Tailed Sea Eagles, Killarney National Park	€120
Launch of National Biodiversity Plan, Botanic Gardens, Dublin	€283.75
British-Irish Council Meeting for Minority Languages, Co Donegal	Final invoice awaited
Launch of Treaty Online Project, National Archives, Dublin	€341.83

* Part of a package of two events for the price of one.

The hiring of photographers for Ministerial or Departmental events is dependent on a number of factors. These include the nature of the engagement, the expected level of media interest and the national/regional scope of the subject. At all times, value for money is a critical consideration in the context of the booking of photographers.

Departmental Bodies

406. **Deputy Brian Walsh** asked the Minister for Arts, Heritage and the Gaeltacht the progress made in relation to plans to merge the National Archives and the Irish Manuscripts Commission with the National Library; and if he will make a statement on the matter. [9677/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): As the Deputy will be aware, in November 2011 the Government announced a number of amalgamations and mergers of bodies that come within the ambit of my Department. Details of these can be accessed on the website of the Department of Public Expenditure and Reform at *www.per.gov.ie*. Clearly, the amalgamation and merger of these bodies, including consolidation of boards, raises complex issues, which my Department is currently examining. A Departmental Reform Committee was established recently, and is liaising with the relevant bodies, including the National Archives, the Irish Manuscripts Commission and the National Library, in order to implement the Government's Decision in this regard as effectively and efficiently as possible. I expect to be reverting to Government on progress made in relation to this process by June of this year.

Ministerial Transport

407. **Deputy Timmy Dooley** asked the Minister for Arts, Heritage and the Gaeltacht if he uses a State car; the type of car that is used; how often he has used it since coming to office; the cost of the person employed to drive the car; the cost of their salary; the cost of their vehicle expenses; if the person employed as their driver was previously a State employee; if that person is also in receipt of a State pension; the total cost of the service to date; and if he will make a statement on the matter. [9710/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): As the Deputy will be aware, on the 15 March last, the Government decided that the Taoiseach, the Tánaiste and the Minister for Justice and Defence would each be provided with a State car. In keeping with that decision, I use my own car for official duties and am paid mileage expenses in respect of official travel at rates set by the Minister for Public Enterprise and Reform.

I am provided with two civilian drivers, who are each paid €631.75 per week. Neither was previously a State employee and neither is in receipt of a State pension.

A breakdown of costs arising from the above are set out in the table below:

Table	
Mileage paid in respect of Minister's car to date	€23,831.43
Combined salary cost of persons employed as civilian drivers	€49,276.50
Subsistence expenses paid to civilian drivers to date	€15,891.74
Total cost of service to date	€88,999.67

Arts Funding

408. **Deputy Robert Troy** asked the Minister for Arts, Heritage and the Gaeltacht if there are any grants available to young aspiring ballet dancers to attend professional ballet school in the UK. [9858/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): My Department does not provide grants to individual performing arts practitioners. Under the Arts Act, 2003,

the Arts Council has primary responsibility for the promotion of the arts at all levels throughout the State. As Minister, I cannot intervene in the Council's funding decisions as it is statutorily independent in that function.

Departmental Agencies

409. **Deputy Finian McGrath** asked the Minister for Arts, Heritage and the Gaeltacht if he will provide the number of retired persons serving on State boards and commissions; and the amount it is costing the State. [10345/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): I wish to advise the Deputy that information in relation to board appointments and remuneration can be accessed on the websites of each of the bodies funded from my Department's Vote group. I trust that the Deputy will appreciate that it is not appropriate for me to divulge the personal details and arrangements of the pensions of persons serving on these boards.

Appointments to State Boards

410. **Deputy Martin Ferris** asked the Minister for Communications, Energy and Natural Resources if he is satisfied that the current board of Inland Fisheries Ireland satisfies the criteria for membership as defined by the 2010 Act; and his views that it is sufficiently representative of the overall sector. [9432/12]

411. **Deputy Martin Ferris** asked the Minister for Communications, Energy and Natural Resources if he is satisfied that the interests of active commercial fishermen are represented on the board of Inland Fisheries Ireland. [9447/12]

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Fergus O'Dowd): I propose to take Questions Nos. 410 and 411 together.

Section 12(5) of the Inland Fisheries Act 2010 (No. 10 of 2010) provides for twelve areas of experience from which the nine members of the Board of Inland Fisheries Ireland (IFI) shall be drawn, including business, commercial affairs, environment and biodiversity, aquaculture, fisheries ownership etc. The Act makes clear that members of the Board are appointed with a view to representing the public interest in respect of inland fisheries.

Section 12 of the Inland Fisheries Act 2010 (No. 10 of 2010) provides that the Board of IFI shall consist of ten members. The Minister for Communications, Energy and Natural Resources is empowered to appoint three members including the Chairperson on his own nomination and two members on the nomination of the Minister for Environment, Community and Local Government and the Minister for Arts, Heritage and Gaeltacht Affairs.

Section 12(3) of the Act provides that three members of the Board shall be appointed by the Minister on the nomination of the Joint Oireachtas Committee for Communications, Natural Resources and Agriculture. The Committee, through the Public Appointments Service, sought expressions of interest for the three positions from individuals who had recognised expertise or a track record in one or more of the areas set out in the Act.

In accordance with Section 13 of the Act the Minister appointed one Board member who was elected by the staff of IFI.

Section 12(2) of the Act provides that the Chief Executive Officer shall be an ex-officio member of the Board.

I am satisfied that the current Board membership is representative of the broad sector and is consistent with the provisions of the 2010 Act.

Telecommunications Services

412. **Deputy Marcella Corcoran Kennedy** asked the Minister for Communications, Energy and Natural Resources if he can confirm that he has received an application on-line from a person (details supplied) in County Offaly; the status of this application; when a decision will issue on this application; and if he will make a statement on the matter. [9154/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): My Department has not received an on-line application under the Rural Broadband Scheme from the person named in the question.

The Application Phase of the Rural Broadband Scheme (RBS) closed on 29 July 2011. The Department received 5,000 applications and of these, approximately 3,700 qualified under the terms of the scheme.

The Verification Phase of the Scheme has now commenced. In this phase of the Scheme, the details of applicants have been passed to Internet service providers to assess whether a service can be offered to them without intervention from the State.

A total of 32 companies are participating in this part of the Scheme.

My Department will be writing to all applicants by the end of this month to let them know the position in relation to their application and asking applicants to give their written permission to enable the companies to contact them directly with a written offer. It is expected that the companies involved will then write with offers to those applicants who give their consent.

I expect that a significant number of applicants may be served by commercial operators as part of this phase of the scheme. Under the terms of the scheme it is proposed to procure a service later this year for applicants who cannot be served by any commercial operator under the current phase.

413. **Deputy Pat Breen** asked the Minister for Communications, Energy and Natural Resources the efforts being made to ensure that the roll out of the rural broadband scheme and the further phased roll out of the 100 mbs to second level schools, will include a town (details supplied); and if he will make a statement on the matter. [9325/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The Rural Broadband Scheme (RBS) was launched last year in recognition of the fact that, despite the widespread availability of broadband throughout Ireland, there still remained individual premises that were unable to receive a broadband service, due mainly to certain technical difficulties such as line of sight. This Scheme is aimed at making a basic broadband service available to those individual un-served premises in rural non-National Broadband Scheme (NBS) areas who wish to avail of such services, including premises in Kilkee, Co. Clare, which qualify under the terms of the Scheme.

The Application Phase of the RBS closed on 29 July 2011. The Department received 5,000 applications and of these, approximately 3,700 qualified under the terms of the scheme.

The Verification Phase of the Scheme has now commenced. In this phase of the Scheme, the details of applicants have been passed to Internet service providers to assess whether a service can be offered to them without intervention from the State.

A total of 32 companies are participating in this part of the Scheme.

My Department will be writing to all applicants by the end of this month to let them know the position in relation to their application and asking applicants to give their written permission to enable the companies to contact them directly with a written offer. It is expected that the companies involved will then write with offers to those applicants who give their consent.

I expect that a significant number of applicants may be served by commercial operators as part of this phase of the scheme. Under the terms of the scheme it is proposed to procure a service later this year for applicants who cannot be served by any commercial operator under the current phase.

In relation to the question of high speed connectivity for the local secondary school in Kilkee, I can confirm that all post-primary schools will have a 100Mbps broadband connection installed by the end of 2014 in a project jointly funded by the Department of Communications, Energy and Natural Resources (DCENR) and the Department of Education and Skills (DES). The selection of schools for connection during 2012 was undertaken by a Steering Committee, established to oversee the implementation of the project and containing members from DCENR, DES, HEAnet and the National Centre for Technology in Education (NCTE).

I am pleased to inform you that all post-primary schools in Co. Clare, including Kilkee are scheduled to have their enhanced broadband connection installed in time for the new academic year in September.

State Bodies

414. **Deputy Mary Lou McDonald** asked the Minister for Communications, Energy and Natural Resources if sections 20.1 and 20.2 of the Code of Practice for the Governance of State Bodies was adhered to by ComReg before initiating legal proceedings against An Post last week; if so, if he will outline in full, the efforts made by either party or him to mediate, arbitrate or otherwise before embarking on expensive legal costs; and if he will detail the list of such legal issues provided to him by ComReg and the legal costs incurred to date of the legal action against An Post by ComReg and the projected costs for both ComReg and An Post if the case proceeds. [9375/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The Code of Practice for the Governance of State Bodies provides a framework for the application of best practice in corporate governance by both commercial and non-commercial State bodies. The provisions of the Code do not override existing statutory requirements in relation to such State bodies.

The Commission for Communications Regulation (ComReg) is statutorily responsible for the regulation of the postal sector. Section 11 of the Communications Regulation Act of 2002, under which it was established, provides that ComReg is independent in the exercise of its regulatory functions.

As Minister for Communications, Energy and Natural Resources I have no direct role in relation to the legal proceedings in question. However, State bodies must serve the interests of the taxpayer and pursue value for money in their endeavours and, in this context, I would hope to see the issue in question resolved speedily and without resorting to Court action.

Electricity Generation

415. **Deputy Michelle Mulherin** asked the Minister for Communications, Energy and Natural Resources the number of micro-generators that have been connected through ESB Electric Ireland; if targets for microgeneration are on course to be achieved; and if he will make a statement on the matter. [9468/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The latest figures from ESB Networks are that they have 588 import/export meters installed. These are required for microgeneration. Electric Ireland has advised that they have 448 customers in receipt of payments under their domestic microgeneration scheme.

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Ireland has a legally binding renewable energy target of 16% under Directive 2009/28/EC. In our National Renewable Energy Action Plan, we have set out that the target will be achieved through 40% renewables in the electricity sector, 10% in the transport sector and 12% in the heating sector.

At the end of 2010, 5.5% of our energy consumed in Ireland was from renewable sources. This was made up of 14.8% in the electricity sector, 4.4% in heating and 2.4% in transport. A significant increase is required in all sectors to ensure we achieve our legally binding target. EirGrid estimates that in 2011 between 18% and 19% of our electricity fuel mix was from renewable sources.

Currently there are no specific sub-targets for the microgeneration sector or any other individual technologies. The Programme for Government commits to the provision of a feed in tariff for micro-generators producing electricity for their own homes, farms and businesses and selling surplus electricity to the grid. The programme also states that the tariff will not be significantly above the single energy market price for electricity. The Electric Ireland scheme currently operates at a rate of 19 cent per kilowatt hour for their customers, which is well above the wholesale rate of around 7 cent per kilowatt hour. No other electricity supply company has introduced a micro generation scheme.

Any increased electricity costs arising from extending such a scheme to PSO supports would have to be borne by all electricity consumers to fund it and typically microgeneration tends to require much higher tariffs than large scale generation.

Energy Conservation

416. **Deputy Paudie Coffey** asked the Minister for Communications, Energy and Natural Resources the number of persons who have qualified for Sustainable Energy Authority of Ireland grants to upgrade their heating systems in the years 2009, 2010 and 2011; and if he will make a statement on the matter. [9474/12]

417. **Deputy Paudie Coffey** asked the Minister for Communications, Energy and Natural Resources the amount of money in Sustainable Energy Authority of Ireland grants that have been awarded to persons to upgrade their heating systems in the years 2009, 2010 and 2011; and if he will make a statement on the matter. [9475/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I propose to take Questions Nos. 416 and 417 together.

The Sustainable Energy Authority of Ireland (SEAI) administers the Better Energy Programme. I am informed by SEAI that almost 114,000 homes have received energy efficiency upgrades, including heating system upgrades, since the scheme was launched in May 2009. The number of applications for heating system measures applied for and carried out are as follows:

Year	Heating Measures Applied for	Heating Measures Carried Out	Value of Grants for Measures Carried Out €m
2009	17,611	6,472	4.334
2010	22,993	13,107	8.722
2011	15,682	11,922	7.589
Total	56,286	31,501	20.645

Energy Tariffs

418. **Deputy Martin Heydon** asked the Minister for Communications, Energy and Natural Resources if his attention has been drawn to the differences in renewable energy feed in tariffs for biomass technologies and anaerobic digesters available in Northern Ireland compared to those available here; his plans to improve the scheme available here to make it more attractive; and if he will make a statement on the matter. [9487/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The tariffs under the REFIT scheme for biomass technology (REFIT3), including those for anaerobic digestion, were calculated following detailed analysis by my Department working with the Department of Agriculture, Food and the Marine, the Sustainable Energy Authority of Ireland and Teagasc.

The consensus is that the tariffs are appropriate to the circumstances pertaining in the Irish sector. They were notified to the European Commission as part of the State Aid approval process and cleared by the Commission. They are designed to facilitate the development of the bioenergy sector and also protect the interests of electricity consumers. There are no proposals to increase the tariffs as now agreed.

Telecommunications Services

419. **Deputy James Bannon** asked the Minister for Communications, Energy and Natural Resources when an acceptable level of broadband will be rolled out in the Ballymore area, County Westmeath; and if he will make a statement on the matter. [9521/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): Ireland's telecommunications market has been liberalised since 1999 and thus the delivery of broadband services is a matter, in the first instance, for private sector commercial operators which are licensed and regulated by the independent regulator, the Commission for Communications Regulation (ComReg).

The Government has undertaken a number of initiatives to bring broadband to those parts of the country where operators have been unable to offer services on a commercial basis. In the case of one such intervention, namely the National Broadband Scheme (NBS), services are available since October 2010 from the NBS service provider, 3, to persons with a fixed residence or fixed business in each of the 1,028 Electoral Divisions (ED) designated to be covered under the Scheme. This includes the area of Ballymore, Co. Westmeath.

My Department and its external consultants actively monitor coverage within the NBS areas. The NBS contract guarantees service levels and imposes a service credit regime on "3" with financial consequences in the event that minimum specification service levels are not met. Any NBS customer experiencing problems with the NBS service can contact 3's customer care centre 24 hours a day 7 days a week by phone at 1913 (free of charge) or by email to nbsupport@three.ie. Additionally, a team of field engineers has been established to address NBS specific maintenance issues at customer's premises.

My Department has a role when customers have fully utilised the established complaints process. It operates a dedicated NBS mailbox, which NBS customers can contact by email at nationalbroadbandscheme@dcenr.gov.ie with any comments or complaints they may have about their NBS service.

As regards future broadband initiatives, the Government accepts that the widespread availability of high speed broadband is a key requirement in delivering future economic and social development. With basic broadband services now widely available across Ireland, the challenge

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is to accelerate the roll out of high speed services. The Next Generation Broadband Taskforce, which I convened last summer, has an important role to play in this regard. It comprises the CEOs of all of the major telecommunications companies operating in the Irish market, as well as CEOs of some other companies that provide broadband services. The Taskforce will conclude its deliberations shortly. I intend to consider the findings and recommendations of the report of the Taskforce as quickly as possible and to make a submission to Government in this regard. It is my objective to move quickly thereafter to put in place the optimal policy environment for the delivery of high speed broadband.

Fisheries Protection

420. **Deputy Tom Fleming** asked the Minister for Communications, Energy and Natural Resources if he will open Lough Fadda and Barfinnihy Lake fisheries at an earlier date this year in order that similar fishing opportunities and facilities are available to tourists who visit County Kerry in March and April as are available in other counties; and if he will make a statement on the matter. [9540/12]

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Fergus O'Dowd): 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.

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 lower than at other times of the year and hence resource management imperatives mean that all lakes do not open at the same time.

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 any earlier than proposed.

IFI advises that Lough Fadda and Barfinnihy Lake are community managed trout lakes. They are run effectively as put and take fisheries (i.e. IFI stock the lakes prior to opening for fishing on a pay per use basis). In this regard they are no different from any other 'put and take' fishery in the country. They are managed on a commercial basis in that IFI endeavours to at least cover the cost for the stocking and management of these lakes from the permits fees derived from anglers.

Intellectual Property Rights

421. **Deputy Finian McGrath** asked the Minister for Communications, Energy and Natural Resources if he will address concerns regarding the new copyright law. [9608/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The Minister for Jobs, Enterprise and Innovation has primary responsibility for national legislation governing copyright and related rights such as intellectual property rights and patents.

Departmental Expenditure

422. **Deputy Niall Collins** asked the Minister for Communications, Energy and Natural

Resources the total photography costs for his Department since coming to office; the list of occasions for which photographers were booked over the past year; the breakdown of costs associated with each occasion that a photographer was used; if there is a policy around the booking of photographers within his Department; and if he will make a statement on the matter. [9659/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The information requested by the Deputy is set out in the table below. The booking of photographers is managed by my Press Office in each case:

Photography Costs — Department of Communications, Energy and Natural Resources — February 2011-February 2012 Inclusive

Pay Date	Company	Event Date	Occasions	Cost €
15/07/2011	Maxwell Photography	13/06/2011	Government convenes Next Generation Broadband Taskforce	340.92
29/08/2011	Maxwell Photography	27/07/2011	Age Action Silver Surfer Launch (pre shoot)	274.97
12/10/2011	Maxwell Photography	23/09/2011	Minister Rabbitte stock photos available for widespread media use	409.58
18/11/2011	Maxwell Photography	24/10/2011	Minister Rabbitte welcomes EU Commission Telecoms specialists to Dublin	552.67
16/01/2012	Maxwell Photography	(1) 16/11/11	Launch of Irish Anti Botnet Website (anti cyber crime initiative)	1,052.70
		(2) 27/11/11	Publication of the Government's Affordable Energy Strategy	
29/12/2011	Fennell Photography	09/12/2011	Cunningham Awards, Geological Survey of Ireland, University Geology Project Competition Awards	510.75
25/01/2012	Jason Clarke Photography	10/01/2012	Launch of Community Outreach Campaign — Digital TV Switchover	492.00
17/02/2012	Jason Clarke Photography	06/02/2012	Nationwide rollout of high speed broadband to second level schools	492.00
			Total	€4,125.59

Ministerial Transport

423. **Deputy Timmy Dooley** asked the Minister for Communications, Energy and Natural Resources if he uses a State car; the type of car that is used; how often he has used it since coming to office; the cost of the person employed to drive the car; the cost of their salary; the cost of their vehicle expenses; if the person employed as their driver was previously a State employee; if that person is also in receipt of a State pension; the total cost of the service to date; and if he will make a statement on the matter. [9712/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The Government decided on 15 March 2011, inter alia, that with the exception of the Taoiseach, Tánaiste and Minister for Justice and Equality, who retained their State car and Garda drivers,

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that the travel arrangements that were in place for Ministers of State would apply to all Ministers with regard to their official travel.

Under these new arrangements, Ministers could appoint two civilian drivers to drive the Minister's car and claim mileage in accordance with Department of Public Expenditure and Reform guidelines.

I appointed two civilian drivers on 2 May 2011. Both drivers are employed on a salary of €631.75 per week, which was set by the Minister for Public Expenditure and Reform in agreement with the Minister for Finance. One of my drivers is a retired Garda and the other driver was not in State employment prior to taking up duty. My Department does not retain information regarding receipt of a State pension from previous employment for my civilian drivers.

The total cost of the service to date is €73,807.

Telecommunications Services

424. **Deputy Sandra McLellan** asked the Minister for Communications, Energy and Natural Resources further to Parliamentary Question No. 136 of 9 February 2012, the area in question must have been identified in error of having broadband services because there is no broadband available in the area, when will this anomaly be rectified; and if he will make a statement on the matter. [9739/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The objective of the National Broadband Scheme (NBS), which was launched in 2008, was to provide access to affordable, scalable broadband services to rural areas, where operators had been unable to offer services on a commercial basis.

The NBS, which was approved by the European Commission, sought to strike a balance between reaching as many un-served premises in Ireland as possible while minimising the impact of the scheme on businesses already providing broadband services in rural areas. In designing the Scheme, my Department undertook a comprehensive mapping exercise to assess the extent of wireless and DSL broadband coverage available in the State in 2008. To this end, it consulted and engaged with service providers active in the market at that time. Following completion of the map of broadband availability in the country and in order to implement the NBS, a separate map based on electoral divisions (ED), which are the smallest administrative areas used for statistical purposes in the country, was developed.

Following the decision to adopt the ED model, the Department was faced with a further decision to determine which EDs should be addressed by the NBS. This decision was taken on the basis of the levels, which existed at that time, of combined broadband coverage to the premises located within each ED. Where an ED was completely un-served by any existing service provider it was included under the scope of the NBS. Where it was completely or substantially served by existing service providers it was excluded from the NBS.

With reference to the general Sean Phobal area of County Waterford and in particular to the EDs of An Rinn, Baile Mhic Art, Dungarvan Rural and Ardmore (Dungarvan Union), the service providers active in these EDs in 2008 included Eircom, Three, Callidus and Amocom (now trading as Ripplecom) and Azotel. Under the methodology adopted by my Department, the EDs were deemed to be substantially served at the time and accordingly, were not included in the Scheme so as to guard against an unacceptable level of market distortion. This was a prerequisite of EU State Aids approval.

It is not possible to make a copy of the NBS mapping exercise available as it contains commercially sensitive information which was given to the Department in confidence by a variety of commercial broadband service providers.

It was always recognised that some of the EDs that were excluded from the NBS contained homes and businesses that were not served by any broadband service provider. EU competition rules governing market distortion prevented the Scheme from reaching those buildings. The more recent Government broadband initiative, namely the Rural Broadband Scheme (RBS), which was launched last year, aims to provide a basic broadband service to these individual un-served rural premises. It appears from my Department's records that of the total of sixty-four applications under that Scheme from County Waterford, a small number of applications were received from the Sean Phobal area.

The Verification Phase of the RBS has now commenced. In this phase of the Scheme, the details of applicants are being passed to Internet service providers to assess whether a service can be offered to them without intervention from the State. A total of 32 companies are participating in this phase of the Scheme. It is possible that a significant number of applicants could be served by these companies and a service will be procured for the remainder who cannot be served. It is hoped to have this service rolled out by the end of 2012. The Department has recently written to all applicants to let them know the position in relation to their application.

Electricity Grid

425. **Deputy Michael Creed** asked the Minister for Communications, Energy and Natural Resources if his attention has been drawn to the difficulty of wind projects in securing grid connection from the ESB; the proposals which he has to address this matter; the discussions which he has had with the Department of the Environment, Community and Local Government to ensure that provision for such connections is contained within any planning approvals; and if he will make a statement on the matter. [9766/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The Commission for Energy Regulation (CER) is statutorily responsible for grid connections, in conjunction with EirGrid and ESB Networks.

The 'Gate' process which deals with renewable generators seeking grid connections was put in place by the CER following public consultation. The process takes a grouped approach to determination and issuance of grid connections offers to renewable generators.

Under the 'Gate' process, applications for connections are therefore processed in batches rather than sequentially. Within these gates, applications are further divided into groups and sub-groups based on the optimal network in the area required to connect them.

The group processing approach allows for a strategic view to be taken of network requirements and the development of efficient connection solutions to cater for large number of applications and to ensure optimum network development, minimising network costs and, where possible, avoidance of network bottlenecks.

Planning matters and conditions relating to the awarding of planning permissions are a matter for the local authorities and An Bord Pleanála as appropriate. My colleague, the Minister for the Environment, Community and Local Government, has overall responsibility for planning policy. My Department liaises closely with the Department of Environment, Community and Local Government on relevant matters of mutual interest in the planning and development of renewable energy projects.

Proposed Legislation

426. **Deputy Dara Calleary** asked the Minister for Communications, Energy and Natural Resources if he will amend the 1959 Fisheries (Consolidation) Act, Part VII, section 94 (1) to allow for the re-activation of the traditional ring netting of salmon along the strand of Inver bay. [9804/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): A review of Inland Fisheries legislation, including the 1959 Fisheries (Consolidation) Act, has recently commenced in my Department and this process will require detailed examination of and legal views on a large number of provisions.

It is not possible to say at this early stage what revisions and amendments will emerge from the process. However, a comprehensive Regulatory Impact Assessment (RIA) will be prepared and published when preparation of the Bill is completed.

I can advise the Deputy, however, that the imperative to continue the conservation and protection of salmon spawning escapement will be paramount in the context of legislative review, particularly in light of the overall widespread decline in Atlantic salmon stocks over recent years.

Departmental Funding

427. **Deputy Billy Timmins** asked the Minister for the Environment, Community and Local Government the position regarding the withdrawal of funding for the three community developments posts in areas (details supplied) in Dublin; if this decision will be reversed as a matter of urgency in view of the contribution of these schemes to the communities; and if he will make a statement on the matter. [9425/12]

433. **Deputy Eric Byrne** asked the Minister for the Environment, Community and Local Government the current budget of the social inclusion unit within his Department; the projects that have been funded since he was appointed; the amount that each has received in social inclusion funding; and if he will make a statement on the matter. [9142/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): I propose to take Questions Nos. 427 and 433 together.

I refer to the replies to Questions Nos. 175 and 191 of 2 February 2012, which set out my Department's funding for a range of programmes related to social inclusion activities.

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 the mainstreamed drugs projects under my Department's Housing programme Social Inclusion Unit budget for 2012 was €100,000, compared with €400,000 in 2011, i.e. a reduction of 75%. In view of this reduction, my Department informed the relevant local authorities, Dublin City Council and South Dublin County Council, that it would not be possible to continue funding the 5 projects concerned throughout 2012. Pro rata funding would be provided for the first quarter of 2012 only, while a consultation process got underway between the projects, the Councils and other bodies to explore alternative funding mechanisms for the projects for 2012 and beyond.

In the interim since 2 February 2012, and having regard to difficulties identified by the Councils, the projects and other funding partners in ensuring that the 5 drugs projects have sufficient time to identify alternative streams of funding and/or to undertake a reconfiguration of project tasks and priorities, my Department has also 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 €100,000 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 re-configured projects beyond end June 2012.

The table sets out the details of the 5 mainstreamed drugs projects, including the project in question, showing the amount funded through my Department's Housing programme Social Inclusion Unit budget in 2011 and the pro rata funding which will now be provided to end June 2012.

Projects	Amount paid 2011	Pro rata to June 2012
Canal Communities Development Workers (3 part-time community development workers)	60,800	30,400
Ballyfermot Star	129,200	64,600
Total provided via Dublin City Council	190,000	95,000
North and South West Clondalkin Community Safety Forum	112,939	56,470
Fettercairn Estate Management	47,805	23,902
Killinarden Estate Management	49,256	24,628
Total provided via South Dublin County Council	210,000	105,000

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.

Departmental Programmes

428. **Deputy Patrick Nulty** asked the Minister for the Environment, Community and Local Government if grant funding will be made available to him to retrofit wall and attic insulation and to improve energy efficiency in local authority housing (details supplied) in Dublin 15; and if he will make a statement on the matter. [9786/12]

467. **Deputy Patrick Nulty** asked the Minister for the Environment, Community and Local Government if he will provide funding for the refurbishment of windows and doors for local authority housing (details supplied) in Dublin 15; and if he will make a statement on the matter. [9761/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): I propose to take Questions Nos. 428 and 467 together.

Under my Department's Social Housing Investment Programme, local authorities are allocated capital funding each year in respect of a range of measures to improve the standard and overall quality of their social housing stock. The programme includes a retrofitting measure

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aimed at improving the energy efficiency of older apartments and houses by reducing heat loss through the fabric of the building and the installation of high-efficiency condensing boilers.

It is a matter for local authorities to select the properties to be upgraded and to determine the nature and the scale of the works to be undertaken in each case. Local authorities will be notified of the allocations for the programme in early March.

Motor Taxation

429. **Deputy John Lyons** asked the Minister for the Environment, Community and Local Government if he will consider introducing a direct debit standing order payment option for persons to pay their motor tax; if he can explain the increased cost of paying motor tax in three month instalments as opposed to paying 12 months in one payment; and if he will make a statement on the matter. [9829/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): There are no plans to introduce a direct debit standing order payment option for motor tax.

Under the current system, motorists may tax their vehicles on an annual, half-year or quarterly basis. The half-year and quarterly rates of motor tax are set in law at a higher rate than the annual fee to take account of the extra workload for motor tax offices and the resultant higher administrative and printing costs. A quarterly renewal of a motor tax disc is equivalent to processing four annual discs in that the same administrative procedures have to be followed each time. In addition, reminders are issued on each renewal. The additional work created by the half-year and quarterly disc system is thus considerable and the higher rates reflect the additional costs arising.

It should be noted, however, that at present the half-year and quarterly charges are lower than those permissible under law. The Finance (Excise Duties) (Vehicles) Act 1952 provides that the rate of duty for a quarterly licence must not exceed 30% of the full annual duty applicable and sets no upper limit for a half-yearly disc. The rates of duty currently applicable to half-year and quarterly discs are 55.5% and 28.25% of the annual rate respectively.

Countryside Recreation Strategy

430. **Deputy Tony McLoughlin** asked the Minister for the Environment, Community and Local Government the implications for the hill walking tourism here following the recent High Court decision (details supplied). [9844/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Primary responsibility for tourism matters rests with my colleague, Mr. Leo Varadkar, TD, Minister for Transport, Tourism and Sport. However, in the context of my responsibility for rural development, my Department has overall responsibility for the implementation of the National Countryside Recreation Strategy.

My Department will consider the implications of the High Court decision in question, when the judgment is available, in consultation as appropriate with the office of the Attorney General.

An Expert Group established to examine and make recommendations on “the Legal Issues of Land Access for Recreational Use” reported to the then Minister for Community, Rural and Gaeltacht affairs in May 2007. It did not set out specific recommendations but examined existing legislation, such as the Occupiers Liability Act, 1995, and explored the implications of introducing legislation, such as granting a right of access to recreational users. The Minister

formed the view that the best way forward was to develop permissive access with the agreement of landholders and the consensus approach adopted is underpinned by the principle of mutual respect between landowners and recreational users.

The report of the Expert Group is available on my Department's website. <http://www.environ.ie/en/Publications/Community/RuralDevelopment/FileDownload,27109,en.doc>

Waters and Sewerage Schemes

431. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government in view of the Environmental Protection Agency announcement which confirmed that out of the 529 State sewage treatment plants in urban areas, half of them failed to meet EU standards and were told that it will take another three years to bring them into compliance; if it is true that they will be brought into compliance in three years; does this not show, in a very comprehensive way, that he was wrong in pursuing rural dwellers in registering their septic tanks as the majority of pollution in Ireland is caused by the State's own sewage treatment plants; and if he will make a statement on the matter. [10002/12]

432. **Deputy Nicky McFadden** asked the Minister for the Environment, Community and Local Government the standards in place in municipal waste water treatment plants to protect water from pollution; the way that these standards are enforced; and if he will make a statement on the matter. [9139/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 431 and 432 together.

The Waste Water Discharge (Authorisation) Regulations 2007-2010 provide for an authorisation system for all wastewater discharges to waters from treatment plants or collection systems owned or controlled by local authorities. The purpose of the authorisation system is to prevent and reduce pollution of waters by wastewater discharges. As part of the authorisation process, the EPA can place conditions on the operation of individual plants and systems and it can set emission limit values for the discharges.

The EPA published its report on Urban Waste Water Discharges in Ireland for 2008-2009 on 16 February 2012. While this indicates improvements in performance and compliance since the previous EPA report, the findings also indicate a need for further and more comprehensive improvement in operational performance. The report, in addition, highlights the need for continued investment in wastewater treatment infrastructure notwithstanding that investment under my Department's Water Services Investment Programme is making an impact with secondary treatment or higher now available for 93% of waste water discharges in agglomerations over 500, compared with 20% at the start of 2000.

The Water Services (Amendment) Act 2012, which provides for the registration and inspection of septic tanks and other on-site waste water treatment systems, addresses the legislative deficit highlighted by the European Court of Justice ruling against Ireland in October 2009. The new legislation forms a critical part of Ireland's attempts to avoid significant financial penalties for non-compliance with the Court's ruling and with the provisions of the EU Waste Directive. The EPA has previously reported that domestic wastewater treatment systems pose a risk to water quality, particularly to ground water, which is a source of drinking water for many rural people.

Question No. 433 answered with Question No. 427.

Water Services

434. **Deputy Nicky McFadden** asked the Minister for the Environment, Community and Local Government if there will be any level of engagement and consultation between county councils and Irish Water once control of water investment and maintenance programmes is transferred; and if he will make a statement on the matter. [9147/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Fergus O'Dowd): Irish Water will have to build on the strengths of the existing system including an experienced and committed workforce. Consequently Irish Water, although a national company, will have a regional and local focus and a phased transition is proposed to ensure continuity of service and the building of a fit for purpose organisation within a reasonable timescale.

The initial transition strategy envisages a staged approach involving:

- Appointment of an interim board and Project Management Office in 2012 pending the establishment of Irish Water under its own statute by mid 2013;
- Irish Water would acquire statutory responsibility for water services in mid 2013, with ownership of assets transferring from local authorities from that date;
- Local authorities would be agents of Irish Water for a period with Irish Water taking over their operations on a phased basis from January 2015;
- The full transfer of operations would be completed by end 2017.

The next stage of the consultancy work involves the development of an implementation plan which will address transformation planning in more detail. This transformation planning for the establishment of Irish Water will consider the interaction of the proposed utility with local authorities, both during the transition phase when they are agents of Irish Water, and in the longer term in relation to the roles retained by local authorities.

While Irish Water will be responsible for the strategic planning of water services, in developing these plans, it will have to take account of the policy framework set by my Department, local development plans and regional planning guidelines.

The Department will be examining these issues in developing the implementation plan and the legislation, and is consulting with the elected members associations and the CCMA as part of this process.

Planning Issues

435. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government if he will review a matter (details supplied) regarding rezoning. [9181/12]

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. 140 of 26 January, 2012.

The rezoning of the lands referred to was included in the proposed amendments to the Draft Galway City Development Plan 2011-2017 which was adopted on 25 January 2011 and which came into effect on 21 February 2011. In my role as a statutory consultee on the draft City Development Plan, my Department raised a number of concerns with the Council at the amendment stage of this plan.

These concerns included that the proposed amendment did not reflect the strategic approach to commercial/retail areas previously identified in the Core Strategy in the Draft City Plan and would not provide for the proper and sustainable planning of the area.

The responsibility for zoning lands for specific purposes is a matter for planning authorities through their development plans and local area plans. Under the Planning Acts, the making, reviewing and varying of a development plan or local area plan is a reserved function of the elected members of the planning authority for the area.

However, I intend to finalise the Retail Planning Guidelines for planning authorities by April 2012. My objective will be to strengthen national planning policy requirements for all planning authorities in relation to retail planning and the requirements in relation driving city and town centres as focal points for retailing.

Local Authority Charges

436. **Deputy Alex White** asked the Minister for the Environment, Community and Local Government his plans to provide application forms for the household charge to post offices for the benefit of those without the internet and access to a local authority office; and if he will make a statement on the matter. [9203/12]

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.

Declaration forms for the purposes of the household charge are available in local authority offices, libraries and from citizens information offices. In addition, persons may contact their local authority or the Local Government Management Agency on 1890-357357 or 01-2224000 and request the form which will be posted to them.

These options are in addition to the electronic options available through the household charge website. I am satisfied that there is a comprehensive range of options available for persons to access the declaration forms and this is being demonstrated by the large numbers of persons who have registered and paid the household charge to date.

437. **Deputy Alex White** asked the Minister for the Environment, Community and Local Government his plans to permit payment of the household charge at post offices for the benefit of those without the internet and access to a local authority office; and if he will make a statement on the matter. [9204/12]

455. **Deputy John Lyons** asked the Minister for the Environment, Community and Local Government if he will consider an instalment payment option for persons to pay the household charge in quarterly cash or cheque instalments through the post office; and if he will make a statement on the matter. [9506/12]

478. **Deputy Brendan Ryan** asked the Minister for the Environment, Community and Local Government the steps he has taken to make the household charge payable in local post offices; and if he will make a statement on the matter. [9837/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 437, 455 and 478 together.

The Local Government (Household Charge) Act 2011 and the Local Government (Household Charge) Regulations 2012 provide the legislative basis for the household charge.

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There is a range of options available for persons to pay the household charge. An online system *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 of €25 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 and this is being demonstrated by the large numbers of persons who have registered and paid the household charge to date.

Local Authority Allotments

438. **Deputy Clare Daly** asked the Minister for the Environment, Community and Local Government if it is appropriate for a local authority (details supplied) to consider a financial contribution in lieu of the provision of class 1 open space when the moneys are being made available for the provision of allotments which are leased and not accessible to all. [9206/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): Local objectives or policies in relation to allotments are a matter for the local authority concerned and I have no function in this context.

Waste Management

439. **Deputy Kevin Humphreys** asked the Minister for the Environment, Community and Local Government the cost to the taxpayer if Dublin City Council breaks its contract with a company (details supplied) to build and operate an incinerator at Poolbeg, Dublin; and if he will make a statement on the matter. [9207/12]

440. **Deputy Kevin Humphreys** asked the Minister for the Environment, Community and Local Government if he has had any contact or correspondence with a company (details supplied) with respect to its proposal to take over the building and operation of an incinerator on the Poolbeg peninsula, Dublin; and if he will make a statement on the matter. [9208/12]

442. **Deputy Kevin Humphreys** asked the Minister for the Environment, Community and Local Government the alternative plans he has in place for the disposal of waste produced in the Dublin region in the event that the Poolbeg incinerator is not built; if he will detail any plans that have been drawn up by him or the contracting local authorities for such an eventuality; and if he will make a statement on the matter. [9210/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 439, 440 and 442 together.

In accordance with the provisions of the Waste Management Acts, the preparation and adoption of a waste management plan, including in respect of infrastructure provision, is the statutory responsibility of the local authority or authorities concerned, and under section 60(3) of

the Act the Minister is precluded from exercising any power or control in relation to the performance by a local authority, in particular circumstances, of a statutory function vested in it.

I understand that an exploratory proposed alternative project has been put to the City Council and other organisations involved in waste management in Dublin; a communication which the company concerned issued on this matter on 3 February 2012 was copied to my Department for information. ..I also understand that the parties to the contract in respect of the Poolbeg facility are in a period of review. As the project is being advanced by Dublin City Council, acting on behalf of the four Dublin local authorities, questions concerning the status of the project, and any issues relating to the costs that may arise in specific contractual scenarios, should be directed to the City Council. Regard could also be had to relevant aspects of the report commissioned by my predecessor from Mr. John Hennessy SC, in relation to certain risks associated with the project in particular scenarios which, in the interests of openness and transparency, I published on my Department's website (*www.environ.ie*) in June 2011, subject to the redaction of certain commercially sensitive information. The Programme for Government commits to the development of a coherent national waste policy, adhering to the waste hierarchy, which will aim to minimise waste disposal in landfill and maximise recovery. I am prioritising this commitment, as I am anxious to provide early regulatory certainty, in the form of both policy and legislation, to ensure that the necessary actions and investments are progressed to achieve those aims. I expect to be in a position to submit final proposals in relation to national waste policy to Government by Easter this year.

441. **Deputy Kevin Humphreys** asked the Minister for the Environment, Community and Local Government the annual capacity in tonnes here for the disposal of waste; the annual amount of waste in tonnes currently produced here; if he will list the facilities currently in operation here that accept and process waste for long term storage or disposal; and if he will make a statement on the matter. [9209/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Details regarding waste generated and disposal capacity are contained in the National Waste Reports published annually by the Environmental Protection Agency, copies of which are available on the Agency's website at *www.epa*.

The National Waste Report 2009, which is the latest such published report, indicated that a total of 2.95 million tonnes of municipal waste was generated that year. 29 active landfills, listed in Table 39 of the report, accepted municipal waste for disposal in 2009. At the end of that year, the remaining fully consented municipal solid waste landfill capacity was approximately 28 million tonnes nationally; details are contained in Table 40 of the report.

I understand that the 2010 National Waste Report will be published shortly.

Question No. 442 answered with Question No. 439.

National Spatial Strategy

443. **Deputy Colm Keaveney** asked the Minister for the Environment, Community and Local Government the details of the budget allocation for the spatial policy section, Department of Environment, Community and Local Government; the way staff are assigned to this unit; if he will provide information on the way hub status that was given to Tuam, County Galway, in 2007 will be benefit to it in the short, medium and long term; and if he will make a statement on the matter. [9214/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): The 2002 National Spatial Strategy (NSS) is a twenty-year planning framework which was designed to achieve a better balance of social, economic and physical development and population growth between regions, and which designated nine gateways and nine hubs, including Tuam, with the capacity to grow sustainably and act as drivers of growth for their hinterland and wider regions. Among the principal objectives of the Strategy are to build up the strengths of all areas in order to achieve more balanced regional development through a better spread of economic activity, employment and population growth; to energise the potential of all urban and rural areas with the support of a stronger urban structure, including the gateways, hubs and other towns; and to set a national context for regional and local planning strategies.

The *NSS Update and Outlook Report* (available at www.environ.ie), published in October 2010, reaffirms the importance of implementing long-term planning frameworks such as the NSS and identifies new priorities and objectives to deliver more consistent implementation at all levels, taking account of experience since 2002 and the new environmental, budgetary and economic challenges that Ireland faces, with the aim of maximising the role of NSS implementation in supporting overall economic recovery.

The adoption of updated Regional Planning Guidelines in 2010 for the twelve-year period to 2022 provides for coherence and consistency between the national and regional strategic planning frameworks. The delivery of these is underpinned by development plans and local area plans at the local level, which further translate the NSS objectives into concrete actions in the gateways and hub towns, including Tuam, and their wider urban and rural catchment areas for the promotion of development which is economically, socially and environmentally sustainable. Moreover, the new legislative provisions to include core strategies in development plans, taking account of regional policies, targets and priorities, are further embedding the NSS principles into the forward-planning process, and should help to deliver more co-ordinated, coherent and sustainable planning outcomes.

Costs associated with the ongoing implementation of the NSS and planning policy generally will be met from the planning funds made available to my Department, details of which will be provided in the revised estimates for 2012 shortly to be published. Staff assignments throughout my Department are made by management in the context of overall business priorities and programmes.

Litter Pollution

444. **Deputy Robert Dowds** asked the Minister for the Environment, Community and Local Government if he has considered introducing a ban on the sale of alcohol in glass containers from off-licences because of the harm done by broken glass in public recreational areas such as football pitches; and if he will make a statement on the matter. [9231/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I have no plans to introduce a ban on the sale of alcohol in glass containers from off-licences at this time. Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste (the Packaging Directive) classifies items such as glass containers as packaging. A ban on the sale of alcohol in glass containers would be contrary to the Packaging Directive, as Article 18 (Freedom to Place on the Market) provides that Member States “shall not impede the placing on the market of their territory of packaging which satisfies the provisions of this Directive.” It should also be noted that glass packaging has environmental and health benefits as it is potentially suitable for endless recycling without loss of quality. Glass is also an inert

material with very low rates of leaching of its constituent substances into liquids in contact with the glass.

Under the Litter Pollution Acts 1997 to 2009 it is the function of local authorities to provide the primary response to littering. My Department's role is to provide the legislative framework for combating litter pollution, and to motivate and energise anti-litter responses as necessary. It is the responsibility of each local authority to both prioritise and determine the most appropriate course of action to tackle litter pollution within the relevant legislation. While I appreciate the potential for harm to be caused by broken glass being discarded in public recreational areas, it is a matter for local authorities to ensure that those engaging in such anti-social and dangerous behaviour are dealt with appropriately.

Electoral System

445. **Deputy Arthur Spring** asked the Minister for the Environment, Community and Local Government if his plans to introduce legislation that will permit Irish citizens, who were resident in this country until recently and who have emigrated, to vote in general elections and referenda as citizens of many other countries in Europe are entitled to do; and if he will make a statement on the matter. [9250/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): In order to be able to vote at elections and referendums in this jurisdiction, a person's name must be entered in the register of electors for a constituency in the State in which the person ordinarily resides. Postal voting is provided for in electoral law in respect of certain categories of persons who are entered in the register of electors but who may find themselves abroad at the time, including members of the Defence Forces and Irish diplomats. The *Programme for Government* sets out a comprehensive range of constitutional reform measures including the review by a Constitutional Convention of the Dáil electoral system and giving citizens the right to vote at Irish embassies in presidential elections. I will bring forward proposals for change to electoral law in light of the decisions for change which may arise from these processes.

446. **Deputy Arthur Spring** asked the Minister for the Environment, Community and Local Government his plans to introduce legislation that will permit college students to vote in their local constituencies without having to return home to cast their votes; and if he will make a statement on the matter. [9253/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Electoral legislation currently provides a choice for students.

Under section 63 of the Electoral Act 1997, students attending an educational institute in the State on a full time basis who are registered to vote but cannot attend at their designated polling station on polling day are eligible to apply for entry onto the postal voters list. Students exercising this option can continue to vote in the constituency where they are ordinarily resident. Under section 6 of the Electoral (Amendment) Act 2001 a person who is on the register of electors and moves residence from one Dáil constituency to another can apply for entry to the supplement at their new address provided they have notified the registration authority to delete their name from the register in respect of their previous address. Students exercising this option can vote in the constituency in which they are ordinarily resident for the period of their studies.

Social and Affordable Housing

447. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Community and

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Local Government if the affordable housing programme has been disbanded completely by Dublin City Council and all other local authorities; if so, whether he is considering any measures to facilitate families and persons who are having serious difficulties in buying homes; and if he will make a statement on the matter. [9311/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): On 16 June 2011 the Government’s new housing policy statement was launched by my predecessor, Mr. W Penrose, as Minister for Housing. This now serves as a framework for a substantial housing policy reform programme that places specific emphasis on:

- choice;
- equity across housing tenures; and
- delivering quality outcomes for the resources invested.

The policy statement also formally announces the standing down of all affordable housing schemes, including shared ownership, in the context of a full review of Part V of the Planning and Development Act 2000. A request for tenders for this review has been published recently on the “eTenders” procurement website (*www.etenders.gov.ie*). The closing date for the receipt of tenders is 24 February 2012.

The Government is committed to supporting access to home ownership for lower income households and a range of paths to home ownership will remain in place in that regard. These include the incremental purchase scheme, the availability of loan finance from local authorities for house purchase, including open market purchase, and the tenant purchase scheme.

Local Authority Charges

448. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Community and Local Government the person who is liable to pay the household charge in the event of a house being in probate, with one sibling still living in the house. [9333/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Local Government (Household Charge) Act 2011 and the Local Government (Household Charge) Regulations 2012 provide the legislative basis for the household charge. Under the legislation, an owner of a residential property on the liability date of 1 January 2012 is liable to pay the household charge by 31 March 2012, unless otherwise exempted or entitled to claim a waiver. The 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 1 of the Act sets out the definition of “owner” for the purposes of the legislation. Where there is no owner of a residential property on the liability date a household charge is not payable.

Motor Taxation

449. **Deputy Dara Calleary** asked the Minister for the Environment, Community and Local Government the level of motor taxation increases that have occurred during the past 12 months; the way the money collected is being used; and if consideration will be given to a reduction in motor taxation in view of the increased motoring cost. [9352/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Motor tax increases were announced in Budget 2012, in respect of vehicle licences taken out for periods commencing on or after 01 January, 2012. The last increases prior to that took effect from 1 January, 2009. The increases announced in the Budget were 7.5% across all category of vehicle, except for the three lowest CO₂ rates for private vehicles, where the following flat rate increases applied:

Band	Emissions	Old Rate	New Rate
A	0-120g	104	160
B	More than 120g/km up to and including 140g/km	156	225
C	More than 140g/km up to and including 155g/km	302	330

The increase in income from the rate increases, an estimated €46.5m, will be transferred to the Exchequer. This is an immediate and necessary measure towards the reduction of the national debt. The Local Government Fund will retain the income from the existing rates of motor tax.

Any further changes to the motor taxation system will be considered as part of the review of the carbon banding of VRT and motor tax that is being undertaken this year. It is my intention that the twin priorities of ensuring the protection of the tax base and the positive environmental impact of the existing basis of taxation will be carried through to the future. I have no proposals to reduce motor tax at present.

Building Regulations

450. **Deputy Paschal Donohoe** asked the Minister for the Environment, Community and Local Government the implications following the introduction of the new Part L building regulations; and if he will make a statement on the matter. [9411/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Building Regulations (Part L Amendment) Regulations 2010 came into effect on 1 December 2011. Prior to their introduction, the regulations were subject to a full public consultation including a rigorous Regulatory Impact Assessment (RIA). The RIA is archived on the building standards section of the Department's website *www.environ.ie*. A copy of the RIA has also been forwarded to the Deputy.

Waste Management

451. **Deputy Kevin Humphreys** asked the Minister for the Environment, Community and Local Government if he will clarify that any refuse bag put out for collection with a valid tag, that is not collected amounts to littering and that fines will be issued to the operator which failed to collect the bag; and if he will make a statement on the matter. [9438/12]

452. **Deputy Kevin Humphreys** asked the Minister for the Environment, Community and Local Government if he will clarify that any refuse bag put out for collection with a valid tag, is no longer the responsibility of the customer and that the contracted operators who failed to collect the refuse is liable for any litter fines that may be levelled by the local authority; and if he will make a statement on the matter. [9439/12]

453. **Deputy Kevin Humphreys** asked the Minister for the Environment, Community and Local Government if he will amend the Litter Pollution Act 1997 to recognise that a contract exists between a household which puts a refuse bag out for collection and the operator of the refuse collection service that has agreed to collect this waste and that the operator will be

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responsible for all fines resulting from its failure to collect the refuse bag; and if he will make a statement on the matter. [9440/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 451 to 453, inclusive, together.

Section 5(b) of the Litter Pollution Act, 1997 provides that the deposit in any place of a receptacle containing any commercial, household, municipal or industrial waste for collection by or on behalf of a local authority or by another authorised waste collector within the meaning of the Waste Management Act 1996 is not prohibited under the Act, provided that reasonable care is taken to prevent the creation of litter. The presentation of waste for collection may also be subject to local authority bye-laws.

As enforcement of the Litter Pollution Act is a matter for local authorities in the first instance, it is for the relevant local authority to determine whether a littering offence arises in circumstances of the kind outlined in the questions, taking account of, inter alia, the nature and status of the contractual relationship which exists between a householder and the relevant waste collector. I have no proposals to amend the Litter Pollution Act, 1997 in the manner suggested.

Local Authority Charges

454. **Deputy Sandra McLellan** asked the Minister for the Environment, Community and Local Government if he considered any of the homeowners who have been obliged to emigrate due to the current lack of jobs available to them in this country before he implemented the household charge tax; and if he will make a statement on the matter. [9505/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Local Government (Household Charge) Act 2011 and the Local Government (Household Charge) Regulations 2012 provide the legislative basis for the household charge. Under the legislation, an owner of a residential property on the liability date of 1 January 2012 is liable to pay the household charge by 31 March 2012, unless otherwise exempted or entitled to claim a waiver.

Question No. 455 answered with Question No. 437.

456. **Deputy Olivia Mitchell** asked the Minister for the Environment, Community and Local Government if he will provide an update on the status of the draft guidelines on development contributions for local authorities; when these guidelines are planned to go for public consultation; and if he will make a statement on the matter. [9543/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): I intend to publish draft guidance on development contributions for public consultation in the coming weeks. The guidelines when finalised will be issued as guidance under section 29 of the Planning and Development Act 2000-2010.

Fire Services

457. **Deputy Micheál Martin** asked the Minister for the Environment, Community and Local Government the recruitment procedure for Dublin Fire Brigade and other five brigades throughout the country; if any changes have been made to the process in the past five years; the reasons for such changes; if previously existing recruitment panels have been disbanded; if

so, the number that have been replaced; and if he will make a statement on the matter. [9590/12]

458. **Deputy Micheál Martin** asked the Minister for the Environment, Community and Local Government the numbers recruited by Dublin Fire Brigade and other fire brigades throughout the country broken down by year over the past five years. [9591/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 457 and 458 together.

The provision of fire services in local authority areas, including the establishment and maintenance of fire brigades, the assessment of fire cover needs and the provision of premises is a statutory function of individual fire authorities under the provisions of the Fire Services Act 1981. My Department supports fire authorities through the setting of general policy and the provision of; training support and guidance on operational and other related matters and capital funding.

The moratorium on recruitment and promotion in the public service was introduced in March 2009 in response to the financial crisis. My Department operates a delegated sanction from the Department of Public Expenditure and Reform for implementation of the moratorium in relation to local authorities, and any exceptions to the moratorium in local authorities require sanction from my Department.

Under section 159 of the Local Government Act 2001, each City and County 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 City and County Managers, in the first instance, to ensure that the moratorium is implemented while the appropriate service levels are maintained. In considering sanction requests public safety, maintaining key front line services, and economic issues are given precedence.

Local authorities have been early movers in the public service in terms of staff reductions, moving from 37,243 Whole-time Equivalents (WTE) in 2008 to 29,744 WTE in December, 2011 a reduction of 7,499 WTE. The reduction of staff in local authorities is a net figure, as given the nature of the front line services provided, including inter-alia fire and emergency services, exceptions to the moratorium need to be, and are, regularly approved. In this regard, details of the number of firefighters employed in local authorities before and after the introduction of the moratorium are outlined in the following table:

	Jun-08	Dec-11	Jun-08	Dec-11
	*Retained Firefighters (Headcount)	*Retained Firefighters (Headcount)	Full time Firefighters (WTE)	Full time Firefighters (WTE)
Carlow	50	46	0	1
Cavan	89	84	0	0
Clare	81	78	1	1
Cork	244	223	1	1
Donegal	150	155	0	0
Dún Laoghaire	0	0	0	0
Fingal	0	0	0	0
Galway	108	106	36	36
Kerry	108	105	3	3
Kildare	68	76	5	0

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	Jun-08	Dec-11	Jun-08	Dec-11
	*Retained Fire-fighters (Headcount)	*Retained Fire-fighters (Headcount)	Full time Fire-fighters (WTE)	Full time Fire-fighters (WTE)
Kilkenny	68	68	1	1
Laois	73	68	0	0
Leitrim	45	45	0	0
Limerick	61	68	0	0
Longford	46	46	0	0
Louth	50	55	36	35
Mayo	114	119	3	2
Meath	69	72	0	0
Monaghan	45	51	0	0
Offaly	62	50	0	1
Roscommon	60	57	0	0
Sligo	43	41	3	4
South Dublin	0	0	0	0
North Tipperary	0	72	0	0
South Tipperary	66	63	1	1
Waterford	74	80	0	0
Westmeath	47	50	2	0
Wexford	65	63	0	1
Wicklow	91	97	0	0
County Total	1,977	2,038	92	87
<i>City Councils</i>				
Cork	0	0	0	134
Dublin	54	26	825	876
Galway	0	0	0	0
Limerick	0	0	68	60
Waterford	14	13	32	32
City Total	68	39	925	1,102
Overall Total	2,045	2,077	1,017	1,189

Water and Sewerage Schemes

459. **Deputy Jim Daly** asked the Minister for the Environment, Community and Local Government if an application has been made to him for funding to upgrade the main drainage arrangements for Clonakilty town, County Cork; and if he will make a statement on the matter. [9637/12]

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 Clonakilty Sewerage Scheme (Wastewater Treatment Plant Upgrade) Con-

tract is included in the Programme as a contract to start during the life of the Programme. The proposed works include the upgrading of the wastewater treatment plant and a pumping station at Long Quay. Cork County Council has informed my Department that it has recently sought tenders for the contract.

Private Residential Tenancies Board

460. **Deputy Patrick Nulty** asked the Minister for the Environment, Community and Local Government the reason the Private Residential Tenancies Board did not produce an annual report or publish accounts for 2010, despite the fact that it has a statutory obligation to do so; and if he will make a statement on the matter. [9648/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): The Private Residential Tenancies Board Annual Report and Accounts for 2010 were submitted to Government on 10 February 2012 and were subsequently laid before the Houses of the Oireachtas. Copies will be available in the Oireachtas library and on the PRTB website *www.prtb.ie* very shortly.

Departmental Expenditure

461. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government the total photography costs for his Department since coming to office; the list of occasions for which photographers were booked during the past year; the breakdown of costs associated with each occasion that a photographer was used; if there is a policy around the booking of photographers within his Department; and if he will make a statement on the matter. [9662/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): My Department engaged the services of photographers on two occasions in the last twelve months. The details of the engagements are set out in the following table:

Event	Cost
Ireland Best Kept Towns ceremony	€932
Tidy Towns National Awards ceremony	€600

My Department’s Press Office generally provides photographic services when required.

Ministerial Transport

462. **Deputy Timmy Dooley** asked the Minister for the Environment, Community and Local Government if he uses a State car; the type of car that is used; how often he has used it since coming to office; the cost of the person employed to drive the car; the cost of their salary; the cost of their vehicle expenses; if the person employed as their driver was previously a State employee; if that person is also in receipt of a State pension; the total cost of the service to date; and if he will make a statement on the matter. [9715/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): In line with Government policy, I do not use a state car. My Department has employed two civilian drivers since May 2011 for driving duties in my own car in line with approved arrangements. Details of the salaries and the travelling and subsistence expenses paid to the two drivers since their appointment are set out in the following table:

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	Salary	Travel and Subsistence	Total
Driver 1 —Appointed 1.5.2011	26,533.92	3,594.88	30,128.80
Driver 2 —Appointed 4.5.2011	26,281.22	5,318.60	31,599.82
Total	52,815.14	8,913.48	61,728.62

Both civilian drivers are former state employees and both are in receipt of a pension.

Rural Development

463. **Deputy Brendan Griffin** asked the Minister for the Environment, Community and Local Government the position regarding increasing the percentage of Leader funding available from development agencies to community and private projects; and if he will make a statement on the matter. [9725/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Rural Development Programme is designed to address directly many of the challenges facing rural communities including the need to increase economic activity and stimulate job creation; improve access to basic services for rural dwellers and encourage rural tourism based on the sustainable development of natural resources.

In general, the maximum rates of grant aid available under the measures of the RDP are 50% for private promoters and 75% for community groups with higher rates available for specific activities such as Training (100%) and Analysis and Development (90%). In recent times, due mainly to the current economic climate, it has proven difficult for private individuals and community groups to obtain the matched funding required to avail of this grant aid, particularly for larger projects. As part of a suite of measures to address these and other issues relating to the delivery of the RDP my Department is proposing to increase the maximum rates of aid available to both private promoters and community groups to 75% and 90% respectively. Such changes have to be approved by the European Commission before they can be introduced and it is expected that this and other programme change requests will be submitted to the Commission for their consideration as soon as is possible.

Local Authority Charges

464. **Deputy Sandra McLellan** asked the Minister for the Environment, Community and Local Government the number of persons to date that have registered to pay the household charge; and if he will make a statement on the matter. [9738/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Local Government (Household Charge) Act 2011 and the Local Government (Household Charge) Regulations 2012 provide the legislative basis for the household charge. Under the legislation, an owner of a residential property on the liability date of 1 January 2012 is liable to pay the household charge by 31 March 2012, unless otherwise exempted or entitled to claim a waiver.

The Local Government Management Agency (LGMA) is administering the household charge system on a shared service/agency basis for all county and city councils. I understand, from data provided by the LGMA, that as of 17 February, 2012, a total of 106,593 properties have been registered for payment of the household charge.

Water Charges

465. **Deputy John O'Mahony** asked the Minister for the Environment, Community and Local Government if he will confirm the date on which he proposes to initiate the scheme for domestic water metering; the number of operatives which will be employed for the installation of meters; the manner in which the aforementioned will be appointed and the scale of likely remuneration; and if he will make a statement on the matter. [9741/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Government has indicated its intention to commence the installation of water meters in households connected to public water supplies later in 2012. It is envisaged that the metering programme will create up to 2,000 jobs per annum over a three-year period and that installation contracts will be awarded to a significant number of private contractors. Staff involved in the installation works will be employed by the contractors so it is not possible to specify the likely remuneration.

The procurement strategy for the metering programme is being finalised and contracts have not yet been awarded. Tender processes will be managed in accordance with national and EU procurement guidelines.

Local Authority Charges

466. **Deputy Peter Mathews** asked the Minister for the Environment, Community and Local Government his views on a matter (details supplied) regarding the non-principal private residence charge; and if he will make a statement on the matter. [9746/12]

485. **Deputy John Lyons** asked the Minister for the Environment, Community and Local Government further to his contribution to the Topical Issues Debate of the 31 January 2012 on the non-principal private residence, NPPR, charge, if he will provide guidelines to local authorities, giving details of the flexibility open to them in collecting late payment fees when the owner can establish that they were genuinely not aware of the charge and when the owner has paid the NPPR due for each year; and if he will make a statement on the matter. [9991/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 466 and 485 together.

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 County and City 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

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where payment of the outstanding liability in a single payment would result in hardship, to enter into payment arrangements for the discharge of outstanding liabilities in instalments over a specified period. The guidelines are at an advanced stage of preparation and will be issued as soon as possible.

Question No. 467 answered with Question No. 428.

Water and Sewerage Schemes

468. **Deputy Pearse Doherty** asked the Minister for the Environment, Community and Local Government the expected start date for Dungloe and Glenties sewerage schemes, County Donegal; the expected duration of these schemes; and if he will make a statement on the matter. [9772/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Dungloe and Glenties Sewerage Schemes, which are to advance jointly, are included in the *Water Services Investment Programme 2010-2012* among the list of contracts in Donegal to start in the period 2010 -2012.

My Department has approved the tender documents for the work, which involves the provision of new wastewater treatment plants, pumping stations and sewers in Dungloe and Glenties, and it is a matter for Donegal County Council to advance the combined scheme through the tender process.

Water Services

469. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government his views on a matter (details supplied) regarding Irish water. [9785/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Fergus O'Dowd): The *Programme for Government* provides for the establishment of a new State-owned national water authority to take over responsibility for managing and supervising investment in water services infrastructure and to manage the domestic water metering programme. The Memorandum of Understanding between Ireland and the EU/IMF commits Ireland to undertaking an independent assessment of the establishment of such an authority.

PricewaterhouseCoopers were appointed to undertake this independent assessment, the purpose of which is to examine existing organisational arrangements in the water sector and consider the most appropriate assignment of water functions for the future. As part of this process, they consulted with a range of stakeholders, including the Irish Congress of Trade Unions, the County and City Managers Association and the local authority elected members representative associations.

Based on the assessment of the current structure, international benchmarks and stakeholder soundings, the independent assessment recommends that Irish Water be created as a public utility in a regulated environment. The study recognises that the strengths of the current system lie, inter alia, in the experienced workforce who know the assets, are close to their customers, are accountable for quality and the ability to mobilise local resources at times of need. Irish Water will have to build on these strengths of the existing system. Consequently Irish Water, although a national company, will have a regional and local focus and a phased transition is proposed to ensure continuity of service and the building of a fit for purpose organisation within a reasonable timescale.

The Government launched a six week public consultation on the proposed reforms which ends on 24 February 2012. In this context, the Government has sought views on the development of an implementation plan for the public water utility and, in particular issues arising from an organisational, human resources and environmental perspective in the transitional phase. My Department has also engaged in a further round of consultations with key stakeholders, including the Irish Congress of Trade Unions, as representatives of the workers in the sector.

470. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government his views on a matter (details supplied) regarding the new water board; and if he will make a statement on the matter. [9787/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Fergus O'Dowd): The *Programme for Government* provides for the establishment of a new State-owned national water authority to take over responsibility for managing and supervising investment in water services infrastructure and to manage the domestic water metering programme. The Memorandum of Understanding between Ireland and the EU/IMF commits Ireland to undertaking an independent assessment of the establishment of such an authority.

The first phase of work on the independent assessment has been completed, the phase 1 report and a position paper setting out proposed reforms in the water sector has been published as part of a public consultation which will conclude on 24 February 2012. The independent assessment concludes, based on an analysis of the strengths and weaknesses of the current system, international experience and stakeholder soundings, that Irish Water should be created as a public utility in a regulated environment. A public utility offers the best opportunity to improve the efficiency and effectiveness of water services delivery, provide access to new funding sources, and improve strategic planning and accountability.

In developing the implementation plan for the proposed reforms, further work is being undertaken by my Department and NewERA on whether, and in what manner, skills within the State sector can be harnessed for the successful implementation of the proposed water sector reforms. This does not involve exploration of any models involving the sale of Irish Water to multinational companies. I am not aware of any interest from any private companies in taking responsibility for water or wastewater services. The Government has made it clear that Irish Water is to remain in public ownership.

Waste Management

471. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Community and Local Government if he is satisfied that the company (details supplied) which has recently taken over the contract to run waste collection services in the Dublin City Council local authority area is fully tax compliant; if there has been any investigation into the overall company structure within which it is located in particular with regard to its apparent links to another company that is based offshore on the Isle of Man; and if he will make a statement on the matter. [9792/12]

472. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Community and Local Government the information he has received from Dublin City Council with regard to the tendering or sale process that it recently ran to privatise the waste service collection in the Dublin City Council area; if Dublin City Council investigated the track record of all tenderers and buyers in this regard in terms of the company history; and if he will make a statement on the matter. [9793/12]

473. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Community and Local Government if he will report on the tendering or sale process that was carried out to privatise waste collection services in the Dublin City Council area including the number of applicants that entered the tender sale processing competition; the criteria to which the tenders were assessed and the way in which the final decision was made; and if he will make a statement on the matter. [9794/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 471 to 473, inclusive, together.

I am aware of Dublin City Council's transfer of household waste collection services to a private sector partner. However, the operational and legal implications of the transfer of waste collection services are a matter for the City Council itself. Queries on the matter, including in relation to the tendering procedures employed, should therefore be addressed directly to the City Council.

Matters concerning company structures and domiciling are proper, in the first instance, to the Minister for Jobs, Enterprise and Innovation. Queries concerning tax compliance should be directed to the Revenue Commissioners.

Consultancy Contracts

474. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Community and Local Government his views on the use of outside consultants by local authorities in areas in which they already have internal expertise; if he has issued any guidelines to local authorities across the country in this regard; his further views on the use of consultants (details supplied) at a reported cost of €250,000 by Dublin City Council for advice on tendering for waste collection services when DCC have carried out this function for more than a century and have significant in-house expertise; and if he will make a statement on the matter. [9795/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): 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. Local authorities work individually, jointly and at sectoral level to achieve savings in the procurement area, as recommended by the Local Government Efficiency Review Report and through engagement with the National Procurement Service under the remit of the Office of Public Works. Procurement of individual products or services is a matter for the local authority directly concerned.

Unfinished Housing Developments

475. **Deputy Dara Calleary** asked the Minister for the Environment, Community and Local Government the steps that can be taken to have a resolution found for the estates (details supplied) in County Donegal which have been left unfinished. [9806/12]

476. **Deputy Dara Calleary** asked the Minister for the Environment, Community and Local Government the reason an estate (details supplied) in County Donegal was not exempt from the household charge; and if he will make a statement on the matter. [9807/12]

482. **Deputy Sandra McLellan** asked the Minister for the Environment, Community and Local Government the reason phase 1 of an estate (details supplied) is not exempt from the household charge when a similar estate is; if he will clarify the difference between both estates;

if the same rules were applied to both estates when the decision was reached; and if he will make a statement on the matter. [9944/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): I propose to take Questions Nos. 475, 476 and 482 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;
- 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

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list of estates will be prescribed for 2013 after which time the waiver for unfinished housing developments will end. Throughout this period it is anticipated that the numbers of categories 3 and 4 developments will decrease as my Department continues to work with local authorities and other stakeholders to resolve outstanding issues, including through the Public Safety Initiative.

Local Authority Staff

477. **Deputy Mary Lou McDonald** asked the Minister for the Environment, Community and Local Government if he will provide in tabular form the city and county managers who on retirement were awarded added years and a special severance gratuity payment between January 2000 and December 2011; the date that each manager retired; the age at which each manager retired; and the amount awarded as a special severance gratuity payment to each manager. [9828/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Article 78 of the Local Government (Superannuation) (Consolidation) Scheme 1998 deals with the pension entitlements of city and county managers.

My Department has examined the new pension terms for secretaries general to assess how they apply to city and county managers. The implementation of new pension terms will require legislation. The precise detail of this is currently being examined.

The information requested is outlined in table below:

Local Authority Manager for:	Retirement Date	Age at Retirement	Added Years Y/N	Severance Gratuity
Leitrim	02/01/2000	63	No	£28,012.50 Punts
Cork Corporation	01/05/2000	64	No	£32,536.00 Punts
Monaghan	17/10/2000	65	No	Nil
Limerick Co. Council	11/05/2001	57	Yes	Nil
South Dublin	01/01/2002	64	No	€52,729.68
Clare	05/02/2002	59	Yes	€49,150.93
Kilkenny	30/04/2002	64	No	Nil
Louth	18/05/2003	65	No	Nil
Cavan	03/05/2003	61	Yes	Nil
Wexford	31/08/2003	64	No	€52,077.00
Galway	04/04/2004	62	No	€53,639.50
Kerry	13/04/2004	55	Yes	€53,639.50
Waterford Co. Council	17/07/2004	62	No	€49,575.50
Fingal	12/09/2004	65	No	Nil
Dún Laoghaire Rathdown	27/09/2005	53	Yes	€63,218.50
Longford	04/10/2005	65	No	Nil
Westmeath	03/01/2006	53	Yes	€59,649.50
Dublin City Council	17/06/2006	60	Yes	€85,214.50
Offaly	13/01/2007	59	Yes	€60,307.00
Cork Co. Council	18/12/2006	63	No	€76,124.50
Kildare	25/12/2006	63	No	€65,251.50
Clare	01/04/2009	55	Yes	€73,422.50
Mayo	30/11/2009	63	No	Nil
North Tipperary	30/04/2010	61	No	€68,290.50

Local Authority Manager for:	Retirement Date	Age at Retirement	Added Years Y/N	Severance Gratuity
Donegal	07/07/2010	65	No	Nil
Cork City Council	31/08/2010	63	No	€78,983.50
Monaghan	30/11/2010	58	Yes	€68,290.50
Waterford Co. Council	19/09/2011	53	Yes	€66,255.50

Question No. 478 answered with Question No. 437.

Building Regulations

479. **Deputy Terence Flanagan** asked the Minister for the Environment, Community and Local Government the position regarding the building regulations (details supplied); and if he will make a statement on the matter. [9862/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): My Department, in conjunction with the Building Regulations Advisory Body (BRAB), has commenced a review of Part B (Fire Safety) of the Building Regulations and the accompanying Technical Guidance Document B (2006). An initial public consultation process, commenced in November 2011 is due to conclude shortly and a workshop for stakeholders was held in January. Both of these consultation processes will ensure that all relevant matters are covered in the review. There will be a further public consultation process at a later stage in the project when draft proposals have been developed.

480. **Deputy Alan Farrell** asked the Minister for the Environment, Community and Local Government if the recommendations regarding house insurance will form part of the pyrite panel findings to reflect the difficulties that pyrite affected homeowners are currently facing when trying to renew building insurance policies; if he will outline the alternative proposals if this is not a subject that is due to be considered by the panel; and if he will make a statement on the matter. [9871/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Pyrite Panel is due to submit its report to me shortly. In advance of receiving the report I am unable to say what recommendations it may contain. However, on receipt of the report I will give careful consideration to its content and any recommendations it may include.

Local Authority Charges

481. **Deputy Áine Collins** asked the Minister for the Environment, Community and Local Government with regard to the second house tax, the circumstances in which a second house would be deemed uninhabitable. [9925/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Local Government (Charges) Act 2009, as amended, provides the legislative basis for the charge on non-principal private residences.

The Act places the charge under the care and management of the local authorities, and application in particular circumstances is a matter for the relevant local authority. Interpretation of the legislation is a matter for legal advice in individual cases and ultimately a matter for the Courts.

The definition of “residential property” in section 2(1) is relevant when considering whether a property that is not used or lived in is liable to the charge on non-principal private residences.

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There are a number of indicators as to what makes a property suitable for occupation for the purposes of determining liability to the charge on non-principal private residences. The indicators include the structure of the property, whether or not it has a roof, whether or not it is so affected by dampness as to render it unsuitable for habitation, and whether or not it has sanitary facilities, including a water closet and water supply. A property that is not suitable for occupation should not be regarded as a residential property within the meaning of the Act.

The Act places the onus on an owner of a residential property to assess his or her liability to the charge on the liability date (31 March, 2012) and, if liable, to declare that liability and to pay the charge in respect of that property by the due date.

Question No. 482 answered with Question No. 475.

483. **Deputy Patrick O'Donovan** asked the Minister for the Environment, Community and Local Government if houses which are available for self-catering are exempt from paying the household charge of €100. [9945/12]

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.

Under the legislation, an owner of a residential property on the liability date of 1 January 2012 is liable to pay the household charge by 31 March 2012, unless otherwise exempted or entitled to claim a waiver.

The Local Government (Household Charge) Act 2011 provides for a number of exemptions and waivers from payment of the household charge.

The exemptions from payment of the household charge are—

- Residential properties that are part of the trading stock of a business and have not been sold or been the source of any income since construction,
- Residential property owned by a Minister of the Government, a housing authority or the Health Service Executive,
- Voluntary and co-operative housing,
- Residential property subject to commercial rates and wholly used as a dwelling,
- Residential property owned by certain charities or discretionary trusts, and
- Residential property which an owner has vacated due to long-term mental or physical infirmity (e.g. elderly person that has moved into a nursing home).

The waivers which apply concern—

- Owners of residential property entitled to mortgage interest supplement, and
- Owners of houses in certain unfinished housing estates.

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.

Local Authority Services

484. **Deputy Dominic Hannigan** asked the Minister for the Environment, Community and Local Government if he has had any communication with Meath County Council regarding the provision of a new graveyard in Stamullen; and if he will make a statement on the matter. [9947/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Neither I nor my Department have had any communication with Meath County Council regarding the provision of a new graveyard in Stamullen.

Under the Local Government (Sanitary Services) Acts, 1878 to 2001, local authorities are deemed to be burial boards for their respective functional areas. Acting in their capacity as burial boards, local authorities are responsible for the management, regulation and control of burial grounds in their functional areas. Under Local Government Act 1994, Ministerial consent for the use of land as a burial ground is no longer required.

Question No. 485 answered with Question No. 466.

Grant Payments

486. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government about the long delay in enabling community and voluntary groups and enterprises to draw down their awarded grants which is causing hardship to those groups and individuals; if he has made a decision or when he is going to make a decision as to the mechanism to be used to administer the Rural Development Programme 2007-2013 and the Local and Community Development Programme in the areas previously covered by Meitheal Forbartha na Gaeltachta; if these groups and individuals will be reimbursed for interest charges incurred as a result of the delay; if he will provide a breakdown of the funding allocated to each of the affected areas under the Rural Development Programme, including grants paid to date, grants allocated but awaiting draw down, and the balance of funding to be allocated; and if he will make a statement on the matter. [9994/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Meitheal Forbartha na Gaeltachta (MFG), the group contracted by my Department to deliver Axes 3 and 4 (LEADER) of the Rural Development Programme 2007-2013 (RDP) in Gaeltacht Areas, went into liquidation on 7 September 2011. MFG received an overall RDP allocation of €17,278,809 which covered all the Gaeltacht areas under the remit of the groups. The table below details by County, the current project expenditure position for RDP funding to Gaeltacht areas:

Cork	Donegal	Galway	Kerry	Mayo	Waterford	Total
€115,330.04	€537,771.65	€646,874.44	€365,118.34	€267,213.94	€35,734.12	€1,968,042.53

The group is the subject of an ongoing ‘winding up’ process, and, in this context, the final figures with regard to the number of outstanding payments due are not yet fully clarified. My

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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 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 shortly. My intention is that any alternative delivery mechanism will be efficient and effective and applied at the earliest possible opportunity. All relevant stakeholders will be informed as soon as an appropriate solution is finalised.

Fire Stations

487. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government if he will provide funding for a new fire station in Kenmare, County Kerry. [9995/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The provision of a fire service in its functional area, including the establishment and maintenance of a fire brigade, the assessment of fire cover needs and the provision of fire station premises, is a statutory function of individual fire authorities under section 10 of the Fire Services Act 1981. My Department supports the fire authorities through setting general policy, providing a central training programme, issuing guidance on operational and other related matters and providing capital funding for priority infrastructural projects.

The existing fire station in Kenmare was built in 1977 and the fire brigade responds to some 60 call-outs per year. In 2008, approval was conveyed to the Council to proceed to planning stage in respect of a new fire station and it is understood that planning permission was granted.

Investment in the fire appliance fleet has been identified as a key national priority for fire services. In that context, I have approved a programme which is currently underway involving fire authorities aggregating demand and jointly procuring 17 fire appliances.

Given the current constraints on public finances, further support from my Department's fire services capital programme to replace Kenmare fire station will have regard to national priorities referred to above, as well as to the totality of requests for funding from fire authorities countrywide, Kerry County Council's priorities and the value-for-money offered by proposals.

Private Rented Accommodation

488. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government if he will review the stipulation that insists that housing applicants have to be on rent allowance for 18 months before they can be considered for the rental accommodation scheme; and if he will make a statement on the matter. [9996/12]

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.

Departmental Agencies

489. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government if he will provide the number of retired persons serving on State boards and commissions; and the amount it is costing the State. [10353/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The information requested is being compiled and will be forwarded to the Deputy as soon as possible.

Planning Issues

490. **Deputy Michael McCarthy** asked the Minister for Justice and Equality when a decision will issue on an application for right of way registration (details supplied) in County Cork; the reason for the delay in processing same; and if he will make a statement on the matter. [9134/12]

Minister for Justice and Equality (Deputy Alan Shatter): I can inform the Deputy that under the Registration of Deeds and Title Act 2006, the Property Registration Authority (PRA) was established as and from 4 November 2006. The PRA replaces the Registrar of Deeds and Titles as the registering authority in relation to property registration in Ireland and, subject to the above Act, is independent in the performance of its functions.

The Deputy will be aware of the service to T.D.s and Senators which provides information on the current status of applications, such as the subject of this question, which was introduced in May 2006. The service provides a speedier, more efficient and more cost effective alternative to submitting Parliamentary Questions. It is operated by the PRA and is available all year round.

I can further inform the Deputy that his query has been forwarded to the PRA for attention and direct reply via the above mentioned service.

International Agreements

491. **Deputy Finian McGrath** asked the Minister for Justice and Equality if he will support the United Nations Convention for People with Disabilities; and the position regarding its ratification. [9194/12]

Minister of State at the Department of Justice and Equality (Deputy Kathleen Lynch): It is the Government's intention to ratify the UN Convention on the Rights of Persons with Disabilities as quickly as possible, taking into account the need to ensure that all necessary legislative and administrative requirements under the Convention are being met. As the Deputy may be aware, Ireland does not become party to treaties until it is first in a position to comply with the obligations imposed by the treaty in question, including by amending domestic law as necessary.

The ongoing implementation of our National Disability Strategy in many respects comprehends many of the provisions of the Convention. In addition, the Inter-Departmental Committee on the UNCPRD monitors the remaining legislative and administrative actions required to enable ratification. At the Committee's request, the National Disability Authority, the lead statutory agency for the sector, has independently assessed the remaining requirements for ratification so as to ensure conclusively that all such issues will be addressed.

One of the key requirements in this regard is the enactment of mental capacity legislation. The Government's Legislation Programme as announced on 11 January 2012, indicates that

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the Mental Capacity Bill is expected to be published in the current Dáil session. The Bill will replace the Wards of Court system with a modern statutory framework governing decision-making on behalf of adults who lack capacity. The passage of this Bill will add substantially to the overall progress on implementation of the requirements towards ratification of the Convention.

492. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality which of the outstanding 49 recommendations of the UN periodic review process, of which the State's acceptance is outstanding, the State will accept before the 19th session of the UN Human Rights Council in March 2012; and if he will make a statement on the matter. [9422/12]

510. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality which of the outstanding 49 recommendations of the UN periodic review process of which the State's acceptance is outstanding, fall under the aegis of his Department; and if the State will accept these before the 19th session of the UN Human Rights Council in March 2012; and if he will make a statement on the matter. [9421/12]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 492 and 510 together.

Many of the recommendations made by member States at Ireland's interactive dialogue under the United Nations (UN) Universal Periodic Review (UPR) process on 6 October, 2011, are composite recommendations, covering more than one issue. Given the complex nature of these recommendations, it would be overly simplistic of me to say that any specific number of them fall primarily within the aegis of my Department.

As the coordinating Department for Ireland's response to the UN UPR process, it falls on my Department to compile replies on behalf of and in cooperation with all relevant Government Departments and agencies to all of the recommendations made by member states. Ireland's responses to the 49 recommendations to which we did not respond at the October 2011 session are currently being finalised. These responses will be published in due course by the UN HRC as an Addendum to the Report of the Working Group on Ireland's UPR review which is scheduled for adoption by the Council on 15 March. The deadline for submission of Ireland's remaining responses is 29 February 2012. Once submitted, the responses will also be published on our website, *www.upr.ie*.

Residency Permits

493. **Deputy Finian McGrath** asked the Minister for Justice and Equality the position regarding residency in respect of a person (details supplied) in Dublin 3. [9131/12]

Minister for Justice and Equality (Deputy Alan Shatter): The person concerned was granted permission to remain in the State on 2 May, 2008 for a 3 year period following a review of his case file. This permission was renewed in 2011 by the Garda National Immigration Bureau (GNIB) and is currently valid until 6 October, 2013.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up-to-date information on such cases to be obtained without 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.

Departmental Offices

494. **Deputy Eric Byrne** asked the Minister for Justice and Equality the projects that have been funded by the Office of the Promotion of Migrant Integration since he was appointed, in tabular form. [9145/12]

Minister for Justice and Equality (Deputy Alan Shatter): Since I became Minister for Justice and Equality, the Office for the Promotion of Migrant Integration in my Department has provided funding for integration projects as detailed in the accompanying table. Funding was also provided to a number of other bodies but on the basis of decisions taken prior to my appointment.

Organisation	Amount
MEATH COUNTY COUNCIL	66,995
DUBLIN CITY COUNCIL	95,000
CUMANN LUTHCHLEAS GAEL	49,307
NEW COMMUNITIES PARTNERSHIP	64,914
SOUTH DUBLIN COUNTY COUNCIL	20,000
HOLOCAUST EDUCATIONAL TRUST	50,000
FOOTBALL ASSOCIATION OF IRELAND	168,899
SHOW RACISM THE RED CARD	27,000
KILDARE COUNTY COUNCIL	72,085
FÁILTE ISTEACH	126,420
COMMUNITY GAMES	35,000

Funding was also provided to a number of other bodies but on the basis of decisions taken prior to my appointment.

Crime Prevention

495. **Deputy Finian McGrath** asked the Minister for Justice and Equality the position regarding anti-social behaviour at a location (details supplied) in Dublin 9. [9193/12]

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 difficulties being experienced by residents as a result of public disorder and anti-social behaviour.

I am further informed that, as part of the District Policing Plan, the area has been designated as a 'hot-spot' for anti-social behaviour and continues to be targeted for additional policing measures, by way of additional foot and mobile patrols, by uniform and plain-clothes units, including the Community Policing Unit and Garda Bike Units, local Detective and Drug Unit personnel, supplemented as required by the Divisional Crime Task Force and Traffic Corps personnel. A Community Garda is specifically allocated to the area referred to.

Local Garda management closely monitors the situation, including complaints and patrols being conducted in the area, in conjunction with other policing needs in the area to ensure optimum use is made of Garda resources, and the best possible Garda service is provided to the public.

Current policing plans in the area are designed to address issues of crime and public order offences. Community policing is a central feature and core value of policing policy and current policing strategies are predicated on the prevention of crime, public order offences and anti-

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social behaviour. This strategy is, and will continue to be, central to the delivery of a policing service to the area in question. I am further informed that the situation is being kept under review by Garda management.

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496. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the progress made to date in the matter of determination of entitlement to residency in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [9195/12]

Minister for Justice and Equality (Deputy Alan Shatter): The person concerned has had her leave to remain in the State renewed for a further two year period, to 19 March 2013. This decision was conveyed in writing to the person concerned by letter dated 24 June 2011.

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.

State Cars

497. **Deputy Pat Deering** asked the Minister for Justice and Equality further to Parliamentary Question No. 131 of 8 February 2012, the location at which the arrangements referred to will be made available to the public. [9197/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Garda authorities that the tender competition to retain the services of a vehicle auctioneer has been completed and it is expected that the contract will be awarded in the coming weeks. In addition, I understand that the appointed auctioneer will be required to advertise the auction of former Office Holder cars in national newspapers.

Garda Strength

498. **Deputy Charlie McConalogue** asked the Minister for Justice and Equality his plans to replace resources at a Garda station (details supplied) in County Donegal which is down in numbers; and if he will make a statement on the matter. [9198/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Deputy will be aware that the Commissioner, in consultation with his senior management team, is responsible for the detailed allocation of resources, including personnel, throughout the organisation and I have no function in that process.

Notwithstanding this, I have been informed by the Garda Commissioner that the personnel strength of Newtowncunningham Garda Station on 31 January 2012, the latest date for which figures are readily available, was 2. Newtowncunningham Garda Station forms part of the Letterkenny Garda District. The personnel strength of Letterkenny Garda District on the same date was 164.

While there is no getting away from the reality that public expenditure and public service numbers have to be reduced in the context of the agreement with the EU and the IMF, the Government is committed to maintaining frontline services at the highest level possible.

Garda management will continue to closely monitor the allocation of resources, including transfers and retirements, in the context of crime trends, policing needs and other operational strategies in place on a District, Divisional and Regional level to ensure optimum use is made of Garda resources and the best possible Garda service is provided to the public.

Residency Permits

499. **Deputy Alan Farrell** asked the Minister for Justice and Equality if it is possible for an adult Chinese national, currently in Ireland on a D visit visa, to apply for permanent residency here; if so, the channels they must go through; and if he will make a statement on the matter. [9202/12]

Minister for Justice and Equality (Deputy Alan Shatter): In the absence of the details of this particular case it is difficult to give a precise answer to the Deputy's question. However, I would suggest that the person concerned contact the General Immigration Division, Irish Naturalisation and Immigration Service (INIS), 13/14 Burgh Quay, Dublin 2 to discuss their particular case. Information is also available on the INIS website *www.inis.ie*.

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.

Currency Exchange

500. **Deputy Kevin Humphreys** asked the Minister for Justice and Equality if his attention has been drawn to the fact that an average of more than €10,000 is exchanged from punts to euro at the Central Bank of Ireland on a daily basis; if he or the Garda monitors this exchange process; if any examination or explanation process is required to ascertain where such large sums are coming from over a decade since the introduction of the euro; if he will confirm if these transactions are monitored for the possibility of being from the proceeds of criminality; and if he will make a statement on the matter. [9213/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed that An Garda Síochána has not received any recent reports from the Central Bank regarding any suspicion attached to the exchange of money from Punts to Euro.

I am also advised by the Minister for Finance that he has been informed by the Central Bank that some €10,000 is exchanged from punts to euro at the Central Bank of Ireland on a daily basis. The Central Bank is satisfied of the legitimacy of the level of exchange which is derived from various sources. I am further informed that the Central Bank continuously monitors this process to ensure the provision of a secure public service including appropriate procedures to notify the authorities of any suspicious transactions.

State Bodies

501. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice and Equality the number and names of the State bodies under the aegis of his Department which are subject to the revised code of practice for the governance of State bodies; and if he will make a statement on the matter. [9265/12]

502. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice and Equality if he has received the annual report on corporate governance from all State bodies under the aegis of his Department which are subject to the revised code of practice for the governance of State bodies for 2010 as required under section 13.1 of the code, if not, whether he will outline which State bodies have not done so and if, having reviewed the reports, he is satisfied that all State bodies are complying with the provisions of the code; and if he will make a statement on the matter. [9271/12]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 501 and 502 together.

The Revised Code of Practice for the Governance of State Bodies applies to the following bodies under the aegis of my Department:

The Courts Service.

The Property Registration Authority.

The Legal Aid Board.

The Private Security Authority.

The Office of the Data Protection Commissioner.

The Office of the Refugee Applications Commissioner.

The Refugee Appeals Tribunal.

The Garda Síochána Ombudsman Commission.

The Irish Film Classification Office.

The Equality Authority.

The Equality Tribunal.

The National Disability Authority.

The Human Rights Commission.

I can confirm that all of these Bodies have submitted their Annual Report for 2010, indicating that the governance arrangements in place are in compliance with the Revised Code. My Department is satisfied that these reports confirm satisfactory compliance. My Department has also put in place an annual verification process in relation to compliance with the Revised Code. Corporate governance arrangements are overseen by the appropriate Line Divisions and senior management of my Department.

I understand that the Department of Public Expenditure and Reform is to issue guidelines on best practice later this year in relation to managing the performance and governance of State Agencies.

Liquor Licensing Laws

503. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice and Equality the number of test purchases which have been undertaken by An Garda Síochána under section 14 of the Intoxicating Liquor Act 2008 since the launch of the guidelines on 1 October 2010; and if he will make a statement on the matter. [9279/12]

Minister for Justice and Equality (Deputy Alan Shatter): Section 14 of the Intoxicating Liquor Act 2008 makes provision for the test purchasing of alcohol products. The primary objective of the scheme, which entered into force on 1 October 2010, is to enable An Garda Síochána to target those licensed premises which are suspected of engaging in illegal sales of alcohol to young people. It also provides that the Minister for Justice and Law Reform shall issue guidelines in respect of the procedures to be followed with respect of the practical operation of the scheme following consultation with the Garda Commissioner and the Minister for Health and Children.

I am informed by the Garda authorities that, up to 31 January, 2012, section 14 of the 2008 Act has been invoked on 265 occasions.

504. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice and Equality when he expects to make decisions regarding commencement of section 9 of the Intoxicating Liquor Act 2008 following his review of the voluntary code of practice for the display and sale of alcohol in supermarkets, convenience stores and similar mixed trading outlets; and if he will make a statement on the matter. [9280/12]

Minister for Justice and Equality (Deputy Alan Shatter): The position is that following examination of the submissions received in response to the consultation process, I expect to be in a position to seek Government approval for my proposals in relation to the display and sale of alcohol products in mixed trading outlets in the coming weeks.

505. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice and Equality when he plans to publish the sale of alcohol Bill; if he plans to take into consideration the recommendations of the national substance misuse steering group; and if he will make a statement on the matter. [9281/12]

Minister for Justice and Equality (Deputy Alan Shatter): The position is that the Government Legislation Programme provides for publication of the Sale of Alcohol Bill in mid 2012. I intend to have regard to recommendations of the Steering Group in relation to licensing law reform in the context of the drafting of the Bill.

Departmental Funding

506. **Deputy Gerald Nash** asked the Minister for Justice and Equality if he will provide details on funding and grant opportunities available from him for community based organisations working in the area of integration; and if he will make a statement on the matter. [9321/12]

Minister for Justice and Equality (Deputy Alan Shatter): Consideration will be given to conducting a call for applications under the European Fund for the Integration of Third Country Nationals and the European Refugee Fund in the course of this year as many of the current projects are due to end.

As regards assistance which is not co-financed by the EU, the Office for the Promotion of Migrant Integration in my Department has channelled significant funding to local authorities, national sporting bodies and other national organisations in the period since 2008. The emphasis was, however, on bodies of this type and not on community-based organisations though a number of local authorities used their grants to provide assistance to such organisations.

This funding is continuing but on a limited scale because, as the Deputy will appreciate, our resources are reduced in line with public expenditure generally. There is unfortunately little or no scope at present to take on new projects.

Legal Aid Service

507. **Deputy Michael McNamara** asked the Minister for Justice and Equality if it is necessary for a barrister to be a member of the Law Library to be on the criminal and civil legal aid panels. [9324/12]

Minister for Justice and Equality (Deputy Alan Shatter): As the Deputy is aware, there are two schemes for legal aid, one for Criminal Legal Aid and another for Civil Legal Aid.

Criminal Legal Aid

I can inform the Deputy that barristers who wish to operate under the Criminal Legal Aid Scheme must be on a criminal legal aid panel as provided for in the Criminal Justice (Legal Aid) Act, 1962 and Regulations, 1965 to 2011. The procedure for barristers is that they must inform the Bar Council that they are willing to accept instruction in cases where the defendant has been granted a certificate for free legal aid by the courts. The Bar Council then informs my officials who request a tax clearance certificate from the counsel before adding his or her name to the panel. Neither the Act nor the Regulations specify that barristers, who wish to be included on the criminal legal aid panel, have to be members of the Law Library.

Civil Legal Aid

I can further inform the Deputy that the Legal Aid Board is responsible for the maintenance of a panel of barristers who provide services in civil legal aid matters. The Board has not specified that barristers must be members of the Law Library. However, its current practice is that the Bar Council of Ireland notifies it of the names and details of barristers who wished to be placed on its panel and those barristers are placed accordingly. The Bar Council of Ireland's Code of Conduct provides that barristers shall not have their name placed on a legal aid panel until they have completed six months pupillage or have been members of the Law Library for one year. Current staff in the Board are not aware of any application for admission to the panel having been made other than through the Bar Council.

I understand that the Board is in the process of revising the terms and conditions for the retention of barristers.

Citizenship Applications

508. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice and Equality the reason for the delay in processing an application for naturalisation in respect of a person (details supplied) in Dublin 8. [9334/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that a valid application for a certificate of naturalisation was received from the person referred to by the Deputy in May, 2007.

The application is currently being processed with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation and will be submitted to me for decision as expeditiously as possible. As the processing requirements and time taken to complete necessary checks vary from case to case, it is not possible to provide a specific date for determination of an individual application. I can inform the Deputy that good progress continues to be made in reducing the time taken to process the generality of applications. The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

Residency Permits

509. **Deputy Finian McGrath** asked the Minister for Justice and Equality if he will review the case of persons (details supplied). [9403/12]

Minister for Justice and Equality (Deputy Alan Shatter): Correspondence was received in the Department from the person concerned on 21 December 2011, in relation to his position in the State and, more specifically, as to how the recent ECJ Judgment in the *Zambrano* case might apply to him. As the person in question has current permission to remain in the state on a stamp 2, a letter was issued to him on the 21 December 2011, advising him to attend at his local Garda Registration Office to have his case considered. To date the person in question has not attended his local immigration office.

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.

Question No. 510 answered with Question No. 492.

Garda Deployment

511. **Deputy Thomas Pringle** asked the Minister for Justice and Equality further to Parliamentary Question No. 286 of 6 December 2011, when a reply will issue. [9433/12]

Minister for Justice and Equality (Deputy Alan Shatter): The information which was sought by the Deputy on the 6 December 2011 is only recently to hand. I have been informed by the Garda authorities that all Gardaí, inter alia, have a responsibility to conduct business with members of the public through Irish as and when the need arises. 'Conducting business through Irish' is part of the language curriculum which is delivered to all Garda Trainees in the Garda College. If a member of the Garda Síochána cannot provide an immediate service through Irish when required, a more proficient member of An Garda Síochána will complete the business and to this end there is a panel of fluent Irish speakers available in each Garda Division to deal with issues as they arise.

A Gaeltacht Allowance is paid to members of the Garda Síochána who have attained a set level of oral and written proficiency in the Irish language and are serving in a defined Gaeltacht area. I am awaiting a list of the stations to which Gardaí in receipt of the Gaeltacht allowance are assigned in the Donegal Division and I will write directly to the Deputy when it becomes available.

Deportation Orders

512. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he will review the decision of deportation in the case of a person (details supplied) in County Limerick with

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particular reference to the Zambrano case; and if he will make a statement on the matter. [9462/12]

Minister for Justice and Equality (Deputy Alan Shatter): The person concerned is the subject of a Deportation Order, signed on 20 April 2010, following a comprehensive and thorough examination of his asylum claim and his application for subsidiary protection, and a detailed examination of the representations he submitted for consideration under Section 3 of the Immigration Act 1999 (as amended).

Further representations were received from the person concerned asking that his Deportation Order be revoked, in accordance with the provisions of Section 3(11) of the Immigration Act, 1999 (as amended). Following consideration of the information submitted, the Deportation Order was affirmed and the person concerned and his legal representative were advised of this decision by letter dated 19 July 2010.

An application by this person in respect of the Zambrano Judgement has now been received. This 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 INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

Citizenship Applications

513. **Deputy Tom Fleming** asked the Minister for Justice and Equality the reason for the delay in the processing of an application for naturalisation in respect of a person (details supplied) in County Kerry; and when a decision will issue. [9498/12]

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 May 2010. The application is at an advanced stage of processing. The person concerned will be informed of my decision on her application in due course.

As the processing requirements and time taken to complete necessary checks vary from case to case, it is not possible to provide a specific date for determination of individual applications. I can inform the Deputy that good progress continues to be made in reducing the time taken to process the generality of applications. 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.

Proposed Legislation

514. **Deputy Simon Harris** asked the Minister for Justice and Equality the current legislation governing cash for gold shops; if he deems the current legislation sufficient to safeguard local communities; his plans to reform this area of law during his tenure; and if he will make a statement on the matter. [9513/12]

Minister for Justice and Equality (Deputy Alan Shatter): The informal purchase of jewellery is not specifically regulated in criminal legislation; however the circumstances under which jewellery is being bought and/or sold may indicate the commission of certain offences, for example handling stolen property and / or possession of stolen property under sections 17 and 18 of the Criminal Justice (Theft and Fraud Offences) Act, 2001. My Department is finalising a report on criminal justice aspects of the “Cash for Gold” trade and this report will be submitted to me shortly for consideration. Following consideration of the report I will make an assessment as to what, if any, action, legislative or otherwise, may be required. I will, in due course, make known the report’s findings and any proposals which may arise.

Asylum Applications

515. **Deputy Pearse Doherty** asked the Minister for Justice and Equality when a decision will issue on an appeal for asylum in respect of a person (details supplied) in County Donegal. [9515/12]

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 8 January 2009, 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 European Communities (Eligibility for Protection) Regulations 2006.

The person concerned submitted an application for Subsidiary Protection. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome. In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before a final decision is made. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy’s view, inadequate or too long awaited.

Refugee Status

516. **Deputy Ciara Conway** asked the Minister for Justice and Equality the timeframe for dealing with applications for those seeking refugee status; if the proposed guideline of six

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months is being adhered to; if he will provide a breakdown of applications being processed over the past 12 months in tabular form; and if he will make a statement on the matter. [9525/12]

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) both of which make recommendations to the Minister for Justice and Equality on whether such status should be granted. I presume that the “six month” guideline mentioned by the Deputy refers to the requirement on the ORAC to provide information to applicants on the estimated time within which a recommendation on their application will be made, in circumstances where a determination cannot be made within six months.

During 2011, the median processing time for asylum applications by the ORAC was approximately 6 weeks in the case of prioritised applications, and 12 weeks in the case of non-prioritised applications. 1,290 new applications for refugee status were received in the ORAC in 2011 with 1,447 determinations made. The median processing times for appeals dealt with by the RAT in 2011 was approximately 22 weeks in the case of substantive appeals (cases involving an oral hearing) and 5 weeks in the case of accelerated appeals (appeals dealt with on the papers). During 2011, 1,106 new appeals were received in the RAT with 1,330 decisions made.

I should point out that some cases can take significantly longer to complete due to, for example, delays arising from medical issues, or because of judicial review proceedings. All asylum applications and appeals are processed in accordance with the Refugee Act 1996 and high quality and fair decision-making in all cases continues to be a key priority at all stages of the asylum process. For the sake of completeness, I should also state that persons who are refused a declaration under Section 17 of the Refugee Act 1996 (as amended) enter what is commonly referred to as the “leave to remain” process which generally has two elements to it; an application for subsidiary protection and further consideration to be given under Section 3 of the Immigration Act 1999 (as amended). This is separate to the asylum or refugee status determination process.

The processing of cases at this point is also complex and extremely resource intensive given that where an application for subsidiary protection is lodged in addition to representations for consideration under Section 3 of the Immigration Act 1999 (as amended), the subsidiary protection application must be considered first to assess whether the applicant has an identifiable need for international protection. Where such an application is refused, consideration must then be given to the case in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), at which point the Minister must make a decision whether or not to make a deportation order in respect of the person. All of this must be done in strict compliance with the Constitution, together with relevant international law including the European Convention on Human Rights.

Proposed Legislation

517. **Deputy Ciara Conway** asked the Minister for Justice and Equality when a review of the asylum system will take place; the criteria that will be used; and if he will make a statement on the matter. [9526/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Deputy may be aware that the Immigration, Residence and Protection Bill 2010, which I restored to the Dáil order paper, comprehensively reforms and simplifies the current refugee status determination process. The Bill provides for the introduction of a single application procedure for the investigation of all

grounds for protection and any other grounds presented by applicants seeking to remain in the State. This change of the processing framework will remove the current multi-layered and sequential processes associated with the existing system. I am currently developing a number of amendments to the Bill before commencing Committee Stage, which I hope to be in a position to do in the near future.

Deportation Orders

518. **Deputy Ciara Conway** asked the Minister for Justice and Equality the number of deportations that took place in 2011; the reasons for same; the way deportations are administered; and if he will make a statement on the matter. [9527/12]

Minister for Justice and Equality (Deputy Alan Shatter): In 2011, the number of persons removed from the State on foot of Deportation Orders made under Section 3 of the Immigration Act, 1999 was 280. These persons included those whose applications for asylum were refused as well as those who were in breach of the provisions of immigration legislation. In addition during 2011, just under 3,700 refusals of entry into the State for one or more reason in respect of 2,768 persons were recorded by the Garda National Immigration Bureau at airports and other ports of entry to the State. The number of persons removed under this category, excluding those who having been refused entry subsequently claimed asylum, together with other persons who were transferred under the Dublin Regulation to the EU member state in which they first applied for asylum and EU nationals who were returned to their countries of origin on foot of an EU Removal Order was 2,719.

In all cases, removals from the State, whether in respect of those who are removed on arrival at ports of entry or those already in the State, are conducted in accordance with the law. Removals are essentially operational matters for the Garda National Immigration Bureau who work closely with immigration officials of my Department in arranging the necessary travel documents and other papers required. In keeping with standard practice in other jurisdictions, some individuals are escorted to their country of origin or to a connecting hub. Chartered aircraft as well as scheduled commercial aircraft and ferries are used to effect removals. 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.

Citizenship Applications

519. **Deputy Willie Penrose** asked the Minister for Justice and Equality when a person (details supplied) will have their application for naturalisation finalised; and if he will make a statement on the matter. [9587/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that an application for a certificate of naturalisation was received from the person referred to by the Deputy in April, 2011. The application is currently being processed with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation and will be submitted to me for decision as expeditiously as possible. The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process.

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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.

Proposed Legislation

520. **Deputy Éamon Ó Cuív** asked the Minister for Justice and Equality his plans to amend the law in relation to private security firms to bring companies who clamp cars both on private and on public property under its ambit and to ensure that they adhere to the highest standards; and if he will make a statement on the matter. [9593/12]

Minister for Justice and Equality (Deputy Alan Shatter): The matter raised by the Deputy is a matter for my colleague, the Minister for Transport Tourism and Sport, Leo Varadkar T.D. However, to be of assistance, I have been advised that while current legislation permits local authorities to clamp vehicles in public places, either directly or by contract with a clamping company, there is no legislation covering clamping on private property. In line with the commitment in the Programme for Government to regulate the vehicle clamping industry, Minister Varadkar has presented a discussion document to the Joint Oireachtas Committee on the Environment, Transport, Culture and the Gaeltacht, outlining the issues involved in regulating the industry, his proposals on the shape of appropriate legislation and inviting their views. I understand that when the Committee's views have been received, Minister Varadkar anticipates that appropriate legislation will be brought before the Oireachtas.

Garda Investigations

521. **Deputy Finian McGrath** asked the Minister for Justice and Equality if he will review a matter (details supplied) regarding parking. [9606/12]

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.

Visa Applications

522. **Deputy Finian McGrath** asked the Minister for Justice and Equality the position regarding a visa in respect of a person (details supplied) in Dublin 9. [9607/12]

Minister for Justice and Equality (Deputy Alan Shatter): Based on the information supplied by the Deputy, I am informed by officials in my Department that they can find no record of a current visa application for the person referred to. When completing an on-line visa application the applicant is assigned a unique visa transaction number. This detail must be provided where a query on the status or other enquiry regarding a visa application arises. The provision of this unique visa transaction number ensures that accurate and current information is provided to the authorised enquirer. Perhaps if the Deputy could provide the relevant detail to Officials in the Visa Office then an update could be provided. Comprehensive information on the visa application process is available on the website of the Irish Naturalisation and Immigration Service (www.inis.gov.ie).

If however the question relates to the Deputy's earlier question PQ 27908/11 regarding residency of the person, the Deputy or the person themselves should contact studentreviewgroup@justice.ie clearly setting out full details of their case, as previously advised.

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.

Departmental Expenditure

523. **Deputy Niall Collins** asked the Minister for Justice and Equality the total photography costs for his Department since coming to office; the list of occasions for which photographers were booked over the past year; the breakdown of costs associated with each occasion that a photographer was used; if there is a policy around the booking of photographers within his Department; and if he will make a statement on the matter. [9667/12]

Minister for Justice and Equality (Deputy Alan Shatter): I can inform the Deputy that photographic services are only used by my Department to mark high profile events and when considered absolutely necessary. Consideration is given at all times to the cost involved and best value for money is always a priority when sourcing such services. The photography costs for my Department since my appointment is set out in the following table:

Occasions for which photographers were booked by the Press Office	Date	Cost
Launch of the Visa Waiver Scheme by The Taoiseach, Enda Kenny, T.D., the Tánaiste and Minister for Foreign Affairs and Trade, Eamon Gilmore, T.D., the Minister for Justice, Equality and Defence, Alan Shatter, T.D. and the Minister for Transport, Tourism and Sport, Leo Varadkar, T.D.	30 June 2011	€607.42
Appointment of Deputy Commissioner Noirín O'Sullivan	22 March 2011	€500.34
Minister for Justice, Equality and Defence, Alan Shatter, T.D. and UK Immigration Minister, Damien Green, M.P., sign Joint Statement and the accompanying Memorandum of Understanding on visa data exchange.	20 December 2011	€526.35
Conference in Dublin Castle entitled How to Elect More Women? The event was part funded by the European Social Fund (ESF). To promote the event and to comply with the publicity requirements associated with ESF projects, a photographer was booked.	20 January 2012	Payment pending receipt of invoice. An approximation of the probable cost is €760.00.
Photography service used to mark the historic deployment of civilian immigration officers to Dublin Airport to replace Gardaí.	1 February 2012	Payment pending receipt of invoice.
Total Photography Costs to date.		€2,394.11(approx.)

Garda Transport

524. **Deputy Niall Collins** asked the Minister for Justice and Equality if he will tabulate year by year for each of the years 2007 to date, inclusive, the number of Garda vehicles in use analysed by Garda division also detailing the vehicle additions and vehicles decommissioned in each year in each division; and if he will make a statement on the matter. [9680/12]

Minister for Justice and Equality (Deputy Alan Shatter): I have requested the information sought by the Deputy from the Garda authorities. I will be in contact with the Deputy when this information is to hand.

525. **Deputy Niall Collins** asked the Minister for Justice and Equality the cost of repairs to Garda vehicles analysed by Garda division in each year from 2007 to date; and if he will make a statement on the matter. [9681/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Garda Commissioner is the Accounting Officer for the Garda Vote. In that context I am advised by the Garda authorities that records in relation to repairs for the Garda fleet are not maintained in a format which provides a breakdown of the costs incurred by each Garda Division. I am further informed that the extraction of such data would require a disproportionate use of Garda resources.

However, the Garda authorities have advised me that the costs of maintaining Garda vehicles, which include spare parts and towing, for the period 2007 to date were as outlined in the following table:

Year	Cost
2007	€6,823,497
2008	€8,144,219
2009	€10,075,614
2010	€13,073,412
2011	€11,496,945
2012 (to date)	€1,243,969

526. **Deputy Niall Collins** asked the Minister for Justice and Equality the Garda budget for 2012 for vehicles acquisitions; and if he will make a statement on the matter. [9682/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Garda authorities that the budget allocation provided in the 2012 Garda Vote for the purchase of vehicles is €2.267m.

527. **Deputy Niall Collins** asked the Minister for Justice and Equality the policy for decommissioning a Garda vehicle; if this policy has been approved by the Health and Safety Authority; and if he will make a statement on the matter. [9683/12]

Minister for Justice and Equality (Deputy Alan Shatter): The deployment of Garda resources, including transport, is a matter for the Garda Commissioner.

I am advised by the Garda authorities that Garda patrol cars are retired for a variety of reasons, including having reached an odometer reading of 300,000 kilometres. The decommissioning of cars is carried out to ensure that all operational vehicles fully meet the safety requirements of both Garda personnel and members of the public. This is a function which is undertaken in accordance with strict standards set by the relevant manufacturers and it has not been necessary to involve the Health and Safety Authority.

Garda Strength

528. **Deputy Seán Kenny** asked the Minister for Justice and Equality if he will provide a breakdown of staffing levels, by grade within the various specialist crime units within An Garda

Síochána as of 1 February 2012; if he will provide same as of 1 February 2010 and 1 February 2011; and if he will make a statement on the matter. [9695/12]

Minister for Justice and Equality (Deputy Alan Shatter): I have requested the information sought by the Deputy from the Garda authorities and I will write to the Deputy directly when it is to hand.

Liquor Licensing Laws

529. **Deputy Seán Kenny** asked the Minister for Justice and Equality the number of special exemption orders granted in the years 2008, 2009, 2010, 2011 and to date in 2012; the number of orders currently pending; the number of orders that have been refused in each of these years; the cost of applying for a special exemption order in each of the years; if gardaí in the district in which the special exemption order is for are given 72 hours notice before the order comes into effect; and if he will make a statement on the matter. [9696/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Deputy will be aware that, under the provisions of the Courts Service Act 1998, management of the courts is the responsibility of the Courts Service. The Act provides that the Service is independent in the performance of its functions, which includes the provision of statistics.

However, in order to be of assistance to the Deputy, I have had enquiries made and the Courts Service has informed me that licensing statistics are not compiled in the manner sought by the Deputy and that the data could not be extracted without a disproportionate expenditure of staff time and resources which could not be justified in the circumstances.

The number of applications for Special Exemption Orders for the years 2008, 2009 and 2010 are as set out in the table below:

	2008	2009	2010
No. of applications	78,711	64,011	64,878

While the final figures for 2011 are not yet to hand, the Courts Service has indicated that it anticipates that the total number of applications in 2011 will be less than the 2010 figure. I am also informed that there are no figures currently available for 2012.

The fee for an application for a special exemption order increased from €100 to €300 with effect from 7th July 2008 which was the first such increase since 2004. The fee has remained at €300 since then.

It is a matter for an applicant to notify the Gardaí of an intention to apply for a special exemption order at least 48 hours before the application is made to the Court. This notice must set out details of the date and time for which the order is being sought. I intend to consider whether the current 48-hour notice period is sufficient for Garda purposes in the context of the forthcoming Sale of Alcohol Bill.

Criminal Prosecutions

530. **Deputy Seán Kenny** asked the Minister for Justice and Equality the number of prosecutions cases brought by An Garda Síochána for a closure order for licensed premises in the years 2008 to 2011, inclusive; the number of orders granted; the number currently pending in each of these years; and if he will make a statement on the matter. [9697/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose.

I have requested the CSO to provide statistics directly to the Deputy.

Deportation Orders

531. **Deputy Seán Kenny** asked the Minister for Justice and Equality the number of persons deported from Ireland for the years 2007 to 2011, inclusive; and if he will make a statement on the matter. [9698/12]

Minister for Justice and Equality (Deputy Alan Shatter): The total number of persons deported or removed from the State in accordance with the enforcement of our immigration legislation for the years in question was 21,666. These figures include persons who were returned to where they came from having been refused permission to enter the State at airports and ports of entry, persons transferred to another EU state under the Dublin II Regulation and those removed from the State having failed in their applications for asylum or otherwise having been in contravention of the Immigration Acts and EU Free Movement regulations.

Garda Transport

532. **Deputy Seán Kenny** asked the Minister for Justice and Equality the number of marked and unmarked Garda cars and vans that have been withdrawn in each Garda District of the Dublin Region over the past 12 months due to the vehicle reaching 300,000 kilometres; and if he will make a statement on the matter. [9699/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Garda authorities that the information requested in respect of 2011 is set out in the following table:

District	Cars		Vans		Total
	Marked	Unmarked	Marked	Unmarked	
Balbriggan	3	1	0	0	4
Ballymun	2	0	1	1	4
Blanchardstown	3	0	0	0	3
Bridewell	0	1	0	0	1
Clondalkin	5	0	0	0	5
Coolock	5	0	0	0	5
Crumlin	1	0	0	0	1
Traffic	2	0	0	0	2
Donnybrook	2	0	0	0	2
Dún Laoghaire	2	1	0	0	3
Lucan	1	0	0	1	2
Pearse Street	2	2	1	0	5
Raheny	3	0	1	0	4
Tallaght	2	1	2	0	5
Terenure	1	2	0	0	3
Total	34	8	5	2	49

Ministerial Transport

533. **Deputy Timmy Dooley** asked the Minister for Justice and Equality if he uses a State car; the type of car that is used; how often he has used it since coming to office; the cost of the person employed to drive the car; the cost of their salary; the cost of their vehicle expenses; if the person employed as their driver was previously a State employee; if that person is also in receipt of a State pension; the total cost of the service to date; and if he will make a statement on the matter. [9720/12]

Minister for Justice and Equality (Deputy Alan Shatter): Office Holder cars and designated Garda drivers are provided for the Taoiseach, the Tanáiste and the Minister for Justice, Equality and Defence for security reasons. These vehicles form part of the overall Garda fleet and as such are operated and maintained by An Garda Síochána. In addition to driving duties, the Garda drivers also provide security for the above mentioned office holders.

I am advised by the Garda authorities that, based on the relevant expenditure incurred in 2011, the full year cost of providing these Office Holders with official cars is outlined in the table below:

Office Holder	Car	Maintenance and Fuel (Annual cost)	Salaries of Drivers (Annual cost)	Total
Taoiseach	Mercedes S320	€25,192	€175,239	€200,431
Tanáiste	BMW 5 series	€17,077	€175,239	€192,316
Minister for Justice	Audi A6	€22,916	€175,239	€198,155

Migrant Integration

534. **Deputy Aodhán Ó Ríordáin** asked the Minister for Justice and Equality further to Parliamentary Question No. 160 of 9 February 2012, does he not accept that his Department has responsibility for integration and specifically the Office for the Promotion of Migrant Integration, who report to him and are mandated to develop, drive and co-ordinate policy in relation to the integration of legally resident immigrants across Government Departments; if he will outline the cross-departmental initiatives he has undertaken to develop integration; if any cross-departmental group has been established or is planned to develop integration strategies; if there are any plans to assign specific responsibility for integration to a junior minister; and if he will make a statement on the matter. [9736/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Office for the Promotion of Migrant Integration, which is part of my Department, has responsibility for leading and co-ordinating work relating to the integration of legally resident immigrants. However, it is for individual Departments to examine and respond as appropriate to any proposals that may be put forward regarding their own areas of responsibility. My reply of 9 February was prepared on that basis.

A cross-departmental group, comprising of representatives of relevant Departments, is in place. It met once in 2011 and I am currently considering how best to take matters forward in this regard.

The appointment of Ministers of State is a matter for the Government on the nomination of the Taoiseach. I am fully satisfied with the present arrangement whereby I deal with this matter myself.

Citizenship Applications

535. **Deputy Alan Farrell** asked the Minister for Justice and Equality the position regarding an application for naturalisation in respect of a person (details supplied); and if he will make a statement on the matter. [9754/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Irish Nationality and Citizenship Act, 1956, as amended provides that the Minister may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled.

I am advised that an 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 April, 2009 and my predecessor, in his absolute discretion, decided to refuse the application. The person concerned was informed of this and the reasons for it in a letter issued on 16th December, 2010. There is no provision under the Irish Nationality and Citizenship Act 1956, as amended, for appeal in relation to an application for a certificate of naturalisation.

However, the person concerned may make a new application to INIS at any time.

The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

Departmental Properties

536. **Deputy Kevin Humphreys** asked the Minister for Justice and Equality his plans for a building (details supplied); and if he will make a statement on the matter. [9767/12]

Minister for Justice and Equality (Deputy Alan Shatter): I must inform the Deputy that I have no responsibility for this matter. However, I am informed by the OPW that in support of the then Government's policy to assist citizens with low income levels in purchasing properties, the property in question was transferred to the Affordable Homes Partnership in April 2009. The Affordable Housing Initiative came under the remit of the then Minister for the Environment, Heritage and Local Government.

Garda Retirement

537. **Deputy Brian Stanley** asked the Minister for Justice and Equality the number of gardaí seeking early retirement in County Laois. [9776/12]

Minister for Justice and Equality (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 31st December 2009 and they, like others presently in receipt of public service pensions, will pay a Public Service Pension Reduction (P.S.P.R.) on their pensions thereafter. This reduction is a scaled percentage of their actual pension. Public servants, including Gardaí, who retire after 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.

Members of An Garda Síochána who are over 50 years of age and do not have 30 years service may also avail of a cost neutral early retirement (C.N.E.R.) scheme. Their pension and lumps sums are actuarially reduced depending on their length of service and age at the time of retirement. I have been informed by the Commissioner that since 1 January 2010, 3 members have availed of this scheme, none of whom are stationed in Laois.

Almost all Gardaí take voluntary retirement i.e. they leave before the compulsory retirement age of 60 years of age — in 2010 there were 353 voluntary retirements, 9 compulsory retirements and 1 C.N.E.R., and in 2011 there 428 voluntary retirements, 8 compulsory retirements and 2 C.N.E.R.s.

Garda Telecommunications

538. **Deputy Brian Stanley** asked the Minister for Justice and Equality the number of Garda stations in County Laois that have access to broadband; and the number that do not have access to broadband. [9777/12]

Minister for Justice and Equality (Deputy Alan Shatter): The provision of Garda information technology resources is a matter for the Garda Commissioner. I am informed by the Garda authorities that there are 14 Garda stations in County Laois of which eight are currently connected to the Garda Network providing them with broadband facilities. While the remaining six stations are not linked to the Garda Network personnel serving at these stations access the Network through connected stations.

I am also advised that the general Garda policy is to expand the number of stations attached to the Garda Network. This is a process which is undertaken in the light of overall operational requirements and the availability of financial resources.

Garda Deployment

539. **Deputy Brian Stanley** asked the Minister for Justice and Equality the number of gardaí who have been allocated to Ballyfermot, Dublin Metropolitan Region, in 2010, 2011 and 2012. [9778/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Deputy will be aware that the Commissioner, in consultation with his senior management team, is responsible for the detailed allocation of resources, including personnel, throughout the organisation and I have no function in that process.

Notwithstanding this, I have been informed by the Garda Commissioner that the personnel strength of Ballyfermot Garda Station on 31 December 2010, 2011 and on 31 January 2012, the latest date for which figures are readily available, was 99, 96 and 97 respectively.

Garda Stations

540. **Deputy Brian Stanley** asked the Minister for Justice and Equality the criteria by which the decision was made to reduce the opening hours for Sundrive Garda station, Dublin Metropolitan Region; and if there is an opportunity to reverse the decision. [9779/12]

Minister for Justice and Equality (Deputy Alan Shatter): In reaching a decision on the closure and the reduction of public opening hours of Garda stations, the Commissioner reviewed all aspects of the Garda Síochána's policing model, including the deployment of personnel, the

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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 review is to promote the more efficient and effective deployment of resources rather than secure modest cash savings. In this context the Commissioner has concluded that Garda resources could be better deployed and more effectively used on the frontline if the public offices in some stations, including Sundrive, no longer had to be staffed and maintained on a 24 hour basis. There are no plans to review that decision.

Citizenship Applications

541. **Deputy Dara Calleary** asked the Minister for Justice and Equality the position regarding naturalisation in respect of a person (details supplied) in County Donegal; and when the application will be processed. [9805/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that an application for a certificate of naturalisation was received from the person referred to by the Deputy in July, 2011.

The application is currently being processed with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation and will be submitted to me for decision as expeditiously as possible.

The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

Road Traffic Offences

542. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality the income generated in road traffic fines and penalties to the State each year since 2006; and if he will make a statement on the matter. [9809/12]

Minister for Justice and Equality (Deputy Alan Shatter): The collection of payments under the Fixed Charge Processing System was outsourced to An Post in January 2006.

I am informed by the Garda authorities that information provided by An Post details the amount collected in respect of all fixed charge offence notices (road traffic, public order, etc.) that attract penalty points and those that do not. These are referred to as Declaration Notices and Non-Declaration Notices respectively. The amounts collected in respect of Declaration Notices and Non-Declaration Notices for each of the years from 2006 up to 10 February 2012 are shown below:

Fixed Charge Offences

Year	Gross Amount Collected		An Post Charges	Total Amount Collected for all Notices
	Declaration	Non-Declaration	All Notices	
2012(to 10/02/2012)	€1,894,440	€514,870	€55,523	€2,353,787
2011	€19,796,090	€4,682,380	€1,192,849	€23,285,621
2010	€14,456,460	€5,428,710	€814,105	€19,071,065
2009	€16,041,980	€5,921,230	€1,175,410	€20,787,800
2008	€16,535,460	€6,132,840	€934,648	€21,733,652
2007	€17,256,580	€5,622,300	€1,011,589	€21,867,291
2006	€11,451,440	€2,870,120	€379,251	€13,942,309

The amounts received in respect of Road Traffic Fines imposed by the Courts from 2006 to January 2012 are as follows:

Year	€m
2012 (January)	€0.881m
2011	€9.488m
2010	€11.372m
2009	€15.665m
2008	€14.733m
2007	€12.806m
2006	€7.171m

Garda Traffic Corps

543. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality the total cost of running the Garda Traffic Corps each year from 2006 to 2012; and if he will make a statement on the matter. [9810/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Garda Commissioner is the Accounting Officer for the Garda Vote. In that context I am informed by the Garda authorities that records in relation to the overall cost of the Traffic Corps service are not readily available due to the fact that the Corps operates on a Divisional basis throughout the country. I am further advised that the provision of this information would require the deployment of a disproportionate amount of Garda resources and, accordingly, I regret that I am not in a position to supply the figures the Deputy has requested.

Garda Deployment

544. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality the number of Garda forensic collision investigators that are currently employed within An Garda Síochána; the number that are assigned to each Garda district; and if he will make a statement on the matter. [9811/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Garda authorities that there are currently 49 forensic collision investigators (13 sergeants and 36 gardaí)

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assisting in traffic collision investigation, appointed on a regional basis throughout the country, as follows:

Region	Sgt	Garda	Total
Dublin Metropolitan Region	1	4	5
Northern Region	6	5	11
Southern Region	1	10	11
Eastern Region	—	6	6
Western Region	4	5	9
South Eastern Region	—	6	6
Garda College	1	—	1

Garda Investigations

545. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality the number of Garda forensic collision investigators that are qualified to read tachographs and to give evidence in court; and if he will make a statement on the matter. [9812/12]

Minister for Justice and Equality (Deputy Alan Shatter): I have requested the information sought by the Deputy from the Garda authorities and I will write to the Deputy directly when it is to hand.

546. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality if the working hours of commercial drivers involved in collisions are routinely checked by the investigating member of An Garda Síochána; if any prosecutions are been taken by the Garda on foot of such investigations; if any licences have been withdrawn from commercial drivers or haulage companies as a result of such investigations; and if he will make a statement on the matter. [9813/12]

Minister for Justice and Equality (Deputy Alan Shatter): In the time available it has not been possible to supply the information requested by the Deputy in relation to Garda activity. I will be in contact with the Deputy when the information is to hand.

547. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality if gardaí investigating a serious collision routinely check the telephone records of all drivers involved to rule out distracted driving as a causative factor; and if he will make a statement on the matter. [9821/12]

548. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality the number of drivers who have been prosecuted for using a mobile phone while driving, resulting in injury or death to another road user; and if he will make a statement on the matter. [9823/12]

549. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality if he will explain the basis upon which a garda can form a suspicion that mobile phone usage has been a causative factor in a serious or fatal road collision and request mobile phone records, as he previously advised in an earlier parliamentary question; and if he will make a statement on the matter. [9825/12]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 547 to 549, inclusive, together.

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.

Courts Service

550. **Deputy John Lyons** asked the Minister for Justice and Equality if he will consider a system to allow for payment of court fines in instalments; if his attention has been drawn to any impediments to implementing such a payment option; and if he will make a statement on the matter. [9830/12]

Minister for Justice and Equality (Deputy Alan Shatter): As I have previously advised the House, the Fines Act 2010 is being commenced on a phased basis. Section 14, which placed an obligation on a court to assess a person's capacity to pay, was among the first sections of the legislation commenced in January of this year. The remainder of the Act will be commenced as soon as the necessary arrangements have been put in place by the Courts Service to fully facilitate its operation. Implementation work is continuing on section 15 which provides for the payment of fines by instalment. There are a number of practical and technical issues required to facilitate the commencement of this section.

As the Deputy will appreciate, the current system of payment allows only for a single payment in respect of each fine to be made within a specified period. This payment is recorded on the Courts Service IT system. In order to allow for a fine to be paid in instalments over a year or in certain circumstances longer as the Act provides, it is necessary for the system to be substantially modified to allow for payment by instalment and to ensure that such instalments can be accurately tracked and recorded. The cost of the modifications required for the instalment provisions, which will take approximately 12 months to complete, is estimated at €600,000.

My Department is currently examining a number of proposed amendments to the 2010 Act which may be necessary to address some practical issues in terms of implementation. In addition, a detailed project is currently underway to streamline, insofar as possible, the processes involved, thus reducing the complexity and variety of the IT changes required to implement section 15 and the costs involved.

Statutory Instruments

551. **Deputy Dominic Hannigan** asked the Minister for Justice and Equality how statutory instruments are amended in his Department; the procedure for suggesting amendment of a SI; and if he will make a statement on the matter. [9833/12]

Minister for Justice and Equality (Deputy Alan Shatter): Statutory Instruments may be amended in accordance with the technical requirements of the relevant primary legislation. Normally this involves the Minister making the amendment in a new Statutory Instrument.

A suggestion to amend a particular Statutory Instrument may be made by anyone, preferably in writing to the Minister or Department, setting out the reasons why the amendment is being proposed. The matter will then be considered.

Garda Transport

552. **Deputy Dara Calleary** asked the Minister for Justice and Equality the total number of cars in the Garda fleet at 31 January 2012; the number of these available to gardaí for patrol duty; if he will outline on a county basis the number of patrol cars in each county; the number that are assigned to specialised units, in tabular form; the number in each category that are

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expected to reach the 300,000 km limit; the number of new cars that will be purchased in 2012; the units to which they will be assigned; the number of cars that exceeded the 300,000 km limit, and the number of replacements in each county in tabular form; and if he will make a statement on the matter. [9845/12]

Minister for Justice and Equality (Deputy Alan Shatter): I have requested the information sought by the Deputy from the Garda authorities. I will be in contact with the Deputy when this information is to hand.

Garda Investigations

553. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the reason it currently takes up to six months to process DNA evidence obtained from crime scenes; his plans, if any, to expedite this process in the interest of justice for victims of crimes; and if he will make a statement on the matter. [9943/12]

Minister for Justice and Equality (Deputy Alan Shatter): I can inform the Deputy that DNA analysis constitutes part of the range of services provided by the Forensic Science Laboratory. All cases submitted are subjected to a prioritisation process. Priority is assigned based on a combination of factors that include the nature of the crime, the urgency associated with its investigation and the potential for forensic examination to progress an investigation.

Insofar as processing time is concerned, the laboratory reported more than 1,100 DNA cases in 2011, processing over 7,000 samples. I am informed that 30% of these cases were reported within 6 weeks of receipt and over 50% were reported with 12 weeks of receipt. Arrangements are in place within the prioritisation process to allow for certain cases to be fast-tracked where a report is needed within 24 or 48 hours.

I can also inform the Deputy that the laboratory has purchased semi-automated instrumentation to increase the work flow and in anticipation of a National DNA Database. The laboratory is also in the process of installing a new Laboratory Information Management System (LIMS) which is designed to streamline the management of cases, interface with the forthcoming DNA database and provide general efficiencies.

Defence Forces Recruitment

554. **Deputy Terence Flanagan** asked the Minister for Defence if there will be cadetship recruitment in 2012; if so, the date of same; and if he will make a statement on the matter. [9143/12]

Minister for Defence (Deputy Alan Shatter): 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.

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.

Army Barracks

555. **Deputy James Bannon** asked the Minister for Defence if he will provide comprehensive details on the future of the military museum currently located at Columb Barracks, Mullingar, County Westmeath, as the history of the 4th Field Artillery has great significance to the Mullingar area; and if he will make a statement on the matter. [9518/12]

Minister for Defence (Deputy Alan Shatter): The museum collection in Columb Barracks is primarily associated with the history of the 4th Field Artillery Regiment. It is presently intended to make provision to house the museum in a suitable location in Custume Barracks, Athlone, which will be the new location for the 4th Field Artillery Regiment. This arrangement is in keeping with the normal military practice and tradition. The majority of the museum artefacts belong to the Defence Forces with the remaining being owned by private individuals. Some of these individuals have requested the return of their artefacts and these requests have been complied with. Any remaining artefacts owned by private individuals will be moved and stored appropriately in the museum at Custume Barracks, Athlone. I would like to advise the Deputy that I have received an approach from local representatives on this matter and in this regard I have asked a senior official from my Department to meet with them in the near future.

Departmental Expenditure

556. **Deputy Niall Collins** asked the Minister for Defence the total photography costs for his Department since coming to office; the list of occasions for which photographers were booked over the past year; the breakdown of costs associated with each occasion that a photographer was used; if there is a policy around the booking of photographers within his Department; and if he will make a statement on the matter. [9660/12]

Minister for Defence (Deputy Alan Shatter): The information requested by the Deputy is set out in the table below:

Date	Occasion	Cost	Breakdown of Cost
25/3/2011	Ministerial File Portrait Package	€393.25 (Including VAT)	Portrait package Setup and head shot Online viewing gallery One high resolution image
9/11/2011	Launch of Winter Ready Campaign	€849.42 (Including VAT)	Booking fee Taking and processing Digital contact sheet Images sent to media E-mail to merrionstr.ie Additional hour on assignment

I am satisfied that the usage and costs in relation to the hiring of photographers represents value for money. I remain committed to an overall policy of reducing costs and maximising efficiencies.

Defence Forces Strength

557. **Deputy Seán Kenny** asked the Minister for Defence the number of vacancies currently in the Defence Forces by grade; if promotions will be approved and filled in the Defence Forces in the near future; and if he will make a statement on the matter. [9706/12]

Minister for Defence (Deputy Alan Shatter): The table below outlines the number of vacancies in the Permanent Defence Force by rank. The number of vacancies, by rank, is based on the Employment Control Framework of 10,000 all ranks in the Permanent Defence Force versus the strength of 9,438 as at 31 December 2011, the latest date for which figures are available. As the Deputy will be aware a major re-organisation of the Defence Forces will be initiated resulting from the Government decision to maintain the strength of the Permanent Defence Force at 9,500. This re-organisation, which will prioritise “front line” service delivery, will have an impact on the number of vacancies in each rank. I have asked the Chief of Staff and Secretary General to bring forward detailed re-organisation proposals for my consideration. The effect of the changes cannot be determined until the proposals are considered and decisions made.

Arrangements are currently being made to hold Officer promotion competitions which have already been announced. Meanwhile promotion boards for Non-commissioned Officer competitions are being put in place. Specific dates on which positions will be filled have yet to be determined.

Strength of the Permanent Defence Force, as at 31 December, 2011 as compared with ECF figures

	LTGEN	MAJGEN	BRIGGEN	COL	LTCOL	COMDT	CAPT/LT	SM/ BQMS	CS/ COMS	SGTS/ CPLS	PTES/ CADETS	TOTAL
Strength at 31 December 2011	1	1	7	35	136	302	821	72	392	2,940	4,731	9,438
ECF	1	2	9	43	152	370	774	96	540	3,250	4,763	10,000
Vacancies by rank	—	-1	-2	-8	-16	-68	+47	-24	-148	-310	-32	-562

Pension Provisions

558. **Deputy Gerry Adams** asked the Minister for Defence, further to Parliamentary Question No. 206 of 12 January 2012, if he has any further information with regard to the number of retired Air Corps officers who qualify for payment of a pension and lump sum immediately on retirement after 12 years' pensionable service, regardless of their age or the associated pension costs. [9731/12]

Minister for Defence (Deputy Alan Shatter): Compilation of the required information has necessitated a detailed search of the relevant official records. This task is progressing as quickly as resources will permit and once complete I will then revert to the Deputy in the matter.

Departmental Agencies

559. **Deputy Finian McGrath** asked the Minister for Defence if he will provide the number of retired persons serving on State boards and commissions; and the amount this is costing the State. [10348/12]

Minister for Defence (Deputy Alan Shatter): The boards under the aegis of my Department are the Civil Defence Board, the Board of Coiste an Asgard and the Army Pensions Board. Nominees to these boards are not required to indicate to my Department if they are retired, and therefore the information requested by the Deputy is not available.

There is no remuneration attached to membership of the Civil Defence Board, the Board of Coiste an Asgard and the Army Pensions Boards. The chairperson and the civilian doctor attached to the Army Pensions Board are entitled to annual fees of €7,618 and €5,079 respectively.

Calafóirt agus Céanna

560. D'fhiafraigh **Éamon Ó Cuív** den Aire Talmhaíochta, Bia agus Mara cén uair a bheidh i gceist aige suirbhé measúnaithe chuí a dhéanamh ar chuan Chill Chiaráin agus ar chuan na Beirtrí Buí; an dtuigeann sé an phráinn a bhaineann leis seo de bharr an tsriain atá an easpa measúnaithe chuí a chur ar thionscal na n-oisrí sa chuan; agus an ndéanfaidh sé ráiteas ina thaobh. [9588/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Tá na bána seo ainmnithe mar Limistéir Chaomhantais Speisialta faoin Treoir maidir le Gnáthóga ón Aontas Eorpach agus/nó mar Limistéir faoi Chosaint Speisialta faoin Treoir maidir le hÉin ón Aontas Eorpach (láithreáin Natura 2000), nó tá siad in aice le limistéir dá leithéid.

Gach iarratas a bhaineann le bána atá i gceantair 'Natura' nó in aice leo, ní mór measúnú iomchuí a dhéanamh air ar mhaithe leis na Treoracha maidir le hÉin agus le Gnáthóga ón Aontas Eorpach a chomhlíonadh ó thaobh na timpeallachta de. Tá mo Roinn, i gcomhar le Foras na Mara agus le Seirbhís Páirceanna Náisiúnta agus Fiadhúlra na Roinne Ealaíon, Oidhreachta agus Gaeltachta, i mbun clár cuimsitheach d'fhonn na sonraí bonnlíne riachtana a bhailiú is iomchuí i gcomhair chuspóirí caomhnaithe na limistéar 'Natura.' Tá mórchuid an chláir bhailithe sonraí sin críochnaithe. Trí anailís a dhéanamh ar na sonraí, mar aon le leagan síos cuspóirí caomhantais iomchuí ag an tSeirbhís Páirceanna Náisiúnta agus Fiadhúlra, beifear in ann gach iarratas nua, iarratas athnuachana agus iarratas ar athbhreithniú a mheas go hiomchuí chun a chinntiú go gcomhlíonfar na Treoracha maidir le hÉin agus le Gnáthóga ón Aontas Eorpach. Tríd an obair sin, tá infheistíocht shuntasach airgeadais, riaracháin agus eolaíochta á déanamh ag an Stát maidir le réiteach na ceiste. Tá Measúnú Iomchuí ar na hiarratais do bharshaothraithe a dhéanamh ar bhonn gach bá go leithleach. Ní féidir Measúnú-

the Iomchuí a dhéanamh ach amháin tar éis don tSeirbhís Páirceanna Náisiúnta agus Fiadhúlra Cuspóirí Caomhantais a leagan síos. Táthar ag fanacht go bhfoilseoidh an tSeirbhís Páirceanna Náisiúnta agus Fiadhúlra Cuspóirí Caomhantais i leith na mbánna sin.

Leanann mo Roinn ag déanamh gach iarrachta an t-ábhar seo a chur chun cinn i gcomhar leis an tSeirbhís Páirceanna Náisiúnta agus Fiadhúlra agus le Foras na Mara.

Grant Payments

561. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine when payment for the agri-environment options scheme will issue to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [9168/12]

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 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, had to be completed before any payment could issue. During these checks a query arose in respect of land parcels declared which requires digitisation of the areas concerned. This is being dealt with by my Department at present and once the digitisation process is completed, the application will be processed with a view to making payment at the earliest opportunity.

562. **Deputy Michael Creed** asked the Minister for Agriculture, Food and the Marine, further to Parliamentary Question No. 164 of 8 February 2012, if he will approve payment of an income supplement to the herd owners in question; and if he will make a statement on the matter. [9254/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Income Supplement is payable in cases where a TB breakdown results in the removal of more than 10% of animals in a herd and where depopulation is not deemed appropriate. As 14% of the herd of the herdowner concerned have been removed as reactors, he satisfies this condition. All of the conditions for payment are included in the information pack (page 19 — Compensation arrangements for TB and Brucellosis — Important Information for Farmers) which was issued to the person concerned at the time of restriction.

Definitive eligibility for Income Supplement Grant is considered one month after the removal of reactors, in this case 26 February. Assuming the herdowner fulfils all the conditions of the scheme, payment will be approved two weeks after this date and payment will be made shortly afterwards.

Animal Welfare

563. **Deputy Maureen O'Sullivan** asked the Minister for Agriculture, Food and the Marine whether Horse Racing Ireland or the Turf Club is responsible for the welfare of horses; to whom are complaints addressed regarding issues relating to the welfare of horses while in training with licensed trainers; the extent of Government funding to Horse Racing Ireland to date; the jurisdiction of the State over this funding; and if he will make a statement on the matter. [9336/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): In the first instance the keeper of the horse is primarily responsible for its welfare. The main statutes governing

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cruelty to all animals, including race horses, are the Protection of Animals Act 1911 and the Protection of Animals (Amendment) Act, 1965. Responsibility for enforcing this legislation rests with an Garda Síochána. The Programme for Government 2011 contains a commitment to strengthen legislation relating to the welfare of all animals. The main vehicle to fulfil this commitment will be the Animal Health and Welfare Bill which I intend to publish as soon as possible.

An individual wishing to make a complaint relating to the welfare of horses while in training with licensed trainers has a number of avenues open to them: they can, on a timely basis, submit a complaint to The Turf Club, report the matter to the Garda and/or institute civil proceedings.

Horse Racing Ireland has, since its establishment in 2001, received €588,680,981 in State funding from the Horse and Greyhound Fund (the Fund). The Fund was established for the purpose of giving support to horse and greyhound racing. HRI has a regulatory and developmental role in the thoroughbred industry and its broadly based functions are outlined in The Horse and Greyhound Racing Act 2001 (in addition to its functions under The Irish Horseracing Industry Act 1994). Horse Racing Ireland must apply its funding in accordance with its remit as established under legislation. Horse Racing Ireland is subject to annual audit by the Comptroller and Auditor General and at no time since its establishment has its efficiency or effectiveness been called into question. In addition, it has outsourced its Internal Audit function, which operates in accordance with the framework of codes of best practice as set out in the Code of Practice on the Governance of State Bodies and which report directly to the company's Audit Committee.

EU Funding

564. **Deputy Thomas P. Broughan** asked the Minister for Agriculture, Food and the Marine if he will report on the INTERREG Atlantic area programme; if he is supporting any projects applying for funding to the programme including the development of the marine economy and seafood projects in Howth, Dublin 13; and if he will make a statement on the matter. [9404/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The INTERREG-IV Managing Authority is based in Oporto, Portugal, Ireland is represented by the BMW Regional Assembly. The programme is implemented through competitive calls for co-operative and co-funded projects involving participants from 3 or more eligible Member States in four strategic priorities:

1. trans-national networks of entrepreneurship and innovation;
2. protection and enhancement of marine and coastal environment;
3. accessibility and internal links,
4. urban and regional sustainable development.

My Department has no direct involvement in the INTERREG — IV Programme. A full breakdown of expenditure, including allocations to Ireland across the four strategic sectors, can be obtained from the BMW Regional Authority.

Fishing Industry Development

565. **Deputy Thomas P. Broughan** asked the Minister for Agriculture, Food and the Marine if he is considering proposals for the development of a smoked Irish salmon business at a location (details supplied); and if he will make a statement on the matter. [9405/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The particular location to which Deputy Broughan refers is currently the subject of court proceedings. The matter is therefore sub judice and it is inappropriate for me to comment on or engage in discussion in relation to this matter.

Harbours and Piers

566. **Deputy Thomas P. Broughan** asked the Minister for Agriculture, Food and the Marine his position regarding an application for a lease renewal at a location (details supplied); and if he will make a statement on the matter. [9406/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The property at 6 West Pier is currently the subject of court proceedings. The matter is therefore sub judice and it is inappropriate for me to comment on or engage in discussion in relation to this matter.

Horticulture Industry

567. **Deputy Dominic Hannigan** asked the Minister for Agriculture, Food and the Marine the reason Bord Bia refuses to give out the details of flower growers here to flower shops; his views that this practice is hindering the growth of a domestic flower industry; if he will engage with Bord Bia and the Data Protection Commissioner to allow flower growers' details to be passed on to flower shops; and if he will make a statement on the matter. [9426/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): In the past, Bord Bia used to publish the 'Blue Book' which listed all the major producers and service providers to the Horticultural industry. In 2011, the Growtrade Sourcebook was published by Mediateam Ltd which was supported by Bord Bia. It is Ireland's new directory of horticultural businesses with more than 2,000 listings across production (including cut flowers, pot plant and bedding plant producers), retail and services sectors. The information in the source book is also searchable online at www.growtrade.ie. This is the obvious source of information for florists who wish to source Irish produced flowers.

Departmental Agencies

568. **Deputy Clare Daly** asked the Minister for Agriculture, Food and the Marine, further to Parliamentary Question No. 5 of 9 February 2012, the locations of the four Teagasc sites; and the costs associated with the running of each of the four sites, including the rental costs. [9434/12]

569. **Deputy Clare Daly** asked the Minister for Agriculture, Food and the Marine, further to Parliamentary Question No. 5 of 9 February 2012, if he will provide a full cost benefit analysis to support his claim that the closure of the Teagasc facility in Kinsealy, Dublin, will result in a payback within seven years. [9435/12]

570. **Deputy Clare Daly** asked the Minister for Agriculture, Food and the Marine if the decision to shut down the Kinsealy Teagasc facility, Dublin, should be reviewed in view of the current economic situation. [9436/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I propose to take Questions Nos. 568 to 570, inclusive, together.

The questions relate to the closure of the Teagasc Research Centre in Kinsealy. I responded to similar questions from Deputy Daly during the Dail debate last week. As I stated then, the future of the Kinsealy Centre is an operational matter for the Teagasc Authority to determine.

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I understand that the Authority has concluded that the Centre is no longer a strategic site for the organization and that programmes and staff can be accommodated in Ashtown and other Teagasc sites. It should be noted that Ministerial responsibility is confined to matters of policy in accordance with the Act establishing Teagasc, the Agriculture, (Research, Training and Advice) Act, 1988. While this is primarily a management issue for Teagasc, I am requesting further detail from them with regards to the rationale behind their decision.

Direct Payment Schemes

571. **Deputy Michelle Mulherin** asked the Minister for Agriculture, Food and the Marine his plans to fund a new agri-environment options scheme; and if he will make a statement on the matter. [9446/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I am also considering the possibility of re-opening the Agri-environment Options Scheme on an amended basis or limited scale in 2012. This decision will be taken in the context of an assessment of how a new scheme might be funded within the reduced funding and resulting pressures on the Department's Vote in the current year and, in particular, having regard to the expenditure ceiling for 2013 as agreed by the Government. I will make a decision on this matter shortly.

Grant Payments

572. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine the reason for the delay in payments in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [9494/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the 2011 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 16 May 2011. The person named was a first time applicant under the Single Payment Scheme, and the processing of his application has not as yet been finalised. An official from my Department will contact the person named with a view to progressing the processing of his 2011 application.

Dairy Industry

573. **Deputy Tom Fleming** asked the Minister for Agriculture, Food and the Marine if he will release funding from the dairy equipment fund at the earliest possible date in order that farmers can continue to improve their products, and invest in and upgrade their dairy facilities; and if he will make a statement on the matter. [9504/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An allocation of €8.8 million has been provided in this year's Estimates for the Dairy Equipment Scheme. I have no plans to alter the level of funding which has been made available for the Scheme this year.

Grant Payments

574. **Deputy Dara Calleary** asked the Minister for Agriculture, Food and the Marine when a review will take place on a single farm payment in respect of a person (details supplied) in County Mayo. [9538/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the Single Payment Scheme /Disadvantaged Areas Scheme was received from the person

named on the 12th May 2011. This application was selected for a Ground Eligibility/Cross Compliance Inspection. During the course of this inspection a number of parcels in Kerry were deemed not to be farmed by the applicant and as such were ineligible for payment. These discrepancies resulted in a claimed area of 28.71ha being reduced to a found area of 5.71ha.

If the total area found is not sufficient to support the number of entitlements held penalties will be applied per the Terms and Conditions of the scheme. In this case the number entitlements held by the person named is 26.61. As the difference between the area declared and the area found is greater than 50%, under EU Regulations, no payment will issue. The person named was informed of this decision on the 11th of January 2012 and of his right to seek a review. He was also informed of his right to appeal the outcome of any such review to the Independent Agriculture Appeals Office. To date no such review has been requested.

Aquaculture Licences

575. **Deputy Noel Harrington** asked the Minister for Agriculture, Food and the Marine, further to Parliamentary Questions Nos. 436 of 2 November 2011 and 323 of 21 June 2011, when he now expects an application for an aquaculture licence to be processed and a decision communicated to a person (details supplied) in County Cork; and if he will make a statement on the matter. [9580/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The application referred to is in respect of a site located within Ardgroom Harbour, Kenmare Bay which is designated as a Special Area of Conservation under the EU Habitats Directive (Natura 2000 site).

All applications in ‘Natura’ areas are required to be appropriately assessed for the purpose of environmental compliance with the EU Birds and Habitats Directives. My Department, in conjunction with the Marine Institute and the National Parks and Wildlife Service (NPWS) of the Department of Arts, Heritage and the Gaeltacht is engaged in a comprehensive programme to gather the necessary baseline data appropriate to the conservation objectives of ‘Natura’ areas. This data collection programme is substantially complete. Data analysis of the data, together with the setting of appropriate conservation objectives by the NPWS, will enable all new, renewal and review applications to be appropriately assessed for the purpose of ensuring compliance with the EU Birds and Habitats Directives. This work represents a significant financial, administrative and scientific investment by the State in resolving this issue. The Appropriate Assessment of aquaculture applications is being dealt with on a bay-by-bay basis.

Addressing the issue of aquaculture licensing in Natura 2000 areas is a key priority for my Department and you can be assured that every effort is being made to expedite the determination of this aquaculture licence application having regard to all the complexities involved.

Grant Payments

576. **Deputy John Browne** asked the Minister for Agriculture, Food and the Marine when a payment of area aid for 2011 due to a person (details supplied) in County Wexford will issue. [9585/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I have had this matter investigated and am pleased to say that the processing of the application of the person named has now been completed, thereby allowing payment to issue directly to the nominated bank account of the person named in the coming week.

Fishing Vessel Licences

577. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine the rights that persons who hold fishing licences in Northern Ireland have to fish in the waters of this State; and if he will make a statement on the matter. [9592/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): In accordance with the ‘Voisinage Agreement’ between Ireland and the United Kingdom, registered fishing vessels from Northern Ireland are permitted to fish within Ireland’s exclusive fishery limits on the same basis and under the same conditions as Irish registered vessels, for as long as Irish registered vessels enjoy similar reciprocal rights to fish within the exclusive fishery limits of the United Kingdom in the waters surrounding Northern Ireland. This Agreement applies to all species of fish. The Voisinage Agreement is a so-called ‘neighbourhood agreement’ under the London Fisheries Convention 1964 and was memorialised by an exchange of letters between Ireland and the United Kingdom in 1965.

Departmental Expenditure

578. **Deputy Niall Collins** asked the Minister for Agriculture, Food and the Marine the total photography costs for his Department since coming to office; the list of occasions for which photographers were booked over the past year; the breakdown of costs associated with each occasion that a photographer was used; if there is a policy around the booking of photographers within his Department; and if he will make a statement on the matter. [9656/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Photographers are booked for the purpose of recording key events attended by Ministers, such as the launch of schemes and programmes, new initiatives and visits by inward delegations. Where possible, the Press Office uses in house photography. The policy for booking a photographer for official purposes, is that, my Department’s Press Office seeks 3 quotes in advance of each photo-shoot to keep costs to a minimum.

Photography Payment Details March-December 2011

Date	Details	Amount
26 March 2011	O’Gorman Photography	€363.20
30 March 2011	Fennell Photography	€350.56
1 April 2011	John Power Photography	€124.85
7 April 2011	Edmund Ross Studios	€567.50
7 April 2011	Edmund Ross Photographer	€397.25
8 April 2011	Barry Cronin Photographer	€491.16
12 April 2011	Fennell Photography	€473.19
14 April 2011	Fennell Photography	€505.20
18 April 2011	Fennell Photography	€779.96
19 April 2011	Fennell Photography	€285.23
5 May 2011	Fennell Photography	€506.58
10 May 2011	Fennell Photography	€240.57
16 May 2011	Gerard McCarthy Photography	€215.65
2 June 2011	Fennell Photography	€1,732.19
9 June 2011	Fennell Photography	€1,170.28
10 June 2011	Barry Cronin Photographer	€784.23
15 June 2011	Fennell Photography	€276.52
23 June 2011	Fennell Photography	€30.86

Date	Details	Amount
29 June 2011	Gerard McCarthy Photography	€227.00
14 July 2011	Gerard McCarthy Photography	€374.55
4 August 2011	Gerard McCarthy Photography	€295.10
6 August 2011	B.L. MacGill Photographic Images	€300.00
25 August 2011	Fennell Photography	€272.89
14 September	Lensmen Photographic Agency	€73.81
25-27 September 2011	Fennell Photography	€6,762.85
3 October 2011	Press 22	€624.25
18 October 2011	Fennell Photography	€213.72
20 October 2011	Barry Cronin Photographer	€995.68
8 November 2011	Fennell Photography	€497.83
8 November 2011	Fennell Photography	€541.96
15 November 2011	Fennell Photography	€851.25
15 November 2011	Barry Cronin Photographer	€595.71
23 November 2011	Fennell Photography	€416.56
25 November 2011	Photography by Dermot Sullivan	€200.00
25 November 2011	B.L. MacGill Photography	€200.00
26 November 2011	Barry Cronin Photographer	€588.96
12 December 2011	Barry Cronin Photographer	€670.82

Photography Payment Details January-17 February 2012

Date	Details	Amount
18 January 2012	Maxwell Photography	€564.26
9 February 2012	Lensmen Photographic Agency	€666.88

Ministerial Transport

579. **Deputy Timmy Dooley** asked the Minister for Agriculture, Food and the Marine if he uses a State car; the type of car that is used; how often he has used it since coming to office; the cost of the person employed to drive the car; the cost of their salary; the cost of their vehicle expenses; if the person employed as the driver was previously a State employee; if that person is also in receipt of a State pension; the total cost of the service to date; and if he will make a statement on the matter. [9709/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I do not use a State car in the course of carrying out Ministerial functions. I have opted, instead, to use my private car. In so doing, I employ two civilian drivers at an annual salary of €32,965.00 each. In 2011, mileage costs amounting to €13,299 were incurred by me and subsistence amounting to €12,914, mainly in respect of overnight expenses, was paid to the two drivers. Neither driver was previously employed by the State and are therefore not in receipt of a state pension.

Forestry Sector

580. **Deputy Martin Ferris** asked the Minister for Agriculture, Food and the Marine if he has made a decision on the possible sale of forestry or land under the control of Coillte; and if he will make a statement on the matter. [9747/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): No decisions have been taken by the Government in relation to the potential sale of Coillte. As advised by the Taoiseach last week, the Minister for Public Expenditure and Reform is bringing a Memorandum to the Government in relation to the disposal of State Assets including Coillte. The large scale sale of Coillte land is not an option.

Grant Payments

581. **Deputy John O'Mahony** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Mayo will receive their agri-environment options scheme payment; and if he will make a statement on the matter. [9748/12]

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 September 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 these checks a query arose in respect of a land parcel declared which required digitisation of the area concerned. This has been completed and I expect payment to issue shortly.

Payment in respect of the 2011 Scheme year is subject to a similar administrative checking process which includes verification of capital investment through checks on receipts. These checks have been finalised and the claim will be processed for payment once the 2010 payment has issued.

Horse Racing Industry

582. **Deputy Sean Fleming** asked the Minister for Agriculture, Food and the Marine if he will outline the responsibility of the State in relation to horses in training in the horse racing industry; if he has jurisdiction in this area even though there may be no specific legislation on the matter; if his attention has been drawn to the issues highlighted by a person (details supplied) whose horses suffered and died and others had to be withdrawn for their own protection from the racing industry; and if he will make a statement on the matter. [9757/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I am aware of the issues raised by the person to whom the Deputy refers. There has been extensive contact between the individual concerned and officials from my Department. I have also written to this individual and I have explained to him the extent of my Departments responsibilities with regard to the welfare of horses in training and the options open to him should he wish to further progress the matters he complains of.

I have clarified that my Department has no role, or jurisdiction, in resolving the issues referred to and that it is for him to decide if he wishes to report these matters to the Gardaí or indeed if he wishes to institute civil proceedings. My officials have set out the Department's position in this matter both verbally and in writing by way of direct contact with the individual and also in responses issued to earlier representations made on his behalf. It is my understanding that this person has submitted complaints to various regulatory bodies, that his complaints have been investigated and the outcome of those investigations have been made known to the complainant.

My Department's responsibility, which is set down in legislation, extends to the welfare and protection of farmed animals only i.e. animals normally bred or kept for the production of food or for use in or for the purpose of farming. The relevant legislation in this area is the Protection of Animals Kept for Farming Purposes Act 1984 and the European Communities (Welfare of

Farmed Animals) Regulations 2010, SI 311 of 2010. Animals “used in competitions/shows, cultural or sporting events or activities while so being used” are outside the scope of SI 311 of 2010. Accordingly it is clear that the complaints forwarded by the named individual to my Department are not covered by this legislation and thus fall outside the remit of the Department and the Department must operate at all times in accordance with legislation.

The principal statutes governing cruelty to all animals including race horses, in this country is the Protection of Animals Act 1911 and the Protection of Animals (Amendment) Act, 1965. Responsibility for enforcing this legislation rests with An Garda Síochána who may, on receipt of a complaint, investigate and bring a prosecution against any person alleged to have committed an offence under these Acts. It should be noted that the Programme for Government 2011 contains a commitment to strengthen legislation relating to the welfare of all animals. The main vehicle to fulfil this commitment will be the Animal Health and Welfare Bill which I intend to publish as soon as possible.

Grant Payments

583. **Deputy James Bannon** asked the Minister for Agriculture, Food and the Marine the entitlements due to a person (details supplied) in County Westmeath; and if he will make a statement on the matter. [9800/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The above named person established 57 single payment entitlements. An application was received requesting the transfer of these 57 Single Payment entitlements from the person named to another person by way of sale under the 2006 scheme year. Following the successful processing of this application, the person named no longer holds single payment entitlements.

Direct Payment Schemes

584. **Deputy Tom Fleming** asked the Minister for Agriculture, Food and the Marine if he will provide a breakdown by county of the penalties applied to farmers by number and by size of penalty, across the various agriculture schemes including single farm payment, less favoured areas, REPS and the agri-environmental options scheme over recent years; and if he will also provide a breakdown by county of the success of farmers in appealing penalties both at written appeal and oral appeal. [9831/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): My Department, in the context of delivering the Direct Payments Schemes is required to carry out annual inspections covering land eligibility and cross compliance to ensure compliance with EU regulatory requirements. The value of these schemes to Irish farmers is €1.8bn annually. It is, therefore, incumbent on my Department to ensure that the regulatory control environment is comprehensively implemented to avoid EU disallowances.

Eligibility checks must be carried out on 5% of applicants. These checks are carried out to verify that the actual area claimed in the application form corresponds to the area farmed by the farmer and to ensure that any ineligible land/features are deducted. Up to two-thirds of these inspections are carried out without a farm visit as the information is verified using the technique of remote sensing via satellite.

The rate of inspections for cross-compliance is 1% of applicants to whom the Statutory Management Requirements (SMRs) and Good Agricultural Condition (GAEC) apply. However, 3% of farmers must be inspected under the bovine identification and registration requirements, while 3% of sheep/goat farmers must be inspected, covering 5% of the flock.

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

Grant Payments

585. **Deputy Martin Heydon** asked the Minister for Agriculture, Food and the Marine if he will expedite a payment which is being delayed due to digitisation of maps in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [9950/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I have had this matter investigated and am pleased to say that the processing of the application of the person named has now been completed, thereby allowing payment to issue directly to the nominated bank account of the person named in the coming week.

Departmental Agencies

586. **Deputy Finian McGrath** asked the Minister for Agriculture, Food and the Marine if he will provide the number of retired persons serving on State boards and commissions; and the amount it is costing the State. [10344/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The information requested is well outside the customary information sought from Board members either on appointment or as part of their annual corporate governance disclosures and as such is not readily to hand.

There are currently 12 State Bodies (listed below) that fall under the aegis of my Department.

As to the cost to the State the table below sets out the annual remuneration that attaches to a Board member position. Queries regarding additional expenses issued to Board members for attendance at meetings should be addressed to the State agencies themselves.

Body	Total Number of Board Members	Remuneration
Aquaculture Licensing Appeals Board (ALAB)	7	Chair: €8,978 Ordinary Board member: €5,985
Bord Bia (Irish Food Board)	15	Chair: €20,520 Ordinary Board member: €11,970
Bord Iascaigh Mhara	5	Chair: €11,970 Ordinary Board member: €7,695
Bord na gCon	6	Chair: €21,600 Ordinary Board member: €12,600
Coillte	9	Chair: €21,600 Ordinary Board member: €12,600
Horse Racing Ireland	14	Chair: €21,600 Ordinary Board member: €12,600
Irish National Stud	7	Chair: €12,600 Ordinary Board member: €8,100
Marine Institute	8	Chair: €11,970 Ordinary Board member: €7,695
National Milk Agency	14	Only the Chair receives remuneration of €8,978 per annum

Body	Total Number of Board Members	Remuneration
Sea Fisheries Protection Authority (SFPA)	3	No remuneration is paid to Board members
Teagasc	12	Chair: €20,520 Ordinary Board member: €11,970
Veterinary Council of Ireland	19	No remuneration is paid to Board members

Health Service Expenditure

587. **Deputy Brian Walsh** asked the Minister for Children and Youth Affairs the amounts paid by the Health Service Executive to mother and baby homes in the State during the years 2009, 2010 and 2011 with a breakdown of the figures citing the amount paid to each facility in each year; and the number of women whose use of the service related to these amounts. [9644/12]

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

588. **Deputy Alan Farrell** asked the Minister for Children and Youth Affairs the way costs are justified in relation to an inter-country adoption between Ireland and Bulgaria following the increase in Anido costing of €5,256.00 to Arc costing of €16,650.00; the reason the costings have jumped three fold; and if she will make a statement on the matter. [9200/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): Issues relating to the level of fees charged by an accredited body are a matter for the Adoption Authority of Ireland (AAI) and are covered in some detail by the Adoption Act 2010 (Accredited Bodies) Regulations 2010. These regulations set out the standards which must be met by accredited bodies in order to satisfy the requirements of the Adoption Authority under the Adoption Act, 2010 (No. 21 of 2010) for entry in the register of accredited bodies.

The regulations set out, inter alia, the requirement for any body applying for accreditation to include in its Memorandum and Articles of Association that it is to be solely concerned with assisting in the adoption process on a not for profit basis. The regulations also set out a range of provisions in relation to financial reporting, fees and charges, including a provision that an accredited body shall submit to the Authority for prior approval its schedule of fees and any subsequent increases in fees or additions to the schedule.

Preschool Services

589. **Deputy Michael McGrath** asked the Minister for Children and Youth Affairs if there are any circumstances in which children who marginally fall outside the age requirements may be considered under the early childhood care and education scheme; and if she will make a statement on the matter. [9322/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Early Childhood Care and Education (ECCE) programme was introduced in January 2010 and provides a free pre-school year to all eligible children in the year before commencing primary school. About 66,000 children, that is approximately 95% of children in the year before school, are availing of the free pre-school provision at this time.

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Children qualify for the free pre-school year where they are aged more than 3 years 2 months and less than 4 years 7 months at 1 September in the relevant year. This means, for example, that children born between 2 February 2007 and 30 June 2008 qualified for the free pre-school year in September 2011 and children born in July and August of 2008 will qualify for the programme in September 2012.

Exceptions to the upper age limit are allowed where a child has been assessed by the HSE as having a special need or where a child cannot start primary school until s/he is more than 5 years 6 months due to the enrolment policy of the local school. There are no exceptions for children who are below the qualifying age.

The objective of the ECCE programme is to make early learning in a formal setting available to eligible children in the year before they commence primary school. To achieve this, services participating in the pre-school year are expected to provide age-appropriate activities and programmes to children within a particular age cohort. For this reason, it is appropriate to set minimum and maximum limits to the age range within which children will qualify.

The ECCE programme will continue to be evaluated and developed as resources permit. Future developments relating to early years care and education will be considered during preparation of the new National Early Years Strategy 2012.

Adoption Services

590. **Deputy Maureen O’Sullivan** asked the Minister for Children and Youth Affairs in view of the pre-Hague declarations being extended to 31 October of this year where there were 556 declarations of prospective adoptive parents, if it can be guaranteed that these declarations will be extended until adoptions are finalised; if the declaration can be made valid for five years to give applicants a fair chance to adopt; the way the declarations will be managed as they will expire at the same time; and if she will make a statement on the matter. [9373/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Adoption Authority of Ireland (AAI) 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.

Under Section 41 of the Adoption Act, 2010, the Adoption Authority may extend by one year a valid Declaration of Eligibility and Suitability to Adopt. The Authority will post an update on this matter on its website no later than 30th March 2012.

Inter-Country Adoptions

591. **Deputy Seán Ó Feargháil** asked the Minister for Children and Youth Affairs if she will consider points made on inter-country adoption from India in correspondence (details supplied); and if she will make a statement on the matter. [9508/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Adoption Authority of Ireland (AAI) 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. It would not be appropriate for me to comment on the specific case raised by the Deputy as this is a matter for the statutory authorities. Accordingly, I have forwarded the request to the Adoption Authority for direct attention. I can, however, comment more generally on the situation with regard to adoption from India.

On the 17th February 2012 the AAI posted on its website a notice relating to intercountry adoptions from India. The notice stated that the Authority was notified on 1 July 2011 by the Indian National Central Authority, CARA, that it would not be accepting dossiers from Irish applicants either until 30 September 2011 or until further notice. The notice further stated that CARA has not been in touch with the AAI since that date. It has since come to the attention of the AAI that CARA proposes to introduce a new computerised system of online dossier registration which would appear essentially to present many features of a monthly ‘lottery’ type process. To date, CARA has not invited the AAI to participate in such a scheme.

The AAI is proposing to visit CARA / India as soon as is practicable. Should CARA invite Ireland / AAI to participate in a new intercountry adoption scheme between the two countries, the invitation will be given careful consideration by the Board of the AAI, taking into account advice from relevant bodies including the Permanent Bureau of the Hague Conference.

Adoptions between Ireland and India must comply with the terms and conditions of the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. The role of the respective National Central Authorities is critical to this process. There is no role in the process for individual ‘facilitators’ to secure referrals and to process adoptions. In this context, the AAI advises persons not to proceed with private (non-Hague Convention) adoptions from India. In the event of a resumption of intercountry adoptions between Ireland and India, ‘expressions of interest’ may be sought from registered Accredited Bodies in Ireland to facilitate adoptions between the two countries.

Departmental Expenditure

592. **Deputy Niall Collins** asked the Minister for Children and Youth Affairs the total photography costs for her Department since coming to office; the list of occasions for which photographers were booked over the past year; the breakdown of costs associated with each occasion that a photographer was used; if there is a policy around the booking of photographers within her Department; and if she will make a statement on the matter. [9658/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): My Department was formally established on 2nd June 2011 and to date photographers were booked for the following events:

Company/Photographer	Date	Event	Amount
Report Ltd.	11/07/11	Launch of the report of consultations with young people on Reform of the Junior Cycle in 2nd level schools	€590.20
Report Ltd.	15/07/11	Children First Launch	€493.72
Report Ltd.	27/07/11	Launch of the report of consultations with children living in the care of the State	€590.20
Moya Nolan	18/11/11	Dáil na nÓg 2011	€820.00

The Department has a detailed project planning process for each event and the decision to book a photographer is made based on the merits of the event.

Ministerial Transport

593. **Deputy Timmy Dooley** asked the Minister for Children and Youth Affairs if she uses a State car; the type of car that is used; how often she has used it since coming to office; the cost of the person employed to drive the car; the cost of their salary; the cost of their vehicle

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expenses; if the person employed as their driver was previously a State employee; if that person is also in receipt of a State pension; the total cost of the service to date; and if she will make a statement on the matter. [9711/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I do not use a State car. In accordance with a Cabinet decision in May 2011, the use of State cars is now confined to the Taoiseach, the Tánaiste and the Minister for Justice and Law Reform. The transport arrangements applying to other Cabinet Ministers are in line with those already in place for Ministers of State. In that regard, I can confirm to the Deputy that I use my own personal car for official business in line with the rules relevant to transport and arrangements for Ministers and Ministers of State.

In line with the Department of Public Expenditure and Reform guidelines on ministerial appointments I employ two civilian drivers on a week on/week off basis to drive my private car. They receive a salary of €631.75 per week and are entitled to travel and subsistence payments in respect of certified official travel at the appropriate Civil Service rates and regulations applying to travel and subsistence.

Both drivers are retired State employees and are in receipt of an occupational pension in respect of this previous employment.

The total cost of the service since coming to office, including remuneration, is €68,326.60.

Departmental Agencies

594. **Deputy Finian McGrath** asked the Minister for Children and Youth Affairs if she will provide the number of retired persons serving on State boards and commissions; and the amount it is costing the State. [10347/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I would like to inform the Deputy that there are four agencies which are funded by the Exchequer through my Department's Vote. These are the Adoption Authority of Ireland (AAI), the Family Support Agency (FSA), the National Educational Welfare Board (NEWB) and the Ombudsman for Children. With effect from 1 January 2012, I have taken responsibility for the children detention schools as provided in Part 10 of the Children Act 2001. They are funded through my Department's Vote and I am responsible for the appointment of their board of management.

The Ombudsman for Children does not have a Board of Management. In relation to the FSA, there is one retired person who is currently serving on the Board and is in receipt of €5,985 per annum. There are two retired persons serving on the Board of the NEWB one of which is the Chairperson and is in receipt of €5,000 per annum. The other member is not in receipt of any remuneration. There are two retired members of the AAI each in receipt of €7,965 per annum. The Board of the Children Detention Schools has one member who is retired and is in receipt of €2,993 per annum.

Substance Misuse

595. **Deputy Gerry Adams** asked the Minister for Health the position regarding his plans to devise a new strategy around combined substance misuse; if such a strategy has been devised and launched; and if he will make a statement on the matter. [9189/12]

Minister for Health (Deputy James Reilly): The report of the National Substance Misuse Strategy Steering Group was launched on the 7th of February last. The report contains a range of recommendations to, among other things, reduce the consumption of alcohol in general. As

is the case with the National Drugs Strategy 2009-2016 the recommendations are grouped under five pillars of Supply Reduction, Prevention, Treatment, Rehabilitation and Research.

The main recommendations include: increase the price of alcohol so that it becomes less affordable; introduce a legislative basis for minimum pricing, along with a 'social responsibility' levy on the drinks industry; commence Section 9 (structural separation of alcohol from other products in supermarkets, etc) of the Intoxicating Liquor Act 2008; introduce legislation and statutory codes to provide for a 9.00 p.m. watershed for alcohol advertising on television and radio; alcohol advertising in cinemas to only be associated with films classified as being suitable for over-18s; prohibition of all outdoor advertising of alcohol; and all alcohol advertising in the print media to be subject to stringent codes, enshrined in legislation and independently monitored; phase out drinks industry sponsorship of sport and other large public events by 2016; develop a system to monitor the enforcement of the provisions of the intoxicating liquor legislation; establish a Clinical Directorate to develop the clinical and organisational governance framework to underpin treatment and rehabilitation services; develop early intervention guidelines for alcohol and substance use across all relevant sectors of the health and social care system. This will include a national screening and brief intervention protocol for early identification of problem alcohol use.

The recommendations of the Steering Group on alcohol will encourage public debate and the Minister envisages an Action Plan being developed in advance of proposals being drafted for Government.

The policies on alcohol agreed by Government, taken with the National Drugs Strategy, will comprise the overall National Substance Misuse Strategy in line with the Programme for Government commitment to a National Addiction Strategy dealing with both drugs and alcohol.

Value for Money Reviews

596. **Deputy Simon Harris** asked the Minister for Health the name and role of each member of the steering group for the Review of Efficiency and Effectiveness of Disability Services in Ireland; and if he will make a statement on the matter. [9305/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): The Value for Money and Policy Review (VFM&PR) of the Efficiency and Effectiveness of Disability Services in Ireland is being undertaken in the context of the Government's Value for Money and Policy Review Initiative 2009-2011 and is due to be completed in the first half of 2012. The review, which encompasses statutory and non-statutory service providers, is assessing how well current services for people with disabilities are meeting their objectives and how the future planning and development of services should be supported and delivered.

A Steering Group has been established to oversee the VFM&PR. The Steering Group is chaired by an independent chairperson, Mr. Laurence Crowley, and has two other independent members, as well as members drawn from the Disability Sector, Department of Health, the Department of Finance, the Department of Public Expenditure and Reform and the HSE. Members of the group were appointed in line with the Department of Finance Value for Money and Policy Review Initiative 2009-2011 guidelines. The role of the steering group is set out in the Value for Money and Policy Review Initiative Guidance Manual produced by the Department of Finance as the following:

Departments/Offices should appoint individual Steering Committees for each of their reviews. The Steering Committees should be seen clearly to act independently and to exercise direct, hands-on responsibility for the conduct of reviews. They should include personnel

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from outside the line divisions that operate the programmes/areas being reviewed and, insofar as possible, from other relevant Government Departments/Offices or bodies. This is desirable to maintain objectivity and to contribute to the overall robustness of the review.

The Steering Committee is responsible for agreeing the terms of reference, planning and conducting the review, agreeing methodology and performance indicators, writing the report, and advising the Management Advisory Committee of progress and of any difficulties arising.

The Members of the Steering Group are:

Membership of the Steering Group	
Laurence Crowley	Chairperson
Gerard Flood	External Member
James O'Dwyer	External Member
Bairbre Nic Aongusa, Assistant Secretary, Department of Health (DOH)	
Tracey Conroy, Principal Officer, Performance Evaluation Unit, DoH (Substitute for Jim Breslin, who resigned mid 2011)	
Brendan Broderick, Chief Executive Officer, Sisters of Charity of Jesus and Mary Services	
John Dolan, Chief Executive Officer, Disability Federation of Ireland	
Colm Desmond, Principal Officer, Office for Disability and Mental Health, DoH (Replaced Dermot Ryan, November 2009)	Lead Reviewer and Project Team Lead
James O'Grady, Policy Advisor, Office for Disability and Mental Health, DoHC. (Resigned end 2010)	Lead on Policy Review
Tom Heffernan, Principal Officer, Sectoral Policy Unit, Department of Finance (Replaced Patricia Purtill mid 2010)	
Dr. Cate Hartigan, Assistant National Director, Disability Services, HSE (Replaced Ger Crowley HSE, February 2012)	
Yvonne O'Neill, Assistant National Director, HSE VFM Directorate	
Eoin Dormer, Evaluator, Central Expenditure Evaluation Unit, Department of Public Expenditure and Reform (replaced Cormac Gilhooley February 2010)	
Malachy Corcoran, Higher Executive Officer, Office for Disability and Mental Health	Secretary

The Terms of Reference for the review are as follows:

1. Identify the objectives, which have pertained to date, for the disability services programme in the health sector.
2. Examine the current validity of those objectives and their compatibility with the overall strategy of the Department of Health, the National Disability Strategy and Towards 2016.
3. Define the outputs associated with the programme activity and identify the level and trend of those outputs.
4. Identify any issues with the availability of information regarding current outputs and outcomes.
5. Examine the extent to which the programme's objectives have been achieved, and comment on the effectiveness with which they have been achieved.
6. Identify the level and trend of costs and staffing resources associated with the disability services and thus comment on the efficiency with which it has achieved its objectives. Com-

pare overall costs, including wage costs and non-pay costs, across the sector [both statutory and non-statutory].

7. Having regard to the range of providers of disability services, examine whether there is scope to minimise overheads, including administrative costs, management structures, research, advertising, profile-building, and infrastructure costs.

8. Evaluate the degree to which the objectives warrant the allocation of public funding on a current and ongoing basis and examine the scope for alternative policy or organisational approaches to achieving these objectives on a more efficient and/or effective basis.

9. Specify potential future performance indicators that might be used to better monitor the performance of the disability services programme.

10. A final robust report containing findings and recommendations in relation to TORs 1 to 9 above.

Water Fluoridation

597. **Deputy Michael Healy-Rae** asked the Minister for Health if he will immediately undertake a study of the dangers of water fluoridation and the effect that this is having on the health of the population; if he will clarify the following, namely, if it is true that this practice is banned in many other European countries and that the countries that provide us the raw material to treat the water have abandoned this practice in their own countries; his view on this practice; and if he will make a statement on the matter. [9510/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): The Irish Expert Body on Fluorides and Health advises that the balance of scientific evidence worldwide confirms that water fluoridation, at the optimal level, does not cause any ill effects and continues to be safe and effective in protecting the oral health of all age groups. There are no plans to discontinue the policy of fluoridation of public water supplies, which continues to make an effective contribution to oral health in Ireland.

A bio-monitoring study of total fluoride intake in Ireland is planned and the HSE is currently considering the establishment of a high level advisory group to provide technical and academic oversight of the study.

Water fluoridation is on the increase worldwide. It is one of the most widely studied public health policy initiatives in the world, with approximately 350 million people in some 60 countries residing in areas served by optimally fluoridated water supplies.

Water fluoridation is not banned in any country although it is not practised in most European countries. In particular, it is not banned in Spain — the country from which Ireland sources all of its fluoride — and its use is widespread in the Basque Country.

Some European countries choose salt fluoridation or milk fluoridation as an alternative to water fluoridation in their public health programmes while others use fluoride mouth-rinses and/or tooth-brushing or painting of teeth with fluorides. Additionally, all European countries promote the widespread use of fluoride toothpastes.

The USA, Canada, Australia, New Zealand, United Kingdom, Israel, Malaysia, Singapore, Hong Kong, Argentina, Chile, and Columbia actively fluoridate water supplies.

Medical Cards

598. **Deputy Tony McLoughlin** asked the Minister for Health the position regarding an application for a medical card in respect of a person (details supplied) in County Leitrim; and if he will make a statement on the matter. [9930/12]

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

599. **Deputy Nicky McFadden** asked the Minister for Health if he will provide an update in the proposed air ambulance service for the Midlands and the west; if this service is to proceed; if a decision has been made on the operational headquarters of the service; and if he will make a statement on the matter. [9137/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Hospital Services

600. **Deputy Finian McGrath** asked the Minister for Health the position regarding an operation in respect of a person (details supplied) in Dublin 9. [9144/12]

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

601. **Deputy Jerry Buttimer** asked the Minister for Health when a medical card, which expired in October 2011, will be renewed in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [9156/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Nursing Education

602. **Deputy Billy Kelleher** asked the Minister for Health if skills mix is going to be introduced to complement nursing staff in the care of the elderly and in psychiatric services; and if he will make a statement on the matter. [9161/12]

Minister for Health (Deputy James Reilly): The provision of appropriate care by the most appropriate staff, in the most appropriate setting, is central to the effective delivery of health services. The Public Service Agreement and the *Strategic Framework for Role Expansion of Nurses and Midwives — Promoting Quality Patient Care* (published by my Department last year) specifically recognise the importance of staff skill-mix in this regard. The HSE National Service Plan 2012 commits to advancing revised rostering arrangements, to include the reviewing of skill-mix.

Specifically in relation to care of the elderly, it is clear that on a “business as usual” basis, the HSE would have to close further beds across a range of public nursing homes in 2012. In the absence of reform, this would increase the cost of caring for older persons within the public system, undermine the viability of public nursing homes and reduce the overall number of older persons that can be supported within the budget available for Fair Deal. This is not a sustainable way forward and would not meet the needs of older persons, local communities, the taxpayer or those working in the public service.

Instead, a pro-active approach is required to the provision of public nursing homes, which seeks to protect the viability of as many units as possible within the funding and staffing resources available. This is likely to require a combination of actions such as consolidation of services, changes in staffing, skill-mix and work practices. I understand that the skill mix in many nursing homes is now 50/50 in terms of nurses and care assistants. There is, however, scope to further refine the skill-mix, and also to examine issues such as redeployment and rostering. The HSE is already examining issues in this regard and will be working closely with my Department to develop an overall set of proposals for my consideration.

With regard to psychiatric services, a special allocation of €35m for mental health was provided in Budget 2012 in line with the Programme for Government commitments. Funding from this special allocation will be used primarily to strengthen the Community Mental Health Teams in both Adult and Children’s mental health services and, in particular, to ensure that all the teams have an appropriate skills- mix from the required disciplines.

Health Service Staff

603. **Deputy Mattie McGrath** asked the Minister for Health if he will confirm the position regarding recent reports in the media relating to the formation of a new complaints body for members of the public to make complaints against health service officials; the avenues available for someone to make a complaint; and if he will make a statement on the matter. [9166/12]

Minister for Health (Deputy James Reilly): There are a number of avenues open to individuals to make a complaint about the health services at present. Part 9 of the Health Act 2004 states that a person has the right to complain about any action of the Health Service Executive (HSE) or a service provider that they believe was not fair or had an adverse affect on them. The HSE has appointed designated Complaints Officers to ensure the effective management of complaints throughout their relevant areas of responsibility. The HSE actively encourages and promotes consumer feedback and links with customers on a regular basis to ensure that the complaint handling processes are effective, are being communicated and are achieving outcomes that are satisfactory to the consumers. I believe that it is generally best that complaints are dealt with directly when they occur and all efforts made to resolve them locally with the patient or person that complains. The HSE continues to seek improvements in its complaint handling ability and capacity in order to respond to the needs of patients.

If an individual is unhappy with the way in which his/her complaint was dealt with the National Advocacy Unit of the HSE will appoint an independent officer to review the com-

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plaint. If an individual is still unhappy with the outcome of this process he/she can request an independent review of the complaint from the Office of the Ombudsman or Ombudsman for Children. A new on-line information service called healthcomplaints.ie was launched in September, 2011. This initiative, which was developed by the Office of the Ombudsman in cooperation with a number of organisations including my Department and the HSE, provides information on how to make a complaint or give feedback about health and social care services in Ireland. Its website has been developed for people who use health and social care services in Ireland, as well as for their families, care-givers and advocates.

Furthermore, if an individual is unhappy with the level of care provided by a health service employee such as a doctor, nurse or other healthcare professional, he/she may make a complaint to that employee's professional regulatory body.

One of the key initiatives of the Government's Health Reform Programme is the establishment of a Patient Safety Authority (PSA). My Department is continuing to formulate proposals on the options and possible organisational structures of the PSA taking account of international experience and the existing structures and organisations in the Irish system. Indeed, the recent 2nd National Patient Safety Conference which took place on 9th February, 2012 was a key part of this process. The international speakers from Canada and Denmark provided insights into patient safety structures in their countries which will help to inform our consideration of some of the roles and responsibilities that might be assigned to the PSA, including in relation to the handling of patient complaints and patient advocacy.

Medical Cards

604. **Deputy Noel Harrington** asked the Minister for Health if he will investigate the delay in acknowledging and processing the appeal for a medical card in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [9175/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Hospital Services

605. **Deputy Ciarán Lynch** asked the Minister for Health when a person (details supplied) in County Cork will be given the required scan; and if he will make a statement on the matter. [9178/12]

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.

Mental Health Services

606. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health if he will establish if it is the case that persons presenting at Cavan General Hospital with mental health issues, including acutely unwell persons, are obliged to firstly present at the already overcrowded and over-worked accident and emergency department rather than going directly to the new mental health admissions unit in the hospitals basement; and if he will make a statement on the matter. [9186/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As this is a service matter the question has been referred to the HSE for direct reply.

Medical Cards

607. **Deputy Pat Deering** asked the Minister for Health when a decision on an application for a medical card will issue in respect of a person (details supplied) in County Carlow. [9190/12]

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.

608. **Deputy Seán Ó Fearghaíl** asked the Minister for Health if he will expedite an application for a medical card in respect of persons (details supplied); and if he will make a statement on the matter. [9222/12]

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

609. **Deputy Billy Kelleher** asked the Minister for Health when a person (details supplied) in County Cork who has been on the waiting list for a hearing test from the Health Service Executive for three years will receive an appointment. [9233/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the HSE for direct reply.

Medical Cards

610. **Deputy Seán Ó Fearghaíl** asked the Minister for Health if he will expedite an application for a medical card in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [9236/12]

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

611. **Deputy Michael McCarthy** asked the Minister for Health if there are any financial supports available for a person (details supplied) in County Cork; and if he will make a statement on the matter. [9240/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Hospital Services

612. **Deputy Michelle Mulherin** asked the Minister for Health the length of time a person (details supplied) in County Mayo will have to wait for an operation at University Hospital Galway and if the wait will be shortened because of the severe impact the condition is having on their quality of life [9255/12]

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.

Substance Misuse

613. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health if he endorses the findings and recommendations of the National Substance Misuse Steering Group published on 7 February 2012; and if he will make a statement on the matter. [9258/12]

614. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health his plans with regard to the implementation of the recommendations of the National Substance Misuse Steering Group published on 7 February 2012; and if he will make a statement on the matter. [9259/12]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 613 and 614 together.

As the report concerned was only recently launched on the 7th of February last, I intend to allow a period of public debate on the issues raised by and recommendations made by the National Substance Misuse Strategy Steering Group; and I then envisage that an Action Plan will be developed in advance of proposals being drafted for the Government.

Alcohol Misuse

615. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health the actions he will be undertaking to progress the commitment made at the conference on alcohol misuse in Armagh last month to work with the Northern Executive on the introduction of minimum pricing on an all-Ireland basis; and if he will make a statement on the matter. [9260/12]

Minister for Health (Deputy James Reilly): The first all island Conference on alcohol last month brought together policy makers and representatives of all sectors to explore common issues and challenges that need to be faced in order to reduce the harms caused by alcohol and to consider ways in which responses across the island of Ireland could be better coordinated. On February 7th I then launched the National Substance Misuse Strategy which *inter alia*

outlined the Steering Groups plans to introduce a legislative basis for minimum pricing. This has led to a very useful and productive public debate on all matters raised in the report.

I intend to work with the Minister from Northern Ireland, Mr. Edwin Poots closely on this issue and to that effect officials from both Departments will meet in the coming weeks to progress it.

State Bodies

616. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health the number and names of the State bodies under the aegis of his Department which are subject to the Revised Code of Practice for the Governance of State Bodies; and if he will make a statement on the matter. [9262/12]

Minister for Health (Deputy James Reilly): The agencies under the aegis of my Department that are subject to the Revised Code of Practice for the Governance of State Bodies are as follows:- An Bord Altranais, Dental Council, Food Safety Authority of Ireland, CORU, Health Information Quality Authority, Health Insurance Authority, Health Research Board, Irish Blood Transfusion Service, Irish Medicines Board, Medical Council, Mental Health Commission, National Cancer Registry Board, National Treatment Purchase Fund, Opticians Board, Pharmaceutical Society of Ireland and the Pre-Hospital Emergency Care Council.

617. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health if he has received the annual report on corporate governance from all State bodies under the aegis of his Department which are subject to the Revised Code of Practice for the Governance of State Bodies for 2010 as required under section 13.1 of the code, if not, if he will outline which State bodies have not done so and if having reviewed the reports he is satisfied that all State bodies are complying with the provisions of the code; and if he will make a statement on the matter. [9268/12]

Minister for Health (Deputy James Reilly): The functions of State agencies under the remit of my Department are primarily set out in statute. Part of the statutory requirement is that annual business/service plans are submitted to the Department for approval. These service plans are monitored on an ongoing basis. For those agencies funded by my Department, annual income and expenditure profiles are approved, monitored and controlled by my Department.

All agencies are fully aware of their obligations and responsibilities under the revised Code of Practice for the Governance of State Bodies and report annually on areas such as Board and directors responsibilities, compliance with codes of conduct, compliance with remuneration guidelines and procurement guidelines among others, in line with the revised Code of Practice. In relation to 2010, governance reports have been received from all agencies with the exception of the National Treatment Purchase Fund (NTPF), which through an oversight neglected to forward the 2010 report to the Department. This oversight is currently being rectified. The Department has received the 2011 governance report from the NTPF.

In addition, officials from my Department hold regular meetings with agencies on corporate governance and other matters to ensure that there are robust governance arrangements in place, and that the agencies are in compliance with “2009 *Code of Practice for the Governance of State Bodies*”. I am satisfied that my Department maintains appropriate oversight over the agencies under its remit and that we are continuing to ensure that there is greater convergence between agency activity and health policy.

Services for People with Disabilities

618. **Deputy Simon Harris** asked the Minister for Health his plans to introduce measures to

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ensure adequate services continue to be provided for young school-leavers with disabilities; and if he will make a statement on the matter. [9302/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): Under the Health Act 2004 the Health Service Executive (HSE) is required to manage and deliver, or arrange to be delivered on its behalf, health and personal social services, including disability services.

As the Deputy is aware, the HSE Service Plan for 2012 sets out a reduction of 3.7% in funding for disability services. The HSE's aim will be to apply any reductions in a way which minimises the impact on service users and their families as much as possible, although some reductions in services will be unavoidable.

However, the Service Plan states that at least 2% of the reduction should not impact on services and needs to be generated from other savings and increased efficiencies.

While the HSE makes every effort to provide day services to people over 18 on leaving school, this has always been dependent on the availability and location of suitable places coupled with the needs of the individual school-leaver.

The HSE, through its Occupational Guidance Service, works with schools, service providers, service users and families to identify the needs of young people with disabilities who are due to complete their second level education. This process requires a certain amount of flexibility from disability service providers and the maximisation of additional capacity from within existing resources. The aim is to address the needs of individuals in one or more of the following ways:

- Health funded rehabilitative training;
- Health funded day services;
- FÁS funded rehabilitative training;
- FÁS funded vocational training;
- Approval to extend education placement for a specified time.

The HSE monitors the outcome of this process to ensure that, in as far as possible, the needs of each individual young person with a disability leaving school are addressed.

Pension Provisions

619. **Deputy Paul J. Connaughton** asked the Minister for Health if a person (details supplied) in County Galway is entitled to any moneys under superannuation after 16 years working; and if he will make a statement on the matter. [9306/12]

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.

Drug Treatment Programme

620. **Deputy Simon Harris** asked the Minister for Health the cost of the methadone programme in an area (details supplied) for each of the years 2008 to 2012; and if he will make a statement on the matter. [9308/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the HSE for direct reply.

621. **Deputy Simon Harris** asked the Minister for Health the cost of the needle exchange programme in an area (details supplied) for each of the years 2008 to 2012; the person who was financially responsible for this programme; and if he will make a statement on the matter. [9309/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the HSE for direct reply.

622. **Deputy Simon Harris** asked the Minister for Health the rationale behind the closure of a service (details supplied); and if he will make a statement on the matter. [9310/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): I am advised by the East Coast Regional Drugs Task Force (ECRDTF) that it ceased funding to Co Wicklow Community Addiction Services Limited (CWCASL) at the end of December 2010. I am advised that this decision was taken on foot of recommendations in an externally commissioned strategic review of the ECRDTF area, which was completed in November 2010. The ECRDTF is progressing the establishment of new community based services to address and respond to the drugs problem in the region in line with the findings contained in the report.

Medical Cards

623. **Deputy Brian Walsh** asked the Minister for Health the position regarding an application for a medical card in respect of persons (details supplied) in County Galway; and if he will make a statement on the matter. [9345/12]

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

624. **Deputy Dara Calleary** asked the Minister for Health if he will ensure that the Health Service Executive undertakes a national information campaign including the provision of resources and support for systemic lupus erythematosus patients in Ireland. [9351/12]

Minister for Health (Deputy James Reilly): There are no plans at present for a national campaign to provide information regarding Lupus; however the HSE can commit to making arrangements to meet the Lupus patient group to discuss their suggestions on this matter — if that would be helpful. The National Advocacy Unit would be happy to facilitate such a meeting and they will listen to the concerns of patients with Lupus and ensure the feedback is considered by the HSE. The National Advocacy Unit can be contacted at www.yourserviceyoursay.ie or 045 880400.

Nursing Homes Support Scheme

625. **Deputy Brian Walsh** asked the Minister for Health the position regarding an application for nursing home support under the fair deal scheme in respect of a person (details supplied) in County Galway; and if he will make a statement on the matter. [9387/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Hospital Staff

626. **Deputy Michael McCarthy** asked the Minister for Health if the Health Service Executive

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plans to issue an embargo on community hospitals regarding the recruitment of agency nurses, following the retirement of staff this month; and if he will make a statement on the matter. [9388/12]

Minister for Health (Deputy James Reilly): The HSE's National Service Plan 2012 commits to significantly reducing the volume of agency staff usage, with a target reduction of up to 50%. The Plan contains a commitment that overtime and agency staffing are not to be used to support service levels beyond those agreed in the Plan or to substitute for staff losses.

The Service Plan also sets out the actions to be taken to address the impact of staff reductions (particularly those occurring before the end of February) and reduced financial resources. Contingency plans are currently being drawn up for all services in the HSE. The Executive is seeking to mitigate the impact of the retirements on front-line services through a range of measures, including:

- 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; and
- providing for some limited and targeted recruitment in priority areas to help limit the impact of retirements on front-line services.

Medical Cards

627. **Deputy Brian Walsh** asked the Minister for Health the position regarding an application for a medical card in respect of persons (details supplied) in County Galway; and if he will make a statement on the matter. [9393/12]

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.

628. **Deputy Billy Timmins** asked the Minister for Health the position regarding a medical card in respect of persons (details supplied) in County Wicklow; and if he will make a statement on the matter. [9399/12]

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.

629. **Deputy Pearse Doherty** asked the Minister for Health the reason for the delay in the processing of a medical card application in respect of a person (details supplied) in County Donegal; when a final decision will issue; and if he will make a statement on the matter. [9407/12]

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.

630. **Deputy Brian Walsh** asked the Minister for Health the position regarding an application for a medical card in respect of a person (details supplied) in County Galway; and if he will make a statement on the matter. [9408/12]

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 Brian Walsh** asked the Minister for Health the position regarding an application for a medical card in respect of a person (details supplied) in County Galway; and if he will make a statement on the matter. [9410/12]

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 Tom Fleming** asked the Minister for Health when a decision will issue on a general practitioner visit card application in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [9413/12]

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.

633. **Deputy Brian Walsh** asked the Minister for Health the position regarding an application for a medical card in respect of a person (details supplied) in County Galway; and if he will make a statement on the matter. [9414/12]

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

634. **Deputy Finian McGrath** asked the Minister for Health the position regarding orthodontic treatment in respect of a person (details supplied) in Dublin 5. [9419/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the HSE for direct reply.

Hospital Services

635. **Deputy Gerry Adams** asked the Minister for Health the amount of money it will cost to upgrade the Cottage Hospital, Drogheda, County Louth, to ensure it meets the Health Information and Quality Authority standards. [9430/12]

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

636. **Deputy Tony McLoughlin** asked the Minister for Health the reason there is a delay in the application process in respect of a person (details supplied) in County Sligo who has applied for a medical card; and if he will make a statement on the matter. [9473/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Hospital Staff

637. **Deputy Patrick Nulty** asked the Minister for Health if he will confirm that a senior clinical psychologist in stroke care will be appointed to James Connolly Memorial Hospital, Blanchardstown, Dublin 15; if he will confirm that this position was one of 45 new stroke posts that were due to be appointed in 2011 start of 2012 under the national stroke programme and the Health Service Executive service plan; if he will confirm that funding has been ear-marked for this post; the reason for the delay; and if he will make a statement on the matter. [9480/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Dental Treatment Services Scheme

638. **Deputy Tom Fleming** asked the Minister for Health his plans to address dental health in view of the significant drop in patient numbers due to cutbacks to dental schemes whereby according to a recent survey will lead to a quarter of dentists cutting staff this year with a loss of up to 1,000 jobs; and if he will make a statement on the matter. [9488/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): The Dental Treatment Services Scheme (DTSS) funding has been capped at the 2008 level of €63million. This cap represents the maximum funding available for the Scheme. Given the growing demand on the DTSS and current budgetary constraints, it is not possible to expand the service at present. The HSE will continue to monitor the operation of the DTSS to ensure the most beneficial, effective and efficient use of available resources.

Neither my Department nor the HSE have any functions in relation to the staffing of dentists' private practices. However, the Deputy may wish to note that in 2009 there was a net increase of 233 in the number of dentists contracted to provide services under the DTSS. During 2010 there was a net increase of 40 contracted dentists and in 2011, a net increase of 59 contracted dentists.

Medical Cards

639. **Deputy Kevin Humphreys** asked the Minister for Health if his attention has been drawn to the fact that citizens are receiving letters confirming that they are to be issued with a medical card along with the reference number of that card, however, they then fail to receive the actual card; if he will provide the number of how many such cases have occurred; how often has this happened; if he will provide a regional breakdown of the numbers in each area; the action being taken to address the problem; and if he will make a statement on the matter. [9489/12]

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

640. **Deputy Michael Colreavy** asked the Minister for Health the status and origin of the Research and Education Foundation based at Sligo General Hospital; its relationship, formal or otherwise with the Health Service Executive; and if the HSE have any management, regulatory or financial liability for the Foundation. [9512/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Services for People with Disabilities

641. **Deputy Gerry Adams** asked the Minister for Health if he will take cognisance of the invaluable contribution that the training allowance scheme makes in supporting those with disabilities and preparing them to enter or re-enter the workforce or progress on to further education and training; if he will provide an update on the comprehensive review of the training allowance scheme; if he will ensure that the full allowance is reinstated in full; and if he will make a statement on the matter. [9516/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): The decision to reduce the top up payment made to people with a disability attending rehabilitative training was implemented by the Health Service Executive (HSE) without informing the Department of Health. The reduction from €31.80 per week to €20 per week, from the 1st January 2012, was communicated to the HSE Local Managers in advance of the Minister approving the National Service Plan for 2012. I acknowledge that this proposed measure sought to bring consistency to the top up bonus paid to people attending the HSE rehabilitative training scheme with similar payments paid in other State training schemes.

Any reduction in payments to individuals requires adequate advance notice to enable the recipients and indeed, service providers, to take the reduction into account in planning their support needs and other arrangements. It should also be noted that people with a disability attending Rehabilitative Training are usually in receipt of a State payment such as the Disability Allowance. Accordingly, the HSE agreed to my request to review its decision and it has recently submitted a report on the matter which is under consideration in my Department.

Nursing Homes Support Scheme

642. **Deputy James Bannon** asked the Minister for Health when payment under the nursing home support scheme will be issued to a person (details supplied) in County Longford as there are outstanding amounts due; and if he will make a statement on the matter. [9517/12]

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

643. **Deputy Charlie McConalogue** asked the Minister for Health the current status of the transfer policy for ambulance service personnel; and if he will make a statement on the matter. [9524/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Food Labelling

644. **Deputy Tony McLoughlin** asked the Minister for Health if he will consider a directive through the Environmental Health Section of the Health Service Executive that all fast food restaurants that display menu boards featuring children's menus and read by parents would include a calorie count to run alongside the price of the product displayed, this directive could be considered in line with a Government policy to tackle child obesity. [9539/12]

Minister for Health (Deputy James Reilly): In an effort to combat the dangerous levels of obesity in all age groups of the Irish population, including young children, and as one measure among many recommended by the Special Action Group on Obesity, late in 2011 I wrote to Fast Food Companies and Cafes operating here in Ireland to request that they introduce calorie posting on menus in their restaurants, on a voluntary basis immediately. The responses received to date have been positive.

Early in February 2012, I launched the Food Safety Authority of Ireland's public consultation to seek opinions on the best way of putting calorie information on menus in Ireland. This consultation presents consumers and the food industry with a unique opportunity to give their views on how 'calories on menus' can be best implemented in Ireland. The consultation will

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close on 29th February, 2012 and the results, when analysed, will inform the next steps in the process.

Medical Cards

645. **Deputy Niall Collins** asked the Minister for Health the reason for the delay in an application for a medical card in respect of a person (details supplied) in County Cork; and the position regarding same. [9594/12]

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

646. **Deputy Niall Collins** asked the Minister for Health if he will expedite the provision of specific service to a child (details supplied) in County Cork. [9595/12]

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

647. **Deputy Jerry Buttimer** asked the Minister for Health when an application for a medical card will be decided in respect of a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [9597/12]

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.

648. **Deputy Jerry Buttimer** asked the Minister for Health when an application for a medical card will be decided in respect of a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [9598/12]

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.

649. **Deputy Jerry Buttimer** asked the Minister for Health when an application for a medical card will be decided in respect of a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [9599/12]

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.

650. **Deputy Paudie Coffey** asked the Minister for Health when an application for a medical card will be issued to a person (details supplied) in County Waterford; and if he will make a statement on the matter. [9605/12]

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.

651. **Deputy Brendan Griffin** asked the Minister for Health his views on a matter regarding medical cards (details supplied); and if he will make a statement on the matter. [9636/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Hospital Services

652. **Deputy Pearse Doherty** asked the Minister for Health when a decision will be made regarding the paediatric diabetes clinic in Letterkenny General Hospital, Donegal; and in view of the concerns from parents in County Donegal that services may be lost to them, if he will confirm the services will not move from Letterkenny. [9639/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Nursing Homes Support Scheme

653. **Deputy Simon Harris** asked the Minister for Health the position regarding an application to join the nursing homes support scheme in respect of a person (details supplied) in County Wicklow; and if he will make a statement on the matter. [9640/12]

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

654. **Deputy Simon Harris** asked the Minister for Health the position regarding a decision by the Health Service Executive to refuse a medical card to a person (details supplied) in County Wicklow; and if he will make a statement on the matter. [9641/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Departmental Expenditure

655. **Deputy Niall Collins** asked the Minister for Health the total photography costs for his Department since coming to office; the list of occasions for which photographers were booked over the past year; the breakdown of costs associated with each occasion that a photographer was used; if there is a policy around the booking of photographers within his Department; and if he will make a statement on the matter. [9665/12]

Minister for Health (Deputy James Reilly): The information requested by the Deputy is currently being collated within my Department and will be forwarded to him as soon as it is available.

Hospital Waiting Lists

656. **Deputy Brian Walsh** asked the Minister for Health when a person (details supplied) in County Galway, who is on a waiting list, will be admitted to undergo surgery at University Hospital Galway. [9674/12]

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

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that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or day-case surgery.

As this is a service matter, it has been referred to the HSE for direct reply. Should the patient's general practitioner consider that the patient's condition warrants an earlier appointment, he/she would be in the best position to take the matter up with the consultant and facility involved.

Medical Cards

657. **Deputy Sandra McLellan** asked the Minister for Health if he will prioritise a medical card application in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [9686/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy as a matter of urgency.

658. **Deputy Sandra McLellan** asked the Minister for Health when a medical card will issue in the case of a person (details supplied) in County Cork. [9687/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Hospital Waiting Lists

659. **Deputy Peter Mathews** asked the Minister for Health his views on a matter (details supplied) regarding hospital appointments; and if he will make a statement on the matter. [9691/12]

Minister for Health (Deputy James Reilly): I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by dramatically improving the flow of patients through the system, and by streamlining waiting lists, including referrals from GPs. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF. As a priority, public hospitals were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or day-case surgery.

As this are service matters, they have 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.

Health Services

660. **Deputy Seán Kenny** asked the Minister for Health the number of home care packages approved in community care area 8 for the years 2008, 2009, 2010, 2011 and to date in 2012; the number of home care packages pending or refused in each of these years; the criteria

required to obtain a home care package; and if he will make a statement on the matter. [9703/12]

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 to the Deputy.

Health Service Staff

661. **Deputy Seán Kenny** asked the Minister for Health the number of persons in community care area 8 who have indicated their request to retire in 2012; the job titles of each of the staff who will retire; and if he will make a statement on the matter. [9704/12]

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.

Ministerial Transport

662. **Deputy Timmy Dooley** asked the Minister for Health if he uses a State car; the type of car used; how often he has used it since coming to office; the salary of the person employed to drive the car; the cost of his or her vehicle expenses; if the person employed was previously a State employee; if that person is also in receipt of a State pension; the total cost of the service to date; and if he will make a statement on the matter. [9718/12]

Minister for Health (Deputy James Reilly): In line with Government policy, I use my own car for normal official business which is frequent, extensive and nationwide and, for so doing, I am entitled to claim a mileage allowance at the rates laid down by the Department of Public Expenditure and Reform. My Department has engaged two Civilian Drivers for this purpose. The drivers are paid an annual salary of €32,965. Neither was a State employee and neither is in receipt of a State pension. The total cost of the service is €76,597 for 2011 and €16,089 for 2012. These figures include drivers' pay, Employer's PRSI, drivers' subsistence, mileage and tolls.

Medical Cards

663. **Deputy Maureen O'Sullivan** asked the Minister for Health if every cancer patient is entitled to a medical card regardless of whether he or she works full-time or not; and if he will outline the details for full-time working cancer patients. [9726/12]

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 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 cancer.

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. There is an emergency process for a person who is terminally ill, or in urgent need of medical attention and cannot afford to pay for it, that provides a card within 24 hours while the normal application process is completed. Once a letter from the patient's GP or

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consultant is received, stating that the person is terminally ill, and the required personal details are provided an emergency card is issued to that person for a six-month period.

It is the Government's intention to extend free GP services to the entire population during the course of this Government.

664. **Deputy Seán Ó Fearghail** asked the Minister for Health if he will expedite an application for a medical card in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [9729/12]

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.

Special Educational Needs

665. **Deputy Olivia Mitchell** asked the Minister for Health if he will clarify the level of provision allocated by the Health Service Executive to cater for the ongoing education, training and activation of children with special needs who leave school in 2012; and if he will make a statement on the matter. [9734/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): Training and activation for school leavers with disabilities may be addressed in a variety of ways. The HSE, through its Occupational Guidance Service, works with schools, service providers, service users and families to identify the needs of, and finalise plans for young people with disabilities who are approaching completion of their second level education. The needs of these individuals are managed through one or more of the following services:

- Health funded rehabilitative training.
- Health funded day services.
- FÁS funded vocational training.
- Approval to extend education placement for a specified period of time.

The plan for each individual is dependent on:

- Final decisions by service users where more than one service model may be considered.
- Approval, if requested, to extend current educational placements.
- Capacity of providers to make best use of available resources.

The level of provision allocated to Rehabilitative Training is 2,627 places at an annual cost of €14,393 per place. Other health funded day services are provided from the range of general day services provision for adults with disability and provision is dependent on the availability and location of suitable places coupled with the needs of the individual school-leaver.

Meeting the needs of all school leavers with disabilities will be challenging in the absence of significant funding for new developments. However both the voluntary sector and the HSE are committed to the best use of available resources in a creative and flexible manner to be as responsive as possible to the needs that present.

Hospital Waiting Lists

666. **Deputy Pat Breen** asked the Minister for Health if he will report on the efforts being

made to reduce the waiting list for a service (details supplied); and if he will make a statement on the matter. [9740/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): The HSE published the report of its National Audiology Review Group (NARG) in April 2011. The report contained a number of recommendations aimed at improving audiology services. The following recommendations which are being progressed will assist in reducing the waiting times for services:

- The appointment of a National Clinical Lead which has recently been approved.
- The planned integration of community and hospital services and the reconfiguration of the audiology workforce into fewer larger teams.
- A unified career structure and increased staff numbers including 10 MSc in Audiology candidates whose education is being sponsored by the HSE and who should be ready to join the workforce in September 2013.
- A standard system for the collation of audiology activity data which will commence in March 2012.
- The planned development of a national patient management system for audiology which will ensure easy access to patient data, facilitate the annual validation of waiting list activity and assist in the monitoring of local audiology productivity.
- A national procurement process for hearing aids, hearing aid fitting systems and audiological assessment equipment due to be completed in March 2012.

Nursing Homes Support Scheme

667. **Deputy Peter Mathews** asked the Minister for Health when a decision will issue regarding the fair deal scheme in respect of a person (details supplied); and if he will make a statement on the matter. [9750/12]

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.

Pharmacy Services

668. **Deputy Terence Flanagan** asked the Minister for Health the position regarding generic medication (details supplied); and if he will make a statement on the matter. [9760/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): It is a matter for each pharmacy to determine what type of medicine it holds in stock. Under medicines legislation it is envisaged that if a patient has a prescription specifying a branded medicine, that patient will receive that branded medicine from the pharmacist. If a pharmacy does not have a particular medicine in stock, it is open to the patient to request the pharmacy to order the medicine or alternatively to seek the medicine in question from another pharmacy.

I should point out that generic medicines must meet exactly the same standards of quality and safety and have the same effect as the original medicine. All of the generic medicines on the Irish market are required to be properly licensed and meet the requirements of the Irish Medicines Board.

Care of the Elderly

669. **Deputy Paudie Coffey** asked the Minister for Health, in the interests of meeting the long-term care and accommodation needs of the elderly, if there are any supports planned for older community and private nursing homes to upgrade their facilities in order to meet the Health Information and Quality Authority standards; and if he will make a statement on the matter. [9762/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): Any capital development, including grants for the construction or refurbishment of public nursing homes, must be considered in the context of the overall HSE capital programme. This is a multi-annual programme which is developed over a rolling five year period. In drawing up its capital programme the HSE is required to prioritise capital infrastructure projects within the overall capital funding allocation. In order to comply with regulatory requirements, the HSE is now concentrating on the refurbishment and upgrade of existing accommodation.

The State does not provide capital grants from the capital health care allocation to the private sector.

Hospital Staff

670. **Deputy Kevin Humphreys** asked the Minister for Health the plans, if any, in place for staff parking at St Vincent's Hospital, Elm Park, Dublin, for staff who previously used off-site parking at a location (details supplied); and if he will make a statement on the matter. [9768/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Health Services

671. **Deputy Billy Kelleher** asked the Minister for Health the reason there are no more referrals to Crooksling, County Dublin; the reason there are fewer than 80 residents in a facility that has a capacity for 110; and if he will make a statement on the matter. [9771/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Hospital Services

672. **Deputy Billy Kelleher** asked the Minister for Health the number of step-down patients currently in Tallaght hospital, Dublin, awaiting long-term care; the length of the waiting period of these patients; and if he will make a statement on the matter. [9775/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the HSE for direct reply.

Health Services

673. **Deputy John O'Mahony** asked the Minister for Health if he will review a matter in respect of a person (details supplied) in County Mayo; and if he will make a statement on the matter. [9783/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Departmental Funding

674. **Deputy Jack Wall** asked the Minister for Health the funding provided under all appropriate headings and the total funding allocated to a group (details supplied) in County Kildare for each of the years 2008, 2009 and 2010; and if he will make a statement on the matter. [9788/12]

Minister for Health (Deputy James Reilly): As this is a service matter it has been referred to the HSE for direct reply.

Hospital Services

675. **Deputy Alan Farrell** asked the Minister for Health the services and facilities available to adults and children with Cystic Fibrosis with particular attention to physiotherapy or occupational therapy; if no such services or facilities are available, if he would consider putting in place such facilities to alleviate associated symptoms for those with the condition; and if he will make a statement on the matter. [9791/12]

Minister for Health (Deputy James Reilly): All Cystic Fibrosis services nationally provide patients with access to physiotherapy/occupational therapy services. These services are either attached to the Cystic Fibrosis Unit in the hospital or are provided via the general therapy services in the hospital.

Medical Cards

676. **Deputy James Bannon** asked the Minister for Health the position regarding medical card applications which were submitted last September in respect of persons (details supplied) in County Longford; and if he will make a statement on the matter. [9801/12]

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.

Mental Health Services

677. **Deputy Tom Fleming** asked the Minister for Health if he will reverse the decision to cut the budget for mental health services in the Health Service Executive south by €11.455 million which represents a massive 6.1% reduction and ensure that *A Vision for Change* is fully implemented which states that each citizen should have access to local, specialised and comprehensive mental health service provision, that is of the highest standard; and if he will make a statement on the matter. [9832/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As the first part of the Deputy's question refers to an operational matter within the HSE, I have asked the Executive to reply directly to the Deputy on this issue.

This Government is fully committed to implementing *A Vision for Change* and reforming our model of healthcare delivery so that more and better quality care is delivered in the community. A special allocation of €35m for mental health was provided in Budget 2012 in line with the Programme for Government commitments. Funding from this special allocation will be used primarily to strengthen Community Mental Health Teams in both Adult and Children's mental health services. It is intended that the additional resources will be rolled out in conjunction with a scheme of appropriate clinical care programmes based on an early intervention and a recovery approach. Some of the funding will also be used to advance activities in the area of suicide prevention and response to self-harm presentations and to initiate the provision of

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psychological and counselling services in primary care specifically for people with mental health problems. Some provision will also be made to facilitate the re-location of mental health service users from institutional care to more independent living arrangements in their communities, in line with *A Vision for Change*.

Departmental Reports

678. **Deputy Denis Naughten** asked the Minister for Health if he intends to act upon the Vaccine Damage Steering Group Report 2009; the reason for the delay; and if he will make a statement on the matter. [9866/12]

Minister for Health (Deputy James Reilly): My Department is currently examining the recommendations of the Vaccine Damage Steering Group. The report raises many complex issues that require further consideration and I expect to have an assessment of these in the near future.

General Medical Services Scheme

679. **Deputy Terence Flanagan** asked the Minister for Health if a doctor (details supplied) in Dublin 9 may apply to be added onto the medical card panel in view of new legislation; and if he will make a statement on the matter. [9870/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): The Health (Provision of General Practitioner Services) Bill will eliminate current restrictions on fully qualified and trained GPs wishing to obtain contracts to treat public patients under the GMS contract and will empower the Minister for Health to set entry terms based on public health and public interest considerations. The Bill has passed through the Dáil and is due to complete its passage through the Seanad tomorrow. This legislation will result in medical card and GP visit card patients having a greater choice of GPs under the GMS Scheme. It will also help to ensure that private patients of new GP contract holders, who qualify for a medical card or GP visit card, will not have to change their GP.

As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Health Services

680. **Deputy John McGuinness** asked the Minister for Health further to a previous Parliamentary Question regarding the approval and then withdrawal of home support hours in respect of a person (details supplied) in County Kilkenny, if he will instruct the Health Service Executive to review the case and provide the supports needed for the family; and if he will instruct the HSE to issue a comprehensive response. [9873/12]

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

681. **Deputy John McGuinness** asked the Minister for Health further to previous Parliamentary Questions regarding an application for a medical card in respect of a person (details supplied) in County Kilkenny, if he will instruct the Health Service Executive to respond to the PQ immediately as they have not replied to the PQs to date and have not issued a response;

and if the medical card will be issued as the applicant is terminally ill and urgently requires the card. [9874/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): I sought an immediate response from the HSE in relation to this matter and I understand that a medical card has now been issued.

682. **Deputy John McGuinness** asked the Minister for Health if he will expedite an application for a medical card in respect of a person (details supplied) in County Kilkenny. [9875/12]

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.

683. **Deputy John McGuinness** asked the Minister for Health if a medical card will be issued immediately in respect of a person (details supplied) in County Kilkenny; if he will expedite the matter. [9876/12]

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.

684. **Deputy John McGuinness** asked the Minister for Health if he will explain the delay in granting a medical card in respect of a person (details supplied) in County Kilkenny; and if he will insist on the card being issued immediately given the medical circumstances of the case. [9877/12]

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.

685. **Deputy John McGuinness** asked the Minister for Health when an application for a medical card will be approved in respect of a person (details supplied) in County Kilkenny; and if he will explain the delay and ensure a card is issued immediately. [9878/12]

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.

686. **Deputy John O'Mahony** asked the Minister for Health when a person (details supplied) in County Mayo will receive a decision on their application for medical card; and if he will make a statement on the matter. [9924/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy as a matter of urgency.

687. **Deputy John O'Mahony** asked the Minister for Health when a person (details supplied) in County Mayo will receive a decision on their application for a medical card; and if he will make a statement on the matter. [9928/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Hospital Staff

688. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health the position regarding the recruitment of all the required specialties and service providers for the new stroke unit at Cavan General Hospital; and if he will make a statement on the matter. [9948/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Departmental Agencies

689. **Deputy Finian McGrath** asked the Minister for Health if he will provide the number of retired persons serving on State boards and commissions; and the amount it is costing the State. [10357/12]

Minister for Health (Deputy James Reilly): The information sought by the Deputy is currently being collated and will be forwarded to the Deputy as soon as it is available.

Proposed Legislation

690. **Deputy Sandra McLellan** asked the Minister for Transport, Tourism and Sport the reason there is no legislation in place to issue AB certificates for able sea-men; the options that are available to people who have a job waiting for them but cannot start without receiving their certificate; and if he will make a statement on the matter. [9164/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The European Union are progressing proposals to amend the EU legislation on the minimum level of training of seafarers in line with the latest amendments made by the International Maritime Organisation to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (“the STCW Convention”). It is intended that our national regulations in this regard, the Merchant Shipping (Training and Certification) Regulations 2007-2010, will be amended later in 2012 when the EU legislation has been finalised and the certification of ratings as able seafarer deck in line with Regulation II/2 of the STCW Convention will then proceed.

Road Safety Authority

691. **Deputy Gerry Adams** asked the Minister for Transport, Tourism and Sport if there are plans to transfer the responsibility for the licensing and supervision of light goods vehicles and heavy goods vehicles test centres from the local authorities to the Road Safety Authority; and if he will make a statement on the matter. [9185/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The Government recently approved the drafting of a General Scheme of a Bill, which includes provisions to allow for the Road Safety Authority (RSA) to take on a direct supervisory role in the system that regulates commercial vehicle roadworthiness testing. Responsibility for this system, including the licensing and supervision functions, will transfer from the local authorities to the RSA on the enactment of this legislation.

I hope to introduce the Bill in the Oireachtas in the coming months.

Swimming Pool Projects

692. **Deputy Charlie McConalogue** asked the Minister for Transport, Tourism and Sport if funding was ever allocated for a swimming pool (details supplied) in County Donegal; if so, the current status of same; and if he will make a statement on the matter. [9242/12]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring):

Under the current round of the Local Authority Swimming Pool Programme, operated by my Department, grant aid to a maximum of €3.8m is provided to Local Authorities, towards the capital cost of new swimming pools or the refurbishment of existing pools, subject in both cases to the total grant not exceeding 80% of the eligible cost of the project or, in the case of projects located in disadvantaged areas, 90% of the eligible cost. Proposals must comply with the standards set out in the Department's "Procedures for the Planning, Approval and Financing of Swimming Pools and Technical Guidelines".

Under the Guidelines there are four principal stages in a swimming pool project following the submission of a feasibility study. These, in order of progress, are: Preliminary Report; Contract Documents; Tender and Construction. Grant-aid is allocated only when tenders have been approved for the project and is capped at the time of allocation. The Department and its technical advisors, the Office of Public Works, evaluate each stage and Local Authorities cannot proceed to the next stage of a project unless prior approval issues from the Department of Transport, Tourism and Sport.

I understand that the Feasibility Study/Preliminary Report was approved for the refurbishment of the pool in Buncrana in April 2005 and the Department currently awaits contract documents.

Road Network

693. **Deputy Dara Calleary** asked the Minister for Transport, Tourism and Sport the position regarding the redevelopment of a junction on the N5 at Ballyvarry, County Mayo; the person responsible for the instigation of the scheme; the person who designed the scheme; the State bodies and local authorities that were consulted in the design of the scheme; the total costs of the scheme to date; if his attention has been drawn to concerns regarding the safety of the new arrangements and his views on these concerns; if he or the National Roads Authority received any representations from his Government colleagues in relation to the scheme; and if he will make a statement on the matter. [9249/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): As Minister for Transport, I have responsibility for overall policy and funding in relation to the national roads programme. The planning, design and implementation of individual national roads are matters for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned.

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.

I have not received any representations in relation to this matter.

Garda Operations

694. **Deputy Thomas P. Broughan** asked the Minister for Transport, Tourism and Sport if he has considered new initiatives in conjunction with the Department of Justice and Equality to support families of those bereaved through road collisions, including measures to facilitate the provision of written information on legal procedures in the aftermath of a fatal crash access to witness statements, the assignment of a liaison police officer to keep a bereaved family informed throughout the investigation into a fatal road collision; and if he will make a statement on the matter. [9297/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The investigation of fatal road traffic collisions is a matter for the Garda Síochána. I understand that under the provisions of the Traffic Collision Investigation Programme, a Garda Family Liaison Officer is appointed, in incidents of fatal road traffic collisions, to liaise with the family of the deceased and to keep them apprised of developments in the investigation of such incidents.

Persons involved in road collisions, their legal advisors or insurers, or other interested parties may, on written request, be supplied with an abstract of police report, copies of statement of witness and sketches or maps of the scene. This information will not be supplied if criminal proceedings are contemplated or have been initiated.

I am aware that the RSA has also engaged with a number of victim support groups, including PARC, and has hosted a specific Conference dealing with support issues for the bereaved or those who have suffered serious injury as a result of a collision. The RSA continues to liaise, support and consult with both representative organisations and individuals on a regular basis. The development of the next Road Safety Strategy will involve a public consultation process, to begin shortly, including consultation with these representative organisations and individuals.

Taxi Regulations

695. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport his views on the new hackney regulations; what they entail; the timeframe for these new changes to be implemented; and if he will make a statement on the matter. [9301/12]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly): All matters relating to the regulation of the small public service vehicle (SPSV) industry are the responsibility of the National Transport Authority (NTA) under the Taxi Regulation Act, 2003. The NTA is also the lead agency with responsibility for the implementation of the recommendations of the Taxi Regulation Review Report.

I understand that on the 30th September 2011 the National Transport Authority (NTA) wrote to the Deputy clarifying the position in regard to this matter as previously raised in parliamentary question number 590 of 27th September 2011.

National Car Test

696. **Deputy Paudie Coffey** asked the Minister for Transport, Tourism and Sport the number of AA inspections that have been carried out on national car test centres on a monthly basis for the years 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011 in tabular form; and if he will make a statement on the matter. [9476/12]

697. **Deputy Paudie Coffey** asked the Minister for Transport, Tourism and Sport the nature of AA inspections on national car test centres; the intended outcomes of such inspections; and if he will make a statement on the matter. [9477/12]

698. **Deputy Paudie Coffey** asked the Minister for Transport, Tourism and Sport the number of tenders that were received in the years between 2000 and 2010 to win the contract for managing the national car test centres; and if he will make a statement on the matter. [9478/12]

699. **Deputy Paudie Coffey** asked the Minister for Transport, Tourism and Sport his plans to introduce a maximum number of vehicles that can be processed at the national car Test centres on an hourly basis in order to ensure quality control; and if he will make a statement on the matter. [9479/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I propose to take Questions Nos. 696 to 699, inclusive, together.

Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) the Road Safety Authority (RSA) has overall responsibility for the delivery of the National Car Test and for the operation, oversight, development, quality assurance and delivery of vehicle testing arrangements.

Accordingly, I have referred the Deputy's four questions regarding the NCT to the Road Safety Authority for direct reply. I would ask the Deputy to contact my office if a reply is not received within ten days.

Public Transport

700. **Deputy Dominic Hannigan** asked the Minister for Transport, Tourism and Sport when he expects free wifi to be rolled out on all the bus routes that go through County Meath; and if he will make a statement on the matter. [9492/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The issue raised is a matter for the bus operators concerned. I have referred the Deputy's question to Bus Éireann for direct reply to you in respect of their buses. Please inform my private office if you do not receive a reply within ten working days.

701. **Deputy Billy Kelleher** asked the Minister for Transport, Tourism and Sport the routes operated by Dublin Bus at the end of 2010 and the routes operated by Dublin Bus as of 1 February 2012; the number of routes merged within the Dublin Bus operational area between these dates; his assessment of the service provided by the company for the subvention it currently receives from the State; and if he will make a statement on the matter. [8579/12]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly): As the Deputy will be aware, the operation and provision of bus services is a matter for Dublin Bus in conjunction with the National Transport Authority. The details of routes operated by Dublin Bus is a matter for the company and I have asked it to respond directly to the Deputy.

The Deloitte Cost and Efficiency Review of Dublin Bus and Bus Éireann was published in January 2009. The Review identified some scope for greater efficiencies in Dublin Bus. Following the publication of that Report, Dublin Bus undertook an extensive review of their bus network and subsequently announced plans for the re-organisation of routes and timetables. The objective of the redesign was to provide current and future bus customers with a service that will be modern, accessible, integrated, easy to understand, punctual and frequent.

I understand that Dublin Bus has held over 30 public meetings and 250 meetings with key stakeholders as part of its consultation programme. All changes are advertised in advance through national and local media, and through social media, as well as house leaflet drops to areas serviced by the bus routes where changes occur.

I am supportive of the efforts of Dublin Bus to achieve greater efficiency and effectiveness. Given the losses recorded by Dublin Bus in recent years and having regard to unavoidable constraints on the availability of Exchequer funds for PSO subvention, it is important that Dublin Bus deliver greater efficiency and effectiveness in order to safeguard the overall sustainability of effective and efficient public transport services in the future.

Road Network

702. **Deputy Tom Fleming** asked the Minister for Transport, Tourism and Sport the reason

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he withdrew the goodwill payment to landowners along the N86 between Dingle and Camp, County Kerry, which was in recognition of their co-operation and for allowing access; if he will reverse this decision as landowners were led to believe this payment was in place; and if he will make a statement on the matter. [9522/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): In the context of the current financial circumstances facing the country, I am seeking to get the best value for money from the limited amount of funding I have available to me.

The goodwill payment of €5,000 per acre was part of an Agreement concluded with the IFA relating to land acquisition. This Agreement was linked to the major national roads development programme initiated in 2000 and which has now been completed. As part of the comprehensive review of expenditure undertaken last year, I concluded that the continuation of this payment could not be justified. The budget for road maintenance and development will be very constrained in the short to medium term and it is essential to ensure that outputs for available resources are maximised. Where notices to treat have issued the goodwill payments will remain in place.

As the implementation of individual schemes is a matter for the NRA, I have referred the position on the N86 scheme to the NRA for direct reply. Please advise my private office if you don't receive a reply within 10 working days.

Tourism Promotion

703. **Deputy Tom Fleming** asked the Minister for Transport, Tourism and Sport if he will request Fáilte Ireland to introduce a fund for the provision of facilities and access for disabled persons who wish to fish designated rivers and lakes in this country; and if he will make a statement on the matter. [9541/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The provision of facilities and access for disabled persons who wish to fish designated rivers and lakes is not a matter for the Minister for Transport, Tourism and Sport or for the tourism agencies. However, the promotion and development of various tourism sectors and activities, including angling, are operational matters for Fáilte Ireland. Accordingly, in regard to that function, 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

704. **Deputy Patrick O'Donovan** asked the Minister for Transport, Tourism and Sport further to Parliamentary Question No.1013 of 11 January 2012, if he will confirm that persons who already have made an application for the scheme will retain their position on the list pending a possible reintroduction of the scheme; if he will communicate this position to the local authorities; and if he will make a statement on the matter. [9589/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The operation of the Local Improvement Scheme is a matter for each local authority and the Department has no function in the assessment or prioritisation of applications. In relation to the suspension of the Scheme and pending the resumption of the scheme - if and when the Exchequer's financial position improves - it is open to individual local authorities to continue this or a similar scheme using their own resources, should they consider such spending to be a priority.

Departmental Expenditure

705. **Deputy Niall Collins** asked the Minister for Transport, Tourism and Sport the total photography costs for his Department since coming to office; the list of occasions for which photographers were booked over the past year; the breakdown of costs associated with each occasion that a photographer was used; if there is a policy on the booking of photographers within his Department; and if he will make a statement on the matter. [9671/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The Department has published details of photography costs (including the information requested) for 2011 on its website (www.dttas.ie).

The Department has implemented a policy to keep external photography costs to a minimum, with photography being carried out by Departmental staff where possible.

Taxi Regulations

706. **Deputy Seán Kenny** asked the Minister for Transport, Tourism and Sport the number of taxi enforcement officers in 2008, 2009, 2010, 2011 and to date in 2012; if this number will be increased; and if he will make a statement on the matter. [9700/12]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly): The co-ordination of the enforcement of regulation of the taxi industry is the overall responsibility of the National Transport Authority (NTA), in collaboration with the Garda Síochána. I have referred the Deputy's request to the NTA so that the information sought can be forwarded to him directly. 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 Agencies

707. **Deputy Seán Kenny** asked the Minister for Transport, Tourism and Sport the number of requests received from the National Transport Authority requesting permission to employ additional staff for the years 2010, 2011 and to date in 2012; the number of requests that have been approved; the number that are currently pending; the number that have been refused; and if he will make a statement on the matter. [9701/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The National Transport Authority (NTA) was established in December 2009 at a time when constraints on staff resources were already of paramount importance. Upon the assimilation of the Commission for Taxi Regulation into the NTA on 1 January 2011, the NTA consolidated corporate affairs and finance functions across the organisation and reduced outsourced contracts in accounting, HR, communications and procurement.

In the context of the Employment Control Framework and the moratorium on filling staff vacancies the NTA made one request to my Department during 2011 to fill specific vacancies required to retain key skills within the authority. Following submission of a detailed business case to the Department of Public Expenditure and Reform sanction was obtained to retain 3 transport modelling posts for so long as the specialist work they are involved in forms part of the workload of the NTA.

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Department staff currently on assignment to the authority will transfer back to the Department during 2012 and a strategy for replacement of the staff by redeployment from other areas of the public service is at present being developed.

Sports Capital Programme

708. **Deputy Seán Kenny** asked the Minister for Transport, Tourism and Sport the grant allocation to Athletics Ireland, Swim Ireland, Cycling Ireland and Tennis Ireland for the years 2009 to 2011, inclusive; and if he will make a statement on the matter. [9702/12]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring): I understand that the Deputy's office has clarified that his question refers to allocations under the Sports Capital Programme. The information sought by the Deputy is contained in the table below:

Organisation	Funding 2009-2011
Athletics Ireland	€14,500
Swim Ireland	€28,000
Cycling Ireland	€96,000
Tennis Ireland	€27,500

Ministerial Transport

709. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport if he uses a State car; the type of car that is used; how often he has used it since coming to office; the cost of the person employed to drive the car; the cost of his or her salary; the cost of his vehicle expenses; if the person employed as his driver was previously a State employee; if that person also is in receipt of a State pension; the total cost of the service to date; and if he will make a statement on the matter. [9724/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I do not use a State car. In line with the Department of Public Expenditure and Reform guidelines on ministerial appointments I employ two civilian drivers on a week on/week off basis to drive my private car which I lease. The drivers were recruited through an open competitive interview process. They receive a salary of €631.75 per week and are entitled to travel and subsistence payments in respect of certified official travel at the appropriate Civil Service rates and regulations applying to travel and subsistence. The Department does not disclose information on the previous careers or pensions of its employees.

In relation to the total cost of the use of a car in my Ministerial capacity the costs of running the car is the 'mileage' claimed — information on the mileage claimed and other travel expenses paid to me for the period March 2011 to January 2012 is available on the Department's website at the link *Ministers expenses*. Mileage covers the cost of leasing the car, fuel, insurance, etc.

Road Safety

710. **Deputy Thomas P. Broughan** asked the Minister for Transport, Tourism and Sport if the working hours of commercial drivers involved in collisions are checked routinely by investigating members of An Garda Síochána; if any prosecutions have been taken by the Garda on foot of such investigations; if any licences have been withdrawn from commercial

drivers or haulage companies as a result of such investigations; and if he will make a statement on the matter. [9814/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): In relation to Road Transport Operator Licences issued by the Department of Transport, Tourism and Sport, details of prosecutions brought by An Garda Síochána or by the Road Safety Authority in respect of breaches of drivers' hours regulations or working time form part of the overall assessment of an operator's good repute, i.e. their suitability to hold a licence. Where the Department needs to check an operator's convictions record, this is done through the Garda Central Vetting Unit, and the check will show up all convictions recorded by An Garda Síochána against the operator, not just those relating to working time or drivers hours, and all of those convictions would be assessed by the Department for their relevance in deciding if the operator is suitable to hold a licence. The Garda Central Vetting Unit record would not indicate if a listed conviction resulted from an actual collision or a routine check. Cases of withdrawals or refusals of operator licences would not involve drivers' hours or working time convictions alone — other serious offences would be involved.

711. **Deputy Thomas P. Broughan** asked the Minister for Transport, Tourism and Sport if he intends to introduce a measure to require a commercial driver, living and working in this State for a period exceeding one year, to apply and qualify for an Irish driving licence; and if he will make a statement on the matter. [9816/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): Commercial drivers are required by law to have a valid driving licence and also a valid Certificate of Professional Competence (CPC). Both the driver licensing and the CPC regimes operate within the wider framework of EU law. Both regimes need to be taken into account in the context of the Deputy's question.

Currently, anyone coming to Ireland with a driving licence from their own country may drive here for up to one year. After this, those with licences from other EU Member States may exchange their licence for an Irish one. However, in respect of these individuals who hold licenses from other EU Member States, under EU legislation relating to the free movement of labour there is no requirement on them to exchange their licence and they are free to continue using their original driving licence for as long as it is valid.

We also recognise licences from certain non-EU States, where detailed comparison has shown that their systems are compatible with ours and these individuals are required to exchange their licence at the expiry of the one year period. Licences from any other jurisdictions are not recognised here and such licence holders must go through the learner process in order to obtain an Irish driving licence at the expiry of the one year period.

The CPC represents a Europe-wide standard for professional drivers, introduced under EU Directive 59 of 2003. People from overseas working as professional drivers in Ireland must have a valid CPC, whether obtained in another EU Member State or in this jurisdiction.

Penalty Points System

712. **Deputy Thomas P. Broughan** asked the Minister for Transport, Tourism and Sport if he will report on any new initiatives to ensure that a driver on Irish roads who does not hold an Irish driving licence can be held to account for any road traffic violations given that at present penalty points cannot be applied to non-Irish driving licences and further sanctions, including the loss of a licence after receiving 12 penalty points, do not apply; and if he will make a statement on the matter. [9818/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): Section 56 of the Road Traffic 2010 amends the definition of “driving licence” to include a foreign driving licence. This section was commenced on the 1st June 2011. The next stage in the process will be to commence Parts 3 and 5 of the Road Traffic Act 2010.

The sections contained in those Parts, when commenced, will provide the legal mechanisms for endorsing penalty points on the ‘entry’ held by the Department’s National Vehicle and Driver File (NVDF) in respect of those drivers holding non-Irish driving licences. In addition, the sections will also provide the legal basis to amalgamate such entries with pre-existing entries, thereby allowing for the accumulation of points and the subsequent disqualification (on reaching 12 points) of such licence holders for holding a licence in this country for a period of 6 months.

Following the commencement of the sections, where a foreign licence holder accumulates 12 points, they will be treated in the same manner as a holder of an Irish licence and will be disqualified from driving in this country for 6 months and if detected driving while so disqualified, can be prosecuted for doing so.

713. **Deputy Thomas P. Broughan** asked the Minister for Transport, Tourism and Sport the number of times in 2009, 2010, 2011 and to date in 2012 that penalty points could not be applied after a road traffic violation because the motorist involved did not hold an Irish driving licence; and if he will make a statement on the matter. [9820/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The following tabular statement provides details requested by the Deputy.

Unassigned Penalty Points to motorists who did not hold an Irish driving licence.

Year	Number
2009	29,306
2010	24,303
2011	30,765
2012 (to date)	2,991
Total	87,365