



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

*Dé Máirt, 6 Márta 2012.*

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# DÁIL ÉIREANN

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## DÍOSPÓIREACHTAÍ PARLAIMINTE PARLIAMENTARY DEBATES

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### TUAIRISC OIFIGIÚIL OFFICIAL REPORT

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*Dé Máirt, 6 Márta 2012.*  
*Tuesday, 6 March 2012.*

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Chuaigh an Leas-Cheann Comhairle i gceannas ar 2.00 p.m.

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*Paidir.*

*Prayer.*

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#### **Ceisteanna — Questions**

##### **Priority Questions**

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##### **Audiovisual Industry**

56. **Deputy Robert Troy** asked the Minister for Arts, Heritage and the Gaeltacht his views on the findings of the Creative Capital report on industrial relations in the audiovisual industry here; and if he will make a statement on the matter. [12717/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The Deputy will be aware that the development of the audiovisual industry, including industrial relations issues, was examined during the preparation of the Creative Capital report, Building Ireland's Audiovisual Creative Economy, which was published in July 2011. An implementation committee is examining the advancement of its recommendations. It is chaired by my Department and includes representatives from the Departments of Finance, Public Expenditure and Reform, Education and Skills, Communications, Energy and Natural Resources, and Jobs, Enterprise and Innovation. The Irish Film Board, Screen Producers Ireland and the Broadcasting Authority of Ireland are also represented on it. I am expecting an internal report from it after Easter.

[Deputy Jimmy Deenihan.]

The Creative Capital report focuses on issues such as talent development, convergence, sectoral growth, education and the digital opportunities for Ireland, as well as reporting on industry leadership, State agency roles and innovation. It will provide a road map for the next few years and assist in enabling the domestic audiovisual content production sector to develop into an internationally traded sector for product and services over the five year period 2011 to 2015.

In the area of industrial relations I understand negotiations are ongoing between the relevant parties under the auspices of the Labour Relations Commission. It would not be appropriate for me to comment further on the matter at this juncture.

**Deputy Robert Troy:** I thank the Minister for his reply. As he will be aware, I tabled a written parliamentary question on this a number of weeks ago and I was a little disappointed with his reply.

The Creative Capital report from the Department identifies the potential of the Irish film industry to grow at a rate of in excess of 30% in the next five years. It is a very important sector which both of us agree has considerable potential for job creation, but the ongoing limbo the talks between the craft unions and the producers are in is sending out a negative image internationally. Disney has stated publicly it is not prepared to return to Ireland until these practices have been resolved.

The talks between the craft unions and the producers have been ongoing for more than a year, with the unions not making a single concession. The industry is in limbo because there has been an absence of an agreement for five to six years.

One of the most damaging aspects to the Irish film industry abroad is the 50:50 nomination system operated by the craft unions. It gives unions the right to choose 50% of a production crew. To the best of my knowledge, no other industry operates to such criteria.

Will the Minister press Screen Producers Ireland to omit the inclusion of the practice of 50:50 nomination from any new agreement? Given the paralysis in the industry, will he ensure that a new agreement will be finalised by both sides as soon as possible to provide clarity to the international market that Ireland is competitive? In light of the fact that it is ongoing for so long, the Minister might consider intervening personally by seeking to meet the producers and craft unions separately and then trying to mediate between them to bring about a satisfactory conclusion.

It is an important industry where there is potential to grow jobs, but at present there is stalemate which is sending out a negative message to the international community. Disney, a renowned film production company, has vowed not to return to Ireland as long as this practice is in place. The Minister might clarify some of those points for me.

**Deputy Jimmy Deenihan:** I agree with Deputy Troy that we must be competitive in the film industry to attract film and television drama productions to Ireland. If one compares our costs with those of the UK, for example, we certainly are not competitive. We must look at it from a view of all inputs into the film industry. We must be competitive or else producers will not come to this country. We have had recent experience where, as Deputy Troy stated, they have decided to go elsewhere.

I understand discussions currently are at a sensitive stage with the Labour Relations Commission, the unions representing the various elements of the film industry and the Department of Jobs, Enterprise and Innovation. While I do not want to get into those negotiations or comment on them, I would say that if we are to achieve the target of 10,000 working in the industry following the completion of the Creative Capital report, certainly we must be very

competitive. That is why these negotiations are very important and it is very important that they would be concluded as soon as possible.

It would not be appropriate that I or any other Minister would become involved with the Labour Relations Commission. It is not something that would be welcome at this stage. The unions and Screen Producers Ireland are very much involved in talks currently and seem to be making progress.

**Deputy Robert Troy:** This is about jobs, and jobs are being put at risk. The Minister's hands-off approach is not appropriate in this instance. I appeal to him to mediate because it is important in that it involves jobs. The Minister's Creative Capital report has clearly outlined the need for action.

**Deputy Jimmy Deenihan:** I am sure Deputy Troy understands the principles of negotiation. The Labour Relations Commission will certainly be carrying that out. I am sure it would not respond favourably to interference from the Minister at this stage.

### Caomhnú agus Forbairt na Gaeilge

57. D'fhiafraigh **Peadar Tóibín** den Aire Ealaíon; Oidhreacht agus Gaeltachta cé chomh héifeachtach atá a roinn ag cothú na Gaeilge i gceantair Ghaeltachta timpeall na tíre i bhfrithshuí le Ranna Rialtais eile timpeall na cruinne a bhíonn i mbun athbheochan mionteanga-cha [12888/12]

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** Tá cur chuige mo Roinne i dtaca le cothú na Gaeilge sa Ghaeltacht fite fuaite leis an Straitéis 20 Bliain don Ghaeilge 2010-2030, ina leagtar síos cur chuige comhtháite don Ghaeilge atá ag luí le dea-chleachtas idirnáisiúnta. Ionas gur féidir le mo Roinn an straitéis a chur i bhfeidhm ar an mbealach is éifeachtaí, tá mo Roinn ag féachaint chuige i rith an ama go mbaintear an tairbhe is fearr agus is féidir as an soláthar airgid atá curtha ar fáil le cuidiú le raon leathan scéimeanna gníomhaíochtaí agus beartas.

I measc na ngníomhaíochtaíéagsúla sa Ghaeltacht a thugann mo Roinnse tacaíocht dóibh, tá tábhacht ar leith ag baint leis na coláistí Gaeilge ós rud é gur tionscal teangalárnaithe é a chuireann go mór leis an nGaeilge sa Ghaeltacht. Meastar go ngineann infheistíocht mo Roinne de €4.5 milliúin faoi Scéim na bhFoghlaimeoirí Gaeilge caiteachas iomlán de suas le €50 milliúin sa bhliain sa Ghaeltacht. Déanann na coláistí Gaeilge sa Ghaeltacht freastal ar suas le 25,000 foghlaimeoir Gaeilge gach bliain. Tugann siad fostaíocht do bhreis agus 700 bean tíó cheann ceann na Gaeltachta, gan trácht ar mhúinteoirí agus daoine eile a fhaigheann tairbhe na fostaíochta ó na coláistí Gaeilge chomh maith.

Taobh amuigh de na coláistí Gaeilge, déanann mo Roinn scéimeanna teangalárnaithe eile, ar nós scéim na gcúntóirí teanga, a riar a théann chun sochair don phobal Gaeltachta. Chomh maith leis sin, tugann mo Roinn maoiniú reatha d'eagraíochtaíéagsúla sa Ghaeltacht ar mhaithe le seirbhísiéagsúla a sholáthar don phobal agus maoiniú caipitil chun áiseanna pobail a fhorbairt do phobal na Gaeltachta.

Ní miste a lua gur ball í mo Roinn den NPLD — the Network to Promote Linguistic Diversity — gréasán Eorpach a bhfuil sé mar phríomhaidhm aige dea-chleachtas a roinnt maidir le pleanáil teanga. Tuigtear dom ónár gcuid oibre san eagraíocht sin go bhféachtar ar an tír seo mar cheannródaí maidir le pleanáil teanga i gcomhthéacs straitéisí.

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

Chomh maith leis sin, tá cúrsaí a bhaineann le hathbheochan teangacha ina cheist thábhachtach i gcomhthéacs an Comhairle na Breataine-na hÉireann. Ag cruinniú na nAirí den chom-

[Deputy Dinny McGinley.]

hairle i nGaith Dobhair anuraidh, bhí mé féin agus na hAíre eile ar aon intinn go bhféadfaimís foghlaim óna chéile sa réimse thábhachtach oibre seo. Sa chomhthéacs seo ar fad, tá mé sásta go bhfuilimid ag plé leis an saineolas idirnáisiúnta is fearr dá bhfuil ann ar mhaithe le cur chun cinn na Gaeilge.

**Deputy Peadar Tóibín:** I measc mhuintir na Gaeilge agus a lán saineolaithe timpeall na tíre, níl muinín acu sa Roinn Ealaíon, Oidhreacht agus Gaeltachta. Ceapann a lán daoine nach bhfuil an Roinn dáiríre faoi chur chun cinn na Gaeilge. Ba mhaith liom cupla ceist a chur ar an Aire Stáit maidir le bainistíocht na Ranna, mar saghas bainisteoir ar an Roinn is ea an t-Aire Stáit.

Cad iad na táscairí feidhmíochta is tábhachtaí — key performance indicators — sa Roinn? Cad iad na príomh rudaí a bhfuil an t-Aire Stáit ag tabhairt aire dóibh? An iad stádas na Gaeilge imeasc mhuintir na Gaeltachta, stádas na Gaeilge imeasc dhaoine óga na Gaeltachta, an méid tuismitheoirí atá ag tógáil a gclann le Gaeilge, an méid páistí atá ag labhairt na Gaeilge, an méid post atáá chruthú sa Ghaeltacht, an méid infheistíochta atá ag dul isteach sa Ghaeltacht, nó an méid bunscoileanna agus meánscoileanna a mhúineann ábhair tré Ghaeilge? Cad iad na príomh-rudaí agus conas a thomhaiseann an t-Aire Stáit na táscairí feidhmíochta is tábhachtaí?

Maidir leis na táscairí go léir, nach bhfuil sé fíor go bhfuil an tír seo ag dul in olcas le blianta anuas? Conas a chuirfidh an Rialtas stad ar an dtrucht seo? Conas atá an tír ag déanamh i gcodarsnacht na dtíortha eile atá ag obair ar mhionteangacha, ar nós Ceanada, mar shampla? Cén fáth go bhfuil Ceanada chun tosaigh in a lán áiteanna, ar nós dhul chun cinn mhionteangacha, srl.?

**Deputy Dinny McGinley:** Ní aontaím leis an Teachta nach bhfuil an Rialtas agus an Roinn Ealaíon, Oidhreacht agus Gaeltachta ag déanamh obair an-thábhachtach ar mhaithe leis an Ghaeltacht agus ar mhaithe leis an Ghaeilge. In ainneoin na ndeacrachtaí eacnamaíochta atá againn i láthair na huaire, tá an Roinn ag cur €60 milliún in aghaidh na bliana ar fáil le tacaíocht a thabhairt do scéimeanna sa Ghaeltacht agus scéimeanna a théann ar mhaithe le tacaíocht a thabhairt don teanga. Ní beag an tsuim airgid é €60 milliún.

D'iarr an Teachta mar gheall ar na heagraíochtaí Gaeltachta lena bhfuil mé ag cabhrú. Tá €7.5 milliún á chur díreach isteach sa Ghaeltacht againn le haghaidh scéimeanna a luaigh mé sa bhfreagra a thug mé. Tá beagnach €30 milliún, idir deontas caipitil agus deontas reatha, á chur isteach in Údarás na Gaeltachta freisin. Tá mé cinnte go n-aontaíonn an Teachta agus Teachtaí eile liom go bhfuil obair an-thábhachtach á dhéanamh ag an údarás. Is é sin an fáth go bhfuilimid ag tabhairt na hacmhainní sin don údarás, in ainneoin an aeráid dheacair eacnamaíochta atá againn. Is é sin an fáth freisin gur shocair an Rialtas go mairfeadh Údarás na Gaeltachta, go mbeadh feidhmeanna tionsclaíochta aige agus go mbeadh príomhfheidhmeannach úr aige gan mhoill. Tá cuid de na rudaí atáá dhéanamh ag an Roinn luaite agam.

**Acting Chairman (Deputy Charlie McConalogue):** Time is up for this question. I remind Deputies that a total of six minutes is available for each priority question — two minutes for the initial reply of the Minister or Minister of State and four minutes for supplementary questions and answers. If it takes the Minister, Minister of State or a Deputy a great deal of time to ask or respond to a supplementary question, that will eat into the total of six minutes. While the time for this question has elapsed, I will allow Deputy Tóibín to ask a very brief supplementary question.

**Deputy Peadar Tóibín:** Mar a deirtear i mBéarla, “you cannot manage if you cannot measure.” Tá mé ag iarraidh a fháil amach cad iad na tomhais atá á úsáid sa Roinn mar gheall ar rudaí iontacha tábhachtacha cosúil le cé mhéad páistí a labhraíonn an Ghaeilge faoi láthair, cé mhéad páistí a bhí labhairt cúig bliana ó shin agus cé mhéad páistí a bheidh á labhairt sna Gaeltachtaí i gceann cúig bliana eile.

**Deputy Dinny McGinley:** Beidh áthas ar an Teachta a chloisint go bhfuil scéim tacaíochta teaghlaigh beagnach críochnaithe againn. Beidh an scéim á lánseáil againn taobh istigh de cúpla seachtain. Tabharfaidh sí tacaíocht do theaghlaigh a thoilíonn a gclann a thógáil le Gaeilge, ní ar scoil ach sa bhaile ón am a thagann an páiste ar an saol. Tá sé an-gaolmhar leis an scéim atá acu sa Bhreatain Bheag. Tá comhoibriú idir muidne, an Bhreatain Bheag agus Ceanada ag tarlú. Beidh go leor scéimeanna eile á fhógairt againn idir seo agus deireadh na bliana. Díreoidh na scéimeanna isteach ar an páiste chomh hóg agus is féidir é sin a dhéanamh.

### **The Gathering Ireland 2013**

58. **Deputy Catherine Murphy** asked the Minister for Arts, Heritage and the Gaeltacht if he will outline, in relation to the Gathering event planned for 2013, if he is considering any genealogical element to the proposal; and if he will make a statement on the matter. [12636/12]

**Deputy Jimmy Deenihan:** While the Gathering event is primarily a matter for my colleague, the Minister for Transport, Tourism and Sport, I am conscious of the tourism potential of genealogy for attracting the diaspora to our shores. Therefore, I welcome my fellow Minister’s initiative. He has stated he expects the Gathering to be one of the biggest tourism initiatives ever to be undertaken in Ireland. It will be a year-long event in 2013 when people at home and abroad can play a part in the country’s recovery, potentially bringing in 325,000 extra tourists and providing a major economic stimulus.

The Gathering is a hugely important and timely initiative for the tourism sector, one which my Department and the national cultural institutions which operate under its aegis are very pleased to support and participate in. In that context, officials from my Department are working closely with their colleagues in the Department of Transport, Tourism and Sport and agencies within its ambit — Fáilte Ireland and Tourism Ireland — on cultural, genealogical and heritage tourism matters. I see the Gathering as an excellent opportunity to enhance genealogical tourism.

Genealogical records made available through my Department have been extremely popular with the public at home and abroad. The success of the digitisation project of the 1901-1911 census is the best proof of this. The website, hosted and managed by the National Archives of Ireland, has proved to be phenomenally popular, with over 648 million hits and more than 13 million individual visits to date. The certificate of Irish heritage has now been linked with the site.

**Deputy Catherine Murphy:** I agree with the Minister that the online availability of the 1901 and 1911 census information provides people with an opportunity to undertake research in advance of their arrival here. In the absence of many of the 19th century census records, the General Register Office which provides information on births, marriages and deaths is important. We must put our best foot forward in this regard. Digitisation of records enables people to carry out research in advance and thus increases the likelihood of their coming here. While there is an online facility for researching births, marriages and deaths, it is part of the Church of Latter Day Saints’ website rather than the website of the General Register Office, which I do not understand. Searching online is much simpler than having to physically search through large indexes in the General Register Office located in the Irish Life Mall. Much more

[Deputy Catherine Murphy.]

needs to be done in this regard, from which we could get a decent return. I ask the Minister to address this issue in conjunction with other relevant Departments, if necessary.

**Deputy Jimmy Deenihan:** While I agree with the Deputy, I do not have direct responsibility for the General Register Office. The Deputy will be aware that in the autumn I brought together all of those involved in the country in genealogy. We had a successful forum, under the chairmanship of Judge McMahon, in the National Library, at which this issue was raised. I am awaiting a report from the group. The General Register Office is an important source of information. I agree with the Deputy that the more information we can make available to the Diaspora the better and the more sources there are through which people can make connections and trace their roots, the more interest there will be. We must ensure all of the information is digitised and made available to a global audience. I previously informed the Deputy that I intended to introduce legislation to enable digitisation of the 1926 census returns. The legislation has been approved by the Cabinet. Following its enactment, I will have to come up with the resources to implement it. I cannot start the process until the enabling legislation has been passed. It is hoped it will be ready in June or July.

I am aware of the importance of this issue to the Deputy. I agree that it is important we make every source of information available to allow people, irrespective of where they are in the world, to make a connection with this country.

**Deputy Catherine Murphy:** When does the Minister expect to receive the report from Judge McMahon? Also, has the cost of implementing the enabling legislation been quantified?

**Deputy Jimmy Deenihan:** There are various ways of approaching this matter. Obviously, special provision will have to be made. We could, for example, consider putting in place an agreement with a person or body on the provision of this information and the person or body could recoup the costs over time by way of charging for the information provided. I am not suggesting that will be the ultimate solution, but it is a possibility. It is important that the enabling legislation to allow this happen is put in place first.

### Clár Rannach

59. D'fhiafraigh **Michael P. Kitt** den Aire Ealaíon, Oidhreachta agus Gaeltachta cé na treoirscéimeanna atá aige ina Roinn agus, go háirithe, maidir leis an treoirscéim um Ghaeltachtaí nua a ainmniú, cad iad na réigiúin atá i gceist; agus an ndéanfaidh sé ráiteas ina thaobh. [12718/12]

**Deputy Dinny McGinley:** Tá áthas orm a chur in iúl don Teachta gur thóg an Rialtas cinneadh ar 7 Feabhra 2012 go ndéanfar Bille Gaeltachta 2012 a dhréachtú mar thosaíocht. Mar atá molta faoin Straitéis 20 Bliain don Ghaeilge 2010-30, tá sé beartaithe faoin mBille Gaeltachta go mbeidh an Ghaeltacht bunaithe feasta ar chritéir theangeolaíocha seachas ar limistéir threolaíocha, mar a bhí go dtí seo. Beidh an phleanáil teanga ag leibhéal an phobail lárnach do phróiseas an tsainmhíneithe nua don Ghaeltacht.

Tá sé i gceist faoin mBille Gaeltachta go mbeidh deis ag ceantair, lasmuigh de na ceantair thraidisiúnta Gaeltachta, aitheantas reachtúil a bhaint amach mar ghréasáin Ghaeilge, faoi réir critéir phleanála teanga sonraithe a bheith comhlíonta acu. Mar atá ráite faoin straitéis 20 bliain, is ceantair iad na gréasáin Ghaeilge seo a mbeidh a bhformhór i bpobail uirbeacha agus a mbeidh cnap criticiúil bunúsach tacaíochta pobail agus Stáit iontu don Ghaeilge.

Tá plé ar siúl faoi láthair idir fheidhmeannaigh mo Roinne agus feidhmeannaigh Fhoras na Gaeilge maidir leis na critéir phleanála teanga cuí a bheadh le comhlíonadh chun aitheantas reachtúil a bhaint amach mar ghréasáin Ghaeilge. Tá sé i gceist freisin comhairle chuí a chur

ar fáil do phobail a bhfuil spéis acu plean teanga a ullmhú chun aitheantas mar Ghréasáin Ghaeilge a bhaint amach.

**Deputy Michael P. Kitt:** Dúirt an tAire Stáit go dtabharfaidh sé stádas speisialta d'áiteanna ina bhfuil daoine ag obair ar son na Gaeilge. An bhfuil sé ar intinn ag an Roinn cúpla réigiún a phiocadh amach agus scéim phíolótach a chur ar bun?

**Deputy Dinny McGinley:** Tá sé ar intinn againn roinnt ceantar a phiocadh amach agus scéimeanna píolótacha a chur i bhfeidhm. Tá Foras na Gaeilge chun dul ag plé le ceantair a n-aithnítear go bhfuil an Ghaeilge le feiscint agus le cloisint iontu go soiléir. Tá feidhmeannaigh ó Fhoras na Gaeilge ag déanamh teagmhála le roinnt ceantar den chineál sin chun an chur chuige seo a chur i bhfeidhm. Aontaím leis an Teachtas go bhfuil go leor ceantar mar sin ar fud na tíre. Seachtain ó shin, bhí mé i láthair ag bronnadh Ghlór na nGael i Má Nuad i gContae Chill Dara nuair a bhí eagraíochtaí agus cumainn as gach páirt den tír, an chuid is mó dóibh as taobh amuigh de na Gaeltachtaí agus cuid mhaith dóibh as Tuaisceart na hÉireann. Bhí na céadta daoine ann, daoine atá ag obair lá i ndiaidh lae go deonach ar mhaithe le cur chun cinn na Gaeilge.

Beidh roinnt ceantar piochta amach le bheith ar scéimeanna píolótacha ach níl siad luaite ná fógraithe go poiblí go fóill. Ba mhaith liom a dheimhniú arís go bhfuil Foras na Gaeilge ag obair ar seo agus beidh sé i dteagmháil leis na ceantair sin muna bhfuil sé i dteagmháil leo cheana féin. Beidh dul chun cinn le sonrú ansin gan mhoill.

**Deputy Michael P. Kitt:** An féidir leis an Aire Stáit na háiteanna nó na réigiúin sin a ainmniú? Cén uair a thosnóidh na scéimeanna sin?

**Deputy Dinny McGinley:** Mar a dúirt mé, tá an oiread sin acu ann agus chonaic mé le mo shúile agus chuala mé le mo chluasa daoine as gach páirt den tír. Tá aitheantas ann go bhfuil ceantair ann atá an-láidir, cuid acu sna cathracha, b'fhéidir anseo i mBaile Átha Cliath agus ar fud na tíre. Ní bheadh sé ceart ag an pointe seo aon cheann ar leith a fhógairt go dtí go mbeidh na comhráití a bheidh ar siúl idir iad féin agus Foras na Gaeilge, agus b'fhéidir an Roinn, tugtha chun críche. Ach geallaim don Teachta go mbeidh dul chun cinn á dhéanamh gan mhoill.

**Deputy Michael P. Kitt:** Tá sé cosúil leis an lottery — “It could be you!”

**Deputy Dinny McGinley:** D'fhéadfá a rá go bhfuil sé. Tá seans ag gach duine. Braitheann sé ar na daoine iad féin. Má léiríonn siad go bhfuil suim acu sa Ghaeilge agus go bhfuil an Ghaeilge á labhairt ina ceantar, níl fáth ar bith nach dtabharfaí aitheantas dóibh. Tá an ceart ag an Teachta.

### Wildlife Conservation

60. **Deputy Tom Fleming** asked the Minister for Arts, Heritage and the Gaeltacht his plans to institute a strategy to tackle the escalating numbers of mink throughout the country in view of the impact this particular animal has upon the landscape, habitat and other wildlife in the areas affected; and if he will make a statement on the matter. [12891/12]

**Deputy Jimmy Deenihan:** Mink found in the wild in Ireland are descended from animals that escaped from fur farms. They have been breeding in the countryside since the 1950s and are now found throughout much of the country. A report published by my Department in 2009 estimated the population of wild mink in the State could reach a total of between 20,500 and 33,500 individuals. It identified ground-nesting birds as the species most vulnerable to mink predation.

[Deputy Jimmy Deenihan.]

For some time I have been concerned about the prevalence of feral mink around the country and especially their effects on ground-nesting birds. However, the cost of a national cull would be prohibitive at this time. Accordingly, my Department is concentrating its resources on protecting the nesting sites of rare and threatened bird species such as the red-throated diver, the corncrake, the grey partridge, waders and terns from a range of predators, including mink. Experience has shown that targeted control of predators at specific times can have a significant benefit to the breeding success of these species.

I am aware of the work of the National Association of Regional Game Councils which has been actively promoting mink control to its members by providing funding for its regional councils for the purchase of traps for individual clubs. I decided to provide €20,000 for the organisation towards the payment of a bounty to hunters this year based on the number of mink killed. I consider this to be a useful addition to the control measures already being taken by my Department on land it owns. While feral mink are found in most parts of the country, I requested that, as far as possible, special attention be given to the counties of Donegal, Galway, Mayo and Kerry where my Department has already concentrated its efforts. The bounty scheme will be operated by the National Association of Regional Game Councils and a verification process will be in operation between it and my Department. As wild mink are not protected under the Wildlife Acts, they can be controlled by landowners and their agents.

**Deputy Tom Fleming:** It is evident that there has been a massive increase in the number of wild mink in Ireland. When in opposition in 2010 the Taoiseach raised this matter in the House with the then Minister for the Environment, Heritage and Local Government, Mr. John Gormley, and what was said received coverage in the *Mayo Advertiser*. At the time it was believed, perhaps on the basis of a census carried out or a rough estimate made in 2009, that up to 33,500 mink were living in the wild. I am sure that now there are between 40,000 and 50,000 wild mink throughout the country. All of the evidence, particularly that relating to a number of incidents which occurred in recent years, seems to point to the fact that the population of wild mink is increasing at a rapid rate. Wild mink are causing havoc among and damage to other species of wildlife and rare species of birds. There have also been attacks on domestic farmyard fowl. When I was at home in west Kerry recently, I listened to a radio report in which was outlined the major damage done in farmyards throughout the Corcha Dhuibhne area. It must also be borne in mind that these days many ordinary people keep poultry in order to ensure they have a stock of eggs. There is evidence to suggest mink are present on the Great Blasket Island and Puffin Island. I, therefore, ask the Minister to take immediate action to prevent the numbers of mink on the islands in question from increasing even further. These mink will wipe out rare birds and other species of wildlife if they are allowed to roam the islands in the way they have been permitted to wander the mainland.

**Deputy Jimmy Deenihan:** I thank the Deputy for raising this important issue. Not only are mink a threat to other species of wildlife, they are also a threat to domestic fowl. The Deputy has referred to a few incidents which occurred in west Kerry. I can inform him that similar incidents took place in the northern part of the county where a huge flock of turkeys was completely wiped out just prior to Christmas. What is happening is also affecting people economically. This is a matter which we must address. To that end, I have made €20,000 available this year. The total cost to the Department for the control of mink is approximately €100,000, but we will have to provide more resources in the future.

In the Hebrides in Scotland it was proved that with a proper eradication programme, mink could be exterminated in an environment. However, that was on a smaller island. To exterminate mink entirely in this country it would cost approximately €100 million, a significant amount

of money. This is a very important issue, especially if we consider ground-nesting birds, to which mink are doing more damage than any other species. Such birds include the corncrake, a rare species.

**Deputy Tom Fleming:** We need a national campaign. Perhaps the partnership and Leader groups might get involved in providing grant aid for farmers. We must put in place a trap system as the bounty system has failed to work. There is evidence of this in Iceland particularly, as during the years the population has grown, despite the existence of several bounty schemes. I will speak to the Minister later, but perhaps something might be done with the rural development groups in providing Leader programme funding and grant aid for local farmers. Mink which are trapped could be used as part of a commercial activity to offset the cost of trapping the animals. I do not know, however, if that suggestion would be feasible.

**Deputy Jimmy Deenihan:** I thank the Deputy for his very practical proposal; he usually comes here with good and practical proposals. We can discuss the matter again.

### Other Questions

#### Straitéis 20 Bliain

61. D'fhiafraigh **Pearse Doherty** den Aire Ealaíon, Oidhreacht agus Gaeltachta cé mhéad uair a bhí cruinniú den Chomhchoiste Idir-Rannach ar Dhul chun Chinn na Straitéise Fiche Bliain don Ghaeilge ann in 2012. [12560/12]

81. D'fhiafraigh **Martin Ferris** den Aire Ealaíon, Oidhreacht agus Gaeltachta cé mhéad uair a bhí cruinniú den Chomhchoiste Idir-Rannach ar Dhul chun Chinn na Straitéise Fiche Bliain don Ghaeilge ann in 2012. [12566/12]

**Deputy Dinny McGinley:** Tógfaidh mé Ceisteanna Uimhir 61 agus 81 le chéile.

Bhí dhá chruinniú ag an Choiste Rialtais ar an nGaeilge agus ar an nGaeltacht go dtí seo, ceann ar 14 Aibreáin 2011 agus ceann eile ar an 19 Bealtaine 2011, ón uair gur athbhunaíodh é faoi chathaoirleacht an Taoisigh. Leagadh clár oibre sonrath amach de thoradh na geruinnithe sin agus tá mo Roinnse ag feidhmiú dá réir ó shin. Céim shuntasach amháin atá bainte amach sa chomhthéacs sin ná go bhfuil na cinn do Bhille Gaeltachta nua glanta anois ag an Rialtas agus go bhfuil an próiseas idir lámha chun an reachtaíocht úr a dhréachtú chomh luath agus is féidir.

Tá sé i gceist go mbeidh cruinniú eile den Choiste Rialtais go luath agus, chuige sin, tá socrúithe idir lámha chun cruinniú a reachtáil laistigh de sheachtain nó dhó den ghrúpa oifigeach sinsearach a thugann tacaíocht don Choiste Rialtais agus a dhéanann an réamh-ullmhúchán dá chuid cruinnithe.

**Deputy Peadar Tóibín:** Cupla seachtain ó shin dúirt an t-Aire go raibh sé mar a bhéadh lacha, ag obair go dian fo-thoinn. Dúirt sé go raibh sé ag déanamh a lán oibre as radharc agus gur cheart go mbéadh muinín againn as, mar go mbéadh gach rud ceart go leor ag an deireadh.

Tá daoine an-bhuartha mar gheall ar an Ghaeilge. Mar is eol don Aire tá an Ghaeilge ag laghdú mar theanga bheomhar labhartha ins na Gaeltachtaí. De réir na saineolaithe, níl ach 15 bliain, b'fhéidir, fágtha aici.

Nuair a fheiceann daoine nár tháinig an coiste le chéile ach dhá uair an bhliain seo chaite ní haon iontas nach bhfuil muinín acu as an Roinn maidir leis an tábhacht a leagtar an nGaeilge

[Deputy Peadar Tóibín.]

sa Roinn. Tá sé do-chreidte nach bhfuil an comhchoiste iomlán ag bualadh le chéile i bhfad níos minicí ná mar atá chun plean a chur le chéile agus chun gníomhachtaí a chur i bhfeidhm.

Cé mhéad uair a tháinig an coiste le chéile, faoi chathaoirleacht an Taoisigh, i mbliana? Cad iad táirgeachtaí na gcrúinnithe sin? Níl an coiste sásta miontuairiscí na gcrúinnithe a fhoilsiú. Tá sé do-chreidte nach bhfuil an coiste ag teacht le chéile ach dhá uair in aghaidh na bliana.

**Deputy Dinny McGinley:** Ní shílím go bhfuil traidisiún nó nós ann, nó go bhfuil sé fiú amháin dleathach, go ndéantar miontuairiscí de Choistí Rialtais a fhoilsiú. Ní shílím go dtarlaíonn sé sin.

Bhí dhá chruinniú an-thábhachtacha ag an choiste Rialtais nuair a tháinig an Rialtas isteach in Oifig. Bhí siad an-thábhachtach mar gur leagadh síos ag an chomhchoiste sin an obair a bhéadh ar siúl ag an Roinn maidir leis an Ghaeilge agus le cur chun cinn na straitéise ins na míosa amach romhainn. Tá dul chun cinn mór déanta ó tugadh treoir dúinn.

Dálta an scéil, b'fhéidir nach raibh ach dhá chruinniú foirmeálta ann ach is féidir liom a rá go raibh cruinniú an-thábhachtach agam féin tá cupla seachtain ó shin leis an Aire, an Teachta Deenihan, le hArd Rúnaí na Ranna agus leis an Taoiseach féin in oifig an Taoisigh, nuair a tugadh cuntas dó ar an dul chun atá déanta ó tugadh teoracha dúinn. Is é an toradh atá ar sin ná go bhfuil an Rialtas anois tar éis glacadh le Bille Gaeltachta, go bhfuil sé ag an Dréachtóir Parlaiminte i láthair na huair agus go mbeidh sé ag teacht isteach anseo san am nach bhfuil i bhfad romhainn. Rud stairiúil ar fad é sin. An uair dheireannach a bhí Bille Gaeltachta ins an Teach seo, b'fhéidir nach raibh an Teachta Tóibín ar an tsaol. Ní raibh mé féin ró-shean ach an oiread. An bhliain 1956 a bhí ann. Don chéad uair ó 1956, tá Bille Gaeltachta ag teacht isteach atá chun aghaidh a thabhairt ar na deacrachtaí atá an Teachta Tóibín tar éis a luadh agus, dálta an scéil, an bhfuil aitheantas tugtha ag an suirbhé teangeolaíochta dóibh agus a thuigim féin, mar dhuine as an nGaeltacht. Sin an fáth go bhfuilimid ag tabhairt tosaíochta don reachtaíocht seo thar aon reachtaíocht eile, beagnach. Táthar ag obair air i láthair na huair.

Maidir leis an chéad chruinniú eile den Choiste Rialtais, beidh sé ann gan mhoill. Tá na hard oifigigh ag déanamh a gcuid oibre, mar adúirt mé ins an fhreagra. Tá na hard oifigigh ag teacht le chéile ar dtús agus ansin beidh an coiste féin ag teacht le chéile arís. Tá an obair ag dul ar aghaidh, lá i ndiaidh lae.

**Deputy Peadar Tóibín:** An bhfuil sé le tuiscint agam nár bhuail an comhchoiste iomlán fós i mbliana? Tá an lacha ag dul go han-mhall ag an bhomaite, nach bhfuil?

**Deputy Dinny McGinley:** B'fhéidir nár bhuail an comhchoiste le chéile ach ní hionann sin agus a rá nach bhfuil an obair ag dul ar aghaidh.

**Deputy Peadar Tóibín:** Níl suíochán ag an nGaeltachta sa Chomh-aireacht faoi láthair. Fadhb mhór í sin maidir le cúrsaí Gaeltachta.

**Deputy Dinny McGinley:** Tá an t-Aire Ealaíon, Oidhreacht agus Gaeltachta, an Teachta Deenihan, ina shuí im aice. Tá suíochán aige sa Chomh-aireacht. Tá mise anseo mar Aire Stáit a bhfuil cúram na Gaeltacht air. Táár gcuid oifigí in aice a chéile ar an urlár chéanna agus bímid ag plé na gcúrsaí seo lá in ndiaidh lae, fiú amháin maidin inniu.

**Deputy Jimmy Deenihan:** Agus tá suim mhór ag an Taoiseach ins an teanga.

**Deputy Peadar Tóibín:** Ach ní bhualann an coiste ach dhá uair sa bhliain agus níor tháinig sé le chéile fiú amháin uair amháin in mbliana. Tá sin do-chreidte.

**Deputy Dinny McGinley:** An dá uair sin rinneadh amach clár oibre——

**Deputy Peadar Tóibín:** Dhá uair.

**Deputy Dinny McGinley:** ——agus táimid ag cloí leis an chlár oibre. Cén mhaith a bheith ag bualadh nuair atáimid ag dul ar aghaidh leis an chlár oibre? Beimid ag bualadh arís nuair a bheidh an clár oibre críochnaithe agus is dóiche go mbeimid ag fáil chlár oibre eile.

**Deputy Peadar Tóibín:** An féidir an clár oibre a fhoilsiú?

**Deputy Dinny McGinley:** Is é an príomh rud anois ná an straitéis agus an Bille Gaeltachta. Nuair a bheidh sé sin déanta rachaimid ar aghaidh le tuilleadh oibre, ach sin an príomh rud i láthair na huaire.

**Deputy Michael P. Kitt:** Tá naoi areas for action sa straitéis. Tá an Rialtas in Oifig le bliain anois. Céard atá bainte amach ag an Rialtas mar gheall ar na areas for action?

**Deputy Dinny McGinley:** Tá Bille ag teacht os comhair an Tí, don chéad uair le 50 bliain. Tá an Teachta Kitt anseo níos faide ná mise agus ní fhaca sé Bille Gaeltachta ariamh. B'fheidir, beannacht Dé leis, go bhfaca athair an Teachta Bille Gaeltachta. Ní fhaca éinne eile sa Teach seo Bille Gaeltachta. Is rud stairiúil é seo. Don dara huair ó bunaíodh an Stát tá Bille Gaeltachta ag teacht isteach ins an Teach seo a dhíreoidh isteach ar an Ghaeilge sa Ghaeltacht, ar an Ghaeilge taobh amuigh den Ghaeltacht, ar Údarás na Gaeltachta agus ar Fhoras na Gaeilge agus beidh an t-iomlán faoi scrúdú againn. Tá géarghá le sin. Táimid ag obair an-chrua ar seo. Mar a dúirt mé, thug an Taoiseach treoir dúinn ar sin. Dála an scéil, sular tháinig mé isteach anseo, bhí mé cúpla nóiméad mall agus bhí an tAire ag freagairt na ceiste. An bhfuil a fhios ag an Teachta cén áit a raibh mise? Ní rún ar bith é. Bhí mé istigh leis an Taoiseach ag caint ar an Ghaeilge. Chuaigh an Taoiseach amach agus thug sé preas agallamh maidir le Seachtain na Gaeilge. Bhí mise le dul leis, ach bhí an díospóireacht agus an caint chomh fada sin nach raibh am agam dul leis agus b'éigean dom teacht isteach anseo, ach dúirt an Taoiseach gur thuig sé go raibh orm a bheith anseo. Bhí mise ag plé na Gaeilge leis an Taoiseach sula dtáinig mé isteach anseo, fad atá na Teachtaí ar an taobh sin ag fiafraí an bhfuil aon rud ag dul ar aghaidh. Cop on.

**Deputy Peadar Tóibín:** Tá an lacha an mall.

### Seachtain na Gaeilge

62. D'fhiafraigh **Jonathan O'Brien** den Aire Ealaíon, Oidhreacht agus Gaeltachta an bhfuil sé de sprioc aige Seachtain na Gaeilge a mhéadú go Mí na Gaeilge; cad atá eagraithe aige le haghaidh Sheachtain na Gaeilge taobh amuigh de Theach Laighean. [12565/12]

**Deputy Dinny McGinley:** Is féile idirnáisiúnta í Seachtain na Gaeilge a reáchtáiltear i mí an Mhárta gach bliain agus a chuireann úsáid na Gaeilge agus an cultúr Gaelach chun cinn, anseo in Éirinn agus — tááthas orm a rá — thar lear. Tá an fhéile, atá eagraithe ag Conradh an Gaeilge, ag ceiliúradh 110 bliain ar an bhfód i mbliana agus beidh na céadta imeachtaí reáchtáil ar fud na cruinne ón 5-17 Márta 2012. Is cúis áthais dom gur sheol An Taoiseach, an Teachta Enda Kenny, Seachtain na Gaeilge i dTeach Laighean inniu, agus mar a dúirt mé, bheinn ansin ag an seoladh ach go dtáinig mé isteach anseo fá choinne freagra a thabhairt ar bhur gcuid ceisteanna. Tá tuilleadh eolais ar na himeachtaí go léir atá ar siúl le fáil ar shuíomh [www.snag.ie](http://www.snag.ie).

Is léir go bhfuil fás agus forbairt tagtha ar Sheachtain na Gaeilge bliain i ndiaidh bliana. Go deimhin, is féile choicíse seachas féile sheachtaine a reáchtáiltear anois. Mar Aire Stáit do

[Deputy Dinny McGinley.]

Ghnóthaí Gaeltachta, bheinn sásta breathnú ar aon mholadh maidir le fad a chur le Seachtain na Gaeilge agus Mí na Gaeilge a dhéanamh de. Níl gach eolas agamsa agus nílim ag labhairt *ex cathedra* mar an phápa, ach tá mé sásta éisteacht le moltaí fiúntacha a thagann ó aon duine maidir le cur le nó feabhas a chur ar Seachtain na Gaeilge. Ach ar a laghad, tá sé ag dul ar aghaidh le 110 bliain. Is comhartha é sin gur fiú leanúint ar aghaidh leis.

**Deputy Peadar Tóibín:** Ceapaim go bhfuil muintir na Gaeltachta agus na Gaeilge tuirseach, traochta, caite amach, spíonta ó bheith ag tabhairt moltaí don Rialtas, ach nílim cinnte go bhfuil an Rialtas ag éisteacht. Tá formhór muintir na tíre seo an-báúil do agus an-dearfach faoin Ghaeilge. Mar shampla, tá 25% de thuistí na tíre ag éileamh gaelscolaíochta dá bpáistí, de réir taighde atá déanta ag Foras na Gaeilge. Fós, áfach, níl ach 5% ag fáil gaelscolaíochta. Caithfear seo a chur i gcodarsnacht le tíortha cosúil le tír na mBascach ina bhfuil 65% ag fáil scolaíochta lán-Bhascach, nó an Bhreatain Bheag, ina bhfuil níos mó ná 23% ag fáil scolaíochta lán-Bhreatnais. Tá Éire i bhfad taobh thiar tíortha eile maidir le rudaí a cruthú a shásaíonn an t-éileamh atá ann. I mo thuairim, is sórt bac é an Rialtas ar ghluaiseacht na Gaeilge.

Tá a lán oibre iontach mhaith déanta Conradh na Gaeilge agus eagraíochtaí eile maidir le Seachtain na Gaeilge agus is iontach an rud é go bhfuil coicís na Gaeilge ann. Ba mhaith liomsa dá dtabharfadh an Rialtas i bhfad níos mó cúnaimh don togra sin agus dá mbeadh sé sásta Mí na Gaeilge a fhorbairt agus níos mó Gaeilge a fhorbairt i dTeach Laighin. Ba cheart go mbeadh daoine in ann cláir ríomhaireachta Gaeilge a fháil agus go mbeadh siad in ann níos mó oibre a dhéanamh sna comhchoistí trí Gaeilge.

**Deputy Dinny McGinley:** Aontaím leis an Teachta — ní dóigh liom go bhfuil cúis imris eadrainn ar chor ar bith — gur cóir go mbeadh níos mó Gaeilge le cloisint. Beidh Gaeilge sa Teach le linn Seachtain na Gaeilge. Aontaím gur cóir go mbeadh muid ag pléabhar eile seachas Seachtain na Gaeilge agus an Ghaeltacht trí mheán na Gaeilge. Níl aon leithscéal againn. Tá an trealamh comhfhuaimneach anseo. Más féidir agus más mian le duine ar bith labhairt i nGaeilge agus muna dtuigeann duine anseo iad, tá an trealamh anseo fá choinne aistriúcháin a dhéanamh. Aontaím ar fad gur chóir go mbeadh níos mó Gaeilge anseo, ach sílim — tá mise anseo le breis agus 30 bliain — go bhfuil feabhas ar rudaí i láthair na huair. Ní ró-mhinic a chloistear go bhfuil an Taoiseach, an Tánaiste agus ceannairí na bpáirtithe ag déanamh Riar na hOibre ar maidin agus Ceisteanna trí Ghaeilge. Sin dul chun cinn agus tá an pobal amuigh ag éisteacht trí na meáin. Aontaím le sin ar fad. Is féidir linn feabhas a chur ar rudaí agus tá moltaí go leor ann. Tá muid sásta é sin a dhéanamh agus níl muid chun aon bhac a chur ar éinne Gaeilge a labhairt.

Aontaím leis an Teachta faoi Chonradh na Gaeilge. An chéad rud eile atá le déanamh agam tráthnóna inniu ná dul chuig Conradh na Gaeilge agus Seachtain na Gaeilge 2012 a lánseáil go hoifigiúil ansin. Glacaim le sin mar onóir agus mar phléisiúr agus mar phribhléid.

### Turbary Rights

63. **Deputy Niall Collins** asked the Minister for Arts, Heritage and the Gaeltacht the average amount of compensation paid to each turfcutter who has applied to the compensation scheme; the uptake in the scheme as a percentage of the total qualified to partake in it; and if he will make a statement on the matter. [12529/12]

64. **Deputy Micheál Martin** asked the Minister for Arts, Heritage and the Gaeltacht when he expects the review of bogs in national heritage areas to be complete; if he will work to ensure turfcutters in those areas will not face a ban on cutting; and if he will make a statement on the matter. [12541/12]

68. **Deputy Timmy Dooley** asked the Minister for Arts, Heritage and the Gaeltacht if he has considered an extension to the compensation scheme for turfcutters; the percentage uptake in the scheme following the recent closing date; and if he will make a statement on the matter. [12532/12]

80. **Deputy Denis Naughten** asked the Minister for Arts, Heritage and the Gaeltacht his plans to address the ongoing issues regarding the implementation of the ban on turf cutting; and if he will make a statement on the matter. [12193/12]

83. **Deputy Brian Stanley** asked the Minister for Arts, Heritage and the Gaeltacht the extent to which he has resolved issues relating to turf cutting restrictions arising from special areas of conservation and or other conservation orders; the number of cases outstanding; the issues still to be addressed; the locations so affected; and if he will make a statement on the matter. [12477/12]

86. **Deputy Bernard J. Durkan** asked the Minister for Arts, Heritage and the Gaeltacht the extent to which he has had dialogue with the interested parties affected by the ban on turf cutting arising from special area of conservation measures or other conservation measures; the degree to which agreement has been reached with a view to achieving amicable and satisfactory conclusion on this issue; and if he will make a statement on the matter. [12504/12]

307. **Deputy Bernard J. Durkan** asked the Minister for Arts, Heritage and the Gaeltacht the total number of displaced turf cutters arising from conservation measures with whom his Department has made contact in the context of resolution of outstanding issues; the number of cases satisfactorily resolved to date; the number outstanding; the nature of the issues still to be resolved; and if he will make a statement on the matter. [12816/12]

**Deputy Jimmy Deenihan:** I propose to take Questions Nos. 63, 64, 68, 80, 83, 86 and 307 together.

In 2011 the Government announced a compensation scheme for those affected by the cessation of turf cutting on raised bog special areas of conservation, SACs. The cessation of turf cutting compensation scheme comprises a payment of €1,000 per year, index linked, for 15 years or, where feasible, relocation of turf cutters 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. The Government has recently considered whether the financial package announced in 2011 should be enhanced. I will make an announcement to the House in this regard during Private Members' business later today.

In April 2011 my Department wrote to known owners of land and rights in the SACs nominated for designation between 1997 and 1999 to inform them of the cessation of turf cutting on these sites and to invite applications for compensation. Advertisements were also placed in local and national newspapers. It is estimated that 750 individual turf plots are active on these SACs. To date, almost 650 applications for compensation or relocation have been received relating to these sites.

Assessment and verification of applications is a complex process, particularly in respect of proof of ownership. My officials have been working closely with turf cutters, the Department of Agriculture, Food and the Marine, as successor of the Land Commission, Bord na Móna and the Property Registration Authority to assist people to provide the necessary proof of legal interest with their applications. While a number of payments have been made under the scheme, the complexity of ensuring adherence to the qualification criteria has caused delays in

[Deputy Jimmy Deenihan.]

making payments. However, my Department has recently put in place arrangements to speed up and simplify the checking process and expects to make by the end of this month a significant number of initial payments to additional applicants for sites nominated for designation between 1997 and 1999.

In December my Department wrote to known owners of land and rights in the SACs nominated for designation in 2002. Advertisements were also placed in local and national newspapers. It is estimated that there are approximately 790 actively cut plots on these sites. The deadline for the receipt of applications relating to these sites was the end of February 2012. Owing to the high number of applications received in recent days, the details of the numbers received are not readily available. To allow potential applicants time to gather the necessary legal documents, I have decided to extend the deadline for the receipt of applications for sites nominated for designation in 2002 until 30 April 2012.

The Government has been conscious of the need to build a shared understanding of the requirements of the habitats directive regarding the protection of raised bog SACs. To this end, it established the peatlands council under an independent chairman, Mr. Conor Skehan, to bring all parties together. Last week, on his initiative, a peatlands forum was convened in Athlone under the chairmanship of Mr. Justice John Quirke. It provided an opportunity for all parties to identify and discuss what was needed to resolve issues arising from Ireland's requirements to implement the habitats directive on 53 raised bog special areas of conservation. The forum considered proposals in regard to relocation and other solutions to address the requirements of the directive. Its report, prepared by Mr. Justice Quirke, was presented to me and considered by the Government this morning. My Department will publish the report on its website this afternoon and, once people have had an opportunity to consider it, I propose to respond more fully to it during Private Members' business.

My Department has been in discussion regarding relocation with several groups of turf cutters from different bogs with a view to reaching satisfactory resolutions at local level. Agreement has been concluded with groups from Clara bog in County Offaly and Mountbellew in County Galway. These solutions involve turf cutters moving to nearby Bord na Móna bogs where they will be able to continue turf cutting.

The position on continued cutting on natural heritage areas, NHAs, will be reviewed in accordance with the programme for Government. This will be done in the context of drawing up a national peatlands strategy which is being undertaken by my Department in conjunction with the peatlands council. I have undertaken that such a review will be completed in advance of the 2014 cutting season. The review will provide clarity on the future of turf cutting on these sites. The issues regarding turf cutting on Ireland's raised bog special areas of conservation will be discussed in greater detail later and tomorrow during Private Members' business and I look forward to contributing to that debate.

**Deputy Robert Troy:** Turf cutting is an emotive issue. It is part of our heritage and culture and the tradition has been passed on through the generations. The issue is topical because it will be the subject of a Private Members' motion later and the original deadline for the receipt of applications for compensation passed last week. However, I welcome the extension of the deadline because many potential applicants did not have time to get the necessary information together. For example, turf cutters on a bog in County Longford were not aware that the previous deadline had been set for 29 February.

It appears the Government parties have changed their position somewhat on this issue since their time in opposition. I acknowledge the previous Government introduced SACs and the ten year derogation. The Minister stated there were 750 active turf plots on the SACs desig-

nated between 1997 and 1999 and that 650 applications had been made for compensation. What percentage of the applicants have been accommodated through relocation to an alternative bog? What percentage have been adequately compensated? I understand all those approved for compensation have been not paid. I am involved in a few cases. The peatlands forum initiative undertaken last week by the peatlands council was most welcome. Are the Minister and the Department still liaising with the Turf Cutters and Contractors Association?

**Deputy Jimmy Deenihan:** I acknowledge that the Deputy has always been positive and supportive of what we are all trying to do to resolve this matter, which would be in all our interests, as the last thing we want to do is to pay fines of between €20,000 and €25,000 per day to the European Commission. I do not have to remind Members that formal notice was sent to the Department in January 2011 followed by a reasoned opinion in June 2011. Therefore, the Commission is interested in what is happening here. However, there have been positive developments. For the first time, the TCCA, the Department and the Commission are working together to try to find a solution.

I would like to acknowledge — I will do this again this evening — the efforts made by so many people to obtain a resolution to this sensitive and difficult subject. As a rural dweller who lives in the heart of a number of bogs as well as near one of the designated bogs, I am very much aware of how sensitive this issue is and how important it is for so many people to have it resolved in such a way that the environment is protected but people can continue to cut turf legally. That is important.

I have been trying my best to facilitate payments as much as possible, but we have developed a new system of payment. To date, just 63 applicants have been paid the amount that applied last year, but 200 people will be paid next week. I hope payments will go out in the next few weeks. We had to establish a system of verification to ensure the documentation was proper and so on, but that system is now in place and I hope payments will go out faster. As the Deputies know, the verification systems that have been established this year will last for the next 15 years. Once people have their documentation verified, that will be sufficient for the years ahead.

**Deputy Denis Naughten:** I welcome the Minister's comments and the motion that has been tabled today. I have not seen Mr. Justice Quirke's report, but I acknowledge, and I think the Minister acknowledges, that for the first time ever the Government of the day has publicly admitted that there was a lack of proper consultation, communication and trust between the State and turf cutters throughout the country. That in itself is a significant step forward.

Will the Minister clarify that we are talking about here is approximately 5% of designated bogs and that for the other 95%, there is absolutely no dispute relating to them? We are talking about a very small percentage of bogs.

Is the Minister aware that for the majority of turf cutters, this is not an issue of compensation but of a sensible resolution being provided to turf cutters to facilitate them to continue to cut turf on their existing bogs or adjoining non-designated bogs? In light of that, could the Minister clarify whether the Government is considering allowing the co-existence of domestic turf cutting on designated bogs as a mitigating measure in a limited number of cases? Has the Government considered the issue of compensatory habitat? At the end of this process, more than 100% of designated bog will be closed off to turf cutting for good.

**Deputy Jimmy Deenihan:** I thank Deputy Naughten for his contribution. Roscommon is particularly affected by this issue, and I know from my experience of visiting that county that it is a very emotive subject there. Along with Deputies Naughten and Flanagan and the chairman of the Turf Cutters and Contractors Association, Mick Fitzmaurice, I travelled over that

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area in a helicopter last year and was given a bird's eye view of what was happening on the ground as well as an idea of the extent of raised bogs in Galway and Roscommon.

The de-designation of small areas around the country will be a matter for the Commission. The Government cannot de-designate. This is mentioned in Deputy Flanagan's motion which will be moved this evening, and is also mentioned in the amendment. I will go into more detail later. Obviously, we could go back to the Commission with any proposal, but we want to exhaust every other alternative first.

The Deputy mentioned that for the first time ever there has been real engagement. The Government, and the country, are fortunate that Conor Skehan has taken over as chairman of the Peatlands Council. I acknowledge here that he has given ten months of his life to this issue, free to the State, which is a considerable contribution. I hope for his sake that because of these deliberations and the amount of work he has put in, we can obtain a resolution.

**Deputy Sandra McLellan:** I thank the Minister for his answer. With regard to the proposals from the TCCA, which include a detailed case-by-case analysis of the possible options, will the Minister commit to providing individual turf cutters with a hearing on this matter? If so, in what timeframe does he envisage this occurring? We are all conscious that time is of the essence and other alternatives may suit some people better than relocation or compensation.

**Deputy Jimmy Deenihan:** As the Deputy knows, an elaborate process was carried out last week in which representatives for each bog put their case to the judge and a technical group tried to obtain a resolution. I do not think this process has ever been carried out before. I recognise that people entered this process with total intent to obtain a resolution, and they were very honest, open and frank about the whole thing. There was a real sense that people engaged because they wanted to achieve a solution.

With regard to individual turf cutters, in the small number of bogs where it may be difficult to resolve this issue, all considerations will have to be taken into account, including those of individuals. Our policy from the beginning was to listen to everybody and I know that is what Mr. Skehan did. Officials from my Department and the National Parks and Wildlife Service have spent the winter out there speaking and listening to people and trying to obtain solutions. I hope this effort will now pay off and we will get the desired results, for all our sakes.

**Deputy Michael P. Kitt:** As has been said, the issue is not about financial compensation but about the right to continue cutting turf. However, for those who do wish to take compensation, could the Minister confirm there is funding for this purpose? I agree with him that there have been some resolutions, including in Mountbellew, but I could mention other bogs in Galway — Camderry, Kilkerrin, and Barrougher in south-east Galway — where, according to the people who live there, there is nowhere else to go to cut turf. That brings us back to the idea of de-designation of bogs. Is that possible where people want to cut turf but have no alternative?

**Deputy Jimmy Deenihan:** There is a sizeable sum of money — €5 million — available. The Government considers it important that we resolve this, and people will have to be compensated. I have been making this point quite clearly. That is why I will be announcing an enhanced package this evening. Expecting people to move from areas in which they have cut for generations to alternative bogs is a lot to ask, and they must be properly compensated.

In the Deputy's own constituency, because of the leadership of a former Deputy of this House, Paul Connaughton, a positive resolution was obtained, and work has already started, with machinery on the bog and drainage being carried out. The examples of Clara and Mountbellew show that this can work when people work together.

**Deputy Denis Naughten:** Can something be done to facilitate people who do not own a bog but have had informal rights to turf-cutting in terms of obtaining access to adjoining bogs? Second, is it not the case that without Conor Skehan and Mr. Justice Quirke, this issue would not have been resolved to the extent it has, and that if this had been done ten years ago, we would not be in the mess we are in today?

**Deputy Robert Troy:** Will the Department advertise the extension to the scheme in order that people would be aware of it? Although it is not all about compensation, for those who wish to be compensated financially as opposed to being relocated, speed is of the essence and more people might have taken it if there had been greater speed. What progress has been made with the natural heritage areas, NHAs, to ensure they will be exempt in the future because we support the Minister's endeavours in that regard?

**Deputy Jimmy Deenihan:** In response to Deputy Naughten, the judge in his conclusion mentioned that ownership of bogs is a complex area so we will take a sympathetic view of those who have established rights in bogs. Many bogs were never registered and people have been cutting on them for generations and that could be the fault of a solicitor who never bothered to do it. I agree with the Deputy that if this process had happened ten years ago we would not have incurred the wrath of the Commission and would be in a much better position where we would not be discussing this. In reply to Deputy Troy, we will publicise the extension.

### Oifig an Choimisinéara Teanga

65. D'fhiafraigh **Brendan Smith** den Aire Ealaíon, Oidhreacht agus Gaeltachta an ndéanfaidh sé a chinneadh maidir le hOifig an Choimisinéara Teanga a chónascadh le hOifig an Ombudsman a chur ar ceal; má léiríonn an pobal go bhfuil siad ag iarraidh go mbeadh Oifig an Choimisinéara Teanga ina hoifig reachtúil neamhspleách sna haighneachtaí agus sna suirbhéanna atá curtha acu faoi bhráid a Roinne mar chuid den athbhreithniú ar Acht na dTeangacha Oifigiúla, 2003 agus an ndéanfaidh sé ráiteas ina thaobh. [12555/12]

95. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Ealaíon, Oidhreacht agus Gaeltachta an bhfuil sé chun a chinneadh ar an gCoimisinéir Teanga a athrú. [12567/12]

**Deputy Dinny McGinley:** Tógfaidh mé Ceisteanna Uimh. 65 agus 95 le chéile.

Mar is eol do na Teachtaí, d'fhógair an Rialtas ar an 17 Samhain 2011 go raibh cinneadh tógtha feidhmeanna Oifig an Choimisinéara Teanga a chónascadh le hOifig an Ombudsman agus go raibh an cinneadh sin le cur i gcrích i gcomhthéacs an athbhreithnithe ar Acht na dTeangacha Oifigiúla 2003, atá ar siúl ag mo Roinnse faoi láthair. Tógadh an cinneadh sin mar chuid de phlean athchóirithe an Rialtais don tseirbhís phoiblí. Faoin bplean sin, tá sé beartaithe ag an Rialtas go ndéanfar cuíchóiriú ar 48 comhlacht poiblí faoi dheireadh na bliana 2012 agus go ndéanfar athbhreithniú criticiúil ar 46 comhlacht poiblí eile faoi mhí an Mheithimh 2012.

Glactar leis, ar ndóigh, go dtagann saincheisteanna chun cinn do na heagraíochtaíagsúla atá i gceist de thoradh na gcinntí seo. Tá coiste athchóirithe bunaithe ag mo Roinnse chun scrúdú a dhéanamh ar na saincheisteanna ábhartha a bhaineann leis na heagraíochtaí ar leith a thagann faoi scáth mo Roinnse. Tá an coiste ag plé go gníomhach leis na heagraíochtaíagsúla atá i gceist, lena n-áirítear Oifig an Choimisinéara Teanga, le gur féidir cinntí an Rialtais a chur i bhfeidhm ar bhealach éifeachtach agus éifeachtúil.

Maidir le hOifig an Choimisinéara Teanga, ní miste dom a rá go dteastóidh leasú reachtaíochta chun an cónascadh a chur i bhfeidhm.

**Deputy Michael P. Kitt:** An mbeidh aon airgead le sábháil de bharr an chinnidh seo, Oifig an Choimisinéara Teanga a chónascadh le hOifig an Ombudsman? An aontaíonn an tAire Stáit gur cheart go mbeadh an oifig seo neamhspleách agus nár cheart é a chónascadh le hOifig an Ombudsman?

**Deputy Dinny McGinley:** Níl cinneadh déanta deireadh a chur le hOifig an Choimisinéara Teanga, agus leanfaidh an coimisinéir agus a oifig ar aghaidh leis na freagrachtaí agus leis na dualgais atá ag an oifig i láthair na huaire. Tá an t-athbhreithniú ar siúl faoi láthair agus tháinig an chéad ghné de chun críche ansin cúpla seachtain ó shin agus tháinig a lán suirbhéanna agus a lán aighneachtaí isteach agus nuair atá anailís agus scrúdú déanta orthu, cuirfear chuig an Roinn iad. Más gá reachtaíocht chun iad a chur i bhfeidhm, rachaidh sé os comhair an Rialtais ag an bpointe sin.

**Deputy Peadar Tóibín:** Ní aontaíonn saineolaí teanga ar bith leis an Aire Stáit faoin ábhar seo. Dé réir na saineolaithe go léir, céim siar atá i gceist anseo don teanga. Tá pobal na Gaeilge agus eagraíochtaí na Gaeilge ar fud na tíre in éadan an chinnidh seo. Cé mhéid airgid a shábháil-ófar de bharr an chinnidh seo agus cén dochar a dhéanfaidh an cinneadh ar an Ghaeilge?

**Deputy Dinny McGinley:** Braitheann sé ar thoradh an athbhreithnithe cad é an méid airgid a bheidh le sábháil idir cíos agus mar sin de. Maidir le tuarastal, leanfaidh an tOmbudsman ar aghaidh leis an fhoireann atá aici agus b'fhéidir go mbeidh breis foirne aici. Braitheann sé cén áit a mbeidh an oifig lonnaithe ann; b'fhéidir go mbeidh sé lonnaithe san áit chéanna. Ní féidir liom freagra iomlán a thabhairt ar na ceisteanna sin go dtí go bhfuil anailís agus scrúdú déanta ar na haighneachtaí agus na suirbhéanna a cuireadh isteach. Tá seo ag dul ar aghaidh agus beidh gach suirbhé agus aighneacht le feiceáil ar shuíomh Idirlíne na Roinne mar tugadh cead dúinn iad a chur os comhair an phobail.

Tá sé ag dul ar aghaidh agus ar aghaidh ach ag an bpointe seo, tá séá dhéanamh i gcomhthéacs Acht na dTeangacha Oifigiúla. Má tá gá le reachtaíocht le leasú a dhéanamh, tharlóidh sin, ach caithfidh sé dul os comhair an Rialtais arís.

### Leaders' Questions

**Deputy Micheál Martin:** The Government has announced the legal requirement to hold a referendum on the fiscal treaty. The legal advice, however, has not been published and I would like the Taoiseach to tell the House if he intends to publish that advice. It is my belief he should and that it would be helpful.

The public fundamentally need the most comprehensive form of information possible on this treaty, a request I am hearing a lot on the street from people, who want it explained to them in simple terms in a comprehensive manner. Will the Taoiseach outline to the House the timing he envisages for the holding of the referendum? Will it happen in May or in the autumn, as conflicting reports are suggesting? Will the Taoiseach tell the House whether the wording of the referendum Bill has been completed and, if not, when it will be finalised? Following on from that, could the Taoiseach give Members a timeline for the establishment of the referendum commission?

Some of the Taoiseach's Ministers are saying the negotiations on the promissory note issue should be linked to the referendum. In a major interview in the *Financial Times*, the Minister for Social Protection, Deputy Burton, said a deal would be helpful, while the Minister for Transport, Tourism and Sport, Deputy Varadkar, has stated it would not be helpful to connect the two. The Taoiseach and the Tánaiste have said the two issues are not linked, nor should they be. Commentators like Mr. Quinn of Dow Jones came on "Morning Ireland" this morning and said emphatically that a deal has been done. Will the Taoiseach outline to the House what

is going on? Is this the case? Has a deal been done on the promissory note? By any objective criterion and with any sense of natural justice independent of the signing of a treaty, a deal should and must be done, given that Ireland took the hit to protect the eurozone at a time when there was no European mechanism in place. Given what has been said this morning and that some Ministers are strongly hinting a deal has been done, will the Taoiseach confirm whether a deal has been done? Will it be done before the end of March? Will the Taoiseach clarify this issue in the House today?

**The Taoiseach:** I do not intend to publish the formal legal advice of the Attorney General except to say she advised the Government formally that, on balance, in consideration of the wording of the fiscal stability treaty, she considers that for it to be ratified, the people must be asked and a referendum must be held. I have been very clear all along that if the advice of the Attorney General was that a referendum should be held, then it should be. The decision not to publish the legal advice is in keeping with the long tradition of not publishing legal advice given by the Attorney General to the Government of the day. I agree fully with the Deputy that it is important that Irish citizens have the fullest possible information on what the treaty actually means. The questions of the future of the country and its people and our place in Europe are important for job creation, growth and continued investment.

No date has been fixed for the holding of the referendum. Deputy Micheál Martin is aware that it will be necessary to put together a referendum Bill which will have to take account of the question that will appear on the ballot paper. A referendum commission will have to be established and a competent person found to chair it. The publication of a fiscal responsibility Bill which will deal with the elements of the treaty that need to be enshrined in Irish law will also be required. The Government will reflect on these matters. The treaty has to be ratified by 1 January 2013, on which date the train for the future of Europe will leave the station. I consider it important that Ireland be clearly seen to be on that train.

I thank the Deputy for expressing his view of the country and support for the treaty. From his own experience he is aware of the timelines in this regard. There is a need to have a set period between publication of a referendum Bill and the establishment of a referendum commission. The Government will reflect on this matter again next week. The Tánaiste has written to the Attorney General on behalf of the Government and will bring a memo to the Government. The referendum has to be held before 1 January 2013 and the Government will consider the most appropriate date for it. People need to have sufficient time to obtain the fullest information possible on it. The Government has not yet made a decision on whether it will take place before or after the summer.

I have noted the comments made in the *Financial Times* about the promissory note. The Minister involved was responding to a specific question asked by the interviewer. I wish to make it clear that these matters are entirely separate. A great deal of intensive work and activity are taking place on the issue of greater flexibility for Ireland with regard to the payments it has to make. Clearly, if that work is brought to a successful outcome, it will enable Ireland to deal more adequately with its deficit and make it easier for it to repay its debts. There is no timeline in this regard and I have not put a timeline on it. I cannot speak for the governors of the eurozone central banks or the other elements of the troika.

The Deputy also asked about the comments made on national radio this morning by Mr. Quinn of Dow Jones. I can confirm that no deal has been done in this regard and that no deal of the order suggested by Mr. Quinn is on the table for decision. I will not heighten anybody's expectations. The Government is doing a great deal of work on this complex, difficult and sensitive issue in the interests of the nation. I will not stand up and commit to a heightened expectation that this can be delivered in a fortnight or three weeks. This is a serious matter for

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the country, the economy and the people. We will continue to work diligently, following the initiative taken by the troika when it undertook to produce a paper on the basis of the flexibility of what we have to repay with regard to the promissory note.

**Deputy Micheál Martin:** I thank the Taoiseach for bringing clarity to some elements of this issue, particularly to the comments made this morning. I suggest some Ministers, whether they mean it, are adding to the sense of heightened expectation in relation to the promissory note.

**Deputy Simon Harris:** What about the comments coming from the Deputy's colleagues?

**Deputy Micheál Martin:** I refer to various comments, predictions and hints emanating from Ministers. In some respects, more remarks are coming from the Labour Party side than from the Fine Gael side.

**Deputy Timmy Dooley:** They are trying to take the credit.

**Deputy Micheál Martin:** That seems to be what is happening. The more important part of the Taoiseach's reply was his suggestion "no timeline" applies to the negotiations on the promissory note. Is the Government not working to a timeline, in the light of the imminence of the first repayment that has to be made? European mechanisms in terms of banking issues which were not in place at the time are now in place. Surely there is a timeline leading up to the end of this month. I assume those who are working on this matter, including the troika, are very conscious of it. Does the Taoiseach envisage that it will be sorted before the end of this month?

**The Taoiseach:** To be honest, I cannot put a conclusion time on it because I do not control the attitude that might be taken by the governors of the other eurozone central banks. The Deputy is well aware that some countries take the view that others should be encouraged and helped. That is part of what the foundation of the European Union was about. People in other countries who are coming from a certain political perspective take the view that we got ourselves into this mess and that we need to get ourselves out of it. We take a very different view of how the European Union should progress in order to ensure every country can adhere to proper conditions, can have proper budgeting and housekeeping of its own affairs and can work to stimulate its economy in order that jobs and opportunities can be created.

I wish we did not have to deal with the promissory note issue, but it is the reality. The Deputy is aware that it came into being some time before Ireland entered into the bailout programme. Essentially, the principle surrounding our approach is that we are not looking for something that any other country could look for afterwards. It is important that there be an emphasis on the opportunity to apply the flexibilities under the EFSF and the ESM to the promissory note recapitalisation moneys of over €60 billion which were added to the sovereign debt and led to difficulty for us. I would love to be able to tell the House that I know a conclusion will be reached by a certain date. However, I am not standing here to heighten expectations that a conclusion will be brought to this issue.

**Deputy Micheál Martin:** The Government has not yet put anything to the central banks.

**The Taoiseach:** I can confirm that discussions are continuing between officials at European level. However, I am not in a position to say a deal is on the table or that it will be defined by a certain date. Nobody should run away with the view that we have heightened the expectation that a "big bank solution", as some call it, will be reached. Ireland's economic problems are much more complex and much more sensitive than this. I can confirm that the Government's activity and energy, through its officials, are being channelled into this issue in a realistic way.

Ireland has measured up during five detailed assessments by the troika. It has adhered to all the conditions laid down. We will look for an opportunity to gain further support here. If we secure a longer extension and a lower interest rate, it will make it easier for us to deal with the deficit and meet our repayments. Obviously, I will report progress to the House when it is made. However, I am not in the business of heightening expectations by suggesting we will have a solution to this complex matter by a certain date or time.

**Deputy Gerry Adams:** When the Dignity 4 Patients group presented the results of a survey this morning, it showed that 18% of respondents believed they had been subjected to inappropriate action or comment while in the care of a health care professional. It is 17 years since complaints were first made of the sexual abuse of patients at Our Lady of Lourdes Hospital in Drogheda. Three years have passed since the Minister for Health, Deputy James Reilly, tabled a motion calling for an immediate inquiry into the sexual abuse of patients at the hospital. The Taoiseach, the Tánaiste and the President who were in opposition at the time voted in favour of the motion. Níl mé ag ardú an ábhar seo díreach os rud é go bhfuil ceisteanna á chur ar an Taoiseach inniu. Tá séá ardú agam toisc go bhfuil sé tábhachtach do saoránaigh atá fós ag fulaingt de bharr an mí-úsáid ghnéasach a dhéanadh orthu. Tá trí bliana imithe ó d'iarr an Teachta Reilly go mbeadh fiosrú ann.

When I asked the Taoiseach about this issue last November, he volunteered to meet Opposition Deputies. However, I did not ask for this. He promised to meet them again before Christmas and has repeated that promise since. I am still waiting, as are the other Opposition leaders, but more importantly, more than 200 victims and survivors are still waiting. Every delay brings fresh pain and anguish to them every day. I again ask the Taoiseach to instigate an inquiry into the alleged sexual abuse of patients in Our Lady of Lourdes Hospital in Drogheda.

**The Taoiseach:** Cuireann sé isteach go mór orm go bhfuil gá go mbeadh cúrsaí dlíthúil le leanúint dóibh siúd a cuireadh isteach orthu go mór de bharr na tragóide seo. Tá a fhios ag an Teachta, mar a dúirt mé cheana, go bhfuil an tArd-Aighne ag féachaint ar an deachracht atá ann faoi láthair, os rud é nár éirigh leis an Rialtas cruthú a fháil san reifreann a bhí ann ó thaobh iniúchta agus scrúdú ina mbeadh coistí an Oireachtais páirteach agus in ann é sin a dhéanamh.

Tá an tArd-Aighne faoi láthair ag díriú isteach ar cén bealach is fearr chun go mbeadh cúrsaí dlíthiúl ar fáil dóibh siúd atá lárnach sa rud seo. De réir an eolais atá agam, beidh freagra le fáil ón Ard-Aighne go luath. Nuair a bheidh sé sin agam, beidh mé toilteanach agus réidh chun go mbeidh cruinniú againn leis na Teachtaíón Tuaisceart agus ón Deisceart faoin chás seo, mar tá a fhios mhaith agam go gcuireann sé isteach ar mórán daoine. Chun an fhírinne a rá, ní féidir liom, agus mé i mo sheasamh anseo inniu, freagra iomlán a thabhairt don Teachta go dtí go mbeidh an t-eolas agus an chomhairle ón Ard-Aighne faighte agam.

**Deputy Gerry Adams:** Tá an-éigeart ag baint le seo agus tá a fhios sin ag an Taoiseach mar is fear maith é i dtaobh rudaí mar seo. Táimid ag fanacht ach níl muidne tábhachtach ar chor ar bith. Tá saoránaigh eile ag fanacht fós.

Seventeen years is too long, given the all-party support for a commission of inquiry. There is no reason whatsoever this cannot proceed immediately. There are sexual abusers in all sectors of our society. There are sexual abusers in families. My father was a sexual abuser, and I have some sense of the anguish and the pain of these citizens. I meet them regularly and I know every time they meet, it is a revisiting of all that happened to them.

It was good enough for Fine Gael and the Labour Party to support a commission of inquiry when in opposition. There is no reason it cannot be established on terms acceptable to the victims and the survivors. I ask the Taoiseach to give a clear commitment on such a commission

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of inquiry. When in opposition the current Minister of Health put down a motion on this and it was defeated by only two votes. There is no reason, in my opinion, it cannot proceed. Until then, there is no reason Dignity For Patients cannot receive appropriate funding. Dignity for Patients has been advocating for this group for the past 17 years. This would never have come to light only for a brave woman who blew the whistle and highlighted what had occurred. Dignify For Patients, which is advocating for these citizens, is not even being properly funded by the Government.

**The Taoiseach:** I share the Deputy's view that this is a horrendous situation. I commend the whistleblower who brought forward this information in the first instance. I really empathise and sympathise with those who are the victims in this case. However, I do not want to stand up here and announce inquiries like that. I ask the Deputy to bear with me while the Office of the Attorney General provides me with the best advice on the best way possible to proceed. I am happy to sit down with the Deputy and other Deputies from the north-east region and have a rational discussion about ensuring justice is done for the victims.

I know that sometimes words can be twisted, and this is a sensitive matter, as the Deputy is aware. While funding was made available before, I had assumed — wrongly — that the referendum on Oireachtas inquiries to carry out investigations of public importance would be approved. It was not approved by the people, and we cannot, therefore, proceed down that route. I have asked the Attorney General on the best option available, as has the Minister for Health, and if the Deputy bears with me until I receive that advice, I will be happy to report to the House, answer questions about it and meet with Deputies from the north east.

**Deputy Gerry Adams:** That is almost exactly the same answer given to me on the last occasion.

**The Taoiseach:** Yes, but I have not got the advice, as the Deputy knows.

**Deputy Shane Ross:** I understand, from his replies to Deputy Martin, that there are many reasons the Taoiseach feels he cannot give us a date for the referendum. However, it seems to me to be more than coincidental that we are not getting a date either for the referendum or for the solution the Government is going to find on the Anglo Irish Bank promissory notes. It would be fair to draw a conclusion that one is dependent on the other. When we get one date, we will almost certainly get another date. For that reason, perhaps the Taoiseach will give the House an indication on when we can get a deal on the Anglo Irish Bank promissory notes.

The Minister for Communications, Energy and Natural Resources gave an interview to *The Wall Street Journal* last month stating that this would be done and dusted by 31 March. Perhaps the Taoiseach could confirm that. The Minister for Social Protection gave an interview to the *Financial Times* stating specifically that she was looking for a 50 year deal on the Anglo Irish Bank promissory notes. Can the Taoiseach state this is also Government policy? The Minister for Social Protection linked the two issues.

It seems there is a great deal of confusion on this issue, particularly as the Minister for Finance, whose area this is, appears to be the only person who is silent on it. Perhaps the Taoiseach could give us a specific indication of when we will get a deal or even a progress report on the promissory notes. We then might be more enlightened.

**The Taoiseach:** This is not just a matter for the Minister for Finance. This is a matter for every person in the country. This is not an issue that is confined to any one party or to any one Minister. This is an issue for the Irish people. It is a separate matter from a European Union treaty in that Ireland does not have the power of veto. It is not a case of saying I am

going to vote “No” because it will stop this process in its tracks. Once 12 countries have ratified the treaty, it can come into effect. From that perspective, it is very important that Ireland has its own insurance policy against the future by being able to ratify the treaty very strongly.

The Minister for Communications, Energy and Natural Resources said he hoped it would be concluded by 31 March. The question of the promissory note and the discussions on it are entirely separate from the stability treaty. We could name 1,000 things that are all separate and were they to be dealt with tomorrow morning, the environment and the atmosphere would be very good. However, the position is that Irish people are very pragmatic about the choice they have to make here. The choice that they have to make is in respect of our country’s future and the steps we have to take on the road to economic recovery.

It is not coincidental that a date has not yet been named. I came in this morning and ten different dates were thrown at me. Some of them were in the middle of the Eucharistic Congress. Others were in the middle of the European championships. There has to be a practical nature to what we are at as well.

**Deputy Micheál Martin:** That depends on how well we do in the European championships.

**The Taoiseach:** The Government will look, as Deputy Ross will be aware——

**Deputy Sean Fleming:** If they let us win, we might vote.

*(Interruptions).*

**The Taoiseach:** That may well be so——

**Deputy Micheál Martin:** What of the Connacht final?

**The Taoiseach:** The position is that we must consider what it is the referendum Bill will contain. As the Deputy will be aware, in the past it always has been a strong feature of referenda in Ireland that one does not insert too much detail into the Constitution and legislates for the details that are contained in treaties.

The Government will reflect on that next week. We will be in a much clearer position, once the timeline is set out, on the process of setting up the Bill, the referendum commission and the person to chair that, and how one proceeds afterwards to have a campaign that funds the case, both for and against, as applies and the difficulties that all of that has brought with it.

The fact that work has been ongoing on the promissory note for quite some time is not linked with the fact that the Attorney General gave her formal legal advice to which the Government is responding quickly. Deputy Ross should not get carried away that there is a longing and an expectation that this will be concluded, in so far as the promissory note is concerned, on 17 March or whenever.

**A Deputy:** That is getting carried away.

**The Taoiseach:** There is much work and discussion going on here. However, as I stated to Deputy Martin in respect of his valid question, I am not standing here heightening expectations about this——

**Deputy Timmy Dooley:** The Taoiseach can leave that to the Labour benches.

**The Taoiseach:** ——because I do not speak for the central bank governors of the eurozone.

**Deputy Dara Calleary:** The Taoiseach should tell that to his Labour colleagues.

**The Taoiseach:** However, there is a deal of work going on with it. Obviously, I would like to be able to say here and now the matter is concluded beneficially. It is not.

**Deputy Timmy Dooley:** This is Labour's week.

**The Taoiseach:** There is a great deal of complex and sensitive discussions taking place.

*(Interruptions).*

**Deputy Micheál Martin:** Explain that to Labour.

**The Taoiseach:** As soon as Government decides the date, we will announce that to the country and put in train the process. I am quite sure Deputy Ross, in his economic vista, will see the road out ahead for our country and will come around to the point of view where he would promote a strong "Yes" in this referendum.

**Deputy Timmy Dooley:** Surely the Taoiseach is not expecting a miracle.

**Deputy Dara Calleary:** Is he asking Deputy Ross for more for less?

**Deputy Shane Ross:** The Taoiseach may be surprised. One would never know.

**Deputy Robert Dowds:** This is not a time for sitting on the fence.

**Deputy Shane Ross:** I will respond to something the Taoiseach stated, which is important. He stated that the Minister who is sitting beside him stated he had hoped it would be done by 31 March. Can I quote from the article?

**Deputy Simon Harris:** The Taoiseach will in return quote Deputy Ross.

**Deputy Shane Ross:** It states, "Minister Pat Rabbitte said that some sort of restructure will be agreed with the country's bailout lenders before the next annual repayment of the IOUs falls due next month." There is nothing wrong with him saying that, if it is true.

**Deputy Timmy Dooley:** But that was in America.

**Deputy Shane Ross:** If it is being diluted, that is fine. There is nothing wrong, by the way, with linking the Anglo Irish Bank promissory notes and a deal. My guess is——

**An Ceann Comhairle:** Without guessing, could I have Deputy Ross's supplementary question?

**Deputy Shane Ross:** Yes, of course. My guess is that the Taoiseach will surprise himself how quickly——

**Deputy Timmy Dooley:** It was an act of contrition.

**Deputy Shane Ross:** ——he will be able to come to the conclusion that it is time for a referendum when he announces, before 31 March, that the Anglo Irish Bank promissory deal is done. I would suspect the Taoiseach will surprise everybody in this House with the speed with which the Cabinet suddenly will be able to come to that conclusion.

Finally, can I ask the Taoiseach a question? The Taoiseach stated yesterday that there would not be a second referendum. What happens if M. Hollande is elected in France and he negotiates a new fiscal treaty, as he has promised?

**Deputy Robert Dowds:** A good day for Europe.

*(Interruptions).*

**Deputy Pat Rabbitte:** Deputy Finian McGrath is supporting it.

**Deputy Shane Ross:** Will we be then in a very awkward situation where we must hold a second referendum when we have already held one?

**Deputy Timmy Dooley:** A friend of the Minister, Deputy Rabbitte, this morning hoped he would be elected.

*(Interruptions).*

**The Taoiseach:** As Deputy Ross will be aware, there was no referendum being contemplated when the question raised by the troika was undertaken, which was, to do a paper in respect of the possibilities of flexibility on this promissory note. There was no referendum in train or being considered at that stage. That work was under way when the Attorney General, quite properly, gave her formal legal advice to the Government and the Government proceeded to act on the consequences of that. The process being set in train for the referendum, that is, the preparation of the referendum Bill, the appointment of a referendum commission and a person to chair that, the publication of the issues to be legislated for in a fiscal responsibility Bill, must be all put in place.

I genuinely want to see a rational discussion about the importance of the referendum on this treaty in order that every person in the country understands its importance for our future in as complete a way as can be explained.

I do not speak for M. Hollande. I know he has stated that if he were elected he would renegotiate the treaty. He is as much aware as anybody else that this treaty has been already agreed by 25 of the 27 countries, it must be ratified and the ratification process is under way. I cannot speak for the French electorate as to what it will do in the presidential election and I cannot say what efforts he, if he were to be elected, could make in respect of renegotiating the treaty. I pointed out that this was agreed by the French Government, as one of 25 countries of the 27. We move on, having signed it, to the process of ratification, which is different from one country to the next and which will involve a referendum here. That election takes place on 6 May and, obviously, the French people will make their own decision.

We need to make clear decisions about the process here. The Tánaiste and Minister for Foreign Affairs and Trade, Deputy Gilmore, who wrote to the Attorney General on behalf of the Government because it is a matter of intergovernmental treaties, will bring a memo to Cabinet, probably next week. Deputy Ross will have further opportunity to see the precise timelines. As I say, it must be either before the summer or after the summer. We do not want it to be too short, where people would not have the opportunity to have this explained to them and have their say, and to fully understand it.

For my part, I see the importance of this being given a very strong “Yes” support for the future of our country and for the future of our people. In due course, when we decide on the time, we will explain how important it is for everybody.

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

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**Departmental Staff**

1. **Deputy Micheál Martin** asked the Taoiseach the number of staff in his Department availing of the early retirement scheme; the positions they held; if they will be replaced; if services will be affected; and if he will make a statement on the matter. [7779/12]

2. **Deputy Micheál Martin** asked the Taoiseach the way his Department is being decreased in size to transform into a Cabinet office that oversees the delivery of the Programme for Government; and if he will make a statement on the matter. [9357/12]

3. **Deputy Micheál Martin** asked the Taoiseach the number of staff and grades they hold in his Department in March 2011 and in February 2012 in tabular form; and if he will make a statement on the matter. [9358/12]

4. **Deputy Micheál Martin** asked the Taoiseach the number of staff and grades held that are employed in the Government Information Service and those who service *MerrionStreet.ie*; and if he will make a statement on the matter. [9359/12]

5. **Deputy Micheál Martin** asked the Taoiseach the number of persons who will be given the responsibility for the implementation of the 2012 Action Plan for Jobs in his Department; if there will be additional persons recruited or if they will be transferred from other Departments; and if he will make a statement on the matter. [9361/12]

6. **Deputy Micheál Martin** asked the Taoiseach the number of speech writers he has that do not normally work in his Department; the way they are paid; and if he will make a statement on the matter. [9364/12]

7. **Deputy Gerry Adams** asked the Taoiseach the number due to leave his Department under the early retirement scheme by the end of February; the grades of same; if they will be replaced; and if he will make a statement on the matter. [10764/12]

8. **Deputy Gerry Adams** asked the Taoiseach the progress that has been made to transform his Department into a Cabinet office to streamline Government and oversee the implementation of the Programme for Government; and if he will make a statement on the matter. [11049/12]

9. **Deputy Joe Higgins** asked the Taoiseach the number of persons that will be given responsibility in his Department for the implementation of the 2012 Action Plan for Jobs; if additional persons will be recruited or will they come from other Departments; and if he will make a statement on the matter. [12520/12]

10. **Deputy Joe Higgins** asked the Taoiseach the number of staff who were to leave his Department under the retirement scheme by the end of February; their grades; if they will be replaced; and if he will make a statement on the matter. [12521/12]

**The Taoiseach:** I propose to take Questions Nos. 1 to 10, inclusive, together.

Following the restructuring completed in 2011, my Department is now engaged on core activities which focus on supporting the Taoiseach and supporting the Government.

The Department has undergone significant change in the past 12 months. A new Economic Management Council, a new Programme for Government Office and a new Office of the Tánaiste, within the Department of the Taoiseach, have been established.

The Cabinet Committee structure has been changed. Other significant changes include a new integrated European affairs division, involving the transfer of 18 staff and functions from the Department of Foreign Affairs and Trade to the Department of the Taoiseach; the transfer of 27 staff and functions relating to public service reform from the Department of the Taoiseach to the new Department of Public Expenditure and Reform; the adoption of a different approach to social dialogue by the new Government, which replaces the previous social partnership process and places a greater emphasis on the role of line Departments rather than a centralised process managed by the Department of the Taoiseach.

Following the restructuring completed in 2011, my Department is now engaged in the following core activities: the executive functions of the Taoiseach and the Government; the Government secretariat, my private office and the offices of the Government Chief Whip and the Minister of State with responsibility for European affairs; the Office of the Tánaiste; the Government press office; support for the Taoiseach in carrying out my duties as Head of Government, including in relation to the Oireachtas, constitutional issues, protocol, the European Council, the North/South Ministerial Council and the British-Irish Council; engaging with the formulation and implementation of Government policy, mainly through the system of Cabinet committees, including the Economic Management Council, senior officials groups and the new Programme for Government Office; providing briefing and advice for me on the full range of domestic policy issues and on international affairs; supporting the Government and myself in the formulation and implementation of EU policy, including the co-ordination of EU policy interests across the whole of Government; and delivering support services through corporate affairs division, that is, HR, finance, IT and other services.

All of these functions are carried out within a staff ceiling of 185, which will rise temporarily to over 200 arising from Ireland's Presidency of the EU in 2013. Overall, there has been a reduction in staff numbers of 20% since January 2008. It should also be borne in mind that my Department is the smallest Department, with an annual budget of under €20 million.

The details requested in regard to staff numbers in my Department in March 2011 and to date are set out in the table, which I propose to circulate with the Official Report. I am also proposing to circulate with the Official Report the details requested regarding the number of staff employed in the Government Information Service and [www.merriionstreet.ie](http://www.merriionstreet.ie). Two staff from Forfás are on loan to my Department to work on the implementation of the action plan for jobs.

My advisors work closely with the civil servants in my Department on the preparation of speech material. One of my personal assistants is involved in this process and works on an e-working basis. Three members of staff in my Department retired in February 2012, comprising one principal officer, one executive officer who work-shared and one head service officer. The staffing needs of my Department are kept under ongoing review in order to ensure that it meets its objectives, and sanction has been received from the Department of Public Expenditure and Reform to fill a small number of vacancies through internal competitions.

[The Taoiseach.]

## Schedule regarding Staff Numbers in the Department of the Taoiseach

Grade	Number of WTEs Employed in March 2011	Number of WTEs Employed at end February 2012
Secretary General	1	1
Second Secretary General	0	1
Assistant Secretary	4	3
Principal Officer	13.6	7
Counsellor	0	2
Assistant Principal	22.4	18.4
First Secretary	0	3
Higher Executive Officer	22.3	24.2
Administrative Officer	8	4
Third Secretary	0	4
Executive Officer	20.2	23.2
Staff Officer	10.43	7.83
Clerical Officer	39.5	36.3
Support Staff	19.58	18
Special Advisers	5	5
Personal Assistants	7	6
Personal Secretary	3	3
Government Press Secretary	1	1
Deputy Government Press Secretary and Head of GIS	1	1
Assistant Government Press Secretary	0	1
Press Officers	3	5
Civilian Driver to Leader of the Seanad	1	1
<b>Total</b>	<b>182.01</b>	<b>175.93</b>

Staff in the Government Information Service, including the Communications Unit, the Government Press Office and *Merrionstreet.ie*

Grade	Number of WTEs Employed
Government Press Secretary	1
Deputy Government Press Secretary and Head of GIS	1
Assistant Government Press Secretary	1
Press and Information Officer	1 — (AP)
Press Officers	1 — (AP)
	3 — (HEO)
	1 — (AO)
Executive Officer	3
Staff Officer	1
Clerical Officer	3
<b>Total</b>	<b>16</b>

**Deputy Micheál Martin:** I asked six of the questions in this block of ten questions. Rather than spending too much time on this aspect, it is worth noting from the information the

Taoiseach has supplied that his promise to slim down the Department of the Taoiseach radically has clearly been abandoned and the same goes for his nine-year promise to get rid of what he used to call the propaganda units in the Government Information Service. This is very similar to the “not another red cent”-type promises he made, which were only designed to last as long as the election itself. As the Taoiseach knows, he had very strong stuff to say about *www.merrionstreet.ie* and the GIS but he very quickly and warmly embraced them and continues to endorse their output and work.

The other key issue the Taoiseach alluded to, and it is the biggest change that has occurred, is the transfer of the European division from the Department of Foreign Affairs and Trade to his own Department, with over 80 staff. I questioned this at the time in terms of coherence and integration with the work of the Department of Foreign Affairs and Trade itself. The logic of that decision has never been clear because, even up to that period, the co-ordination of European policy was very effective and was acknowledged as such.

The core network we rely upon in our relations with our European partners remains within the Department of Foreign Affairs and Trade. I am sure the Taoiseach is aware the Tánaiste has reinstated a European affairs section in Iveagh House, led by an assistant secretary. Will the Taoiseach explain how he considers it an improvement to have two sections in two different Departments responsible for co-ordinating European affairs? In many ways this was an inevitable consequence of his decision to take the entire entity of European affairs to the Department of the Taoiseach. In addition, if questions are asked of the Taoiseach on the North or on European affairs, why are some of them automatically referred to the Department of Foreign Affairs and Trade?

**The Taoiseach:** I do not know why some of them are automatically referred. Obviously, it depends on the nature of the question. I am quite happy to answer questions in respect of Northern Ireland and my responsibilities in that regard.

On the individual programmes of the two parties before the Government was formed, the Deputy is aware that each one had its own view. Obviously, the programme for Government is what we operate from.

As I said, 18 staff of the EU division and their functions were transferred from the Department of Foreign Affairs and Trade to the Department of the Taoiseach. I discussed this at the very beginning. The point made was that if one wants real co-ordination on an issue that now crosses all Departments, given we have a changed situation in so far as Europe is concerned as well as the impending Presidency, one is better to have it co-ordinated and overseen by the Department of the Taoiseach. While senior civil servants are needed from other Departments — I say this with the greatest of respect to the Department of Foreign Affairs and Trade — it is much easier and has greater strength to have it coming from the Department of the Taoiseach, where it is guaranteed that senior personnel will be appointed to the issues of the day, as it were.

In that sense, that suggestion was made to me from personnel within the Department of Foreign Affairs and Trade itself. From my experience, the appointment of the second Secretary General dealing with the European issues has brought a cohesion and a co-ordination that is very real and responsive. Where issues arise of European significance and where civil and public servants from other Departments are required to be in attendance, there is always a full response to that because it is coming from the Office of the Taoiseach itself, not just from myself as the person who occupies that office. The impact of it has been very real, in my view, and very responsive in the interests of getting the job done more efficiently and more quickly. I certainly cannot fault the way it is now operating.

[The Taoiseach.]

I do not know about the Deputy's comment on setting up another section in the Department of Foreign Affairs and Trade. Presumably, the Tánaiste and Minister for Foreign Affairs and Trade has a number of people there in so far as the foreign affairs end of matters is concerned in order to be able to co-ordinate with the Second Secretary General dealing with European affairs in my Department.

**Deputy Micheál Martin:** I would argue that, across the foreign affairs brief, it is vital there would be a coherence and an integration. It is not just about Europe on its own.

**The Taoiseach:** Yes.

**Deputy Micheál Martin:** It is about how Europe interacts with the emerging countries, including in Asia and South America, and European policy is critical to that relationship with other parts of the world. The idea that a section on European affairs stands alone is misplaced in terms of the conduct of foreign policy. On the evolution of European policy and how it relates to other blocs across the world, it is arguable that an integrated and coherent approach is needed. If the section and the leadership is taken out of the Department of Foreign Affairs and Trade, that connectivity and strong linkage between what is happening in Brussels and Europe is lost in terms of informing the rest of the diplomatic service on the issues.

With regard to the action plan for jobs, the Taoiseach said two staff were seconded from Forfás. I argue that the plan is not radical. It was over-claimed and over-spun, and was very much based on news management of existing proposals given many of the measures were already agreed or were part of strategies that had already been published. The Taoiseach indicated, when he launched the plan with the Minister, Deputy Richard Bruton, that there would be a radical departure in the co-ordination of policies. How can this be credible if so few people are actually given specific responsibility for it, even in the Taoiseach's Department?

**The Taoiseach:** In respect of the jobs action programme, there are 270 action points. It is fair to say some of these have been around for a very long time and were never followed through or implemented. There is a range of new initiatives to improve the atmosphere and the environment in which business can happen and jobs can be created, and to free up the road blocks that business people, entrepreneurs and innovators say are stopping them from doing their business. I get examples of this on a regular basis.

As to what we have decided to do, a senior public servant in my Department has responsibility for jobs, and he has a number of staff working with him. The two I mentioned are additional staff from Forfás who have come into my Department to assist in the work of monitoring implementation of the 270 action points. It is not just these two people on their own. It is a coterie within the Department of the Taoiseach who have responsibility for jobs and the jobs action programme.

As they are further assisted by the addition of two good people from Forfás I, as Taoiseach, working with the Minister for Jobs, Enterprise and Innovation, can see to it that on this occasion, the action plan is implemented. That means one puts the pressure on the Ministers to deliver, so far as their responsibility is concerned, and on the agencies, for whom they have responsibility, to ensure this happens. I hope that as we publish a quarterly report on the action points implemented this will improve the environment and atmosphere generally for business and that what small businesses say to the Minister responsible for SMEs, the Minister for Jobs, Enterprise and Innovation, me and everybody else will result in improving the position in terms of companies setting up and being able to do their work. Clearly credit access and microfinance are two important matters in this regard.

4 o'clock

It is slightly misleading for me to say that there are just two people monitoring this matter. There is a section in the Department of the Taoiseach which has responsibility for the jobs area and they are being supplemented by two internal people from Forfás, redeployed to the Department of the Taoiseach. I hope it bears results and I expect it will.

**Deputy Gerry Adams:** Tá dhá cheist agam — Ceisteanna Uimh. 7 agus 8 — so leanfaidh mé ar aghaidh le Ceist Uimh. 7 agus tiocfaidh mé ar ais arís le Ceist Uimh. 8. We learned last week that 9,000 staff are leaving the public service. To the surprise of some of his Cabinet colleagues, the Taoiseach spoke about transition teams that were put in place. Are those transition teams in place? An bhfuil siad ag bualadh le chéile go fóill agus cé chomh minic a bhuaill siad? Má tá said ag bualadh, cén dul chun cinn atá déanta acu? Has progress been made and how is the transition being managed? From my soundings around health professionals, health workers and so on I have a sense there is no real plan in place to deal with the ongoing crisis in the health service where 4,300 workers are leaving and there are €700 million worth of cuts. It would be useful to get a sense of how the exodus and the cuts are being managed.

**The Taoiseach:** The latest figures from across the public service indicate that more than 7,500 people applied to retire in January and February 2012. Those figures are based on data reported by all of the public service employers on the number of retirement applications that have been received. It will take some time for the final figures of actual retirements to be determined, taking into account those who may have changed their mind before 29 February. The sectoral breakdown is as follows: education section, 3,058; the Civil Service, 1,236; the health sector, 2,640; local authorities, 931; Defence Forces, 362; and the Garda 310, amounting to a total of 7,537. Retirement numbers do not always equate with full-time equivalents. While these were taking place over a telescoped period in January and February, rather than a longer time span, local management had to assess and address the level of staff departures and ensure continuity of business and service maintenance. Between the Department of Public Expenditure and Reform and the representatives of sectors and other Departments they have not highlighted any areas of major concern resulting from retirements to mid-February that could not in the main be addressed through redeployment and redistribution of work. In limited cases where critical posts have been identified in front-line services and in key policy areas they may need to be filled to meet business needs.

There was a great deal of public comment about what would happen in respect of the health sector where clearly people on the front-line were opting to retire from the service, causing concern and anxiety that services could not be maintained. The Cabinet sub-committee on health had a meeting with all the regional directors of service who have signed off on plans for each individual hospital. In regard to the issues that arise from week to week, at weekends and issues that had not even been contemplated they have all signed off on their plans. I am pleased to say that full co-operation and flexibility has been shown under the Croke Park agreement by medical teams, clinical teams and nursing staff for which we should be very grateful.

In the education area arrangements are in place for managing the impact of the retirement of teachers, some of whom have been replaced. Retiring teachers of State examination classes can be re-employed until the end of the school year. That is because teachers obviously form a bond with their pupils in the junior and leaving certificate classes and it is important that not be disrupted in the study structure of students as they prepare for the junior and leaving certificate examinations. The National Educational Psychological Service, NEPS, has been reconfigured into eight rather than ten regions, resulting in the suppression of two regional director posts. In third level, universities and the higher education institutions manage the retirements at the end of February in these institutions in the overall context of managing

[The Taoiseach.]

within the ceilings that have been allocated to them. The same applies in the case of the Garda, prisons, other State Departments, the courts and the Judiciary. Each Minister has an important responsibility in working with the groups on the ground to ensure pressure points are dealt with and relieved in the best way possible. Those are the up-to-date figures I have got. Given that a small number of people change their minds at the last minute that may impact on some of those figures.

**Deputy Gerry Adams:** I thank the Minister for his reply which is very informative. However, my questions were specifically about the transition teams he announced. To the best of my recollection he did not mention them in the course of that very detailed response to my question. In terms of the crisis in the health service I dealt with the case of a 96 year old lady who was on a trolley for three days in Beaumont Hospital. She was still on the trolley until I asked my office to intervene and, God knows, she could still be there.

The reason we are asking these questions is to try to get the Government working better and to keep it accountable. I raised earlier the issue of Our Lady of Lourdes Hospital and so on. I have here the question and answer that we dealt with on 23 November. There is something wrong with a Government which gives a specific commitment both in meeting the leaders of the Opposition and coming forward with a request for a commission of inquiry, with which the Taoiseach agreed in opposition and clearly has done nothing about. To say he is still waiting for a response from the Attorney General from November until March on the back of 17 years of campaigning by the people involved shows the Government is not functioning properly.

Question No. 8, which the Taoiseach dealt with in response to the questions from Teachta Martin, asks about the notion of the implementation of the programme for Government and how he is trying to change his Department in order that it becomes a Cabinet office. Are there plans to bring forward reports assessing the progress made on implementation and how is the House informed about these matters? Without wishing to be hankering on this issue, I have raised it four or five times and have been given more or less the same answers. That shows a failure of government. I know it is not deliberate or malicious and that the Taoiseach is genuine and regards this as a serious issue that needs to be dealt with but what dysfunctionality in government prevents this from proceeding?

**The Taoiseach:** There is no dysfunctionality within the Government. I expect to launch tomorrow the report on implementation of the programme for Government to date. A number of the major measures committed to in the programme by both parties have been put in place or are in train. The Deputy will be aware the programme is for a five year period. Ministers are also dealing with a range of serious issues not contained in the programme, some of which are legislative matters, while others arose and had to be dealt with. Completion of work not committed to in the programme will be reflected in the next report. The report I intend to launch tomorrow will detail the actionable measures relevant to each Minister which have been delivered, cannot be delivered or remain to be dealt with into the future.

The Deputy has said the Government has not responded to requests for the establishment of a commission of inquiry. He will be aware that a referendum was held on the issue of Oireachtas committees being given the power to investigate matters of public importance, which clearly this matter is. However, the people did not agree, as is their right. It may well be that they were not given adequate time or sufficient information to absorb what was involved. As stated, this would have been an appropriate matter for an Oireachtas committee to investigate in the public interest. The Minister for Health has sought the advice of the Attorney General on how to proceed. When that advice is to hand, I will make it known to the Deputy

and everyone else, including Deputies from the area concerned. In view of the sensitivity attached to and importance of this matter to so many, we must consider how best to proceed in the circumstances. I await the advice of the Attorney General and ask the Deputy to be patient for a little while longer.

**An Ceann Comhairle:** I call Deputy Micheál Martin.

**Deputy Gerry Adams:** May I ask a question related to the issue I have just raised?

**An Ceann Comhairle:** It is not an issue on the agenda.

**Deputy Gerry Adams:** It is related to it.

**An Ceann Comhairle:** It has nothing to do with the questions tabled by the Deputy. I have been very lenient. If Deputy Micheál Martin gives way, I will allow the Deputy to ask one more question.

**Deputy Gerry Adams:** I thank the Ceann Comhairle and Deputy Micheál Martin for giving way and will be brief. The questions I asked on this issue were asked following the referendum and I can quote them if the Taoiseach wishes. He gave a commitment that the Minister for Health would meet the people involved, but that has not happened. He also gave a commitment that he would meet me, as well as other Opposition leaders. He told us previously that there was funding in place when there was not. However, he has rectified that today and told us he was working on that assumption. These are genuine issues.

**The Taoiseach:** I do not want to have meetings for the sake of it. I would like there to be a purpose and a conclusion to a meeting, following which we could move on. It might be in everyone's interest to await the advice of the Attorney General's office on this matter. As I said, I had expected that we would be able, following the reversal of the Abbeylara case decision, to have an Oireachtas investigation into this matter of public importance. However, that is not now possible. We must consider what is the best thing to do in the interests of those to whom the Deputy referred who feel hurt, rightly so, at what happened in these horrific cases. From that point of view, I will inform the House and Deputies from the north east as soon as the Attorney General's advice is to hand.

**Deputy Micheál Martin:** The Taoiseach's response on this issue is disingenuous, given the commission of inquiry legislation which is on the Statute Book which was used effectively in the Cloyne and Dublin inquiries. I would never have thought an Oireachtas inquiry would be suitable in this case. There is ample scope under the existing commission of inquiry legislation to investigate issues such as this professionally and effectively.

On the issue of early retirements, the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, spent much of last year praising himself for revolutionising the public sector and strategically planning everything. In reality, there has been a complete failure to prepare strategically in terms of having contingency plans in place to cover vital services. I would appreciate an explanation of why transition teams were an after-thought.

It is clear the commitment to slim down the Taoiseach's Department to a British-style Cabinet Office has been abandoned. If anything, the Department is growing. The Taoiseach has stated the number of staff in his Department will grow to over 200 during Ireland's Presidency of the European Union. In this regard, he has used the baseline figure for 2008, which is becoming a habit. The Taoiseach's staff are good at news management and spinning, which is admirable from a particular vantage point.

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

**Deputy Pat Rabbitte:** We are considering recruiting the make-up staff again.

**Deputy Micheál Martin:** The baseline figure for 2010 would be far more relevant. Be that as it may, it is fair to say the Taoiseach's Department is expanding, which flies in the face of all that was promised in advance of the general election, as I am sure the Taoiseach will acknowledge. Nowhere is this more evident than on the European side.

**The Taoiseach:** As I stated previously to the Deputy, all of these functions are performed under a staff ceiling of 185. The Department of the Taoiseach is the smallest and has a budget of only €20 million. The staff include one Secretary General, one Second Secretary General, three assistant secretaries, seven principal officers, 18 assistant principal officers, three first secretaries and staff of various grades.

**Deputy Micheál Martin:** A commitment was given to reduce staff numbers.

**Deputy Pat Rabbitte:** The make-up staff are gone.

**The Taoiseach:** The ceiling is 175.9 which is lower than previously. The Department of the Taoiseach is a fit, lean, competent Department which is——

**Deputy Micheál Martin:** Expanding.

**The Taoiseach:** ——delivering on its objectives in terms of output, as it should.

**Deputy Micheál Martin:** Who will the Taoiseach grab next?

**The Taoiseach:** I said at the time of the appointment of the new Secretary General that the Department would be reformed into a coherent, cohesive, responsive and efficient Department, which it is. The Deputy will appreciate, having served as a Minister in an important Ministry when Ireland last held the Presidency, that it is necessary to recruit temporary staff to deal with Presidency matters during the first half of next year. A great deal of work in that regard is under way.

When in Brussels last week I attended the first tripartite social interaction meeting between the Danish Presidency, the Cypriot Presidency and the Irish Presidency. The meeting was also attended by representatives of the trade unions of Europe and employer and business interests. Staff numbers when Ireland holds the Presidency next year will increase to more than 200 for a period. That aside, the Department is slim and in good shape. Its staff are working hard.

**Deputy Micheál Martin:** Expanding all the way.

**The Taoiseach:** Their noses are to the grindstone. I have put out the word that when the Department of the Taoiseach comes calling——

**Deputy Micheál Martin:** Do not worry about my election document, that is all it was.

**The Taoiseach:** ——people should be responsive and ready.

**Deputy Micheál Martin:** Do not worry about commitments or promises. They can ignore them.

**Deputy Pat Rabbitte:** They all eat breakfast at home.

### Official Engagements

11. **Deputy Gerry Adams** asked the Taoiseach if he will report on his attendance at the Invest in Ireland Roundtable hosted by former President Bill Clinton in the United States on 9 February 2012. [7939/12]

12. **Deputy Gerry Adams** asked the Taoiseach if he will report on his trip to the US on 15 February 2012. [9622/12]

13. **Deputy Joe Higgins** asked the Taoiseach if he will report on his recent visit to the United States of America. [9628/12]

14. **Deputy Joe Higgins** asked the Taoiseach if he will detail the corporations and financial institutions he met on his recent visit to the United States. [9629/12]

**The Taoiseach:** I propose to take Questions Nos. 11 to 14, inclusive, together.

On Thursday, 9 February I attended the Invest in Ireland Roundtable in New York organised and hosted by President Bill Clinton. I am deeply grateful to him for his commitment and efforts to support Ireland as the Government intensifies its national recovery efforts. He promised his assistance to Ireland at the Global Irish Economic Forum held in Dublin Castle last October and delivered on this commitment in New York through top level engagement with a range of US investors and companies. This presented a significant opportunity for the Government to highlight improved investment opportunities in Ireland for existing US investors and leading US executives who do not yet have a substantial business interest here.

One clear message from the Invest in Ireland event hosted by President Clinton was that existing investors had faith in Ireland and the Irish people and our capacity to bring about economic recovery. More generally, there was an acknowledgement that Ireland represents a highly attractive investment opportunity and I expect that over the coming period, IDA Ireland will follow up closely on all the contacts made.

The investment round table was followed by a broader Invest in Ireland forum that was hosted by me, the Tánaiste and the Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton. President Clinton also attended and addressed this audience. I briefed members of the Global Irish Network and other friends of Ireland on the round table's outcomes and we discussed further opportunities for deepening economic links between Ireland and the United States. The response again was excellent and I commend all those involved in the Global Irish Network on their ongoing support.

The following week I returned to the United States for a series of further engagements that represented further opportunities to promote Ireland as a place of excellence in which to invest and do business. I also attended a function in aid of the Children's Medical and Research Foundation. Between 15 and 17 February, I visited New York and Boston, where I met more business and political leaders, senior executives of IDA client companies and senior tourism representatives. My key messages were that Ireland is indeed open for business, that the economic strengths which attracted foreign direct investment in the past, in particular from the United States, are even more attractive at present and there never has been a better time for US companies to invest in Ireland and its people, whether they are IDA client companies that already have a presence here and are considering expansion or companies that may be considering investing here for the first time. During my visit, I had meetings in both New York and Boston with senior executives of a number of companies that already have significant investments in Ireland and which employ nearly 10,000 people between them.

[The Taoiseach.]

In New York, I had a meeting with Mayor Bloomberg in City Hall. I also attended the launch of Tourism Ireland's new marketing campaign and met many senior tourism trade representatives who will be marketing Ireland to their client base across the United States. I visited Governor Deval Patrick of Massachusetts, and during our meeting I took the opportunity of inviting him to lead a trade mission to Ireland. I attended a dinner hosted by the American Ireland Fund at which I met a number of senior executives of companies that are leaders in the financial services industry and other sectors. I also attended a business breakfast hosted by the Irish American Partnership and addressed an audience at an event hosted by Enterprise Ireland for business contacts and clients in Boston and the wider Massachusetts area, including companies in the life sciences, ICT, software and financial services industries. My visits to New York and Boston continued the theme of the Invest in Ireland round table and forum, namely, now is the time to invest in Ireland. Similar to the round table event, I was greatly encouraged by the positive responses I received about Ireland and the potential for future investment. In addition to the economic and business focus of my visits, I took the opportunity of my first visit to Boston as Taoiseach to meet the Irish-American community there and to address students at the Harvard Kennedy School of Government on the theme of reasserting Ireland's place in the world.

The Government will continue to ensure that clear and positive messages are conveyed directly to key business and political interests in the United States. It also will use the unique global opportunity of St. Patrick's Day to bring these messages to a wider audience both within the United States and in all our key global markets, namely, now is the time to invest in Ireland's recovery and that we are open for business.

**Deputy Gerry Adams:** Was the Taoiseach watching events at the RDS at the weekend? I do not mean the Fianna Fáil Ard-Fheis.

**The Taoiseach:** At the RDS.

**Deputy Gerry Adams:** Yes. Was Deputy Martin at the RDS?

**Deputy James Bannon:** He was apologising to the nation.

**The Taoiseach:** To which venue does the Deputy refer?

**Deputy Gerry Adams:** I refer to the Working Abroad Expo. Quite a few people commented to me about it and I made a special effort to watch a news clip on it. It was graphic testimony to what is happening in this country in that 5,000 or more, mainly young, people were queueing up to find out whether they could get work elsewhere. It is a sign of where we are and of the great haemorrhage of our youth. That said, it shows up both the challenge facing us and the failure of austerity. However, I wish to especially commend the work the Taoiseach has done in the United States. It is a good initiative that I support fully and warmly commend. I also commend and thank President Clinton for his efforts.

However, because the diaspora thinks and cares about home, there are other ways to get them to connect to us. Perhaps the Taoiseach has had the opportunity to raise the possibilities offered by the proposed constitutional convention. I have made this point previously and have written to the Taoiseach in this regard. The diaspora wants to see the country back on track and wishes to be involved in its recovery. There is a perfect opportunity to involve the diaspora in this regard in order that we are not always simply asking them to do things. Instead, there is an opportunity to give them their rights as citizens to vote in presidential elections and so

on. I note these are rights enjoyed by citizens of other states. I acknowledge the Taoiseach will have the opportunity to so do around St. Patrick's Day but did he raise the issue of Pat Finucane with anyone as he had promised? He had stated he would raise this issue in the United States. Did the Taoiseach have the opportunity and did he raise these two matters?

**The Taoiseach:** I thank the Deputy for his comments regarding the interaction with American business and politics. I also saw the pictures on television showing people who attended the aforementioned expo at the RDS. It is disheartening to see people there, particularly those who are in their 30s and mid-40s, who may be married with families but where unemployment has hit either one or both partners and for whom it is very difficult to make ends meet. This is part of the critical issue faced by the Government and when we get our own public finances in order, clearly we will have more money to invest in important social services such as schools, health or whatever. However, I make the point that I recently visited Cork, where I met representatives of a number of important firms there who informed me there are 800 vacancies in that region for information technology people. Moreover, there are 4,000 vacancies nationwide in the information technology sector. Similarly, I spoke to someone last week who seeks 100 fluent German speakers but such people are not available with the requisite fluency level. This problem was highlighted to me by the French representative at the recent Tripartite Social Summit for Growth and Employment, who told me that although they have 50,000 vacancies in southern France, they do not have the skill mix to meet them. We need an opportunity to discuss these issues rationally in Ireland because the manner in which FÁS used to be structured meant that while it did some good work in a number of areas, it is clear that where people sought particular competencies, they were not always available. In this sense, the change from FÁS to the Department of Education and Skills and the Pathways to Work programme published by the Government hold enormous potential.

I met someone yesterday who has €2 million on the order books and who is seeking money from the bank but the latter has stated it needs that person's house as collateral. This example demonstrates we must have a functioning banking system, which is the reason it is important to bring on stream the legislation for partial loan credit guarantees and the micro-finance agency as effectively as possible. There is nothing wrong in stating we have the wrong skill mix in places. Moreover, there are sectors — not enough, obviously — in which jobs should be filled but those who would fill them are not available from our own resources. This is the reason I commend the Minister for Education and Skills on the range of conversion courses he has put in place. In this context, when we launched the Pathways to Work strategy in the Liberties, it was interesting to talk to people who had been graphic designers, architectural technicians, construction workers or administrative back-up staff but who are changing their career pattern completely with digital training and everything to which that world leads. I have a sense of optimism and hope in this regard.

The Tánaiste and I this week will launch the opportunity for the diaspora to be involved in a global sense in the potential for job creation here in Ireland. I believe the Deputy will find this to be a highly exciting and imaginative proposal, which will be made into a reality, and which came from an entrepreneur here in Ireland. The Deputy will find it to be significant as it will give an opportunity to those who are emigrants abroad or have businesses abroad. One should remember there are 80,000 people employed in Irish-run companies in the United States who may have ideas about job creation here. We will give them this facility, in a digital global sense, to participate in this regard. We discussed the constitutional convention last week and we will have a further meeting on it soon.

I did not raise the issue of the late Pat Finucane when I was in the United States. Most of the meetings in which I was involved related to either business alone or business and politics.

[The Taoiseach.]

I will return to the United States for St. Patrick's Day and I will take the opportunity to raise the matter at that stage in the political forum in which it should be raised. I did not raise it on my recent visit because I was more concerned with dealing with issues such as the economy, our reputational status and the opportunities that exist in respect of investing in Ireland.

President Clinton pointed out that in view of the current demographic in this country — namely, the fact that so many of the population are young — and the potential that exists here, people should give serious consideration to investing in Ireland. Our tax system, talent pool, technological capacity and track record offer an unbeatable package to investors. This package is another reason there is a continuing and strong line of investment from the US — which I welcome — on the part of companies such as PayPal, Ely Lilly, Allergan, etc. It is also responsible for interest being expressed by the Vice President of China. The latter will probably lead the Chinese people, of whom there are approximately 1.4 billion, at some point in the foreseeable future. The Vice President's visit to Ireland was of exceptional significance internationally, particularly as ours was the only country in Europe he visited on his journey home to China. We hope to follow up on what happened last month with a series of visits to China by, for example, Ministers with responsibility for education, the agri sector, jobs and innovation. I hope to take up the Vice President's invitation to visit China at the end of this month.

**Deputy Micheál Martin:** I welcome the comments the Taoiseach repeatedly made in the United States to the effect that the 2011 budget has been central to restoring international confidence in Ireland. I accept that it would be too much to expect the Taoiseach to acknowledge the fact that he voted and then ran an election campaign against that budget.

Does the Taoiseach agree the deep connections which have been built up over the years with major US investors remain strong and were central to many of the key investment decisions that have been taken? In essence, the foreign direct investment strategy that has been pursued for many years continues to ensure a solid pipeline of inward investment, once the fundamentals relating to corporation taxation, structure, skills and the overall environment for facilitating the conduct of business and industry are right. PayPal, for example, has been operating here for some time and I was delighted with Eli Lilly's recent announcement. The latter also made an announcement of this nature in 2006. I ask the Taoiseach to clarify the position but it seems these and other major US investors involved in producing pharmaceuticals, medical devices and technology remain committed to Ireland. Notwithstanding issues which may arise from time to time, the companies to which I refer tend to comment very favourably on their experience in this country. In particular, they tend to comment strongly on the quality of the skillsets among those who work in the industries to which I refer. In the area of the pharmaceuticals industry and in the context of the relationship with the US Food and Drug Administration, FDA, a strong record of compliance has proven to be a key factor in our continuing to attract major investment. Such investments have been made notwithstanding the challenges which the industry faces.

Will the Taoiseach outline what happened at his meeting with the Global Irish Network, a body I established some years ago? There are key individuals on this network who can help us, particularly in respect of the financial services and other sectors of the economy.

Will the Taoiseach indicate if he engaged in discussions with personnel, either political or business, in the United States in respect of the proposals of President Obama and his Administration to alter their country's treatment of the foreign earnings of corporations? Was that matter raised during his visit and did he comment on it? What are the indications emanating from the White House in respect of this proposal?

**The Taoiseach:** I agree that the connections which have been in place for so many years, be they in the areas of art, literature, music, politics, business, economics or trade, remain very strong. I recognise that the process relating to foreign direct investment from the United States has evolved from one where we attracted companies which produced computer hardware to a model where a great deal of computer software is now developed and produced here. Ireland provides both an English-speaking launch pad into Europe and a strong legal base. The Deputy is well aware of this and I recognise his association with helping to develop the process to which I refer. As an agency, IDA Ireland has been superb — in the face of intense worldwide competition for investment — in continuing to promote the structures, environment and skills which exist in this country. In that context, I refer again to the package of the four T's — technology, tax, talent and track record — and the importance thereof.

The chief executive of a major company based in California informed me that it sited its European operations in Dublin not just because of the common language, the corporation tax rate or the fact that this is a young and vibrant city but rather as a result of the passion of young people for their work. He further stated that it is their desire to be able to create the future and to be challenged in doing so, which makes them stand out from any of their peers across the globe. I am sure the Deputy will agree this is something of which we, as Irish citizens, can be very proud.

This morning the Government dealt with the issue of a number of US companies here which traditionally have been able to operate their accounting systems without having extra charges imposed on them by means of double accounting systems. The facility that exists in this regard has been extended.

Deputy Martin established the Global Irish Network, which is an important entity. We hope the network will evolve and change to reflect the new circumstances that exist in the US. President Obama's proposals in respect of tax did not emerge until after my visit to America. During the meetings we had, we asked the business people we met to prove how serious they are with regard to what they are doing in Ireland. A number of questions arose with regard to stability in the context of our 12.5% rate of corporation tax. As the Deputy is aware, the Government has been very clear in respect of this matter. There will be no movement in respect of the rate, which is transparent across the board and which gives rise to an actual effective rate of 11.9%. It is clear that American companies in particular welcome certainty, decisiveness and horizons against which they can plan their business. What we had to say on this matter was very much acceptable to and very much accepted by them.

As the Deputy is aware, this is an election year in the United States. The representatives from a number of companies which are big players in America and which have operations in Ireland also understand that fact. They are aware that if the US Administration were to follow through on its proposals in respect of tax, the process that would have to be undergone would be both long and tortuous. When he visited this country last year, President Obama informed me that while the recommendation was being made, he wanted to make it clear that even if the Administration were to follow through on it, the process relating to it would be very long.

During my visit to the US there was some discussion on the corporation tax rate but the main focus was on the fact that Ireland is very much seen as a country about which people are positive and in which they find it beneficial to invest. We hope to keep the link to which Deputy Martin refers very much alive and to be vibrant and energetic about our work in this regard. We inform those in business in the United States and beyond of the decisions being taken by the Government to assist the business sector here. I found the interaction with those involved in business and politics in the US extremely stimulating in the context of their interest in Ireland as a destination for continued investment in the future. The latter is extremely

[The Taoiseach.]

important, not only with regard to the jobs directly created as a result of such investment but also in the context of the knock-on effect for small and medium enterprises here which can provide supplies and facilities for the companies involved.

**Deputy Micheál Martin:** On skills availability and the 800 placements in the institutes of technology — a matter to which reference has been made for the past five or six months — there are a number of ready-made solutions. It is time for a more hands-on approach from the institutes of technology and the Department of Social Protection to match people with skills. There are people with qualifications who cannot get jobs and there is a mismatch somewhere between the industry on one hand, where there are indications of vacancies that cannot be filled, and people coming to us saying they cannot get a job.

We had this issue before and more than a decade ago we set up a task force for technicians, for example, which involved companies, institutes of technology and the long-term unemployed. We prepared an 18 month programme which got these people off the dole queues and into secure jobs. With a hands-on approach, this could be rectified fairly quickly.

**The Taoiseach:** I agree with this. The Deputy would be aware that there were occasions in the past when a company would seek a forklift driver but would be sent a painter or somebody in an entirely different trade. It is a case for the personnel working in the new sectors, both in the Department of Education and Skills in so far as training is concerned, and in the Department of Social Protection where the categories, competencies and experiences of people are known. They must match these elements.

It is most unfortunate when people say they have looked for a job for two or five years and there is nothing for that person. As the Deputy has correctly noted, if they are asked about experience, competencies and what they would like to do, they can be directed to upskilling or a change of direction. It is a case of being imaginative and responsive to the human resources that exist. Rather than referring to this as a live register issue or the number of people unemployed — that figure is way too high — we should consider the resource of people available for employment. I hope that under the new Pathways to Work scheme and training facility in the Department of Education and Skills, the matches can be attained far more quickly. As the Deputy knows, a job can transform a life and bring a whole new change of attitude and confidence. That is where we must focus our energy and activity for the period ahead.

**Deputy Pat Rabbitte:** When will Deputy Martin fill the job vacancy he has?

**Deputy Gerry Adams:** I once again warmly endorse the work being done in the US and it is a matter of the Taoiseach's judgment what issues he wants to raise. Having said that, it is disappointing that he did not get the opportunity to raise the Pat Finucane case. I find that sometimes these matters do not have to be raised publicly, especially if dealing with people who might not necessarily be involved in politics. It can also be done quietly on the side, which sometimes works as well.

The Taoiseach, uniquely, will have the opportunity on St. Patrick's day to meet President Obama, the US Secretary of State and the leaders in the Senate and the House of Representatives. He will meet leaders in the labour movement, the arts and business across a spectrum of opinion in the US. Geraldine Finucane, who is Pat Finucane's widow, will also be in the US at that time to campaign, as she has done for over 20 years. I suggest this as an opportunity for the Taoiseach to raise this matter very publicly.

There is also the issue of the so-called illegals, the Irish people who, through no fault of their own, have ended up in the US with no status. We have just referred to at least 100,000 people

who have left this country during the Taoiseach's time in the Government. I was in the North on Sunday and there are many other issues of concern there which could usefully be raised. I can drop a note to the Taoiseach on those matters, if that would be helpful.

**The Taoiseach:** One must judge when to raise matters like this. It was not appropriate in the circumstances in which I found myself to raise a matter like the Pat Finucane case in a mixture of business and politics, as it would have been of considerable interest to the political side but not to the business side. These parties would have told the story of investment in Ireland or heard of the opportunities that exist here.

As the Deputy is aware, when I met Geraldine Finucane and her family in Belfast, I undertook to raise this matter when I got the opportunity. I will do so because, as I have said to the Deputy and others in the House on many occasions, at Weston Park the agreement was that irrespective of what Judge Cory would decide, the two Governments would act. In this jurisdiction, the Smithwick tribunal was set up following the judgment. Judge Cory made a clear recommendation that there should be a public inquiry into the murder of Pat Finucane. I have a difference of opinion with the British Prime Minister on this and, as the Deputy knows, he has appointed a Queen's Counsel to consider the matter. When I met Geraldine Finucane and her family, I undertook to raise this with political representatives in the United States, and I will do so.

With regard to the undocumented, I had a good meeting with representatives of the Irish Lobby for Immigration Reform in New York. I also spoke to Senators McConnell and Brown from Boston and I met Senator John Kerry. I spoke to Governor Deval Patrick, who is a close acquaintance of President Obama, about the matter. The Deputy is aware of the efforts being made by Senator Schumer and others. There are two Bills going through the legislative process currently, one from the Democratic side and one from the Republican side. The Democratic end has been sort of cleared but neither side can put this through because they need assistance from each other. Clearly, there are political considerations between New York and Boston and, from a Democratic perspective, the holder of the Senate position in Boston.

There is much conversation and activity between both sides and there is an agreement that it could get through but it would need support from both sides. As I have pointed out, it is not for Ireland to interfere in the wrong place but we would greatly encourage the Senators in putting through this proposition. That would only deal with E3 visas, that is, people who may go to the US in future. Neither Bill going through Congress deals with the limbo in which the undocumented find themselves now. We have discussed that on a number of occasions. As it is a year for presidential elections, I cannot see anything happening of any great significance in respect of the undocumented as it feeds to a much bigger problem for undocumented and illegals from other countries. That brings with it its own political sensitivities, particularly in the southern states in America.

We are very happy to engage with the Irish groups and American politicians in encouraging this work. While I hope that a conclusion can be brought in respect of future E3 visas — that is a good proposition — we will have to revisit after the presidential elections the question of the undocumented, not only for Ireland but other countries as well.

*Written Answers follow Adjournment.*

### **Order of Business**

**The Taoiseach:** It is proposed to take No. 7, motion re referral to joint committee of proposed approval by Dáil Éireann of regulations of the European Parliament and of the Council and of the exercise by the State of the options or discretions in respect of Regulation (EU) No.

[The Taoiseach.]

1077/2011; and No. 3, Euro Area Loan Facility (Amendment) Bill 2012 — Order for Second Stage and Second Stage.

It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 9 p.m. and shall adjourn on the adjournment of Private Members' business which shall be No. 50 — motion re turf cutting, which shall take place on the conclusion of the opening speeches of No. 3 or at 7.30 p.m., whichever is the later, and adjourn after 90 minutes; No. 7 shall be taken immediately on the conclusion of Order of Business and shall be decided without debate; the proceedings on Second Stage of No. 3 shall, if not previously concluded, be brought to a conclusion at 6.30 p.m tomorrow, and the proceedings on the Committee and Remaining Stages shall, if not previously concluded, be brought to a conclusion at 7.30 p.m. tomorrow by one question, which shall be put from the Chair and which shall, in regard to amendments, include only those set down or accepted by the Minister for Finance. Private Members' business shall be No. 50, motion regarding the cutting of turf.

**An Ceann Comhairle:** There are three proposals to be put to the House. Is the proposal that the Dáil shall sit later than 9 p.m. agreed to? Agreed. Is the proposal for dealing with No. 7 without debate agreed to? Agreed. Is the proposal for dealing with No. 3 agreed to? Agreed.

**Deputy Micheál Martin:** I wish to raise a number of items. Maidir le Bille na Gaeltachta, tá sé ar intinn ag an Rialtas deireadh a chur le toghcháin Údarás na Gaeltachta ach cathain a mbeidh an Bille sin ag teacht ar an bhfód? Bunaíodh comhchoiste Chomh-aireachta na Gaeilge anuraidh ach níor tháinig sé le chéile ach faoi dhó. Is oth liom é sin a rá mar léiriú sé easpa thiomántais don Ghaeilge laistigh den Rialtas. An féidir leis an Taoiseach labhairt faoi sin?

Maraon le sin, amárach beidh díospóireacht tré Ghaoluinn againn. Táimid ag lorg níos mó ama, i gcomhthéacs na díospóireachta sin, mar is mian le roinnt úrlabhraithe ráitis a thabhairt don Dáil amárach. Iarraim an an Taoiseach é sin a dhéanamh, más féidir. We urge the Taoiseach to debate the sale of assets on Thursday for two hours. There has been a consistent and sustained campaign by Labour Party Members of Government to misrepresent the origins of this strategy. The Taoiseach knows well it has been his party's policy for many years to sell State assets to fund the NewERA plan. Will the Taoiseach confirm whether he will be available in the Chamber on Thursday to explain this to his Labour Party colleagues. Will he consider making more time available to discuss this issue? People feel the timeframe for the statements on the issue is very constrained.

**Deputy Gerry Adams:** Tá an cheist chéanna agam agus a chuir an Teachta Martin faoi Bhille na Gaeltachta. Cén uair a mbeidh sé againn?

**The Taoiseach:** Cuireadh cinn línnte an Bhille sin os comhair an Rialtais cupla seachtain ó shin agus tá an obair ar siúl faoi láthair. Tabharfar isteach é in am do chur i gcrích chóras nua Údarás na Gaeltachta agus in am do bhaill nua an údaráis a cheapadh, i dtreo is go mbeimid in ann déileáil lena chuid oibre as seo amach.

**Deputy Micheál Martin:** Cén fáth go bhfuil an Rialtas á dhéanamh sin? Nach droch scéal atá ann, i ndáiríre?

**The Taoiseach:** Ní droch scéal é ar chor ar bith. Tá a fhios mhaith ag an Teachta Martin go mbeidh údarás ann agus go mbeidh cumhachtaí faoi leith ag an údarás.

**Deputy Micheál Martin:** Ní bheidh aon chumacht ag an ghnáth dhuine.

**The Taoiseach:** Ó thaobh shábháilt airgid de, sílim gur maith an rud é seo. Beidh an t-Aire Stáit ag teacht isteach leis an mBille agus beidh díospóireacht ann faoi.

**Deputy Micheál Martin:** An féidir leis an Taoiseach an Bille sin a chur ar ceal? Bhéadh sin i bhfad níos fearr do mhuintir na Gaeltachta. Tá siad ar buille faoi seo.

**The Taoiseach:** Tá a fhios agam go mbíonn muintir na Gaeltachta agus muintir gach uile áit eile ar buile faoi nithe de shaghas éigin an t-am ar fad. Bím féin ag caint leo go minic faoi sin.

Maidin amárach, ó thaobh seachtain na Gaeilge agus lá na Gaeilge de, tá Gaeilge mhaith ag an Teachta Martin agus ag an Teachta Adams, cé nach dtuigim gach uile fhocal a labhraíonn an Teachta Adams, leis an chanúint faoi leith atá aige.

**Deputy Gerry Adams:** Aithníonn ciaróg ciaróg eile.

**The Taoiseach:** Beidh ceisteanna as Gaeilge. Más mian le Teachtaí go gcaithfear níos mó ama ar an díospóireacht déanfar sin gan deacracht ar bith.

The Government has made a collective decision on the sale of State assets. The Minister, Deputy Howlin, will speak with coherence——

**Deputy Dara Calleary:** As Gaeilge?

**The Taoiseach:** ——and conviction in respect of this matter on behalf of the Government.

**Deputy Micheál Martin:** For his Labour Party colleagues?

**The Taoiseach:** We will be very happy to extend the time if Deputies feel more time is warranted.

**Deputy Micheál Martin:** Will the Taoiseach explain to the Minister Fine Gael's long-term commitment to this in its policy? Does the Labour Party understand and realise this?

**The Taoiseach:** Ministers of the Labour Party are very articulate——

**Deputy Dara Calleary:** Era Nua.

**Deputy Micheál Martin:** Ar thuig siad gur Era Nua a bhí i gceist ag an Taoiseach féin?

**The Taoiseach:** ——and they understand the details of the policies of their partners in government.

**Deputy Eric Byrne:** Fianna Fáil nua.

**Deputy Micheál Martin:** Tá sean-taithí ag an Teachta Byrne ar páirtithe nua. Bhí sé chinn is dócha, ó Sinn Féin the Workers Party go dtí Democratic Left, go dtí the Workers Party, go dtí Páirtí an Lucht Oibre.

**An Ceann Comhairle:** I call Deputy Adams. Deputy Martin, please.

**Deputy Micheál Martin:** Gabh mo leithscéal.

**Deputy Gerry Adams:** Tá mé an-sásta go mbeimid ag díospóireacht i nGaeilge amárach. An Teachta Aengus Ó Snodaigh a mhol an rúin sin.

**Deputy Brendan Howlin:** He circulated it widely.

**Deputy Micheál Martin:** Did he issue a leaflet on it?

**Deputy Gerry Adams:** Tá a fhios ag an Taoiseach go ndéanaim féin mo dhícheall caint i nGaeilge achan lá, anseo agus taobh amuigh den áit seo mar is le mo chroi an Ghaeilge. Tá ceist agam faoi reachtaíocht atá forógraithe.

So far the Taoiseach has refused to say when the Bill on the referendum will come before the Dáil. However, there are three related pieces of promised legislation, namely, the fiscal responsibility Bill, the treaty establishing the European stability mechanism Bill and the European Communities Act 1972 (amendment) Bill. Will the Taoiseach tell us when these will come before the Dáil? When does the Taoiseach expect the referendum commission to be established? Has he selected a chair?

**The Taoiseach:** Tá a fhios agam go ndéanann an Teachta Adams tréan iarracht Gaeilge a labhairt anseo gach seachtain. Tacaím go mór le sin. Anois is arís ní thuigim go díreach céard atá i gceist aige, leis an chanúint faoi leith atá aige.

**Deputy Micheál Martin:** Tuigeann an Taoiseach all right.

**The Taoiseach:** Sin an sort Gaeilge atá aige. Gaeilge an iarthair atá agam agus Gaeilge na Mumhan atá ag an Teachta Martin. Bliain ó shin bhí díospóireacht as Gaeilge idir cheannairí na bpáirtithe, agus ba mhaith an rud é sin. Níl an Tánaiste anseo faoi láthair, ach bhí díospóireacht iontach idir an cheathrar againn. B'shin an chéad uair ariamh a tharla sé sin. Ba mhaith an rud é. Gabhadh an Teachta Adams mo leithscéal mar, anois is arís, ní thuigim go díreach míniú a chanúna.

**Deputy Gerry Adams:** Tuigim sin.

**The Taoiseach:** The fiscal responsibility Bill is something the Minister for Finance will bring forward in respect of the issues in the stability treaty that need to be put into legal effect. The Minister is working on this and it will be produced in the reasonably near future; I cannot give a specific date but work is under way.

I do not have a date for the Deputy in respect of the European Communities Act 1972 (amendment) Bill he mentioned.

As I said to Deputy Martin, next week the Government will again consider the preparation of a referendum Bill and the appointment of a referendum commission and its chair. No decision has been made on the chair, the appointment of the referendum commission or the Bill, but work will proceed on some aspects of them this week. We will inform the House next week on progress made.

**Deputy Gerry Adams:** Go raibh maith agat.

**Deputy Robert Troy:** What is the current status of the Construction Contracts Bill 2010? The Taoiseach will appreciate it is important legislation for sub-contractors to ensure they are paid for work completed. When will it come before the House? Is it possible to amend the Bill to ensure State jobs to be awarded are awarded to Irish contractors?

**The Taoiseach:** In respect of the final comment there are European requirements with regard to tenders as the Deputy knows, as contracts over a certain amount must go to European tender. The contractors Bill of which the Deputy speaks is important. It has been approved by Government. I understand the Whip is making arrangements to bring it before the House before the end of the month.

**Deputy Dara Calleary:** The Taoiseach may not have heard but the incoming president of the Irish Hotels Federation has pointed to the lack of credit as a major problem in his industry. We all know this. When will the legislation for the credit guarantee scheme come before the House?

**The Taoiseach:** It is a number of weeks away. I answered questions put by Deputy Martin on this in recent weeks. I hope it will come before the House in four or five weeks but I cannot give the Deputy an accurate date. I wish to point out to the Irish Hotels Federation that the Government is well aware of the infrastructure that exists for quality tourism in the country. This is why the PRSI rate was reduced and VAT was reduced in the hospitality sector. We hope events such as the tall ships, the Volvo race and the Titanic centenary celebrations in Cork will add immeasurably to this. Next year we will have The Gathering which has enormous potential to bring back people to the homeland. We are also preparing for a Davos-style forum for the creative and imaginative arts in 2014 which should have a big global impact for Ireland.

Next year, Derry will be the city of culture and will host the Fleadh Cheoil, which will have an enormous impact on tourism.

**Deputy Micheál Martin:** Will the Fleadh Cheoil improve access to credit?

**The Taoiseach:** I take the issue of the Irish Hotels Federation and their business about credit. I note that a hotel with 50 rooms sold for €650,000 the other day. While the bank involved did not make the call in time to the new owner, whom I congratulate, he was able to make arrangements to buy the property. We will see a focus on this issue in a couple of weeks.

**Deputy Barry Cowen:** On the health (pricing and supply of medicines) Bill, which will allow generic drugs into the General Medical Services scheme, given the targeted savings referred to in the budget, will the Taoiseach outline when the legislation is expected?

**The Taoiseach:** As I do not have an accurate date, I will have the Minister for Health revert directly to the Deputy.

**Deputy Derek Keating:** The Taoiseach may be aware that the Health Information and Quality Authority, HIQA, determined today that the protection and security of children at an institution in Ballydowd was unacceptable. Does the Taoiseach consider that additional legislation would be helpful or necessary to address this matter?

**An Ceann Comhairle:** That is not a matter for the Order of Business. I suggest the Deputy table a parliamentary question on the issue or raise it as a Topical Issue matter.

**Deputy Brendan Ryan:** Many people are awaiting the enactment of the spent convictions Bill, which features on the A list of the legislative programme. People who got into trouble several years ago and have not been in trouble since are experiencing difficulties obtaining certain types of employment. They are awaiting an opportunity to work their way out of these difficulties. I ask the Taoiseach to have this legislation expedited. It will, I believe, receive all-party support.

**The Taoiseach:** The Deputy refers to an important Bill which is due for publication and will be brought to the House in this session.

**Deputy Dara Calleary:** On a point of order, the Spent Convictions Bill I introduced to the House is on the Order Paper. We are waiting for the Minister to produce amendments.

**The Taoiseach:** They tell me Deputy Calleary applied for another position on that side of the House. I am not sure if he will be given consideration by Deputy Martin.

**Deputy Barry Cowen:** It does not depend on the enactment of the Spent Convictions Bill.

**Deputy Dara Calleary:** I am not worried about having any convictions spent.

**The Taoiseach:** The Deputy can take it that I will look after matters. He will be all right.

### Scrap and Precious Metal Dealers Bill 2011: Second Stage (Resumed)

**An Ceann Comhairle:** Last Friday a division was challenged on the question that the Scrap and Precious Metal Dealers Bill 2011 be read a Second Time. That division must take place now.

Question put:

The Dáil divided: Tá, 43; Níl, 92.

Tá

Adams, Gerry.  
Boyd Barrett, Richard.  
Broughan, Thomas P.  
Calleary, Dara.  
Collins, Joan.  
Colreavy, Michael.  
Cowen, Barry.  
Crowe, Seán.  
Daly, Clare.  
Doherty, Pearse.  
Donnelly, Stephen S.  
Dooley, Timmy.  
Ferris, Martin.  
Flanagan, Luke 'Ming'.  
Fleming, Sean.  
Fleming, Tom.  
Healy, Seamus.  
Healy-Rae, Michael.  
Kelleher, Billy.  
Kirk, Seamus.  
Kitt, Michael P.  
Mac Lochlainn, Pádraig.

Martin, Micheál.  
McConalogue, Charlie.  
McDonald, Mary Lou.  
McGrath, Finian.  
McGrath, Michael.  
McLellan, Sandra.  
Murphy, Catherine.  
Ó Caoláin, Caoimhghín.  
Ó Cuív, Éamon.  
Ó Fearghaíl, Seán.  
Ó Snodaigh, Aengus.  
O'Brien, Jonathan.  
O'Dea, Willie.  
O'Sullivan, Maureen.  
Pringle, Thomas.  
Ross, Shane.  
Smith, Brendan.  
Stanley, Brian.  
Tóibín, Peadar.  
Troy, Robert.  
Wallace, Mick.

Níl

Bannon, James.  
Barry, Tom.  
Breen, Pat.  
Burton, Joan.  
Butler, Ray.  
Buttimer, Jerry.  
Byrne, Catherine.  
Byrne, Eric.  
Cannon, Ciarán.  
Carey, Joe.  
Coffey, Paudie.  
Collins, Áine.  
Conlan, Seán.  
Connaughton, Paul J.  
Conway, Ciara.  
Coonan, Noel.  
Corcoran Kennedy, Marcella.

Coveney, Simon.  
Creed, Michael.  
Daly, Jim.  
Deasy, John.  
Deenihan, Jimmy.  
Deering, Pat.  
Doherty, Regina.  
Donohoe, Paschal.  
Dowds, Robert.  
Doyle, Andrew.  
English, Damien.  
Farrell, Alan.  
Feighan, Frank.  
Fitzgerald, Frances.  
Fitzpatrick, Peter.  
Flanagan, Charles.  
Flanagan, Terence.

Níl—*continued*

Gilmore, Eamon.	Mulherin, Michelle.
Griffin, Brendan.	Murphy, Dara.
Harrington, Noel.	Murphy, Eoghan.
Harris, Simon.	Nash, Gerald.
Hayes, Brian.	Naughten, Denis.
Hayes, Tom.	Neville, Dan.
Heydon, Martin.	Nolan, Derek.
Howlin, Brendan.	Noonan, Michael.
Humphreys, Heather.	Nulty, Patrick.
Humphreys, Kevin.	O'Donovan, Patrick.
Keating, Derek.	O'Mahony, John.
Keaveney, Colm.	O'Reilly, Joe.
Kehoe, Paul.	Perry, John.
Kelly, Alan.	Phelan, Ann.
Kenny, Enda.	Phelan, John Paul.
Kenny, Seán.	Quinn, Ruairí.
Kyne, Seán.	Ryan, Brendan.
Lawlor, Anthony.	Shatter, Alan.
Lynch, Ciarán.	Shortall, Róisín.
Lyons, John.	Spring, Arthur.
Maloney, Eamonn.	Stagg, Emmet.
Mathews, Peter.	Stanton, David.
McCarthy, Michael.	Timmins, Billy.
McFadden, Nicky.	Tuffy, Joanna.
McHugh, Joe.	Twomey, Liam.
McLoughlin, Tony.	Varadkar, Leo.
McNamara, Michael.	Wall, Jack.
Mitchell, Olivia.	Walsh, Brian.
Mitchell O'Connor, Mary.	White, Alex.

Tellers: Tá, Deputies Catherine Murphy and Seán Ó Fearghail; Níl, Deputies Emmet Stagg and Paul Kehoe.

Question declared lost.

### **EU Regulations: Referral to Joint Committee**

**Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe):** I move:

That the proposal that Dáil Éireann approves:

(a) the exercise by the State of the option or discretion under Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, to take part in the adoption and application of the following proposed measures:

(i) proposal for a Regulation of the European Parliament and of the Council establishing, for the period 2014 to 2020, the Justice Programme, a copy of which was laid before Dáil Éireann on 21st December, 2011;

(ii) proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund, a copy of which was laid before Dáil Éireann on 12th December, 2011;

(iii) proposal for a Regulation of the European Parliament and of the Council laying down general provisions on the Asylum and Migration Fund and on the instrument

[Deputy Paul Kehoe.]

for financial support for police cooperation, preventing and combating crime, and crisis management, a copy of which was laid before Dáil Éireann on 12th December, 2011;

(iv) proposal for a Regulation of the European Parliament and of the Council establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management, a copy of which was laid before Dáil Éireann on 21st December, 2011; and

(v) insofar as the measure relates to the operational management of EURODAC, established by Council Regulation (EC) No. 2725/2000,

Regulation (EU) No. 1077/2011 of the European Parliament and of the Council establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, a copy of which was laid before Dáil Éireann on 11th January, 2012; and

(b) the exercise by the State of the option or discretion, provided by Article 4 of Protocol No. 19 on the Schengen *Acquis* integrated into the Framework of the European Union annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, to request a decision of the Council of the European Union that the State shall take part in the following measure to the extent that it relates to the operational management of the Visa Information System (VIS), the establishment, operation and use of which are governed by Decision 2004/512/EC, Regulation (EC) No. 767/2008 and Decision 2008/633/JHA, and the parts of the second generation Schengen Information System (SIS II) governed by Regulation (EC) No. 1987/2006 in which Ireland does not participate:

Regulation (EU) No. 1077/2011 of the European Parliament and of the Council establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, a copy of which was laid before Dáil Éireann on 11th January, 2012,

be referred to the Joint Committee on Justice, Defence and Equality, in accordance with Standing Order 82A(4)(j), which, not later than 13th March, 2012, shall send a message to the Dáil in the manner prescribed in Standing Order 87, and Standing Order 86(2) shall accordingly apply.

Question put and agreed to.

### 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 Michael Healy-Rae — the establishment of Irish Water; (2) Deputy Robert Dowds — the industrial dispute currently taking place at Eddie Stobart hauliers, Ballymun, Dublin; (3) Deputy Derek Keating — the need to address the issue of inappropriate television advertising; (4) Deputy Simon Harris — the need to introduce measures to support retailers in combatting fraudulent online purchases; (5) Deputy Denis Naughten — the need to review the decision to destroy newborn screening cards; (6) Deputy Patrick O'Donovan — the future participation of Irish citizens who are overseas in referendums and elections; (7) Deputy Nicky McFadden — illegal dumping and the responsibility of landlords and local councils; (8) Deputy Peter Mathews — the need to raise at the governing council of the ECB on 8 March a write

off of the emergency liquidity assistance provided by the Central Bank of Ireland to IBRC; (9) Deputy Peadar Tóibín — the loss of essential skills to the economy and loss of a generation to the nation through increased emigration; (10) Deputy Seán Crowe — the impact of the ending of the bin waiver for customers in the South Dublin County Council area; (11) Deputy Thomas P. Broughan — the need for an independent child care expert to assess the needs of a person (details supplied) in Dublin 5; (12) Deputy Noel Harrington — the negotiations regarding the management of the Atlantic mackerel stock; (13) Deputies Eric Byrne, Charlie McConalogue, Billy Kelleher and Mick Wallace — the provision of adequate hospital services for sick children; (14) Deputy Thomas Pringle — the lack of availability of one and two bedroom apartments in rural areas; (15) Deputy Mary Lou McDonald — the need to address the loss of 41 long-term care beds at St. Mary's Hospital, Phoenix Park, Dublin; (16) Deputies Joanna Tuffy and Robert Troy — the need for reform of the blasphemy law in Pakistan; (17) Deputy Seamus Healy — the need to reverse the loss of eight teaching posts at Presentation primary school, Carrick-on-Suir, County Tipperary; (18) Deputy Michael McNamara — the need to consider that rents collected by local authorities from their tenants, should be deducted at source; (19) Deputy Niall Collins — the recently submitted plans to redevelop the Dolphin's Barn flat complex, Dublin; (20) Deputy Seamus Kirk — the need to initiate discussions with the EU Commission regarding milk quota super levies; (21) Deputy Olivia Mitchell — the need to include graduate but unregistered architects in the JobBridge scheme; (22) Deputy Barry Cowen — the decision by Bord na Móna workers to take industrial action over a national wage agreement; (23) Deputy Brendan Smith — the need to attract highly qualified young people to the teaching profession particularly in view of the impact of the review of teacher allowances in budget 2012; (24) Deputy Timmy Dooley — the need to discuss the Booz report on airports here; and (25) Deputy Richard Boyd Barrett — the proposal to transfer 2000 residential units from NAMA to local authorities for leasing.

The matters raised by Deputies Seamus Kirk, Noel Harrington, Eric Byrne, Charlie McConalogue, Billy Kelleher and Mick Wallace and Denis Naughten have been selected for discussion.

### Topical Issue Debate

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#### Milk Quota

**Deputy Seamus Kirk:** I am grateful to the Ceann Comhairle for the opportunity to raise this matter. The end of the month, 31 March, is looming for many hard working, progressive dairy farmers throughout the country. Unfortunately, a hefty milk quota super levy bill is also looking for them because of the inflexible position within the industry. As Deputies representing rural constituencies will be aware, the milk quota regime is due to be phased out between now and 2015 and while a minor transitional arrangement is in place to cater for it, it is clearly inadequate. The previous Minister, Deputy Brendan Smith, introduced the Food Harvest 2020 strategy, which set ambitious targets for the dairy industry. Dairy farmers who are in the process of expanding their operations now find that they have to tailor production to meet the strict milk quota limits. At a time when the industry is reasonably buoyant, with the potential to help our export statistics, dairy farmers find themselves seriously constrained by the prospect of a penal super-levy bill. I would have thought progress could be made by the Minister for Agriculture, Food and the Marine on a bilateral arrangement with the United Kingdom. This issue has been raised in the House from time to time, certainly in the past 12 months or so. It is quite ironic that there is probably unused super-levy quota on this island — in Northern Ireland — which should be available to dairy farmers south of the Border, but it is not. I ask the

[Deputy Seamus Kirk.]

Minister to initiate a concerted effort, now that we are well into the month of March and coming to the end of the market season, to prevail on the Commission to agree, even just for this year, to a bilateral arrangement under which unused quota in the North of Ireland would be made available to help our hard-pressed farmers who are on the edge as far as production is concerned. There is no logical reason we cannot have a bilateral arrangement with the United Kingdom.

At a time when the economy could benefit from a lift in primary production such as in the dairy sector, this seems an obvious area in which to introduce an initiative. It could help the economy, dairy farmers and the industry in general. I am glad the Minister is in the House to deal with this issue because I am sure he appreciates, on a personal level, the serious difficulties being faced by farmers. I await his answer.

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I thank the Deputy for raising this issue which is indeed topical. During the past 12 months my Department and I have been active in raising the question of an adjustment to the milk quota regime at political, official and Commission level and have made determined efforts to secure a soft landing for all member states in the lead-up to milk quota abolition in 2015. I have discussed the matter extensively with other EU agriculture Ministers, including in bilateral meetings with my Danish, French, German, Estonian and UK counterparts. Furthermore, officials from my Department have raised the issue at every available opportunity at appropriate EU meetings in the past eight months or so and at bilateral meetings with other member states.

Among the options discussed with regard to a soft landing were the front-loading of the remaining quota increases between now and 2015, a reduction in super-levy fines, a further reduction in butterfat correction levels and a EU flexi-milk arrangement which would operate provided EU production overall was within quota. Most attention was focused on butterfat correction. In December a coalition of member states involving Ireland, Denmark, the Netherlands, Belgium and Cyprus formally put a specific proposal to the Special Committee on Agriculture for an adjustment to the butterfat correction mechanism. That would have given us flexibility of about 1.5% in our quota. Unfortunately, the Commission has consistently resisted attempts to reconsider this issue, as it has resisted attempts to revisit the outcome of the 2008 CAP health check agreement in an overall sense. This is something to which the previous Government signed up, but, unfortunately, it has not worked out.

The extent of the difficulties in terms of the potential for super-levy fines this year was confirmed today on the front of the Farming section of the *Irish Independent*. It was reported that Copa-Cogeca had secured agreement on a common position calling for a reduction in butterfat adjustment levels. It seems, however, that this is not the case; unfortunately, the report is not accurate, according to my information.

It is important to address the particular question the Deputy asked. This is not the first time I have addressed it, as he has spoken on this issue before. If we had been able to establish a bilateral arrangement with the United Kingdom under which we could use unused quota from Northern Ireland, we would have done it months ago. Unfortunately, however, such an arrangement cannot be made between member states. We have an agreed health check policy that was supposed to provide a soft landing for countries in advance of 2015, but it is certainly not achieving this for at least five countries within the European Union. We will have a review of that soft landing policy towards the end of the year which the Commission will be facilitating and I will have an opportunity to raise all these issues again. In the meantime, we are trying to achieve agreement on a butterfat correction which would at least allow some flexibility and

help to keep us within quota, but it has not been possible to get agreement on it either, mainly because France and Germany are opposed to it.

In terms of lobbying, there is a need to put together a strong coalition in order that the concerns of countries such as Ireland, Denmark, the Netherlands, Belgium and Cyprus, with a number of others, are taken seriously. If it were as easy as simply saying, “Farmers in the UK are not using their full quota, and we need more quota, so we can just take some of theirs,” we would have done this long ago. Unfortunately, it is not legally possible to do it. As much as many of us in this House would like Northern Ireland to be part of the Republic of Ireland, it is not. It is considered to be a separate jurisdiction and countries cannot transfer national quota across borders. I would like us to be able to do this, but it is not possible. I will continue to raise this issue — in fact, at my next Council meeting I intend to raise it under the heading of any other business — and we will continue to push for more flexibility.

**An Leas-Cheann Comhairle:** I will give the Minister a further two minutes after Deputy Kirk has spoken.

**Deputy Simon Coveney:** I will finish on this point. Farmers must take responsibility for themselves in the meantime. At the end of 2011 they were just under quota, but there is a significant danger that if they produce as much milk in the first three months of this year as they did last year, they will be significantly over quota and super-levy fines will be applied at 28 cent a litre. This is a significant fine for any dairy farmer who is over quota. I caution farmers to continue to do what they have been doing, that is, to act responsibly to try to remain within quota.

**Deputy Seamus Kirk:** The Minister is right in saying Deputies have raised this issue a number of times in the House. That it has been raised is a reflection of the fact that constituents are asking what is being done about the matter and whether progress cannot be made on it. They find it hard to comprehend unused quota down the road cannot be transferred. In the case of my constituency of Louth it may well be that there are dairy farms in the next county with unused quota. Farmers cannot comprehend the position that quota cannot be transferred, given that Ireland and the United Kingdom are within the same economic zone in the European Union.

I am looking at this issue from the point of view of the transitional arrangements between now and 2015. There is no question but that the economy could benefit from the significant exports represented by even a 5% or 10% increase in milk production in Ireland. I am sure the Minister for Finance would very much appreciate the increased revenue and also the improved balance of trade statistics. There is a demand on the world market for this product and we do need a transitional arrangement. There is no point in saying that today, in March 2012, we can have a production level of such and such, as in two years time the production level is expected to be increased.

**Deputy Simon Coveney:** That is exactly what the last Government signed up to.

**Deputy Seamus Kirk:** Given the nature of the dairy industry, it is not going to work. We need a realistic transitional arrangement. I am not expecting the European Union to just open the floodgates and allow us to produce milk *ad infinitum*, but we need a transitional arrangement to allow the industry to expand on an orderly, planned basis.

**Deputy Simon Coveney:** I do not want to take a political view, but the milk health check was signed up to by the previous Government to achieve what the Deputy would like to see, a soft landing in the transition from a quota to a non-quota system. With the benefit of hind-

[Deputy Simon Coveney.]

sight, it has not worked. It does not matter at this stage whose fault that is, we must change it and I will try to do that. The Deputy has been in politics a long time; he knows we cannot just order the European Commission to do something. There must be agreement among a qualified majority of member states for a change to a health check that was voted through and agreed by everyone.

In the Commission's eyes, the Republic of Ireland availing of excess quota in Northern Ireland is no different from Luxembourg using excess Belgian quota. Unfortunately, it sees it as two different jurisdictions. I must impress on my colleagues at the Council of Ministers that the soft landing is not working and a number of countries support that position. Unfortunately there are not yet enough to have a blocking minority to force a change of policy. The Commission says if we want to raise this issue, it is up to member states to do it and we are doing that at every possible opportunity.

I would like Ireland to have the capacity to slowly increase milk production between now and 2015 in order that we do not have a situation where we are operating within the reins of a quota system that just gets released after April 2015, resulting in a 15% to 18% increase over a 12 month period in the volumes of milk produced in Ireland. Supply problems would result from that in terms of dealing with that increased quantity and there is potential for price problems as a result of that significant increase, which is not in anyone's interest across the EU. We need a transition where there is a gradual increase in the volume of milk produced across the European Union in countries that want to produce more and we should be able to facilitate that at a time when the EU quota for milk is about 5% to 7% under quota.

Five countries were fined last year for being over their quota; Ireland was just under. I hope this year we will be just under again but farmers must behave responsibly for the remaining weeks for that to happen. In the meantime, we will continue to work politically to find ways to be more flexible and change the soft landing approach between now and 2015, using the review mechanism at the end of the year to do that.

### **Mackerel Fisheries**

**Deputy Noel Harrington:** The Minister will be aware of the issues involved and I support him in his efforts to have this situation in the north-east Atlantic mackerel fishery resolved as soon as possible.

The Faroe Islands and Iceland have a share of north-eastern Atlantic quota for mackerel that was agreed between the nations and the EU at 6% of the total allowable catch in the north-east Atlantic. Unfortunately, they are now harvesting a further 300,000 tonnes per annum over and above the agreement, 45% of the TAC in this fishery, or six times the agreed allowance. Putting that in context, the Irish mackerel quota is about 68,000 tones.

The mackerel fishery is worth €125 million in a €1 billion fishing industry. It is a cause of huge concern for the present industry and, if it continues, the danger exists that the sustainable mackerel stock will be wiped out in the north-east Atlantic because of overfishing by these two nations. The breach of the fisheries agreements may cost the Irish fishing industry between €10 million and €15 million in potential TAC adjustments. Abusing the quotas in this way by breaking all international agreements on mackerel quotas can be regarded only as modern day piracy.

This abuse illustrates an irresponsible and barefaced disregard for the rules set down by the European Union, Faroe Islands and Iceland. This cannot be allowed to go unchecked. If states feel there is no fall-out from breaches of this nature, what incentive is there for them to stay within the guidelines? The situation is detrimental for Irish fishermen.

Last year I called for the resolution of this matter and, in the absence of progress, the adopting of sanctions against the Faroe Islands and Iceland, beginning with trade sanctions at the least. I am now asking the Minister to consider further measures, including the possible suspension of accession talks with Iceland. Five rounds of talks have taken place in the past two years in Clonakilty, London, Brussels, Norway and Iceland but so far very little progress has been made. A sixth round of talks is scheduled for the next ten days and there should be no further trade-off on this issue. It is a smash and grab on limited fish stocks by two countries that have overfished their traditional fishing grounds by ignoring traditional conservation methods. They are taking 1,000 tonnes per day more than they should from sensitive and finely balanced and managed fish stocks. I have called for sanctions to be imposed on these countries since December and I understand the Minister will also press for immediate and hard sanctions against these countries.

An EU-sponsored fish factory is being built on the Faroe Islands capable of processing 1,000 tonnes per day. It is regrettable that negotiations conducted by the Commission are treated with scepticism by Irish fishermen because they are worried about the resolve of the Commission. We need a strong approach to this.

We are entering a new troika on 1 July in advance of Ireland's assumption of the EU Presidency on 1 January 2013. In the next 12 months we will have some power to bring these negotiations to a speedy conclusion, hopefully before we assume the Presidency.

**Deputy Simon Coveney:** I thank the Deputy for raising the issue. It will not come as news to him that this has caused me a great deal of concern. Mackerel is the most valuable fish stock for the Irish fishing fleet and prices for it are at an all time high, between €1,400 and €2,000 per tonne. After Scotland, Ireland has the second highest quota of mackerel to catch in the European Union in the waters referred to here. Mackerel, therefore, is the most important fish stock for our industry. The stock we rely upon is being damaged significantly by irresponsible and arguably illegal fishing by two countries, Iceland and the Faroe Islands.

I do not say that lightly. This has been going on for some time. The European Union has tried, with Norway, because there is an arrangement between the EU, Norway, the Faroe Islands and Iceland, to manage this mackerel stock in a sustainable way. This has been one of the great success stories of European fisheries because we have seen the fish stock grow and many people in Ireland have made a living out of catching it, but we are now seeing an ignoring of a sustainable management system for this stock.

It is true to say mackerel stocks in western waters have moved north into Faroese and Icelandic waters. We must negotiate a fair quota settlement with those countries. Unfortunately, however, what has happened is that there has been no sign of a willingness, particularly from the Faroe Islands but also, more recently, from Iceland, to do any sort of a reasonable deal with the European Union and Norway and, as a result, nearly half of the entire mackerel stock is being caught in Icelandic and Faroese waters, despite the fact that combined, they had less than 6% of the agreed quota until recently. Now, both of these countries catch more fish than Ireland, the second largest of the European countries in terms of this stock.

The European Union must show some teeth. Iceland is in the process of looking for EU accession. I hope it is successful in that regard. However, I believe the mackerel issue needs to be resolved to the satisfaction of all the countries concerned, including Iceland, before the fisheries chapter of that accession process opens. We have to come to a conclusion in terms of quota allocation with the Faroe Islands. It seems the view that is being taken politically is that in the absence of an agreement, fishermen should physically catch as much fish as they possibly can until such an agreement is forced on them. Both Iceland and the Faroe Islands are catching

[Deputy Simon Coveney.]

more than 150,000 tonnes of this stock, which is way above sustainable levels. Some time ago, I requested at Council of Ministers level that we introduce a mechanism whereby trade sanctions could be imposed against Iceland and the Faroe Islands in relation to fish and fish products. The European Commission and other member states agreed with me. The Commission has come up with a mechanism whereby that can be done. I will push it to use that mechanism to force a much more serious negotiation between the member states and the associated states that are doing so much damage to a valuable stock that we have all worked hard to protect.

**Deputy Noel Harrington:** I thank the Minister for his response. We are aware the Minister and the officials in his Department are taking this issue seriously. He has brought the matter to the European Commission with great force. The EU fisheries industry is not entirely clean in this regard, regrettably, as these breaches are being supported by vessels that departed the EU fisheries register to help the Icelandic and Faroese industries to process large amounts of fish. They do not have the capacity to process such amounts of fish without the help of individual companies within the EU. It is regrettable that they are being facilitated by EU companies. It will complicate issues when the negotiations mentioned by the Minister take place. I am very hopeful that the Commission will show its teeth when it uses this process and this instrument to propose sanctions against Iceland and the Faroe Islands. I hope the Commission will force those countries to honour the fisheries agreements into which they have entered.

It has to be noted that Iceland has form in this regard. I imagine that Irish people looked on with great glee when Iceland took on the UK in the cod wars of the 1950s and 1970s. Now that we are the victims of what is happening in Iceland, it is not as funny anymore. People in this country looked on nonchalantly and thought it was okay when Iceland took on our neighbours across the water in the UK and virtually wiped out fishing towns like Grimsby and Hull. We are now being directly affected by Iceland's efforts to uphold what it sees as its rights. As the Minister quite rightly said, Iceland agreed to total allowable catches to support and enhance sustainable fisheries for future generations. That agreement was reached not just in the interests of Iceland and the Faroe Islands, but also in the interests of Ireland, Scotland and the rest of the EU. If the agreement is not defended, our coastal communities will suffer as a direct result, unfortunately. I commend the Minister on his approach to this matter.

**Deputy Simon Coveney:** For the purposes of clarity, I would like to inform the House of what the proposed sanctions entail. The EU Commission has proposed a regulation of the European Parliament and of the Council which would allow for the introduction of trade sanctions against third countries that engage in irresponsible or illegal fishing activities which may lead to the depletion of EU fish stocks. The sanctions proposed would include restrictions on the importation into the EU of fish and fishery products from offending states, restrictions on the use of EU ports by vessels from offending states, prohibition on the sale and purchase of fishing vessels between EU member states and offending states and prohibition of trade agreements between nationals of an EU member state and nationals of offending states. It could be argued that we should go even further.

I am not the kind of politician who calls for trade sanctions against countries that have a lot in common with Ireland. These countries, like Ireland, are islands in the north Atlantic. I hope Iceland successfully joins the EU at some stage in the future. I hope we will be able to work with Iceland on a series of issues of mutual interest and concern. Iceland and the Faroe Islands are acting irresponsibly on this issue. They are damaging a hugely valuable stock. In my view, they are threatening the viability of our fishing industry, which has worked hard to protect and rebuild this stock. We should respond in a way that is consistent with the responsible management of a valuable stock. The EU needs to show a bit of muscle, in terms of its scale, on this

issue. Unfortunately, we are currently facilitating the causing of significant damage to a valuable fish stock, which is the heartbeat of the Irish fishing industry, particularly in the north west and south west.

### **Hospital Services**

**An Leas-Cheann Comhairle:** Deputies Eric Byrne, McConalogue, Kelleher and Wallace have two minutes each.

**Deputy Eric Byrne:** It is a bit rich to be required to say in two minutes what politicians have been speaking about for 16 years. I want to recall a debate in which I was intimately involved as a member of the board of Crumlin Children's Hospital. I recall vividly a debate about the national tertiary paediatric hospital. I am acutely aware that the board threw its weight behind the concept of moving to a single site. The refusal by An Bord Pleanála to grant permission for the proposed new hospital will have horrendous ramifications. My heart goes out to the parents and children who have been desperately waiting for a national paediatric hospital for many years. I appeal to the Minister not to panic in the face of what has happened. If we rush into a new decision to build a hospital on a lesser scale, we could end up with an incorrect development.

I remember the debate in Crumlin when we bought into the McKinsey report. The nine key criteria points were of crucial importance. I am acutely aware that the consultants and specialists in Crumlin — given that Crumlin is essentially this country's national tertiary paediatric hospital, they are the foremost specialists in the country — threw their bodies and souls behind the complex negotiations and took part in the internal planning processes that resulted in the scale of the hospital that eventually emerged. I ask the Minister to cautiously recognise that in the past, the input of the Crumlin authorities has been instrumental in facilitating this development. If my senses are right, I believe they would have severe reservations about any downscaling of the project to which they contributed in recent years.

I am calling on the Minister to carefully consider co-locating an acute general hospital, as set out in the initial criteria, with a paediatric hospital and the Coombe hospital. A potential site for such a hospital exists as a result of the failure to develop the Bailey Gibson site, the Player Wills site and the St. Teresa's Gardens area. It is exciting that we could have the tri-location of an acute adult hospital, a paediatric hospital and a maternity hospital at this site. I appeal to the Minister to consider that. Perhaps he will engage with the boards of management of St. James's Hospital and Crumlin Children's Hospital, as well as the Dublin City Council planners, on the possibility of redeveloping the Coombe site.

**Deputy Charlie McConalogue:** This is a two-pronged issue. We need to discuss the delays in the development of a national children's hospital and the reduction in bed capacity at the children's hospitals that are currently operating as a result of the cutbacks introduced by the Government.

A total of 25 beds in Crumlin and ten beds in Temple Street are closed due to budget cuts, forcing children to wait longer to be admitted to a ward and forcing them to stay longer than they should in emergency departments. Overall, 60% of children on inpatient waiting lists are there for more than three months, 50% of children on day case waiting lists are there for more than three months, while 2,500 children are on the waiting list for elective or day treatments. That is the situation at our children's hospitals. They are not operating to capacity because the Minister is restricting their budgets.

One year into the Minister's tenure, we are further behind than ever in respect of the national children's hospital. Today he moves on to his second review of that hospital. Only last week,

[Deputy Charlie McConalogue.]

in response to An Bord Pleanála's decision, I heard him talk about more grandiose elements of the children's hospital. He has been in his job for a year. If he felt that some elements of the children's hospital were grandiose, why did he not address them after he came to office? If it is the case, following the first review, that the Minister said that the Mater Hospital is the right site for the hospital, why has he said in the newspapers this week that he is not sure where he wants to place it? If it was the right site this time last year when he entered office, why is he not looking to amend the Planning and Development (Strategic Infrastructure) Act in order that he can proceed with it and ensure we do not wait any longer than we have done for a hospital that befits the health needs of our children?

**Deputy Billy Kelleher:** I welcome the opportunity to speak on this issue. The provision of a national paediatric hospital is the most sensitive issue facing us. We have been talking about this since 1998. We have had the McKinsey report and last year the international expert group reported to the Minister, recommending co-location on the Mater site. We now find that An Bord Pleanála has rejected that on aesthetic grounds and on the grounds of overdevelopment on the Mater site itself.

I would like to ask one or two questions in the context of the terms of reference for the group that has been established which state that it is to inform itself about planning considerations and processes affecting this project. Can the group enter discussions with An Bord Pleanála? Can the group possibly look at amending legislation to allow for the Houses for the Oireachtas to look at this particular project in the context of the Mater Hospital site? This is due in part to the McKinsey report, but more importantly due to the international expert group which stated last year that the Mater was the most suitable site.

There is much concern. Other hospitals and other interest groups will come on board again to say that one site is more suitable than the other, and we will have this debate over and over again. The Minister states that it will 56 days before the group, under the chairmanship of Mr. Frank Dolphin, reports back to him. How quickly thereafter does the Minister expect to be in a position to make a decision on this critical infrastructure in order that we can have it completed for 2016? Everyone would like to adhere to that target in order that we can pass a national children's hospital onto the next generation 100 years after the Easter Rising.

**Deputy Mick Wallace:** In the last 24 hours, I have spoken to Professor Michael O'Keeffe in Temple Street and Dr. Orla Franklin in Crumlin. Both are pretty horrified at the situation they are facing. Professor O'Keeffe was at pains to point out that he feels the hospital is being penalised for being too efficient and too effective, and that it had too many operations last year. He states that it will be forced to have 1,500 fewer operations this year, yet if a child is waiting 20 weeks for an operation, the hospital is liable to be fined €25,000. He is really frustrated with the bureaucracy. He states that there are too many officers and not enough soldiers, and that we need more people to roll their sleeves up and see patients.

Dr. Orla Franklin is presiding over a hospital in Crumlin that she claims is falling down. It got a brilliant intensive care unit a couple of years ago, but cardiac and cancer care are causing great problems and the hospital does not have the necessary facilities. There is no doubt that a new children's hospital will be great, but Dr. Franklin makes the point that it is for children who are not even born yet. It will be great when it is built, but what about children who are alive today? There are huge problems in Crumlin with infection. The hospital does not have an infection-free environment due to the amount of room sharing that must occur with children, along with parents sleeping on the floors. She stated that bad things are happening to Irish children due to sub-standard facilities. Surely we can do better than this.

**Minister for Health (Deputy James Reilly):** I thank the Deputies opposite for their intentions in raising this. There is no doubt that this is a key facility for the well-being of our children and that it is absolutely necessary. I thank Deputy Eric Byrne for his comments and would like to reassure him that there is absolutely no panic, nor is there a need for panic, but there is a need for expediency and a sense of urgency. That certainly is the case.

I am committed to providing the best possible health service for our children and their families. I want this to be delivered through a new national children's hospital, where tertiary and acute services can be provided from one site. Immediately following the decision of An Bord Pleanála to refuse planning permission for the national children's hospital, I announced my intention to establish a group to review the implications of the decision.

The Government today agreed the terms of reference for the review group. These are to inform itself about the planning considerations and processes affecting this project; to consider the different options which now exist for progressing the construction of a national children's hospital having regard to Government policy on the delivery of health services, including accessibility and paediatric services in particular and best clinical practice considerations, the cost and value for money considerations of the different options, the likely timelines associated with the different options, and the implementation risks associated with the different options; to advise me, in the light of these considerations, on the appropriate next steps to take with a view to ensuring a national paediatric hospital can be constructed with minimal delay; and to report to me within 56 days of the first meeting of the group.

Currently the three Dublin children's hospitals work together as a unified network under the clinical leadership of Dr. Colm Costigan to ensure optimisation of resources and facilities. The hospitals are fully aware of the challenges facing their young patients and of the need to support families. Our Lady's Children's Hospital, Crumlin has been experiencing a surge in attendances to its emergency department and a corresponding increase in admissions through that department. The clinical director, Dr. Colm Costigan, is a joint appointment across all three hospitals. When individual hospitals are under pressure, he clinically reviews patients and, where necessary, redeploys patients across the hospitals to minimise impacts on elective surgery.

The regional director of operations in the HSE has met the clinical director and Ronan O'Sullivan, professor of paediatric emergency medicine. They have organised hospital site visits and are formulating an agreed approach to deal with the seasonal peak in paediatric emergency medicine. The HSE has taken steps to provide as high a level of protection as possible for the funding of the children's hospitals. The budget adjustment to both Our Lady's Children's Hospital, Crumlin and the Children's University Hospital, Temple Street was significantly less than the average in the HSE Dublin mid-Leinster service plan for 2012. The HSE management are in discussions with the Children's University Hospital, Temple Street towards agreeing a cost containment plan and will meet representatives of that hospital next week to discuss the plan further.

The HSE service plan for 2012 has set a target for children's hospitals requiring that no child should be waiting for treatment for more than 20 weeks by the end 2012. The Children's University Hospital, Temple Street is actively engaged with the HSE, the special delivery unit and the National Treatment Purchase Fund to ensure that this target is met. Discussions with the hospital have been positive and are ongoing.

I have emphasised the need to ensure that the impact of any changes to patients is minimised, and that all changes are fully communicated. All measures will be reviewed regularly by the hospital management team to ensure the least impact on patients and service users. Patient safety remains our first priority.

[Deputy James Reilly.]

I reaffirm the Government's ongoing commitment to the construction of a new children's hospital. I am committed to the principle of co-location with an adult hospital, but I know that others may have a different view. I will await the completion of the work of the review group. One thing is clear: I am determined to deliver a national children's hospital for the children of this country.

**An Leas-Cheann Comhairle:** There is only one minute for supplementary questions. I ask Deputies to be brief.

**Deputy Eric Byrne:** I welcome the Minister's response, but I would like to ask him some personal and pertinent questions. Would he wish to express a view on the concept of a tri-located hospital?

We were always mystified in Crumlin because we had a great relationship with the Coombe Women's Hospital in keeping premature babies alive who required very intricate surgery very early on in their lives that a maternity hospital was not the preferred option in terms of co-location. Will the assessment criteria proposed in the McKinsey report, Children's Health First, in 2006 be used in reviewing An Bord Pleanála tragic rejection of the current site?

**Deputy Charlie McConalogue:** It is unacceptable that we have been waiting this long for a national children's hospital. We should have seen its construction before now. It is also unacceptable that the Minister is a year later launching his second review. He must take responsibility in that regard. If he had conducted such a review a year ago, perhaps we might be further ahead. The reality is that he made a decision to proceed with the hospital on the Mater Hospital site. If in his view it was the correct location this time last year, why is he not willing to proceed with it now on it?

The Minister has not answered my questions about — to use his own language — the more “grandiose” aspects of the project. What exactly were the grandiose aspects of it? If he Minister considered they were an unnecessary luxury, why did he not intervene before now?

Unfortunately, we are a year into the Minister's tenure and there is even more overcrowding in the children's hospital and, unfortunately, we are further behind in the delivery of a national children's hospital. I ask the Minister to address these questions.

**Deputy Billy Kelleher:** In the context of the Minister's commitment to adhere to best international medical and clinical advice that there be co-location with an adult teaching hospital, the terms of reference of the review group under the chairmanship of Dr. Frank Dolphin in assessing various sites do not refer to this as being sacrosanct. Clearly, if best international practice, based on the McKinsey report and the report that the Minister himself commissioned last year, is that there be co-location with an adult teaching hospital to secure the best clinical outcomes, should this not have been included in the terms of reference to ensure the review group can only look at sites where co-location is an the option, as opposed to greenfield sites? Are we limiting the potential to provide a world-class co-located facility by not even mentioning this in the group's terms of reference in the context of seeking the best clinical outcomes in the provision of paediatric care?

**Deputy Mick Wallace:** No matter what the Minister does, there is little doubt but that the new hospital is further down the road. Even if he was to reduce the height, the steel and concrete drawings would have to be redone. There is much work to be done to reach a stage where one can start work on the hospital. The children of today deserve a better deal in

6 o'clock

Crumlin and Temple Street. We need to spend money on these hospitals because provision of the new hospital is a while away.

**Deputy James Reilly:** To deal with Deputy Eric Byrne's concerns about a tri-located hospital, of course, this would be the ideal and many would agree with him. Having a maternity hospital co-located with an adult and a paediatric hospital would make sense and the Mater Hospital site allowed have allowed for this to happen. However, I want to make it clear that everything is on the table.

I am a little bemused by Deputy Charlie McConalogue complaining that one year on we have not delivered when the Governments led by his party had 14 years to deliver and left the country in a mess.

**Deputy Charlie McConalogue:** What has the Minister done so far?

**Deputy James Reilly:** On why the project is not going ahead at the Mater Hospital site——

**Deputy Charlie McConalogue:** What has the Minister achieved in seeking a result?

**Deputy James Reilly:** Did the Deputy not listen to the news last week in respect of the refusal of planning permission? I would have thought it was a major concern.

**Deputy Billy Kelleher:** The Minister was lobbying to have it located in Balbriggan.

**Deputy James Reilly:** The gentlemen opposite should listen.

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

**Deputy James Reilly:** It is all very well for them to sit on the other side of the House and act as if they had nothing to do with what happened in the past 14 years——

**Deputy Charlie McConalogue:** The Minister has not had much of an impact in the past year.

**Deputy James Reilly:** ——but the reason the country is in such a mess and we must take €2.5 billion from the health budget which, of course, will impact across the health service and which we seek to mitigate as much as possible——

**Deputy Billy Kelleher:** We will locate it in Balbriggan.

**Deputy James Reilly:** The Deputy sits there and acts as if it is all a mystery to him, that he knew nothing about it and that he had nothing to do with it.

**Deputy Charlie McConalogue:** What has the Minister been doing for the past year?

**Deputy James Reilly:** I am sorry, but that will not wash with me or the public.

We were advised by the expert group, the recommendation of which at the time was that it be located on the Mater Hospital site. The planners have decided otherwise. We have put together a group to report within 56 days of its first meeting on the best route forward. The main concern must be building a new facility for children in order that they can receive the best treatment in the best environment.

Deputy Mick Wallace mentioned several persons. I put it to him that even Professor Michael O'Keeffe has spoken about the fact that he gets more work done in one day in a private setting than he does in a week in the public sector. There are significant efficiencies capable of being achieved within the public sector in how we use theatres — the productive theatre initiative —

[Deputy James Reilly.]

and much progress has been made. I compliment Professor O’Keeffe on having one of the shortest waiting lists and doing Trojan work, but I cannot agree that children will go blind or die from brain tumours because operations will not be carried out in time. Urgent adult and children cancer cases are treated first as a matter of priority, which is the way it should be.

The Government is fully committed to developing a national paediatric hospital in order that children can receive the best care in the best environment. We will look at all the options put to us by the review group. I look forward to receiving its report within 56 days of its first meeting.

### **Newborn Screening Cards**

**Deputy Denis Naughten:** Small blood spot samples are collected from all Irish children in infancy via the heel-prick test. These samples number 1.6 million since 1984. There has been controversy in the past few years because of the lack of a formal written consent process for the analysis and storage of residual samples. This has led the Data Protection Commissioner to call for the samples to be destroyed. The call for sample destruction has been prompted by the lack of consent for sample retention and concerns about protecting the privacy of the individual.

While there is little doubt that the taking and storing of samples without consent are no longer acceptable, it must be recognised that the destruction of older samples will result in the loss of a valuable national resource. The blood samples have the potential to be used to form a national DNA database, in respect of which one critically important aspect is sudden cardiac death. Up to 100 young people in Ireland die suddenly and unexpectedly each year and the cause is unidentifiable. Based on estimates of the prevalence of sudden cardiac death in Ireland and on foot of a New Zealand research study, it is estimated that up to 170 samples could provide vital information for individuals and families prone to sudden cardiac death. This would mean 170 families potentially could have access to preventive treatment to reduce the trauma faced by many on foot of an unexplained sudden death when, for example, a young person drops dead on a football pitch.

It would not only be helpful in the case of sudden cardiac deaths. It would also have the potential to help researchers to identify genetic conditions and develop treatments, even cures. This covers the full range of genetic diseases ranging from rare diseases, including cystic fibrosis, from which 17 Irish children under the age of five die every week, to more common diseases such as multiple sclerosis and cancer. Thousands of individuals and families could benefit in giving researchers access to this valuable bio-bank.

There would be non-medical benefits also. There would be massive benefits in using the bio-bank to confirm identities in the cases of missing persons, as Ireland is one of the few countries in the world which does not have a national identity card.

In September last year the New Zealand Government announced a new legislative process to protect and preserve indefinitely blood spot cards in New Zealand by way of a clear legislative framework that would include a formal written consent process, information packages for consenting parents and legal limitations on how the samples were to be used. The Data Protection Commissioner has taken the strictest possible interpretation, even when it is not benefiting society or the individuals in question. Surveys have shown that the public overwhelmingly supports medical data being used for this type of research. By all means, introduce an opt-out clause for individuals or parents who have concerns. Surely such a clause could be introduced to address the concerns raised by the Data Protection Commissioner, while, at the same time,

protecting society and individuals in regard to the genetic diseases that can be identified and treated in order to save lives.

**Deputy James Reilly:** I thank the Deputy for raising this issue. In late 2009 the Data Protection Commissioner received a complaint from a member of the public about the retention of newborn screening cards. The basis of the complaint which was upheld by the Data Protection Commissioner was that the newborn screening cards should not be retained indefinitely without consent as this constituted a breach of the Data Protection Acts 1998 and 2003.

During 2010 a number of meetings were convened with the deputy Data Protection Commissioner and representatives of the HSE, the Department of Health and the Children's University Hospital, Temple Street. A policy was agreed in conjunction with the Data Protection Commissioner to address both the legislative and ethical requirements of the national newborn screening programme which included disposal of archived newborn screening cards older than ten years.

Following receipt of representations concerning the proposed destruction of archived newborn screening cards, I requested the HSE to conduct a review of this decision. The review examined both the legal and ethical basis for the retention of newborn screening cards and the potential use of the existing cards for research purposes. It is my understanding the review group examined the governance arrangements for the retention and use of newborn screening cards in a variety of jurisdictions, including New Zealand, Australia and the United States. As the Deputy may be aware, legal uncertainties over access to and use of newborn screening cards have led to the destruction of cards in Western Australia, Texas and the Netherlands.

The report and recommendations of the review group were submitted to my office in January. Having carefully considered the issue, I have accepted the recommendation of the review group that, in order to meet our legal and ethical responsibilities, newborn screening cards older than ten years will be destroyed. However, I fully recognise the value of this material for research purposes, as outlined by the Deputy, which was why the review group was tasked with exploring ways in which the material could be made available to the research community in a way that was compatible with our ethical and legal obligations. The international consensus clearly favours seeking explicit consent from an individual and-or his or her parent-guardian for use of previously collected biological material for research purposes. Therefore, in the interests of facilitating research, the HSE will mount an information campaign offering members of the public the opportunity to have their screening card returned to them, prior to destruction of the cards taking place. This will ensure those who wish to donate their or their child's newborn screening card to research will be afforded the opportunity to do so.

The proposed course of action seeks to ensure public trust and a continued willingness to participate in the national newborn screening programme, which is a vital public health measure for children and their families. Given the complexities of this issue and being mindful of the genuine sensitivities of those concerned, I am anxious for the findings of the review group to be published. I will arrange for my Department to liaise with the HSE to have this done as a matter of priority.

**Deputy Denis Naughten:** I thank the Minister for his reply which is at least moving to try to deal with the concerns I have raised. I ask that we try to find a mechanism, in so far as is possible, to clearly explain to individuals the potential uses to which this very valuable biobank could be put, not just for themselves but for society as a whole. This would mean that, unless someone had a real and genuine concern, such blood samples would be offered for medical research. As I said, the public very much believes such research should be facilitated.

[Deputy Denis Naughten.]

Will the Minister ensure the report is published in full immediately? Extracts from it were published in one of the national newspapers last Saturday. It is important, therefore, that the full report is placed in the public domain as soon as possible in order that we can have a full and open public debate in advance of any option being given to the public in order that it is fully aware of the concerns raised.

Has a full assessment been carried out as part of the report of the potential uses to which such a bio-bank could be put? I note with interest that last Saturday, the day this issue was raised in the newspaper, members of the Roscommon football team were undergoing cardiac screening. It is unbelievable that, on the one hand, we are trying to screen young people and, on the other, there is a very large databank in place that could be used in ensuring every single young person in the country was screened for this and many other conditions. However, we cannot access it at this time.

**Deputy James Reilly:** There are plans for us to communicate with and ask people for their consent, which is only right, proper, legal, ethical and moral. It is not right to collect biological information without someone's permission and it is not right to use such information for purposes other than that for which it was collected. There will be much debate about this issue into the future as the field of genetics, including molecular genetics, continues to develop. We have the spectre of insurance companies seeking a person's DNA to decide what risk he or she presents and what are chances he or she will contract different diseases. That is not something I would particularly relish because I could foresee people being almost uninsurable due to genetic information which, no matter how good it is, is not always 100% accurate. It is certainly not 100% accurate in its current rudimentary stage.

I will endeavour to communicate the benefits, as it is very important to do so. I take the opportunity to advise that becoming involved in research and being part of clinical trials confers not alone access to the latest technology and medicines but also provides for a person tremendous supervision throughout his or her treatment that would not often be provided during normal treatment, given that the constraints during trials are so tight and the protocols so comprehensive.

We will, of course, publish the report, as the Deputy has asked. I believe he is right that we should have more debates on this issue and make a full assessment of the use of retained cards. I have no doubt that, into the future, there will be even greater possibilities arising from such sources. However, as I said, we have a legal obligation under the Data Protection Acts to ensure information, particularly biological information, is used for the purposes for which it was gathered, not for any other, unless there is express consent. The House would agree with this.

### **Euro Area Loan Facility (Amendment) Bill 2012: Order for Second Stage**

Bill entitled an Act to further facilitate, in the public interest, the financial stability of the European Union and the safeguarding of the financial stability of the Euro Area as a whole and for those purposes—

(a) to enable effect to be given, in so far as it relates to the State, to the amendment to the EUR 80 000 000 000 loan facility agreement done in Brussels on 27 February 2012 and in Athens on 24 February 2012,

(b) to amend the Euro Area Loan Facility Act 2010 and the European Financial Stability Facility and Euro Area Loan Facility (Amendment) Act 2011, and

(c) to provide for related matters.

**Minister for Finance (Deputy Michael Noonan):** I move: “That Second Stage be taken now.”

Question put and agreed to.

### **Euro Area Loan Facility (Amendment) Bill 2012: Second Stage**

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

I thank the House for agreeing to discuss the Euro Area Loan Facility (Amendment) Bill 2012. The Bill is needed urgently to allow Ireland to ratify the changes to the Greek loan facility to implement the new programme of assistance for Greece as agreed by the euro group Finance Ministers on 20 February 2012. The purpose of this Bill is to facilitate, in the public interest, the financial stability of the European Union and the safeguarding of the financial stability of the euro area as a whole.

As the House is aware, Greece has been beset by serious budgetary and economic problems for some time and is unable to secure international funding at sustainable rates. In order to safeguard the financial stability of the EU and the euro area, it was agreed on foot of an intergovernmental agreement in May 2010 to provide a programme of financial assistance to Greece. This was done by way of a bilateral loan totalling €80 billion to Greece from the euro area member states in conjunction with IMF assistance of €30 billion over a three year period to mid-2013. Ireland’s participation in the agreement was ratified in the Euro Area Loan Facility Act 2010.

On entering our own programme of assistance in late 2010, Ireland stepped out of the Greek loan facility. However, as an original signatory to the Greek loan facility, Ireland’s consent is required to implement any amendments to the Greek loan facility. The Euro Area Loan Facility Act 2010, as amended, must be further amended before Ireland can confirm acceptance of the second amendment to the Greek loan facility.

In June 2011, Finance Ministers agreed with the euro group to revise the Greek loan facility. These revisions provided for the extension of the grace period between drawdown and commencement of repayment from three to four and a half years, the extension of the maturity period for loans from five to ten years and a change in the calculation of the margin relating to loans to Greece to give it a lower interest rate. The Commission signed the loan facility agreement for Greece on behalf of euro area member states on 14 June 2011, pending ratification by the individual euro area member states. Ireland ratified the first amendment through the European Financial Stability and Euro Area Loan Facility (Amendment) Act 2011, and issued formal confirmation of our agreement to the amendment with effect from 23 September 2011.

However, these amendments have proved insufficient and need to be supplemented. On 20 February 2012, euro group Finance Ministers approved the new programme of assistance for Greece which includes approval of the second amendment to the Greek loan facility. This amendment includes three elements: a further increase of the grace period, of up to ten years, for paying back the loan principal, a further lengthening of the loan maturity to a minimum of 15 years, and a further reduction in the margin to 150 basis points to apply from the three month interest period that ended on 15 June 2011.

The Bill provides for the ratification of these amendments to the Greek loan facility agreement. The finalisation of the amendment, by way of signature of the European Commission

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on behalf of member states and Greece, was not in place until 27 February 2012. The Bill is thus being presented at the earliest possible date following this finalisation.

All signatories to the Greek loan facility agreement have been requested to provide their acceptance to the second amendment to the Chairman of the euro working group not later than 13 March 2012. This is to ensure that the next phase of the Greek loan facility can proceed as planned for that date. It has, therefore, been necessary to bring forward the Euro Area Loan Facility (Amendment) Bill 2012 as a matter of urgency to ensure Ireland can confirm acceptance by that date. It is intended to bring forward an earlier signature motion in the Seanad for the President to sign the Bill.

These changes to the Greek loan facility are in conjunction with a number of other changes to the Greek programme, including additional funding of €130 billion and changed private sector involvement, PSI. A common understanding has been reached between the Greek authorities and representatives of the private sector on the general terms of the PSI exchange offer, covering all private sector bondholders. Private sector investors are asked to accept a bond exchange providing for a nominal haircut amounting to 53.5%. The closing date for the PSI exchange offer is 8 March. The additional funding is also provided for interest rate support and banking sector support. Greece and the other euro area member states agree that it is only by fully and strictly implementing the fiscal consolidation and the structural reforms included in their programme that Greece will regain competitiveness and will be able to return to markets.

The Bill provides for amendments to the Euro Area Loan Facility Act 2010, as amended by the European Financial Stability Facility and Euro Area Loan Facility (Amendment) Act 2011. The amendment Bill has four sections with the amendment of March 2012 to the loan facility agreement set out in the Schedule. The first section provides the definitions to the legislation. Section 2 provides for the second amendment of February 2012 to be included in the references to the Euro Area Loan Facility Act 2010, as amended by the European Financial Stability Facility and Euro Area Loan Facility (Amendment) Act 2011.

Section 3 provides for the second amendment to the loan facility agreement to be inserted as Schedule 3 to European Financial Stability Facility and Euro Area Loan Facility (Amendment) Act 2011. Section 4 sets out the Short Title of Act. Annex 1 contains the form of legal opinion, Annex 2 contains the amended scheduled principal repayments, and Annex 3 contains the list of contacts. The Schedule contains the amendment of February 2012 to the loan facility agreement. The amendment includes the three elements I have already outlined, namely, a longer grace period, a lengthening of the loan maturity, and a further reduction in the margin.

Ireland provided €345.7 million to Greece under the Greek loan facility before entering our EU-IMF programme, when we stepped out of the Greek loan facility. Quarterly interest payments are being made by Greece on this. The reduction in the interest rate chargeable on the loan under the second amendment will reduce the interest we receive each year by €5.2 million, or roughly one third at current rates of interest. We expect that this will be offset by the provision for the distribution of profits from the ECB's secondary market programme for Greek bonds. A further result of the amendment is that the grace period before Greece begins to repay the principal of this loan will be extended from four and a half years to ten years. The maturity of the loan will be extended from seven and a half years to 15 years.

I look forward to a constructive debate on the Bill. Now is a time for unity among euro area countries to ensure financial stability within the euro area. The purpose of the Bill is to facilitate the stability of the European Union and the safeguarding of the euro area as a whole. Ireland must play its part and stand in solidarity with its fellow euro area member states. It is in the

interests of this country and the euro area. Therefore, I urge Deputies to agree to ratify the changes to the Greek loan facility.

I commend this Bill to the House.

**Deputy Michael McGrath:** I thank the Minister for introducing the Bill. Fianna Fáil will support the legislation, not out of any great sense of conviction that the second Greek bailout deal will necessarily work either for Greece or Europe, but because we do not believe it is for the Irish Parliament to seek to block a deal for Greece which the Greek Parliament has backed and on which the euro group has signed off, especially since that Ireland is not a financial contributor to the package involved in this facility.

The fundamental question is whether this particular deal for Greece will work either for Greece, as a member of the eurozone, or the eurozone itself. I am not convinced it will work and only time will tell. I suspect it is only a matter of time before there are further crisis meetings at euro group level to deal with issues concerning the sovereign debt crisis and with Greece. Some critical questions remain as to whether Greece has the capacity to deliver on its obligations under the second Greek bailout, in particular the tax increases, spending cuts, privatisation targets, structural reforms to the economy, public sector redundancies, wage and pension cuts. It must be acknowledged by all that its record to date, to say the least, has not been great. It is hoped Greece will be in a position to deliver on its commitments this time. I suspect it will. We all have a vested interest in the return of stability to the eurozone and in the Greek situation being dealt with in a comprehensive fashion.

The second key issue is whether this bail out, if implemented, will be enough. I wonder if the euro group believes Greece will return to borrowing on the international bond markets at the end of the second bail out. In my view, it will not be in a position to do so. I hope I am wrong. However, only time will tell. The introduction of this legislation in the House this evening comes against the backdrop of pretty grim economic data released by EUROSTAT which demonstrates that in quarter four of 2011 the eurozone economy contracted by 0.3% and Commissioner Rehn's confirmation today that the eurozone is back in recession.

The proposal before us, which has been signed off on by euro group members and by the Greek Parliament, represents the collective wisdom of those in power in Europe that this deal is sufficient. While it buys time for Greece and the eurozone, I suspect it will be only a matter of time before many of the issues contained in this deal will need to be revisited.

The legislation we are debating today represents the latest instalment in the attempts to stabilise the crisis in Greece, which has been ongoing since 2009, and proposes to give the country breathing space to allow it recover. While Greece, Ireland and Portugal are all in EU-IMF programmes, the origin of the crises in Greece and Ireland are very different. In Ireland, a banking crisis precipitated a crisis in the public finances which was compounded by the collapse in the construction industry whereas in the case of the Greek, public spending was deliberately understated for years. While Ireland stepped out of the original Greek loan facility when it became part of an EU-IMF programme in December 2010, the success of the Greek programme remains of critical importance to Ireland as it is essential to the overall stabilisation of the eurozone. This is especially so given our reliance on an export-led recovery.

By the end of 2009, as a result of a combination of global and domestic factors, namely, the world financial crisis and out of control government spending, the Greek economy faced its most severe crisis since the restoration of democracy in 1974. As a European Union, we need to accept that attempts since then to get ahead of this crisis and put in place a range of measures that would allow Greece to get back on its feet, have been a complete and utter failure. In truth, Greece has often acted in a manner which undermines international confidence in the

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country and the wider eurozone. In early 2010, it was revealed that successive Greek Governments had been misrepresenting the true state of the economy in order to keep it within EMU guidelines. This allowed Greece to borrow money it simply did not have the capacity to repay.

To avert a default in May 2010, other eurozone countries and the IMF agreed to a €110 billion rescue package, which included €80 billion in loans from euro area member states and €30 billion from the IMF. Ireland participated in this facility. While Greece was required to adopt harsh austerity measures to bring its deficit under control, this has understandably not met with the unquestioning acceptance of the Greek people. Who can blame them? The question that needs to be asked is, was it the austerity package which led ultimately to the need for a second bailout or was it an abject failure of Greece to live up to its obligations under the terms of the agreements that caused whatever investor confidence existed in the country to evaporate completely?

Alongside this additional loan facility there is a write-down of debt by private sector investors. It became increasingly obvious in recent months that this would inevitably have to be done, despite denials by European leaders for many months prior to that. The depth of the crisis into which Greece had plunged meant there was no feasible combination of fiscal measures, namely, tax increases and expenditure cuts, which would have achieved a situation whereby Greece could fully discharge its debts. Even during the best years for the European economy Greece ran deficits. Its crisis is largely a public expenditure one, which has led to an enormous national debt. Incredibly, none of the Greek banks has to date been nationalised. The Irish crisis was largely caused by a property bubble which created massive problems in the banking system and public finances.

The inflexibility of the European Central Bank's approach to the banking crisis here meant that the burden of rescuing the banking sector fell predominantly on taxpayers in this country, leading to a huge increase in the outstanding Government debt. It should be recognised that our capacity to deal with our difficulties is considerably greater than that of Greece. We remain one of the wealthiest countries in the EU. Our 2011 GDP per capita is forecast to be \$39,000 — \$3,000 above the eurozone average of \$36,000 — while Greece's is forecast to be \$28,000. Of even greater importance is the manner in which our respective economies function. We are a market orientated economy and we have a generally vibrant traded sector. While the troika has highlighted that areas such as the legal and medical professions undoubtedly need to be opened up, we have a far more dynamic economic base as we continue our process of recovery.

While the banking sector will never be allowed to return to its previous practices and it would not be desirable for the economy to ever again be so dependent on construction, we are not in need of wholesale economic reforms — certainly not of the scale facing Greece. We need to continue to do what we do well, namely, attract foreign direct investment. In terms of assisting indigenous exporters, we need to build on the gains to date and to give them every possible support. Greece is different in that it has a general government debt level of approximately €350 billion. As a country, it is plagued by a combination of weak exports, poor tax collection and stifling bureaucracy. The study of the Greek debt situation by the European Commission showed that its debt level was set to spiral to 200% of GDP. I understand that the write-down in Greek debt, which accompanies this new loan facility, will bring its debt to GDP down to around 115% before rising again to 120% by 2020. In contrast, without a write down, Ireland's general government debt will, according to the Government's medium term fiscal statement, be 106% of GDP at the end of 2011. Under the base case scenario set out in the statement, our debt to GDP will peak at 118% in 2013.

In August 2009, the OECD estimated the size of the Greek black market to be around €65 billion, which is equal to 25% of its GDP. This leaves a huge deficit in Greece's annual tax revenue. Estimates put this at up to €20 billion per annum. No other European country is facing such a structural deficiency in its ability to levy and collect taxes. By contrast, the Irish Revenue Commissioners estimate that the Irish black economy is approximately 13% of GDP. While this is in itself a cause for deep concern it highlights that the Greek situation has been made considerably worse by its failure to put in place an effective tax collection mechanism. I suggest it would be a worthwhile exercise for the European Commission to engage in a community-wide assessment of how the black economy throughout Europe can be tackled. In an increasingly globalised world, there is an obvious need to maximise the sharing of information and to apply best practice across borders. In addition, reforms of the Greek economy which have long been talked about need to be put in place immediately. While I spoke against the German suggestion that Brussels appoint a proconsul to Athens to run Greece's affairs as this would be profoundly undemocratic in nature, I believe there is a need for very close monitoring of the implementation of the commitments Greece has given. Clearly, implementation will be fundamental in this case. Greece is set to benefit from a once-off debt reduction, but it will be months or, possibly, years before we will be able to discern its full effects on the Greek economy. While a second bailout and a write-down have become inevitable because of the state to which Greece has fallen, it is not a strategy without considerable risks. It is not one that Ireland should follow; assuming sensible policies are pursued that can stimulate economic growth, Ireland can emerge from the crisis and pay its sovereign debts in full.

It is important to draw a distinction between sovereign debt issued by the Exchequer and bank debt. Ireland should continue to seek to reduce the net cost of its bank recapitalisation. The comments made by the IMF on Friday on the Government's efforts to renegotiate the promissory note structure with our European partners are highly significant. They offer the Government a clear window of opportunity that must be seized to secure a reduction of the overall burden in recapitalising the banking sector. In the public manner in which it was expressed, this support had not been offered previously, although all Members will have understood the IMF to have been supportive of Ireland, both in respect of burden sharing and the redesign of the promissory note structure. However, unless this opportunity is taken now, particularly given the repayment of €3.1 billion due on 31 March, it may not present itself again. I genuinely wish the Government well in its efforts to negotiate a redesign of the promissory note structure that will deliver a genuine reduction in the bank debt Ireland must pay.

The position within the Greek banks is worth noting. According to its Ministry of Finance this week, bank deposits in Greece have fallen by approximately €70 billion since the start of the crisis in 2009 and this trend is accelerating. Approximately €16 billion of the funds withdrawn were transferred abroad, mostly to the United Kingdom. However, the rest either has been spent or is being hoarded in cash by households preparing for the worst case scenario of a Greek exit from the euro. What is extraordinary at this stage is that no losses have been imposed on the senior bondholders in Greek banks, despite burden sharing of 70% by private sector investors in Greek public debt. This highlights the absurdity of the strategy imposed by the ECB, although this lack of burden sharing may well change, given the write-down of the sovereign bonds held. Three years into the crisis the European Union still does not have a common agreed framework for winding down insolvent banks and avoiding all costs falling on the taxpayer.

In addition to the loan package being put in place under the terms of the euro area loan facility, there is an urgent need for investment in the Greek economy which is underdeveloped in comparison with other European countries. Originally the Greek Government aimed to raise approximately €50 billion by 2020 from privatisations by selling land, utilities, ports, airports

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and mining rights, but recently this target has been revised downwards substantially because of the worsening economic position. While some of these proceeds inevitably must be used to pay down debt, there is a strong case for allowing Greece to use some of the funds to refocus its economy in a way that ultimately would allow it to grow its way out of its problems.

Apart from tourism, Greece has few sources of foreign earnings. There is a minimal indigenous export sector and it has a poor record in attracting foreign direct investment. This may be a legacy from its relatively recent return to democracy, although in more recent times the reputational damage it has inflicted on itself certainly must have deterred overseas investors who were considering investing in the Greek economy. I suggest the European Investment Bank, EIB, should have a much expanded role to play in this regard. The EIB was established as a policy-driven bank to support the European Union's priority objectives, especially European integration and the development of economically weak regions. For the fiscal year 2009 it approved approximately €104 billion in various loan products, of which €93.6 billion was within EU and EFTA member states, with the remainder dispersed between so-called "partner countries". Solidarity between member states is a key founding principle within the European Union. If Greece is serious about meeting its commitments, as I believe it is, as a community we must put our money where our mouth is and not simply lend Greece the money it needs to keep ticking over and pay its remaining debts. We must work to ensure it has a sustainable economic platform on which to build its recovery and the wider eurozone recovery.

Although the European Investment Bank should be at the forefront of bolstering the Greek economy, the European Bank for Reconstruction and Development, EBRD, established during Ireland's Presidency of the European Union in 1990, also could have a role to play. While its mission was to support the formerly communist countries in the process of establishing their private sectors, the scale of the Greek crisis and the underdeveloped nature of its economy mean that Greece needs all the sources of help it possibly can find. The EBRD has been particularly successful in supporting the building of self-sustaining market economies.

I wish the the Government and all of the Minister's colleagues at Eurogroup and ECOFIN level well as they seek to build an economic recovery across Europe. The statistics released by EUROSTAT today were deeply disappointing and confirm the scale of the challenge that lies ahead both for the European Union and Ireland as a country heavily reliant on its exports. Given the stagnant market into which many Irish exports are being sent, this creates difficulties for Ireland and makes it all the more important to develop new markets in the emerging economies. I note that during the debate on the Finance Bill Members discussed some measures that were designed to stimulate support for the indigenous sector, in particular, as it sought to develop markets in new and emerging economies.

I look forward to the remainder of the debate on the Bill. Fianna Fáil will support it, even though, as I stated, we are not convinced this is a permanent resolution of the issues concerned. However, given that it has been given the support of our European partners and domestic backing by Greek politicians, one must give it a go and hope it will have the desired effect.

**Deputy Pearse Doherty:** Tá an leasú reachtaíochta atá os ár gcomhair anocht faoi éascú dara chlár déine na Gréige, a d'aontaigh Rialtas na Gréige agus an troika an mhí seo a chuaigh thart.

Tá go leor tráchtairacht aineolach faoi cheist na Gréige sna meáin Éireannacha na laetha seo, agus tá an cuma air gur maith le daoine an locht a leagan anuas go sonrach ar ghuailí mhuintir na Gréige iad féin, maidir leis an ghéarchéim.

Ar an drochuair, níl rudaí chomh simplí sin. Ní dabht ar bith ná go gcaithfidh rialtais na Gréige cuid mhaith den fhreagracht a ghlacadh as an ghéarchéim shoisialta agus eacnamaíochta

mhillteanach atá ag daoine na tíre sin faoi láthair, ach mar an gcéanna le hÉirinn, leis an Phórtaingéil agus leis an Spáinn, is ar na droch bhearta a rinne na Rialtais sna blianta roimh an ghéarchéim i 2008 agus droch pholasaithe airgeadaíochta Bhanc Ceannais na hEorpa, an ECB, is mó atá an locht.

Chuir ballraíocht an euro suimeanna ollmhóra de chreidiúintíseal-riosca saora ar fáil do eacnamaíochtaí laga cosúil leis an Ghréig. Mar gheall ar easpa rialacháin, ag leibheáil náisiúnta agus ag leibheáil Eorpach, ligeadh do bhancanna san eurozone iasachtaí millteanacha dóchreidte a thabhairt amach. Ar tharraing Rialtais na Gréige iasachtaí agus ar chaith siad i bhfad níos mó ná mar a bhí acu roimh ghéarchéim 2008? Is cinnte go ndéarna siad sin. Ar éascaigh cuid de bhancanna na hEorpa, Banc Ceannais na hEorpa san áireamh, agus ar éascaigh an easpa rialacháin airgeadais an cineál mí-iompair gan stuam seo? Is cinnte gur éascaigh.

Cé go bhfuil scála na géarchéime sa Ghréig difriúil le tíortha eurozone eile atá i bhfiacha ollmhóra, níl na cúiseanna agus an dinimic chomh difriúil sin in Éirinn, sa Phortaingéil nó sa Spáinn, creid é nó ná creid. I gcás na Gréige agus na Portaingéile, ba é barraíocht iasachtaí Rialtais príomh chúis na géarchéime. In Éirinn agus sa Spáinn, afach, b'iad iasachtaí iomarcacha an éarnáil phríobhaideach a ba chiontaigh.

Ach sna ceithre cás, is é an éascú a rinne na bancanna móra Eorpacha ar iasachtaí ollmhóra gan chéill, agus “codladh ina sheasamh” agus neamhshuim na rialtóirí baince a ba chiontaigh, Údarás Baincéireachta Eorpach san áireamh. Tá seo chomh soiléir le rud ar bith agus tá a fhios ag achan duine seo ach ní féidir barraíocht iasachtaí neamhréasúnacha a tharraingt — cé acu sin Rialtas nó forbróirí príobhaideacha — mura bhfuil siad sin atá dtabhairt amach toilteanach iasachtaí iomarcacha a thabhairt amach. Ní féidir le hiasachtaí iomarcacha tarlú ach nuair a theipeann ar na rialtóirí náisiúnta agus Eorpacha a jab a dhéanamh.

The problems in Greece, as well as in Portugal, Ireland and Spain, are not just domestic in origin. They are a consequence of policy failures at domestic and European level. This means that responsibility for the crisis must be borne at domestic and European level. Unfortunately, the approach of the European Union and, in particular, the European Central Bank, ECB, has been to punish the Greek people for failures for which they are partly responsible. Such an approach is not only unfair, it is also destined to fail. For evidence of this failure one need only consider the bailout package agreed between the troika and the Greek Government last month. In 2010, when the eurozone crisis first gripped Greece, that beleaguered country secured emergency funding of €110 billion. In return, it was obliged to increase taxes, cut social spending and dramatically reduce the size of the public sector.

The scale of the austerity foisted on the people of Greece was of a level unimaginable in most other European countries. The figures speak for themselves. By the end of 2011, 21% of Greek people were officially out of work and almost 50% of young people were jobless. The level of homelessness had increased by 25% and poverty by 28%. One in five people living in poverty could only afford meals with meat every second day. The Athens suicide hotline reported that the number of calls it received had doubled to 5,000 in 2011. In conjunction with this human hardship, all the economic indicators were revealing that the austerity programme was not working. Greece remained locked out of the bond markets and its government debt continued to spiral out of control. According to every available social and economic indicator, the first Greek bailout was not working. Did this provoke critical reflection on the part of Greek and European politicians and policymakers? Did anyone in power ask if the reason the first bailout was not working was it was so badly designed? The answer is clearly not. Just as those in power blamed the Greek people for the crisis, they were now blaming them for the failure of the first bailout programme.

[Deputy Pearse Doherty.]

Almost two years after the first austerity programme for Greece, we are being asked to approve a second such programme which is based on exactly the same policies which gave rise to the former. The scale of the emergency funding being made available, some €130 billion, is even greater than that for the first programme. The chances of the second programme being successful are even lower than for the first programme. Another 30,000 jobs are to be culled from the public sector in Greece, modest pensions are to be cut by 20%, the minimum wage is to be lowered, taxes on low and middle income earners are to rise dramatically for the second year in a row and state assets to the value of €50 billion are to be sold off. All of these measures will further damage Greece's economy and its society. They will lead to increases in unemployment and poverty which, in turn, will further depress the economy. This will make a return to economic growth impossible in the medium term.

One of the most obvious aspects of the first bailout programme was the failure to restrain the spiralling level of government debt. Following months of difficult negotiations, private sector lenders, including some European banks, are to write off 53.5% of the money owed to them by the Greek Government. However, the deal on this debt write-down has yet to be concluded and remains fraught with difficulties. Many commentators believe that even if banks fully participate in the write-down, Greece still will not manage to lower its debt to below 120% of GDP. Meanwhile, the Greek Government must bring forward a plan for the recapitalisation of the country's banks. The cost of this recapitalisation remains unknown. There is little doubt that the Greek people are being punished for the failure of their own politicians and that of political leaders across the European Union.

The deal we are effectively being asked to endorse will mean more hardship for ordinary Greek citizens. It will give rise to further unemployment and poverty and further assaults on the incomes and living standards of those already unable to cope with the cost of the first bailout. We are informed that this is the necessary price which must be paid to fix the broken Greek economy, that it is the harsh medicine required to cure the sick Greek patient. Unfortunately, even a cursory examination of the bailout programme demonstrates that this is not the case.

Let us consider the position on tax reform, for example. While the austerity programmes being heaped on the Greek people dramatically increased tax revenue by €2.32 billion in 2011 and will increase it by a further €3.38 billion in 2012 and 2013, they do nothing to redistribute the tax burden in a fair way. Tax evasion and avoidance will continue among the very wealthy. A recent article in *Der Spiegel*, the German current affairs magazine, indicated that in Greece "it is mainly a small wealthy class that manages to cheat the authorities out of €40 billion in tax each year". Nothing in the second bailout programme will address this issue. Rather, the burden of increased taxation will fall on low and middle income earners, pushing them further into poverty, while also further depressing consumer demand and blocking economic recovery.

The conditions attached to the second Greek bailout are a mistake. They are bad for the people of Greece, the Greek economy and the eurozone. While the Bill before the House does not detail these conditions, supporting it means giving our consent to them. As a result of the conditions to which I refer, the loans being provided will not solve the structural problems blocking Greece's return to economic stability, nor will they assist in bringing stability to the eurozone. Only this morning the Austrian Chancellor, Werner Faymann, said Greece would probably need a third bailout in the coming years. Separately, a leaked troika report which was seen by the German magazine *Der Spiegel* indicates that Greece may need a further €50 billion in 2015. In itself, this is an admission that the austerity programme we are being asked to endorse is doomed to failure.

Everything I have stated proves the point Sinn Féin has been right all along in this House since 2008, namely, that the approach taken by the Government and those across Europe is not working. Austerity does not work. One cannot cut and tax one's way out of a recession, let alone the type of debt crisis with which we are faced. The continued human tragedy and economic catastrophe in Greece are evidence of this.

There is an urgent need for a new approach across the European Union which must be based on investment in growth, real debt write-downs and a real cleansing of the European banking system. Investment in jobs is urgently required in the eurozone, particularly in those countries on its periphery. This can be achieved by combining the resources of member states — in our case this would be the €5.4 billion in the discretionary portfolio of the National Pensions Reserve Fund — with an enlarged investment fund in the European Investment Bank. The existing funds of that bank should be supplemented by a once-off investment on the part of EU member states on a proportional basis. This would be made not as fiscal transfers between states but rather in the form of sound investments that would provide sound returns.

In addition, the matching funding criteria for member states should be amended to a 75:25 ratio, with the European Investment Bank providing the larger portion. With this enlarged fund, the European Investment Bank would work in partnership with those member states experiencing severe recession to roll out major projects in order to generate employment, increase competitiveness and improve the social and economic infrastructure. This would, in turn, lead to both immediate and long-term economic growth. In the first instance, this EU-wide investment programme would aim to kick-start those economies experiencing recession and assist them in reducing their deficits. An enlarged European Investment Bank working with member state governments would not only provide assistance in dealing with the immediate problem of under-investment, it would also help to address the underlying imbalances in the eurozone between those member states with excessive surpluses and those with excessive deficits.

In parallel with this major investment programme, there is a need to reduce the debt burden of certain member states. I refer, in particular, to Greece and Ireland which have unsustainable levels of debt. This can only be achieved by writing down a portion of the debt held by the sovereigns. In Ireland's case, this could be done by writing down debts that were originally banking debts, while continuing to honour real sovereign debt. In the first instance, this would require lifting the obligation on the State and the taxpayer in respect of the Anglo Irish Bank promissory note. This could be achieved by agreement with the ECB and would reduce our debt to GDP ratio by up to 20%.

There is also an urgent need to cleanse the banking system of the as yet undisclosed and unquantified toxic assets on balance sheets. This could only be done by imposing rigorous stress tests, including not only in respect of banks' loan books but also their exposure to sovereign debt and all special purpose vehicles used for toxic assets such as credit default swaps and collateralised debt obligations. These new stress tests should be followed by a process of writing down portions of the banks' toxic debts and deleveraging assets in order to refocus the banking system on the needs of the real economy. Only after such a process should the European Central Bank provide any capital required for the recapitalisation of the cleansed banks.

Sinn Féin will not be supporting the Bill. Whereas some will argue that it is a demonstration of solidarity with the people of Greece, the opposite is the case. The emergency funding being provided for Greece comes with conditions attached that are nothing short of an assault on the economic and social well-being of the Greek people.

**Deputy Clare Daly:** I wish to share time with Deputies Joan Collins, Wallace and Boyd Barrett.

**An Ceann Comhairle:** Is that agreed? Agreed.

**Deputy Clare Daly:** In essence we are talking about a managed default position, where the establishment throughout Europe has understood that what was posed for Greece, given the scale of the debt, amounted to a disorderly default position. It did not want to envisage such a scenario and so the debt was rescheduled in the manner before us today, with a scheme for extending the period for repayments in return for a second bailout. The key point to register is that this was not just granted and is not a benevolent move. What is being demanded in payment for this deal is a package of so-called reforms that are akin to unleashing the fires of hell on the population of Greece.

This scenario has been compared to the position in Latin America in the second half of the 1980s and it is strongly reminiscent in many ways of the Brady plan implemented in that area. We saw how that plan played a significant role both in defending bankers' interests on the one hand and imposing permanent austerity on the other. The plan for Greece essentially does the same thing by reducing the value of debt stocks, which will be swapped for new bonds, with private banks reducing their exposure to Greece, as they have done previously with Latin America. Gradually but massively, the public creditors, including the likes of our friends in the troika, will take over and exert enormous pressure in order to ensure the new bonds held by the banks are repaid in full with interest on capital.

We should register that every cent of the so-called loans to Greece will be used to repay its debts. Meanwhile, the troika is demanding permanent austerity in the form of social expenditure cuts, massive privatisation, regression in economic and social rights and other actions that we have not seen since the end of World War II. As payment for that, we would see a surrender of sovereignty, which is really disgraceful. In Latin America the period was called the long neoliberal night and there is something similar here. We should register that even in Latin America they never reached a level of indebtedness currently experienced by the eurozone, with a level of 160% of GDP in the case of Greece.

I will spell out what is being demanded of the Greek population and we should look at the shock therapy to which these people are being exposed. The memorandum of impoverishment, as it has been correctly called in my opinion, proposes a number of measures, such as reductions in salaries by 22%, the minimum wage going to €751 per month, the abolition of sectoral bargaining agreements, the freezing of wage bills until 2015, full-time employment being converted to part-time employment based on the decision of employers and a massive decimation of what was already a vulnerable pension position. Pensions will be reduced by €300 million annually, with the new cuts affecting all schemes.

One of the most reprehensible measures is the reduction in employer contributions being imposed, with a 2% reduction in the social contributions of employers through the abolition of contributions for the workers' housing organisation and other social benefits. These organisations will essentially be forced to close down as a result. There will be a further reduction of 3% in the contributions paid by employers in the private sector in 2013. It is worth noting that these measures were pushed through on a Sunday night on 12 February and the very next day the Greek Government was faced with the European Commissioner responsible for economic affairs stating that it was not enough. He wanted another €325 million in cuts to be introduced within 48 hours, in essence suspending whatever limited democracy already exists.

On top of grinding austerity is the abolition of permanent employment in former state-owned companies, dismissal of 15,000 employees in the public sector this year, cuts of over 150,000 by

2015 and a process that will go on and on. There will be cuts of €636 million in salaries for public sector workers, and that is without considering reductions in benefits to families with more than three children, cuts in social benefits, a property tax as part of people's electricity bill, reduction in the overtime of doctors, and decreases in public investment. This is the massacre being demanded as a result of the deal in front of us today.

What we now have in Europe is the spectacle of an almost open colonial-style agenda being foisted by the stronger European economies, led by German capitalism, and this is effectively egged on and they are being allowed to get away with it by the obedient collaborators in the small, weaker economies like our own. In order to deliver, people have been prepared to throw to the side what would be considered democratic norms, such as the right to elect one's own government and so on. The only way in which this issue will be addressed ultimately is through ordinary people mobilising and uniting across national boundaries throughout Europe. On the back of the imposed austerity, we have already seen the beginnings of this in a magnificent way with seven general strikes in Greece last year; major movements in Portugal, Italy, Belgium and Spain; the overthrow of the government in Romania and so on.

The task for ordinary people in Europe now is to build a European-wide movement based on an unambiguous rejection of the payment of the national debt to market vultures and institutions like the ECB. The genuine investments of working people, including pension funds, must be protected, but the siphoning of society's resources for a debt that was not ours in the first place is not the way forward. This money and these resources should be invested in emergency programmes for putting people to work, engendering economic activity and ending austerity. The measures being put forward now offer no solution, which we know, as it has been the show in town. The choice is accepting further attacks on rights and being kicked out of the eurozone or taking more austerity and being kicked out in future; that is not a choice worth making. The way forward is for people across Europe to unite and begin to organise to benchmark living standards against their own governments, which now seem to be more interested in protecting the wealthy rather than their own populations.

**Deputy Joan Collins:** The title of the Bill indicates that its purpose is to facilitate, in the public interest, the financial stability of the EU and the safeguarding of financial stability in the euro area as a whole. I note the insertion of the term "public interest" but would it not be more honest to insert the term "in the interests of the European banking system"? What has happened in Greece cannot be described even remotely as being in the public interest. Greece is now in its fifth year of recession and it is estimated that 75% of its decline over the past two years was due to austerity measures. The country has a 25% unemployment rate, with 40% of that made up of young people. There has been a cut in education funding of 25% from a very low spending base of 4% of GDP. Greek society is being forced to jettison the young people who are its future. The NGOs and street clinics for immigrants now service 30% of Greek citizens with food and clothes. These cold statistics cannot give a real picture of what ordinary Greeks suffer. The suicide rates are frightening, with an increase of 40% in the first six months of 2011 following an increase of 25% in 2010. The human cost to the Greek people is staggering and must be taken on board.

The recipe of austerity imposed, including the unprecedented demand for regime change by the troika and Merkozy, has been a disaster for the Greek people and the Greek economy. The people bearing this enormous burden are not responsible for the crisis. Those responsible — the bankers, speculators and market players — have been handed €1 trillion at a 1% interest rate by the ECB under the long-term refinancing operation. This has prompted a market rally and brought down sovereign borrowing rates for Italy and Spain as banks borrow at 1% and lend to these states at 6%, pocketing a 5% profit. The question is how much of this €1 trillion,

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if any, has filtered down to the real economy. Has a single job been created? How is the €1 trillion to be repaid and by whom? This money is not going into productive investment which would generate economic growth and provide the wherewithal to repay it. It is adding to the debt burden of states which already have unsustainable debt levels with contracting economies in the death grip of austerity.

The only benefit — if it can be called a benefit — is to gloss over the scale of the EU banking crisis. We will now be asked in the upcoming referendum on the fiscal compact to endorse this madness. Irish people must give these issues extremely careful consideration. If the ECB can magic up — that is print — €1 trillion for the banks, why could it not have bailed out Ireland, Portugal and Greece with a 1% interest rate on less than 50% of what was given to the banks and allow them to manage their deficits without the crippling level of austerity demanded by the troika and at the same time have a minimum €500 billion for a programme to create jobs, develop infrastructure and promote growth in the periphery? This would create the possibility of growing out of the crisis.

Deputy Michael McGrath stated Fianna Fáil would support the Bill on the basis that the Greek government and the powers that be have indicated it must be the case. I reject this entirely. A puppet prime minister was put in place by Merkel and Sarkozy. He was parachuted into the Greek government. Strings are being pulled by international bankers who want their money back. The cost of this is that Greek people must pay enormously, far beyond what they should be paying. The suicide rates indicate the real suffering faced by the Greek people. I cannot support this and I reject the payment of the bailout. Ireland should consider what will happen in the coming months with regard to the fiscal compact treaty because it will batten down austerity in this country and in Europe. The points made by Deputy Clare Daly on European people having more in common with regard to dealing with the needs, economies, lives and jobs of people is key and there should be a Europe-wide campaign.

**Deputy Mick Wallace:** It is not long ago when Berlin was very eager to be seen as the champion of European unity. I am not convinced history will put this slant on it following this crisis. There is no doubt the attitude towards Greece has changed. I had the impression 18 months ago that under no circumstances would Germany allow Greece to fall away from the eurozone but I am not convinced of this any more. A lack of trust has developed and the German Finance Minister, Wolfgang Schäuble, has been fairly open about this. He is eager to be rid of Greece at this stage. Now that a better firewall is in place and there is not much confidence in Athens implementing the reforms the Germans would like it to implement, I would not bet on Greece being part of the eurozone in two or three years time.

The austerity programme on which the Germans insist for all of us is hugely problematic, not for them but for us. The German attitude has the potential to destroy the eurozone. If European monetary policy is run according to German interests, huge structural imbalances will accumulate. The unemployment rate in Germany is very manageable at present as it is less than 7%. Last year its GDP growth was 3%. It suits Germany very well for us to implement austerity but we can all see what austerity is doing here and it is even more draconian in Greece.

The unemployment level in the 17 countries of the eurozone has reached 16.9 million, which is 10.7%, and includes the good countries such as Germany and the Netherlands. Mass unemployment is haunting Europe; it is the biggest problem out there. I do not see how bleeding the patient will be a cure. Unemployment will not be fixed by austerity. The fiscal problems might be fixed but unemployment will not be. It is frightening to see how EU-imposed cuts have left one in five people unemployed in Greece and increased the suicide rate by 40%. This

is serious and very frightening. Anyone who argues austerity will spur growth or boost employment is living in cloud-cuckoo-land.

The philosophy of John Maynard Keynes is out of favour at present. He famously stated if one looks after unemployment, the budget will look after itself, but sadly this is not how Berlin sees it. I would like to argue that Europe's crisis is not only about economics. Unlike GDP or inflation, unemployment is the major economic indicator which measures real human beings rather than growth or prices. Having a job is not just about earning a living or paying taxes; it is about dignity and self worth. The human and social costs of unemployment are well known and are the same here as in Greece: financial hardship, emotional stress, depression, loss of morale and status, shame, sickness, premature death and hopelessness. These lead to crime, disorder and social unrest. We are sowing the seeds of many problems. Through cuts to education and the lack of employment, austerity is robbing us of the future. It is also robbing us of the present because of the lack of work and the hardship people are going through.

I know it is not easy to run a government. It is not easy to run a business. However, it is not good enough to state we have no money if we are able to find €31 billion for Anglo Irish Bank. A total of 450,000 people are unemployed in Ireland. If it took €30,000 to create a job for each of these people, it would amount to €13 billion, which is less than half the amount being given to Anglo Irish Bank and less than one third of what it will eventually cost us to give it this €31 billion. We are able to find money for some things but not for others and this has to do with our approach. I do not see how what is being done to Greece will help. We are being told the Greek economy will contract by only 4.3% this year, will not contract next year, before achieving a growth rate of 2% in subsequent years. Last year it contracted by 8%. How, in God's name, will Greece reduce the rate of economic contraction to 0% next year? This objective is not possible against a backdrop of wage, expenditure and pension cuts, collapsing consumer confidence, capital flight and an investment strike. How will Greece turn its economy around under these conditions? I wish the Greeks well, but at some stage Europe will have to reconsider the philosophy of austerity. The medicine will not produce the cure it seeks.

**Deputy Kieran O'Donnell:** Gabhaim buíochas den Aire as an chúpla focal a dúirt sé ar an ábhar tábhachtach sin. Caithfidh mé nóiméad ag caint faoin reifreann atá ag teacht roimh an samhradh. Ba léir dom ag an deireadh seachtaine tar éis caint le daoine i mo dháilcheantar a bhfuil suim acu faoi chúrsaí a bhaineann leis an reifreann gur mhaith leo bheith i lár na hEorpa. Tá sin tábhachtach agus sinn ag caint faoi chúrsaí sa Ghréig. Maidir leis na daoine atá i gcoinne an reifrinn, ba léir freisin go raibh siad ina choinne is cuma cén ábhar ar bhain sé leis. I mo thuairim, agus de réir na pobalbhreithe a bhí sa nuachtán ag an deireadh seachtaine, tá na daoine báúil don Eorap agus tá suim acu Éire a choimeád i lár na hEorpa. I mo dháilcheantar tá a lán daoine atá ag obair sa talmhaíocht agus i ngach contae sa tír tá sé tábhachtach go bhfuil na margaidh oscailte chun a dtáirgí a dhíol. Nuair a labhair mé le muintir Fhine Gael agus daoine eile nach bhfuil ina mball páirtí ar bith, tá siad ar aon-intinn go bhfuil sé tábhachtach Éire a choimeád i lár na hEorpa.

This debate provides me with an opportunity to speak not only about Greece, the subject of the legislation, but also the broader context of Ireland's position. Despite previously bemoaning the fact that Ireland was being discussed in the parliaments of other European Union member states, several speakers in this debate do not appear to have a problem in lecturing the Greek Government on its internal affairs, especially how it deals with budgetary issues. The Greek people have endured a tumultuous period and unfairly become the butt of many jokes. Greece is a sovereign and proud country, to which we can trace back the roots of democracy. It is a relatively new democracy which has experienced turbulent times since the Second World War. Greeks will be annoyed to hear members of another sovereign parliament lecturing them on

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what they should do with a deal negotiated by their sovereign government with 26 other member states, the European Commission, the European Central Bank and others. They will not be grateful for lectures from Members of the Oireachtas on what they should or should not do or what impact the deal may or may not have on their economy. When Deputies throw around comments about other member states in a European Union of equals, they should remember previous comments they may have made about how Ireland was being perceived in other parliaments.

Some of the Deputies who have spoken have changed their tune in the past 12 months. Having seen the fortunes of their party improving in the opinion polls, they may believe that if they temper their words a little more, their fortunes could improve further. Some of them refused to admit until recently that they had anything to do with the bank guarantee and wondered whether they were present in the Seanad Chamber when a certain vote was called or whether their words about the green jersey and bailout were taken out of context. They have suddenly gone full circle and want to distance themselves from their actions in this Chamber and the other House. People will be able to judge the unfairness of that approach.

We heard comparisons being made between Ireland and Greece. For many months the Minister for Finance has been at pains to point out that one cannot draw comparisons between our two countries which are totally different in respect of economic forecasts, where they are coming from and where they are going. The leadership provided in this country proves that is the case. For instance, if one compares Greek and Irish exports, one finds that Ireland is in a much stronger position than Greece to drive its way out of its difficulties.

That being said, as a member of the European Union, should Ireland wash its hands of countries that find themselves in difficulty or should we try to help them? I welcome the opportunity to discuss the European treaty and put it to the people in a referendum because it will be the first time we will have a proper, informed debate on the issue. The fiscal treaty is relatively small and those who seek to drag irrelevant issues into the debate will soon be found out. The first set of opinion polls since the treaty was signed was published at the weekend. The polls show that if issues are distilled for members of the public, they wish to be central to rather than on the periphery of Europe or left behind.

One speaker referred to Greece signing up to austerity for posterity, while another argued that the European treaty would enshrine austerity in law. To be fair to the speakers concerned, they may need a dictionary. Countries are being required to live within their means. One hears socialist parties argue it is a bad thing to live within one's means. Many of these parties had close associations with some of the former Soviet leaders and many have admirers in the last remaining Soviet outposts of North Korea and Cuba. They appear to believe it would be a bad thing to make it legally binding on countries to live within their means. Greece finds itself in its current position because governance, oversight, accounting and reporting were lacking. We heard about similar problems in this country. Fortunately, however, Ireland's economy is export led.

Deputy Mick Wallace is correct that austerity measures are having a major impact on families. There comes a time, however, when people must take responsibility. In fairness to the Leader of the Opposition, he attempted to take some responsibility at the weekend when he issued an apology. Others must also ask themselves whether they acted responsibly or treated people fairly in the past 14 or 15 years.

Debate adjourned.

## Private Members' Business

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### Turbary Rights: Motion

**Deputy Luke 'Ming' Flanagan:** I move:

That Dáil Éireann:

- recognises the innate value of Ireland's unique natural habitat and the necessity to protect it from harm;
- understands the need for a balance to be struck between habitat conservation and the freedom of the people of Ireland to benefit from their local natural resources;
- acknowledges the proposals from the Turf Cutters and Contractors Association (TCCA) entitled The TCCA Proposal's on 57 Raised Bog Complexes to EU Commission and Irish Government, dealing with the various issues surrounding Special Areas of Conservation and Natural Habitats Areas, and which, *inter alia*, propose that:
  - in a small minority of bogs, domestic turf cutting and conservation should co-exist with the consolidation of turf cutting into smaller areas, in conjunction with all possible mitigation measures;
  - in the vast majority of bogs, turbary rights should be relocated to a nearby bog of similar quality and infrastructural access;
  - Compensatory Habitat Exchange should be completed in one instance; and
  - additional raised bogs should be designated areas of high conservation value by way of 'Compensatory Habitat' to compensate for areas of co-existence and habitat exchange;
- recognises the potential of the proposals, particularly in light of the fact of this being the first ever consultation process to engage with affected communities and land owners in line with the approach set out in the European Commission document LIFE-NATURE: Communicating with Stakeholders and the General Public, in relation to Natura 2000 sites, which states:
  - "The principle of collaboration is enshrined in the Habitats Directive, requiring that conservation measures take account of the economic, social and cultural requirements as well as the regional and local characteristics of the area. The manner in which Natura 2000 will be implemented is very important — the involvement of the owner of private land is crucial. LIFE shows that contracts are preferable to constraints"; and

calls on the Government to:

- acknowledge:
  - the full impact of the Habitats Directive, not just on the holders of turbary rights, but also on the communities which surround the areas designated;

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- in particular, small farms which could be threatened by bogland overgrowth and resultant flooding if unplanned drainage restrictions are placed upon them by the National Parks and Wildlife Service without full consultation with local communities; and
- that those persons directly impacted by the legislation were not consulted and that the State has failed over the years to communicate adequately with ordinary land owners and turf cutters to gain their trust and goodwill;
- treat fairly the citizens of Ireland who have been affected by the Habitats Directive by recognising that without proper planning and consultation the legislation will impact their incomes, the value of their properties, the security of their fuel supply and their cultural heritage;
- make resources available for the further development and implementation of these proposals;
- engage actively with the European Commission to seek a resolution within the terms of the Habitats Directive, and to prepare and submit a National Raised Bog Restoration Plan to the Commission as a matter of urgency; and
- recognise the significant concerns among the turf cutting community and those living adjacent to bogs of the risk of flooding.

I wish to share time with Deputies Thomas Pringle and Clare Daly.

I would like to dedicate this speech to the late Paddy Concannon. He was our president until he, sadly, passed away in the past week in his 94th year. He fought this battle with us the whole way along the line and I hope he is looking down on us and supporting us. He was the last living former elected member of Clann na Talún and our thoughts are with him and his family. He would have been here this evening if he had lasted long enough.

I thank Bord na Móna, especially Mr. Gerry McNally, who helped us with the information we needed along the way. I cannot say we have been happy with everyone we have dealt with but he has been a gem.

For the first time in 20 years, there has been a thorough canvassing of the views of domestic turf cutters on solutions to the difficulties they face due to the designation of their bogs as special areas of conservation, SACs.

Based on the results of an extensive consultation process, the Turf Cutters and Contractors Association, TCCA, has prepared proposals with the potential to resolve the issue to the satisfaction of all reasonable people. The TCCA is ready and willing to progress these proposals in a spirit of co-operation and partnership towards a successful conclusion. Over an 18 month period, our representatives have visited every one of the 53 SAC bog complexes or the 57 bogs affected. In a series of 25 meetings, we met local turf cutters and distributed 17,000 questionnaires. The results show that people are deeply committed to both their traditional turf cutting practices and to bog conservation. It is important to point out that our consultation process is in line with the approach set out in the European Commission document entitled, LIFE-NATURE: Communicating with Stakeholders and the General Public, regarding Natura 2000 sites, which states:

The principle of collaboration is enshrined in the Habitats Directive, requiring that conservation measures take account of the economic, social and cultural requirements as well as the regional and local characteristics of the area. The manner in which Natura 2000 will be implemented is very important — the involvement of the owner of private land is crucial. LIFE shows that contracts are preferable to constraints.

It is important to remember that.

I refer to the main pillars of our proposal, the first of which is, in the vast majority of the bogs, relocation to a nearby bog of similar quality and infrastructure. I am one of those who is prepared to move to another bog. There is one within a reasonable distance of my plot, which has good quality turf. I am willing to move and compromise. I do not know what my grand-uncle, Harry Fleming, would think of me moving from the plot his family had for more than 100 years but I hope he would be happy enough. We are not moving for the craic; we are moving to show that we are prepared, if needs be, to compromise but that will require compromise on the other side as well. If there is compromise on that side, we will compromise.

The second element of our proposal calls for co-existence of domestic turf cutting and conservation in a small minority of bogs with the consolidation of turf cutting into smaller areas in conjunction with all possible mitigation measures. This refers to people who do not have a bog to move to within a reasonable distance or who are within a reasonable distance of a bog but it does not have good quality turf with a high calorific value. I propose in this instance, on behalf of the TCCA, that we will ask people who cut on various parts of the bog to consolidate into one area to minimise the impact on the hydrology of the bog. There is no necessity to put down a liner or a dam between the area of co-existence where they cut turf and the area that is conserved. Based on what we know from our management of these areas, that is not required. However, if that is what the State bodies need to be done, it will be done. We have been told by environmental groups that the liners or dams will not work but, last week, we were given clear examples of where the National Parks and Wildlife Service have made this work at the peatlands forum. It can, therefore, make it work in our case.

Third, we will require total compensatory habitat exchange on one bog. In this instance, there is nowhere for any turf cutter to move. There is no bog close enough with good quality turf and given the number of people cutting on the bog, consolidation would be a farce because even if they moved around into different areas, the entire bog would still be cut. In that case, we require complete compensatory habitat exchange.

The fourth pillar of our proposals is the designation of additional raised bogs of high conservation value by way of compensatory habitat to compensate for areas of co-existence and habitat exchange. If the three previous pillars are implemented, only 2% of the land area of the 53 SACs will need to have turf cut on it but it is not right to leave it at that. The TCCA has scoured the country and looked for alternative sites of equal quality and we have put them forward as an alternative to compensate for the habitat that is lost.

The 2% of the SAC land we need will last 250 to 300 years. Who knows what is around the corner? Who knows whether we will still cut turf in 50 or 70 years? However, one thing for sure is that, at most, all we need will be 2% of the land and we can compensate with 2.5 times that acreage.

Domestic turf cutting has been in decline for years for a variety of reasons. The decline in the numbers of people depending on turf for their domestic fuel is documented in the Fernandez report of 2005. With regard to the notion that people will cut an entire bog away, if one has planted an acre of spuds and one's neighbour has acres of land beside it, one does not plant spuds on his land because that is not what people do down the country. The same applies

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to turf cutting. The average plot size for turbary rights is 1 acre while some are 0.5 acre or 0.25 acre. Once that is cut away, that is the end of it. The notion that someone could cut away the entire bog is ridiculous given the State owns 95% of bogs.

This has never been a monetary issue. Even in today's economic climate, only a small minority of the 20,000 turbary owners on the 139 raised bog SACs and NHAs have accepted the compensation package on offer. More than 95% of the people who have contacted our organisation were not entitled to it. We can only conclude that the package is in essence only attractive to people who do not cut turf.

If previously agreed compensation deals are honoured by the Government, we believe a further minority may be willing to give up their turbary rights or to sell their bogland entirely or in part. This is not necessarily in our interest but people have free will to do what they wish. A flexible approach should be taken on individual preferences for annual or lump sum payments, and the different ownership arrangements, formal and informal, for example, acquired rights, must be recognised and dealt with in a flexible and creative manner by the Government. There is no one-size-fits-all solution.

The strange thing about the compensation package is that people were told they were not entitled to it if they had not cut turf in the last five years. The irony is phenomenal if we listen to some people who talk about the fact that there was no derogation. In essence, the compensation package rewards only the people who ignored the fact that turf cutting was supposedly against the law. It is interesting that is how it went.

It is vital to note that our people have taken the responsibility of guardianship of Ireland's natural heritage seriously, but there can be no effective guardianship where those who have traditionally shouldered that responsibility are ignored, as has been the case. It is not to the credit of previous Governments and the national agencies that we are no further advanced today than in 1998, and it has not done a lot for conservation.

The TCCA represents some of the poorest people in Ireland, many of whom live in areas that are already recognised as disadvantaged, with objective one status. Our people's grievances are too numerous to detail here. They are best summarised by saying that over the six years of the negotiation of the habitats directive from 1986 to 1992 and the 14 year botched implementation attempt since its transposition into Irish law in 1997, the population indigenous to the designated areas has been excluded from all decision making, denied consultation, denied access to information both general and scientific, denied representation, denied legal assistance and denied reasonable compensation or alternatives. They have had agreements dishonoured, been treated unfairly and been subjected to a State-backed campaign of intimidation, victimisation and threats. That is, at the moment, in the past. We should leave things in the past, but if we leave them in the past without learning from them, it is, to say the least, a wasted opportunity.

The conduct of the relevant Government agencies, unfortunately, has brought both the law and the EU into disrepute in the eyes of the people. I suggest the Minister read appendix A of the report entitled TCCA Proposals on 57 Raised Bog Complexes to EU Commission and Irish Government. We will not have time to go through it today, but I hope the Government Members will before tomorrow. Appendix A documents the process, begun in 2004, between the turbary rights holders and landowners of All Saints Bog, County Offaly, and Dúchas, the predecessor to the NPWS, and the Department of the Environment, Heritage and Local Government. As will be seen, it is a story of incompetence at best and, at worst, of neglect and disregard for citizens. To date the Departments have failed to complete a contract they initiated. Of 1,200 such agreements entered into by Departments, 540 have still not been hon-

oured. This is not something we came up with off the top of our heads; this information came on 11 July last from the Department of the Environment, Community and Local Government.

The TCCA's submission to the working group on the cessation of turf cutting on certain raised bog special areas of conservation and natural heritage areas is provided in appendix F of the aforementioned report. I suggest the Minister read it, as there is a lot to learn. This detailed submission, along with the work documented in the report, are testament to the determination of the TCCA to work with the authorities in resolving this issue. It is also testament to the numerous failed initiatives to date. Appendix B contains extracts from the Official Report of meetings of the Oireachtas Joint Committee on European Affairs dated 17 November 2009 and 8 July 2010. It can be seen that all members of the committee supported our case and argued that the settlement agreed in May 2007 should be honoured and completed.

Our members seek neither conflict nor confrontation. Instead, we seek to rely upon adherence to the stated EU principles of democracy, transparency, due process and subsidiarity. We bring an unrivalled and in-depth practical knowledge of our bogs and people to the table, combined with the know-how and equipment to deliver practical conservation solutions on the ground. Under our proposals, as I said earlier, approximately 98% of SAC raised bog area can be conserved. The addition of raised bog compensatory habitats will easily offset or perhaps completely negate any shortfall. In many instances, the farmland surrounding a raised bog would be vulnerable to flooding if the drainage were allowed to close over. Thus, many farmers would suffer if drainage was not maintained or compensatory drainage was not put in place to keep their lands flood-free. It is not clear from what the NPWS has stated whether any such works will be done. This is an issue that must be addressed and applies to nearly all bogs reviewed in our report.

Bog owners, domestic turf cutters and farmers have a great responsibility in the guardianship of Ireland's natural heritage. It is not a responsibility we take lightly. A review of the site synopsis reports of some of the designated areas raises questions about why certain areas were included while other areas were not. The synopsis of Derrynabrock bog and a map of same have been included in appendix C of the report. The Minister should definitely look at that. No reason was given in the synopsis for the fact that the SAC designation included a very large part of the bog but left out a considerable area that is contiguous to the entire bog and appears to have all the same characteristics of the area enclosed by the SAC. The same designated area includes fields that were reclaimed in the 1970s. These fields, which now produce silage, are part of the SAC, while part of the raised bog is not. That is not good. An examination of the sequence of maps issued by the NPWS for Derrynabrock bog is worth considering. The boundary shown in a 1993 map moved eastward on a map issued in 1996. People are confused enough already about this. The boundary then moved east by one turf bank in a map issued in 2010 and then east by a further three banks in a 2012 map. That is causing a problem for people.

Similarly, there are many instances of bogs with SAC designations that finish abruptly at the boundary of a State or semi-State property. In one instance, at Barroughter bog, the designation excludes a piece of property that is owned by the ESB, even though the bog and the land surrounding it on all sides are designated. That is also shown in our report.

The TCCA feels that any reasonable examination of bogs and any efforts to conserve bogland must include the activities of the large-scale commercial operators. In appendix D, if the Minister has time to consider the report, there are two aerial photographs of bogs in the Clara-Ferbane area and the Longford-Lanesborough area. The photographs show clearly what has happened in these areas, yet there is no plan to deal with this industrial-scale destruction. It is no accident that the best preserved bogs in Ireland are those that have traditionally been used

[Deputy Luke 'Ming' Flanagan.]

by small-scale domestic turf-cutters. In many instances, the presence of small-scale domestic turf-cutters has inhibited wholesale industrialisation and afforestation of the bogs in which we have traditionally operated. Yet now that conservation efforts are a necessity, the small-scale domestic cutter is the first to be asked to make sacrifices.

I might need another two minutes, if that is all right.

It is important to tackle the issue of the supposedly evil turf machine in comparison to the sleán. Maybe the turf machine does not look quite as dreamy on the bog as the man with the peaked cap, the pipe in his mouth and the sleán in his hand, but that does not necessarily mean it is worse to use the machine. In fact, it is less harmful. When a turf-cutter uses the hopper machine, he uses less turf. Why? If he is using the sleán, he needs to go down further into the bog to find good turf. With the machine, he can mix the bad turf and the good turf and he uses less of the turf bank overall. It mixes the whole thing up. On top of that, when one reaches the waterline, where the best turf is — my father calls it black stone turf — it cannot be cut with the sleán. This means that using the machine gives better quality turf while using less bog. In addition, there is no need to drain the high bog for a tractor and transport box, as the machine is on tracks, which means it does not sink as readily. The machine exerts two pounds per square inch on a bog while the average human exerts four pounds per square inch. It does not look as nice as the man with the sleán but it does not cause a problem in terms of putting pressure on the bog.

The final argument that must be tackled is that someone with a machine will cut more turf. About 20 years ago, my mother bought an electric mixer. Until then she had used a wooden spoon. After she bought it she did not make 100 times more cakes and we did not eat any more cakes. The reality is the turf cutter does not want to burn any more turf. He probably has a stove now and burns even less turf. Even if he wanted to cut every last bit of turf, he can only cut what is on his patch, no more than a farmer cannot plant spuds in the neighbour's field.

Research carried out for the Environmental Protection Agency's bogland report in 2011 found that Irish people have positive attitudes towards the domestic cutting of turf and also value bogs as heritage, regarding both as compatible, as does the Turf Cutters and Contractors Association. We are especially aware of how turf is deeply symbolic to Irish people wherever they are in the world. It represents our history, economic self-sufficiency and identity. We hope that the proposals of the Turf Cutters and Contractors Association will be developed by those who watch over and work the land and will ensure the living and working landscapes we see today are safeguarded into the future.

**Deputy Thomas Pringle:** I welcome opportunity to contribute to this motion and I commend Deputy Flanagan and the Turf Cutters and Contractors Association on the tireless work they have put into this issue over the past 18 months and on the preparation of the motion before the House.

The proposals from the TCCA represent an enormous amount of work carried out by people in a voluntary capacity over the past 18 months. These are people who travelled the country talking to communities, hearing their concerns and, in some cases, providing the first information that many of them had about the implications for their bog. Only 15% to 20% of people throughout the country have been contacted about the intended designation of bogs. For example, in the case of one bog in the Lough Ree complex, when the TCCA came to the local turf cutters in October last year, it was the first time that they had any information on the designation of the bog as a special area of conservation, SAC.

This has resulted in a complete breakdown in trust throughout the country. Mr. Justice Quirke's report has recognised this situation. He has said: "What is undeniable is that there has been a breakdown of communication and a breakdown of trust between the relevant parties which may be difficult to restore." He goes on: "Trust must, however, be restored and I am of the opinion that the Peatlands Council can and should play a significant role in the restoration." This opportunity cannot be lost and it is the role of the Department now to ensure it is not lost.

In doing this, the judge has acknowledged the integrity of the turf cutters:

Those most affected by the restrictions are the turf cutting communities who for generations, and in some cases for centuries, have enjoyed ownership, property and turbary rights on the relevant bogs. It was made absolutely clear by the speakers who represented them that those communities comprise hardworking, decent, respectable and law abiding citizens of this State who have no intention or wish to break any Irish or European law ... [A]s a result of circumstances over which they have had no control and as a result of legal and other procedures into which they appear to have had little, if any, input, they are now at risk of acting unlawfully or failing to act lawfully.

He goes on: "I accept further that these communities have a genuine and sincere commitment to the preservation of the environmental integrity of the relevant bogs and many are prepared to cease cutting turf in order to accommodate that overriding objective."

The TCCA report has made an honest attempt to address many of the issues involved and I believe has come up with a workable solution to the difficulties which, if followed in the spirit of the Government amendment to the motion, will resolve what could be a very difficult situation. This solution would leave no one at risk of failing to act lawfully.

Surely the implementation of environmental legislation and the preservation of the environment should also have at its heart the people who live in the environment. Everyone supports the protection of the environment and people are as much part of the environment as the flora and fauna in the countryside. In many circles in the media and the environmental lobby, people in rural Ireland are represented as Neanderthals with no concern for preservation. The proposals from the TCCA show that with effort and concern for both people and the environment, a workable solution can be reached.

The National Parks and Wildlife Service's own figures have shown that in bogs where there has been no turf cutting, bogs have still declined and in others where cutting has continued, habitat has increased. Stopping turf cutting is not a silver bullet that will solve the very real pressures that bogs are under. Including people as part of the solutions is the way to ensure progress.

What has been really shown by this dispute is how the State has failed its citizens and the environment. There is only lip service given to consultation in this country. A number of individuals working voluntarily can travel around the country, consult communities, give people information and arrive at a solution, yet the State, with all its resources, cannot achieve this and cannot inform citizens about decisions that are affecting them. The Government must learn from this and ensure in the future that consultation is just that, not talking at or down to people and not presenting them with a done deal. There is nothing that will undermine environmental protection than the superior behaviour of the State.

Mr. Justice Quirke recommends that the Peatlands Council prepares a national plan for the raised bogs. The TCCA plan is a good starting point on that road. In a nutshell, the plan makes three recommendations: preserve 98% of the already designated bog, co-existence on 2% of the designated bogs and the creation of another compensatory habitat that would represent

[Deputy Thomas Pringle.]

5% of the acreage of the entire SACs. By working with communities this plan has been put together. By consultation it has been arrived at. There is a lesson here for the State. I only hope it is prepared to learn from it.

The Minister will propose an amendment to the motion and that amendment has the type of language that could solve this problem. The National Parks and Wildlife Service must live up to the sentiments in the amendment. Bord na Móna and Coillte are prepared to work with the Peatlands Council and be part of the solution. The Minister must make sure that sentiment is acted on and correct the gaps in consultation highlighted by this dispute. If volunteers can travel around and arrive at solutions, then surely the Department can do it too. The development of the plan for the bogs could and should help to develop a model of consultation that can be used in the future to ensure communities can have faith in the process.

There are no raised bogs in Donegal but there are plenty of blanket bogs. Blanket bog around the country will come under scrutiny in the near future, with many already in SACs. To avoid confrontation in the future, I urge the Government to use the model of consultation developed by the turf cutters and recognise that people should be at the centre of the environment.

In the current climate in the country, as we face into a referendum on the fiscal compact, a terrible thought strikes me. The need for the Government to have the referendum passed could be factoring into its response to the motion. How can the turf cutters be sure that this is not a ruse to ensure they vote the right way in the referendum? I urge the Minister to put on the record that as this process goes on, the referendum result will not impact on the work of finding a solution that is acceptable to the turf cutters. If the referendum is passed — and I hope it is not for many reasons — I hope the attitude of the Government to finding a solution will not change and that work will continue, with the partnership seen in the consultation so far with the TCCA and the Peatlands Council.

I commend the turf cutters on the work they have done and the proposals they have brought forward and I thank them for the opportunity to speak on the motion.

**Deputy Clare Daly:** Like my colleagues, I am pleased to speak in favour of this motion. It is fitting that when we vote on it tomorrow night, it will be the first anniversary of the election of this Dáil. To me, that is quite fitting because what we have seen on this issue in the course of the past year is a process of democratic engagement, the likes of which has never been seen in this country.

As part of that process, lay people have given of their time and resources to travel the length and breadth of the country to engage with residents affected by this issue. Some representatives of these organisations have spent over 118 days on the road, engaging in discussions with their neighbours and people they had never met before. Countless public meetings have been held across the country. Hundreds of people have attended these real town hall meetings in order to air their grievances and look for solutions.

Families already reeling from austerity are worried about their ability to meet their fuel needs by cutting turf on plots on which they have had turf cutting rights for many generations. I have met many of the people affected during the campaign against the household tax. Some of them turned up at meetings in towns such as Athlone and Newbridge, County Kildare. They are feeling the effects of austerity, the attacks on rural Ireland and the ending of a particular way of life. They feel strongly about this issue which they see as the last straw. I have no doubt that such people will be in attendance tomorrow night in their droves to make sure our vote

marks the beginning of the end of the issue they have faced for so long. Government Deputies will accept that it is undoubtedly the case that residents feel an acute sense of betrayal by Fine Gael, in particular. Representatives of Fine Gael led voters to believe they would be on their side if they were elected. The initiative proposed by Deputy Flanagan will give Fine Gael Deputies an opportunity tomorrow to do something positive and overcome some of the damage that has resulted from the clear betrayal I have mentioned.

Deputy Flanagan has alluded to the process of designating areas as special areas of conservation. When one examines some of the areas in question, it appears the designation process is random and arbitrary. The Deputy mentioned the map covering the Derrynabrock bog. A line was drawn down the middle of it. A big chunk of the bog was left out in the designation, while fields were included in it. Where was the scientific basis for this? Similarly, Kiltewan bog was designated as a special area of conservation, while large industrial bogs in the area owned by Bord na Móna were not included, even though they were not in production and the habitats involved were just as worthy of preservation. Kildare County Council allowed housing to be built on a flood plain near Mouds bog near my home town of Newbridge. If the bog floods, as is proposed by the measure, the water table will be raised and the chances of flood damage to housing will be increased. How can this be environmentally positive? Some of the designations would lead one to believe visits to these sites were not made. It is certainly not the case that all of the bogs were examined. I suggest old maps were used in this regard. It is clear that the designation process took place against the backdrop of Ireland being threatened by the European Union. The idea was that every moment's delay would cost the taxpayer tens of thousands of euro. Obviously, this was not the case. Such a suggestion motivated much of the designation process in the background.

This is an example of the usual *à la carte* attention being paid to European Union directives and proposals. When it comes to issues such as bogs or septic tanks, we are told there is only one way to implement directives. When it comes to corporation tax, however, the European Union can be ignored and stood down. When it comes to abortion rights, it is also a case of "who cares, let us ignore the European Union." When it comes to these issues, we decide to hide behind the European Union and blame it for what is being done. I suggest it is entirely possible for the Government to implement the measures being proposed by the Turf Cutters and Contractors Association, while complying with European legislation. I do not accept the view that it is not permissible under Irish law for turf cutting to take place with conservation on these sites. There are ways in which it can be permissible; for example, in instances where there are no alternatives to co-existence. In fairness to the representatives of the turf cutters, they have found alternative sites in the vast majority of cases. Where they have not been able to do so, no alternative is possible. In that sense, co-existence is legitimate.

I suggest the over-riding public interest is an imperative reason to defend the rights of those who have engaged in this activity for many years. It is the case that this is a priority habitat. The evidence of the Government's own statistics demonstrates that, as Deputy Thoms Pringle said, turf cutting is not the only activity that has an impact on raised bogs. There are countless examples of places where the active bog is decreasing, even though no turf is being cut. There are other examples of places where the active raised bog is increasing, even though no turf is being cut. Similarly, there are examples of places where the active raised bog is increasing, even though turf is being cut. Turf cutting is not the only activity that is detrimental to these bogs. That is vindicated by the scientific evidence available in the Government's own reports. This is a hugely important part of the process. It is entirely within the Government's remit to do this. The solution being proposed by the Turf Cutters and Contractors Association recognises the importance of the habitat and the rights of individuals who have a long association with raised bogs. The position of people who have respected, looked after and passed on such

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bogs through the generations has not been given sufficient status. As has been said, the proposal would protect an area greater than the size of any facility which will be used for continued turf cutting. An alternative proposal that a greater area be protected is being made. The relocation proposition is entirely credible and testament to the active engagement and participation that has taken place on a voluntary basis. It is a positive step.

I have examined some of the submissions we received today from those who oppose the motion. They have suggested relocation would perpetuate unsustainable peat-burning and deny investment in alternative low carbon energy sources. To be honest, such a suggestion really weakens the argument of the Friends of the Irish Environment. The contention that relocation would mean an opportunity to invest in renewable energy sources would be lost is just ridiculous, given that we already have the designation. Where are the Government's efforts to develop renewable energy sources? Last week the Minister, Deputy Pat Rabbitte, denied that the development of the sector was Labour Party policy prior to last year's general election. There is absolutely no evidence to support that proposition, particularly given that the number of bogs being preserved is greater than the number on the table. Any proposal that will work will undoubtedly need the co-operation of those involved in it. In the absence of such co-operation, anything proposed will be doomed to failure.

The purpose of the motion and this campaign has been to urge the Government to work with residents, particularly in areas where there will have to be co-existence, and come up with the best areas. The only sustainable solution will be the one that is accompanied by active engagement. If such a solution is to be delivered, resources and energy will have to be invested in this process. If the Government is serious about what it is doing, it will have to be done in this way. I reiterate that nobody will be conned by this. There is a substantial degree of scepticism about the Government's record in this regard such that nobody will take promises lightly. I urge the Government to take the opportunity to repair some of the damage it has done.

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I would like to share time with Deputy Paul Connaughton.

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

**Deputy Jimmy Deenihan:** I move amendment No. 1:

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

"recognises:

- the innate value of Ireland's unique natural habitat and the necessity to protect it from harm;
- the need for a balance to be struck between habitat conservation and the freedom of the people of Ireland to benefit from their local natural resources;
- the full impact of the habitats directive, not just on the holders of turbary rights but also on the communities which surround designated areas;
- the significant concerns of turf cutting communities, farmers in particular, in relation to potential threats of flooding or bogland growth;
- the need to treat fairly the citizens of Ireland who have been affected by the habitats directive, including the need to address concerns in relation to proper planning

and consultation, the impact on income and the value of properties, the security of fuel supply and the protection of cultural heritage; and

- the need for the trust and goodwill of ordinary land owners and turf cutters to be restored and strengthened through consultation and effective communication from the Government regarding measures to protect and restore raised bog special areas of conservation, SACs;
- acknowledges the proposals from the Turf Cutters and Contractors Association, TCCA, entitled, The TCCA Proposals on 57 Raised Bog Complexes to EU Commission and Irish Government, dealing with the various issues surrounding SACs and natural habitats areas, and which, *inter alia*, propose that:
  - in a small minority of bogs, domestic turf cutting and conservation should co-exist with the consolidation of turf cutting into smaller areas, in conjunction with all possible mitigation measures;
  - in the vast majority of bogs, turbary rights should be relocated to a nearby bog of similar quality and infrastructural access;
  - compensatory habitat exchange should be completed in one instance; and
  - additional raised bogs should be designated areas of high conservation value by way of “compensatory habitat” to compensate for areas of co-existence and habitat exchange;
- further recognises the potential of the proposals, particularly in light of the fact of this being the most comprehensive consultation process to engage with affected communities and land owners in line with the approach set out in the European Commission document LIFE-NATURE: Communicating with Stakeholders and the General Public in relation to Natura 2000 sites, which states:
  - The principle of collaboration is enshrined in the Habitats Directive, requiring that conservation measures take account of the economic, social and cultural requirements as well as the regional and local characteristics of the area. The manner in which Natura 2000 will be implemented is very important — the involvement of the owner of private land is crucial. LIFE shows that contracts are preferable to constraints;
  - recognises the steps taken by the Government to address longstanding issues, including establishing the Peatlands Council under an independent chairman, and the putting in place of compensation and relocation schemes to help address the needs of turf cutters;
  - commends the contribution of the Peatlands Council, the TCCA, the Irish Farmers Association, IFA, Bord na Móna, environmental non-government organisations and all other relevant parties, for their work on developing solutions to address the needs of turf cutters affected by the requirements of the habitats directive;
  - further acknowledges and accepts the report of Mr. Justice Quirke on the proceedings of the Peatlands Forum, held in Athlone between 28 February and 2 March;

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- notes Mr. Justice Quirke’s recommendation regarding the need for a national plan for Ireland’s SAC raised bogs;
- further notes Mr. Justice Quirke’s concerns in relation to consultation, communication and trust between the State and those affected by turf cutting restrictions;
- welcomes the commitment of Government to act on the recommendations of Mr. Justice Quirke and, in particular, to:
  - work with all parties to develop a shared understanding and future for the SAC raised bogs, including with Bord na Móna, the IFA, the TCCA, environmental nongovernment agencies and, in particular, the individuals and communities who are affected by the requirements of the habitats directive and its implementation in the State;
  - work in particular with local interests to find local solutions, based on the report of the Peatlands Forum; and
  - prepare a national raised bog SAC management plan, as recommended by Mr. Justice Quirke, and engage, on the basis of such a plan, with the European Commission as a matter of urgency to seek an overall resolution within the terms of the habitats directive;
- and further welcomes the decision of Government to enhance the compensation package for affected turf cutters, including a new commitment to introduce greater flexibility in relation to the supply of free turf.”

I join Deputy Flanagan in acknowledging the late Paddy Concannon. When I was involved in a Seanad campaign 29 years ago, Paddy Concannon gave me a very good reception when I called to his house in County Roscommon, for which I will always remember him.

I thank Deputy Flanagan for raising this important issue in the House and hope he accepts the Government’s bona fides in proposing the amendment. The main difference in substance between his motion and our amendment to it is that we are taking on board the recommendations made in the report of Mr. Justice Quirke which was considered by the Government this morning and published on the website of the Department of Arts, Heritage and the Gaeltacht this afternoon. The motion and amendment otherwise share many of the same sentiments.

Mr. Justice Quirke agreed to chair the peatlands forum, which was held over four days in Athlone last week. All communities affected by the cessation of turf cutting on the 53 SAC raised bogs were given an opportunity at this forum to make a submission to Mr. Justice Quirke, and then to discuss the particular circumstances of their bog with a technical committee. This comprised of staff from my Department and Bord na Móna, with the assistance of independent facilitators.

I pay a sincere tribute to Mr. Justice Quirke for taking on this task at short notice and for carrying it out with diligence, notwithstanding the fact that his official retirement took place over the course of the forum. I also pay tribute to all other participants, namely, the IFA, the Turf Cutters and Contractors Association, the Irish Environmental Network and my own staff. Bord na Móna provided an invaluable contribution, as recognised in the judge’s report. I thank Mr. Conor Skehan, chairman of the Peatlands Council, who instigated the idea of holding such a forum, together with the team of independent facilitators and the support staff who worked together to ensure the smooth running of the forum. Most importantly, I pay tribute to the

representatives from the raised bog communities up and down the country who came to report on their own cases, and who engaged with my staff to see how their issues could be resolved.

As stated by Mr. Justice Quirke, “those most affected by the restrictions are the turf cutting communities who for generations, and in some cases for centuries, have enjoyed ownership, property and turbary rights on the relevant bogs.” His report makes sobering reading for all involved in this case. While making the point that it was not his function to adjudicate on the submissions made before, he stated the following, which Deputy Pringle also quoted. “What is undeniable is that there has been a breakdown of communication and a breakdown of trust between the relevant parties which may be difficult to restore.” He went on to state that “Mutual recrimination between the State and its citizens cannot be in the national interest and the State must not become embroiled in a quagmire of disputes and legal challenges by its citizens, at a time when it is facing severe sanctions for alleged non-compliance with a European directive arising from the same set of facts and circumstances.” The Government agrees with this analysis and we are committed to working with all parties to address the issues of communication and trust, mindful all the time of the commitments we have also given to ensure that we are in compliance with the requirements of the EU habitats directive.

The first recital in both motions tonight states that Dáil Éireann “recognises the innate value of Ireland’s unique natural habitat and the necessity to protect it from harm.” There is no more unique habitat in Europe than our remaining examples of functioning raised bog. We are legally bound to protect the relatively small amount of raised bog habitat remaining in Ireland that we have nominated as special areas of conservation. In effect, we are asking that the communities affected by the designations sacrifice, or change, part of their cultural heritage, so that we maintain a representative sample of this very valuable part of our natural heritage for future generations. Not to do so would be unforgivable. This then places an obligation on the State to compensate fairly or otherwise look after the needs of those whose traditional rights are being curtailed. This Government is committed to that principle.

If there is one overall message in the motions before the House and in the report from Mr. Justice Quirke, it is that things could have been so different if we had confronted our difficulties when we had the time, instead of leaving it until the last minute. The habitats directive was agreed by the European Community over 20 years ago with the objective of protecting endangered European habitats and species. It applies to all member states and each must meet its own responsibilities under its terms. It was very clear from the earliest days of the directive’s implementation in Ireland, and indeed during the period leading up to it, that there would be significant implications for turf cutters on Ireland’s raised bogs, over and above almost any other category of landowner in Ireland.

Significant education and consultation campaigns were put in place as the directive began to be introduced in Ireland. These included numerous local consultation exercises as well as much national level negotiation with interests such as the IFA. Action was taken to end commercial cutting on raised bogs, and the voluntary bog purchase scheme was put in place. However, in the face of opposition to ending cutting by domestic cutters, the then Government introduced the ten year derogation. It was then conveniently forgotten. Everyone else forgot about the issue and hoped that it would go away, but it did not. Meanwhile, scientific studies demonstrated that there was continued and dramatic decline in the health of our raised bogs. These reports should have galvanised everyone to action, but again nothing happened.

By the time everyone was forced to confront the issue, due to the threat of major fines in the European Court of Justice and further reputational damage to Ireland, there were no answers and there was no understanding, no communication and no trust in which to build a shared solution.

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An interdepartmental committee was established in 2009 to consider the issues in the run up to the ending of the derogation. However, the response to its report was inadequate and the last Government did not provide the certainty or the route map to deliver the long-term solution that was necessary.

When this Government came into office, we had found that we had already run out of road, with legal proceedings already taking their course against Ireland. We were determined to take a different route. While we were obliged to bring Ireland into compliance with EU law, we also put in place new responses to address both the concerns of individuals and the wider need to build a shared future and understanding. These responses included compensation schemes, relocation schemes, and most importantly the consultative Peatlands Council, under independent chairman Mr. Conor Skehan, to bring all parties together to build that shared understanding. This has been a difficult process. That is why, on the suggestion of Mr. Skehan, the Government asked Mr. Justice Quirke to chair the peatlands forum last week.

I believe that the forum may be seen as the critical initiative where we begin to turn the tide of mistrust that was evident in its plenary sessions. We saw some significant progress at the plenary sessions and in the technical sessions, as well as in the other bilateral meetings that took place over the four days.

Following the first day's proceedings, Mr. Justice Quirke took the initiative to see if some manoeuvrability could be delivered through developing a national plan for our protected SAC raised bogs. This is the central recommendation in Mr. Justice Quirke's report. Therefore, the Government decided today to develop a national SAC raised bog management plan, which will set out how we propose to manage our SAC raised bog resource. In the context of such a plan, it may be possible to bring some limited flexibility for a few of the most difficult bogs where there are no alternative solutions. It should be stressed that this can only be done within the framework of the EU habitats directive.

The bar is set very high. Any case made must show that it stands up in terms of being for imperative reasons of overriding public interest, and any such proposals must obtain the consent of the European Commission. It is also clear that there will be a requirement for compensatory habitat to meet the requirements of the directive. In fact, the preparation of this plan will require the closest ongoing consultation with the European Commission. Such a plan will not be acceptable and will have no credibility if cutting continues this year on the affected bogs. I therefore appeal for patience and understanding as we develop the plan over the coming year. Furthermore, it would be wrong to expect that such a plan could allow any cutting in the future on more than a very small number of bogs. Nonetheless, it holds out the possibility of finding solutions in those cases where none appears credible at present, although further work needs to be done first to exhaust the possibility of alternatives.

While that overall plan is being prepared, I believe we are now in a position to begin to roll out solutions, over the coming months, to many of the communities who came to the forum. There are legal, planning and land purchase issues involved in many of these cases and it will take some time to deliver new relocation bogs as we work through all these issues. We have models which work. In both Clara, County Offaly and Mountbellew in Galway, my Department and Bord na Móna have worked with the local community to put in place re-location bogs. I understand that the former Member of this House, Mr. Paul Connaughton Snr., who raised this issue on several occasions in the House, explained at the forum how a relocation project was developed for his community. More importantly, he explained the journey from mistrust to trust as this was delivered over the past six months.

As starkly illustrated in the Quirke report, this is a journey we must replicate in many more communities. This is the challenge ahead of us. For my part, I can assure the House that we will make all efforts within our resources to build that trust. Referring to the fact that the work on which we are embarking will take time, Mr. Justice Quirke stated:

Innovation is required because resolution of these difficulties cannot be achieved within the time presently available to the parties. Some means must be found to overcome this problem.

In response to this need to respond innovatively, the Government is improving both the monetary compensation package and providing additional flexibility in terms of turf delivery as relocation issues are sorted out. The Government has, therefore, agreed to enhance the compensation package as follows> The annuity payment will be increased from €1,000 to €1,500 per annum, index linked, for 15 years; an additional once-off incentive payment of €500 for qualifying cutters will be provided this year where agreements are signed with my Department; the quantity of cut turf to be delivered, as an interim measure, to those opting for relocation will be increased, from 10 tonnes to 15 tonnes. Extra turf will be also provided where multiple users have sourced from one plot and where the total cut is more than 15 tonnes per annum. Claimants must provide evidence to back up the claim, and this issue will be discussed further with interested parties. The enhanced package will be available to those who already applied to date under the schemes. I can assure the House that my Department will work with all individuals and communities to ensure those who are entitled to have turf in their grates continue to do so.

I have also directed my Department to put in place measures to expedite payments to applicants, subject to proportionate checks and appropriate audit controls. Most applicants with signed forms, and who have certified their compliance with the requirements of the scheme, will receive their payment in the coming weeks. The only way in which we can get ourselves out of the current situation is to work hard together, as Government, turf-cutters, community leaders, landowners and non-governmental organisations, to find solutions to our problems. The work of the IFA and the TCCA has been invaluable in helping us all find a way around what appear like insurmountable challenges. I am committed to working closely with them, and with all groups represented on the Peatlands Council, including the environmental non-governmental groups, to work through all the issues in the months and years ahead. Our focus will be on those citizens who are being expected to bear the burden of these measures on behalf of the wider community.

I thank Deputy Luke ‘Ming’ Flanagan for putting this motion to the House. It is opportune, before the turf-cutting season normally commences. I also thank Deputies Pringle and Clare Daly for their contributions. In response to Deputy Clare Daly, regarding consultation and my involvement in that process, there has been more consultation and communication in the past 12 months than in the previous 20 years. The first action I took when I got this job was to go to Roscommon and Galway and take a helicopter ride with Deputies Luke ‘Ming’ Flanagan and Naughten and the chairman of the TCCA, Mr. Michael Fitzmaurice. Unfortunately, there was not room in the helicopter——

**Deputy Frank Feighan:** I was driving around in the car.

**Deputy Jimmy Deenihan:** ——and Deputy Feighan was driving around in the car after us.

**Deputy Barry Cowen:** In a bog-mobile.

**Deputy Jimmy Deenihan:** No-one can accuse me of not engaging with these people. We then set up the Peatlands Council and there has been constant communication in the past 12 months. This Government cannot be accused of ignoring the wishes of these people.

We have made significant progress since. I thank everybody concerned because I know how difficult this is for those cutting turf on bogs. The one bog, unfortunately for me, that was designated in Kerry was where my great-grandfather, grand-uncles and grandfather, and now cousins, cut. I must meet these people on a regular basis. It is not nice every Saturday when I have my clinic in Listowel, which is very busy, to see a large number of people on the square. Even the week before last, they came all the way from Galway.

It is not easy for any of us. This is a difficult issue and I am doing my best to have it resolved. I was given this challenge and I intend to see it through. However, it needs co-operation between the turf-cutters, the landowners, the contractors, Government and, more importantly, the Commission. I was delighted that last week Deputy Luke 'Ming' Flanagan went to meet the Commission. That engagement should have happened years ago. The Deputy now has a clear understanding of the challenges that any Government would face.

At the end of January 2011, the then Minister for Foreign Affairs, Deputy Martin, got a letter of formal notice from the Commission stating clearly that it was not happy with the way Ireland was transposing the directive into Irish law and that the Commissioner was starting proceedings to take Ireland to court. In June, we got a reasoned opinion. This is really far advanced. I do not wish to scare anybody, but I believe the Commission will move, if we do not move, on payment of up to €9 million a year to Europe when we can find alternatives.

I thank Deputy Luke 'Ming' Flanagan for moving this motion and I commend the Government's amendment to the House, with the additional commitments to act on Mr. Judge Quirke's recommendations.

**Deputy Paul J. Connaughton:** I welcome the opportunity to speak on this motion. I have in common with Deputy Luke 'Ming' Flanagan the fact that the bog in my area of Mountbellew is one of those in the SAC area that has been designated to be taken over at the end of this year. As much as I am an elected representative, I am fully aware of the issues and the hurt, anger and mistrust of people about this issue. When I first got wind of this news I was 16 years old and at that stage in my life, the idea that we would not be going back to the bog was not the worst news I ever got. It is amazing 14 years later how my opinion has changed drastically.

My party has been in government for 12 months and this is an issue that has come to bear on us. There were ten years in which nothing whatsoever was done with this issue. Unfortunately, among many of those whom I represent there was a false belief that this issue would go away and that if we did nothing, the European Commission would not come back knocking on the door to see what we were doing about it. Unfortunately, that is not the case and in the past few years, it has come back to bite us in a big way.

Many Deputies elected to this Dáil probably do not fully understand the issue. The people I represent are honest decent people who have been cutting turf for generations and who had hoped to pass on the bogs to their sons and daughters and their families coming down the line. That was the aim. None of these people believed they were breaking the law or doing anything wrong. Everything that I have done in the past 12 months is to represent those people. My concerns were never with the Government or with the Commission; they were with the rights of those people to cut turf. We have been backed into a corner and we have had to come up with solutions to this. The one issue that has been raised in this regard, and towards which we are working, is relocation.

Relocation is a solution we have made happen in our bog in Mountbellew which takes in Carrownagappal and Curraghlehannagh bogs. The issue here is that people want to cut turf. There are many issues with this. It is not as simple as saying we have found a bog down the road, let us move there, job done. A lot more work goes into it.

I thank Dr. Conor Skehan for the work he has put in. The biggest problem we faced when beginning the process 12 months ago, as Deputy Clare Daly said, was mistrust. People did not trust the Government, Departments or officials. All they had been receiving for years was threatening letters stating what would happen to them if they did not get off bogs, which was a ridiculous way to treat anybody. Some were elderly persons who were cutting a few hoppers of turf to heat their house for the winter. To see them receiving threatening letters from people they did not know was ridiculous.

The first thing we did was to bring Dr. Skehan to our bog. Deputy Clare Daly said she had met many of the people affected in town hall meetings. We did not meet in the town hall, rather we met on the bog. At 10 a.m. on a Saturday morning we met our neighbours, cousins and friends. We first had to explain to them what was going on, why they were receiving threatening letters and why they, as honest and decent individuals, were being treated as if they were criminals, which was completely unacceptable. It is to Dr. Skehan's credit that we began to build trust. However, it was not done on one morning. It took many months to get people to believe they could trust the Government, the State and the officials on what they wanted to do.

Many issues arose. What Deputy Flanagan has said is true. Of those involved on 55 bogs, we understand many of them can be relocated, but if people are to be relocated under the new proposal, every case must be seen as unique. For example, we were never going to move to a bog many miles away. Therefore, the first point is that people want to be relocated to bog close to them. The second concerns the quality of turf available. We were not going to move from a bog which provided a very good source of fuel to one where the quality was not as good. The third and most important point is that we had to work with those who wanted to move and those who wanted compensation. There are those who genuinely want compensation and it is their right to seek it. In that process which has taken well over six months to complete there has been a lot of hard work and consultation which had been sadly lacking for ten years.

Deputy Thomas Pringle said he was afraid this issue might be linked with the upcoming referendum on the fiscal compact treaty. I assure him that issue was not discussed once in recent months in Mountbellew or Newbridge for that matter. I know the Leas-Cheann Comhairle knows many of those about whom I am talking. The fiscal compact treaty was not mentioned. It was about one simple issue — cutting turf. It was about the ability to cut turf, store it and bring it home, nothing more.

My father would certainly not have moved if the conditions were not right. We had to get the people to trust us on this issue. We had to tell them how the process was going to work. They had been let down for ten or 12 years by a decision we had to take on board. If we are going to get through this, we have to work together. I acknowledge the role played by the TCCA because the issue had continued for a long time. The TCCA had continued to raise it and inform people about what was happening. We were getting to a stage at which, every day, someone was receiving a threatening letter stating what would happen if he or she did not comply with the law, which was ridiculous. In the past six months, however, we have built trust that this can and will work. I am happy to say that in the past four weeks machines have moved into the bog at Killasolan just outside Mountbellew to begin to renovate it. Two weeks ago we brought the people who had signed contracts to their new location. We have now decided that they will be with us every step we take. They will be the final judges; they are the ones who

[Deputy Paul J. Connaughton.]

are telling us whether we are doing it right or wrong. We wanted to show them that by taking a leap of faith and moving with us we would see work being done.

I would not stand over anyone's decision to relocate if he or she did not believe the Government was serious about renovating the bog to which he or she was moving. As I said, we brought people there two weeks ago, with Dr. Skehan and Mr. Conor Ó Raghallaigh of the National Parks and Wildlife Service present to supervise the work which is continuing. The hope is the people concerned will be able to cut turf there the year after next, which is why I welcome the increase in the allocation of turf. Approximately 35 to 40 people moved as part of the relocation and every case is different in that some cut for themselves, some for their family and some for relations. That is what will have to happen from now on.

I welcome Mr. Justice Quirke's report and the TCCA submission as they have a very good understanding of the position on the majority of bogs and of how the process will work and be implemented. However, it has not been easy up to this point and it will not be easy in the future. For every bog, there are 50, 60 or 70 people, all with different requirements and who will cut different amounts of turf. We will have to ensure we deal with them on an individual basis and understand their concerns. For too long, we did not bring people with us and they were ignored. They were not told the truth. We have to change this.

I want to see everyone working together, whether it be the Peatlands Council, Bord na Móna, the National Parks and Wildlife Service, the Department and the TCCA. The only solution is to find the places to which people can relocate and set out a clear management plan for these bogs. The most important point is to keep people informed of what we are doing. A good start was made in Athlone last week which will have helped to build trust. However, we cannot afford to continue for another six or 12 months without further consultation. The more we keep people informed, the more they will feel they will have an opportunity to engage in the process.

I thank Mr. Gerry McNally of Bord na Mona whom we found to be extremely helpful in sourcing new bogs and learning how we could develop them. It is through that level of expertise and through such individuals in State bodies that we will be able to push on and genuinely solve the problem.

I acknowledge that relocation will be tougher in some instances and nigh on impossible in others. We will have to work with the Commission on these issues. These are issues in south Galway at Barroughter and Clonmoylan bogs and probably at Mouds bog in County Kildare. The people concerned cannot be ignored. The task for them and the Government is tougher, but they cannot be ignored. Whatever we can do to solve the problems faced must be done and should be done immediately, where possible. In the case of the bogs near Mountbellew — Carrownagappal and Curraglehannagh bogs — we were able to find out quickly where the new bog was located and move to it.

This has been a thorny issue for the past 12 months, but it had been ignored for 12 years. We have done everything we can to restore the trust of the people involved, which has not been easy. However, I have seen at first-hand how relocation can work. Let us be very clear: it is not an easy path to follow. The most important people are the turf cutters — my family, friends and neighbours — and they must be consulted every step of the way. If we are to do anything, we must build trust among all those involved. Trust had broken down, including last summer owing to the way departmental officials had treated those who were cutting turf, which was wrong. We need to start from the base provided by the forum held last week in Athlone, to use what we achieved in Mountbellew and began at Clara. Let us push on from here and

show that relocation can work, but let us not forget those who are working in very difficult bogs and who have as much of a right to cut turf in another bog as anyone else.

**Deputy Éamon Ó Cuív:** I am delighted to have the opportunity to speak on this issue. My colleague, Deputy Troy, would like to be here as he has been very involved in this issue, but, unfortunately, he cannot be present owing to another engagement.

We should go back to the beginning of this saga. In 1997 the rainbow coalition Government signed the habitats directive into law. I can remember the Dáil debate held at the time on the issue with the then Minister, Mr. Michael D. Higgins, now President. When Ms Síle de Valera and I entered the Department, we were both involved in the debate on the SAC issue, central to which was the raised bogs issue.

It is absolutely true to say we never received a ten year derogation from the authorities in Brussels because they were never going to agree to one. What we did — what Governments need to do in such instances — was we travelled to Brussels to tell the officials we would offer a ten year derogation to domestic bog cutters and arrange to remove the commercial turf cutters who accounted for a figure of 96% of the effort, if memory serves me correctly. However, the European Union stated it was not going to extend an official derogation, but that it would not interfere in providing for the introduction of a ten year period. I regret that within that ten years the Department was not more proactive in doing what the previous and current Governments have done to resolve the issue. I have recognised for many years, and I am glad there has been a conversion on the Government side, that the European Union would take Ireland to court if there was not conservation of raised bog. I am pleased there appears to be a consensus on all sides that raised bogs must be conserved. I understand the proposals put forward by the Turf Cutters and Contractors Association recognise this and also that if any of the designated bogs continue to be cut, the preserved bog would be supplemented by compensatory bog that has not been designated to date and which would be of equal quality.

The elements of the plan that are being put forward now were put on the table some years ago, these being that one could have a choice between cash, relocation or turf delivered to the door. An argument arose about the duration of these compensatory arrangements and the amount. Some progress was made, particularly in County Offaly, about which my colleague, Deputy Barry Cowen, will speak. Even though as Minister for Community, Rural and Gaeltacht Affairs I had no ministerial responsibility for this area, I was involved in discussions two years ago with various interests with a view to progressing the issue. When I was Minister at the Department of the Environment, Heritage and Local Government for a short time last year, the officials and I came up with the concept of Comhairle na bPortach. It a nicety to give these organisations an Irish language title, although it is now called the Peatlands Council. The great advantage of the Irish language is that peat and turf are the same in Irish. A portach is a bog and móin is turf. To a country person, peat does not sound as homely as turf but we will not get into the semantics of language. I was preparing a memorandum for Government, a copy of which I kept until the day the new Government assumed office and a copy of which the Minister will find in the files of the Department.

**Deputy Jimmy Deenihan:** The Deputy was obviously confident about getting back.

**Deputy Éamon Ó Cuív:** No, this was after the election. I am talking about the meeting of the previous Government the day before the new Government came into power. What I was trying to achieve — I ran out of rope — was a doubling of compensation from €1,000 to €2,000, which I note is still only €1,500, but after a long haggle I believe it will be €2,000.

**Deputy Jimmy Deenihan:** It is €2,000 in the first year.

**Deputy Éamon Ó Cuív:** The Minister said the annuity payment will be increased from €1,000 to €2,000 per annum, index-linked, for 15 years.

**Deputy Jimmy Deenihan:** The Deputy should continue reading.

**Deputy Éamon Ó Cuív:** An additional once-off incentive payment of €500 for qualifying cutters will be provided this year where agreements are signed with the Department.

**Deputy Jimmy Deenihan:** Yes, €2,000.

**Deputy Barry Cowen:** Even with one's eyes closed, one gets €500.

**Deputy Éamon Ó Cuív:** Yes, but if the negotiations drag on one does not get it. Why not be cut and dried about it and just give the €2,000? I am pleased the Minister has obviously read my memo and taken on board two of my suggestions. I regret the time——

**Deputy Jimmy Deenihan:** If the Deputy was Minister in the Department for six months, he would have it solved.

**Deputy Éamon Ó Cuív:** Absolutely. I am glad the Minister did the same eye-balling. The officials were telephoning me every day to send a letter to Brussels but I refused to do so. I said the only letter I would send back would be one much more negative than their letter. They took their chances with the Minister, who would be more moderate than me on these issues in terms of standing our ground. I was told at that time that it would not be possible to cut turf last year, when it was. It was wrong advice, I did not believe it, and I am glad the Minister succeeded on following through on what I had been doing in terms of not stopping people from cutting turf last year. That was a right decision for the Minister to make and on which I commend him. Progress has been made.

Will the Minister clarify whether the Peatlands Council will remain in place or was it a four day event?

**Deputy Jimmy Deenihan:** That was the forum.

**Deputy Éamon Ó Cuív:** Will the Peatlands Council remain in place?

**Deputy Jimmy Deenihan:** It will remain in place because we are preparing a national peatlands strategy for bogs that are not designated in order that all bogs can be looked after and are not allowed to become dumps or to be abused.

**Deputy Éamon Ó Cuív:** We would all agree with those sentiments. One of the issues of concern to all of us and one of the reasons people involved in turf cutting have been insistent in protecting their rights is that the Irish Peatlands Council or——

**Deputy Luke 'Ming' Flanagan:** The IPCC.

**Deputy Éamon Ó Cuív:** Exactly. The IPCC has a clear objective to stop the cutting of all turf.

**Deputy Jimmy Deenihan:** Is that the Peatlands Council?

**Deputy Éamon Ó Cuív:** Not the Minister's council but the NGOs.

**Deputy Jimmy Deenihan:** Some other council.

**Deputy Éamon Ó Cuív:** That is clearly stated in its policies. Therefore, everybody who deals with it knows that while we could do a deal today, wrap it up, think we had done our bit and have the conservation the Minister is talking about, what is guaranteed is that the NGOs would be on the next plane to Brussels saying they had achieved so much, and would urge going for the blanket bogs and the——

**An Leas-Cheann Comhairle:** I have to call Deputies Cowen, McLellan and Martin Ferris. This is all very interesting but time is running out.

**Deputy Jimmy Deenihan:** Just to clarify, I made it clear to Mr. Potocnik that this was what was on the table and he agreed. I take his word that this is it and if we can do what we are supposed to do, that will be it.

**Deputy Éamon Ó Cuív:** With no disrespect, the problem is that the Friends of the Irish Environment will never rest happy. People come and go in Brussels.

**Deputy Jimmy Deenihan:** They are not in Government.

**Deputy Éamon Ó Cuív:** They will continue going to Brussels, and this has been the problem from the beginning.

**Deputy Jimmy Deenihan:** If we do what we are supposed to do we will——

**An Leas-Cheann Comhairle:** I must call Deputy Barry Cowen.

**Deputy Éamon Ó Cuív:** I ask the Minister not to underestimate them. They have a cosán dearg beaten to Brussels.

**Deputy Jimmy Deenihan:** All I need is the Deputy's support.

**An Leas-Cheann Comhairle:** I must call Deputy Cowen.

**Deputy Barry Cowen:** I wish to provide some background to the debate. I acknowledge and pay tribute to Deputy Luke 'Ming' Flanagan for tabling the motion and the Minister for his response which goes some way without going the whole way. The real background to the debate concerns issues in regard to fuel poverty and rural incomes.

Rural household incomes in the midlands are 9.4% below the national average. The majority of affected bogs are located in counties with the lowest disposable income. This must be a central factor when making arrangements to stop cutting turf. Turf is a very inexpensive source of fuel, being up to 60% cheaper than oil. The cost of turf is in the labour.

A cessation policy will expose another significant number of households to fuel poverty. It is estimated that between 4,000 and 5,000 households will be directly effected by outright cessation. Many at risk of fuel poverty face costs of converting existing heating systems and would need to purchase more expensive fuels. Their needs must be given priority. We have had derogations for ten years with further derogations for certain bogs for one year at a time since, with 75 natural heritage areas concluding at the end of 2013.

Last year, during the course of the general election when the issue was live in rural and midland constituencies, we had wild abandon from certain Members of the Minister's Party and the Labour Party who made cynical promises calling for the ban to be lifted without acknowledging the templates for resolution that had just been put in place. I acknowledge he has now used those in instances and has provided for improvements in those templates.

[Deputy Barry Cowen.]

However, I remind the Minister there were cynical calls and much politics played by the Government side this time last year.

As a public representative in recent years, especially as a councillor, I have dealt with three different classes of turf cutters in efforts to resolve these issues with real and workable solutions. The first are those who have or had title to turf banks or turbary rights and who cut for their heating needs annually. Second, there are those who did not necessarily have title or turbary rights but who cut annually for their families on lands or bogs known as commonage. Third, there are those families whose area of bog extends well beyond what might be expected to be a life time area of ground for cutting. As stated, one acre of bog equals roughly 60 years supply. While some of those involved are commercial cutters they are serving the needs of those who have no access to turf, which must be acknowledged.

In my experience, a solution for the first category has been available for the past six to 12 months. An example in this regard is the bog in my own area of Clara and The Island in respect of which families and turf cutters have engaged through Irish Rural Link with the OPW, the IFA, Bord na Móna and Coillte and come up with credible and flexible solutions in the form of an alternative bog four or five miles away. In many instances, the bogs given to these families are even more productive and will be longer lasting than were those in which they were cutting in the first instance.

**Deputy Jimmy Deenihan:** It is a good example.

**Deputy Barry Cowen:** In some cases, the option of funding towards conversion was accepted. I accept the right of people to do that too.

The category of cutter on commonage land, such as in Ballinough, has in my experience adhered to the directive but has never been compensated for so doing. They, too, need to be brought into the fold based on their history of cutting on unencumbered lands. They should be offered the same compensatory options and rights. As I stated, the ground on which they cut is not contested and they should, therefore, where they can provide the relevant proof of cutting over time, be entitled to compensation.

The third category must be recognised as an asset which deserves to be compensated on a per acre basis. We should not be seeking to allow only one lifetime of cutting for one family, which does not take account of historic value and ownership. Turf cutting must be recognised as valuable farm or off-farm income. While what the Minister has brought forward goes some way towards achieving this, it does not go far enough.

We must compensate acre for acre. A person who has ten acres of bog is entitled to ten acres compensatory bog. They should not be entitled to only one acre of bog to provide for their family. This does not take account of the historic value of an acreage to a particular family and the many generations before them. These people must be properly compensated. What the Minister has proposed this evening is the bones of a deal. It goes much further than what was previously proposed. The three categories that need to be considered are those who in places such as Mountbellew as mentioned by Deputy Connaughton provide for their immediate families and those in my constituency of Clara who came together to find a solution in respect of provision for themselves and their immediate families; those who cut on commonage and have been left behind because they do not have the type of representation which many others involved in this argument down through the years have or have had and, those who have large holdings who, like it or lump it, are entitled to like for like compensation.

If compensation is to be monetary then there must be comprehensive analysis of land based on the income derived by families in recent years. It must be remembered that these people provide a source of fuel which keeps so many people out of the fuel poverty trap.

**An Leas-Cheann Comhairle:** I call Deputy McLellan whom I understand is sharing time with Deputy Ferris.

**Deputy Sandra McLellan:** I welcome the opportunity to contribute to this debate. I commend Deputy Luke ‘Ming’ Flanagan and his colleagues on bringing forth this motion.

Like others, Sinn Féin understands, appreciates and supports the need to protect our natural habitat. Likewise, we support the right of domestic turf cutters to work their own bogs. Sinn Féin will be supporting this motion, which provides the basis for a comprehensive and reasonable solution to the current impasse. The options proposed by the Turf Cutters and Contractors Association, TCCA, have the potential to serve the best interests of local turf cutters while ensuring the State’s full compliance with the habitats directive.

This is a hugely emotive and important issue countrywide. People in Cavan, Meath, Galway, Kerry, Kildare, Mayo, Sligo, Offaly, Laois, Roscommon, Tipperary, Westmeath, Longford, Monaghan, Clare and the surrounding areas are affected. Tradition, heritage, natural and cultural, economy, fuel, energy, heat and a way of life are some of the factors at play. The Turf Cutters and Contractors Association, TCCA, with others, has done considerable work to find reasonable solutions for its members and Government. I welcome the Minister’s acceptance of the Quirke report which for the first time confirms the undeniable breakdown of communication and trust between the relevant parties, which may be difficult to resolve. It has long been recognised that consecutive Governments have failed in their obligations to ordinary turf cutters. It is hoped we will now see complete and comprehensive engagement with local turf cutters on a case by case to ensure reasonable agreements are made in all individual cases.

There is without doubt potential for a win-win scenario, thus turf cutters can continue to cut turf and the State can meet its obligations to Europe. This is what we need without delay.

**Deputy Martin Ferris:** I commend Deputy Luke ‘Ming’ Flanagan and all others associated with tabling this motion tonight. This motion reflects the genuine and continued commitment of rural Deputies to addressing issues affecting rural Ireland. I support this motion and the proposals made by the Turf Cutters and Contractors Association, TCCA, in regard to the accommodation of turbary rights with the need to protect the natural habitat.

This motion stresses the need to balance conservation as laid down in directives with the traditional right of people to utilise local natural resources, as they have done for a long time without causing serious environmental damage. Key to all of this, and indeed other issues which are currently the cause of great concern in rural communities, is that faceless bureaucrats, often not even resident in or familiar with any part of this country, are laying down decrees with regard to important issues. I have witnessed this many times before, including in regard to the fishing communities where a traditional way of life and a source of great potential for development has been restricted and, some would argue, condemned to slow death by the surrender of control to bureaucrats who are not interested in the needs of fishing communities and may in fact be outright hostile to them. The Minister needs no reminding of what happened to drift salmon in our constituency and the consequences in that regard.

The Minister will be aware of the anger that this has been generated in relation to the Moanveanlagh raised bog outside Listowel. It is the only bog in Kerry to which the ban is to be applied. However, turf cutters there have insisted they will not be prevented from cutting turf after 1 April. The Minister referred earlier to ongoing pickets outside his constituency

[Deputy Martin Ferris.]

office. Many of those picketing are personal friends of the Minister, which gives some indication of how deeply angry people are about this. Many of them are, perhaps, Fine Gael supporters.

The point has been made by the Kerry Turf Cutters Association that the State has refused to engage with them despite that they have come up with detailed and imaginative proposals which they believe form the basis of a solution, taking into account the various concerns and interests. This is again illustrative of the lack of engagement with communities. I am pleased to note that the Minister, Deputy Deenihan, has welcomed the association's proposals on relocation claims and has directed his officials to study them .

I welcome the Minister's acceptance of the Qurike report on the national plan. This matter can only be resolved by people sitting down together to find a solution which takes into account the rights of people involved in this area for many years. This matter can be resolved. The Minister has the power to do it.

**Deputy Jimmy Deenihan:** We have been doing exactly what the Deputy is suggesting for the past year.

Debate adjourned.

The Dáil adjourned at 9 p.m. until 10.30 a.m. on Wednesday, 7 March 2012.

## Written Answers.

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

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*Questions Nos. 1 to 14, inclusive, answered orally.*

*Questions Nos. 15 to 55, inclusive, resubmitted.*

*Questions Nos. 56 to 65, inclusive, answered orally.*

### Gaeltachtaí Nua

66. D'fhiafraigh **Caoimhghín Ó Caoláin** den Aire Ealaíon, Oidhreachta agus Gaeltachta cén obair atá déanta aige chun Gaeltachtaí nua a bhunú sa Ghalltacht. [12563/12]

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** Mar is eol don Teachta, tá plé déanta cheana féin inniu ar ábhar na Ceiste seo, i gcomhthéacs an fhreagra a thug mé ar Cheist Tosaíochta Uimh. 59. Faoi mar a chuir mé in iúl, tá sé i gceist faoin mBille nua Gaeltachta go mbeidh deis ag ceantair, lasmuigh de na ceantair thraidisiúnta Gaeltachta, aitheantas reachtúil a bhaint amach mar Ghréasáin Ghaeilge, faoi réir critéir phleanála teanga sonritha a bheith comhlíonta acu. Mar atá ráite faoin *Straitéis 20 Bliain don Ghaeilge 2010-2030*, is ceantair iad na Gréasáin Ghaeilge seo a mbeidh a bhformhór i bpobail uirbeacha agus a mbeidh cnap criticiúil bunúsach tacaíochta pobail agus Stáit iontu don Ghaeilge.

Tá plé ar siúl faoi láthair idir fheidhmeannaigh mo Roinne agus feidhmeannaigh Fhoras na Gaeilge maidir leis na critéir phleanála teanga cuí a bheadh le comhlíonadh chun aitheantas reachtúil a bhaint amach mar Ghréasáin Ghaeilge. Tá sé i gceist freisin comhairle chuí a chur ar fáil do phobail a bhfuil spéis acu plean teanga a ullmhú chun aitheantas mar Ghréasáin Ghaeilge a bhaint amach.

### Departmental Staff

67. **Deputy Mary Lou McDonald** asked the Minister for Arts, Heritage and the Gaeltacht the number of staff that left his Department and agencies operating under the aegis of his Department in the grace period; the contingency plans in place to ensure continuation of service; and if he will make a statement on the matter. [12483/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** As the Deputy will be aware my Department was established on 2nd June 2011. A total of 26 civil servants have left my Department between that date and the expiry of the grace period on 29th February 2012. In relation to the public servants employed in the bodies funded from my Department's Vote Group, I am advised that 70 public servants have left those bodies between 1st January 2010 and 29th February 2012.

In relation to the issue of contingency plans to ensure continuity of service, I can advise the Deputy that my Department, in consultation with the Department of Public Expenditure and Reform, has reviewed staffing arrangements and vacancies arising across my Department with a view to ensuring the continued effective delivery of priority and key services. In line with the Public Service Agreement 2010-2014, vacancies arising from recent staff retirements are being managed through effective use of redeployment, workforce planning and business process redesign.

It will, however, be necessary to fill a small number of posts in the heritage area over the coming months so that Ireland can continue to meet its EU commitments and obligations. In this regard, I am pleased to be able to advise the Deputy that the Minister for Public Expenditure and Reform has sanctioned an exemption from the moratorium to facilitate the filling of a number of these posts identified as being of particular importance.

Regarding bodies from my Department's Vote Group, arrangements are being made by local management, in line with the Public Service Agreement 2010-2014, to ensure continued delivery of services. These bodies are in ongoing liaison with my Department concerning the filling of specialist posts as they arise. In this regard, I can advise the Deputy that interim arrangements to ensure the filling of certain statutory posts, pending the development of firm proposals in relation to the merger of national cultural institutions, have been sanctioned by the Minister for Public Expenditure and Reform.

*Question No. 68 answered with Question No. 63.*

### **Arts Facilities**

69. **Deputy Michael Colreavy** asked the Minister for Arts, Heritage and the Gaeltacht the position regarding the progress that has been made to date in securing properties under the control of the National Asset Management Agency that might be suitable for use as local arts facilities; if he will list these properties; and if he will make a statement on the matter.  
[12482/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I refer the Deputy to my replies to a number of previous Parliamentary Questions on this matter. As previously stated, I have met the chair and chief executive of NAMA in relation to the potential use of NAMA buildings for cultural purposes.

As the Deputy will be aware, NAMA was set up to acquire loans from certain financial institutions and it does not own property as such. Accordingly, there is no list of properties that could be made available for use as arts facilities. In most cases, the property securing these loans is under the control of the debtor and will remain so as long as the debtor continues to meet his obligations. In the case of certain debtors, NAMA has taken enforcement action and the property securing the loans is now under the control of receivers or other insolvency agents appointed by NAMA. Engagement is ongoing with NAMA in relation to assets of interest from a cultural perspective. The re-opening of the Lighthouse Cinema in Smithfield is a case in point.

### Tourism Promotion

70. **Deputy Sandra McLellan** asked the Minister for Arts, Heritage and the Gaeltacht the way the commitment in the programme for Government regarding the development of cultural tourism opportunities will be implemented; and if he will make a statement on the matter. [12479/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** My Department and the institutions which it funds continue to work closely with the tourism agencies, at home and abroad, to promote cultural tourism. In that context, there are a number of standout initiatives, and a whole host of ongoing events of note, especially Culture Night. In 2011, it took place on September 23rd in a record 30 towns and cities throughout the island of Ireland, showcasing the best of our artistic and cultural heritage and facilities. It is estimated that upwards of 200,000 participated in the event in 2011, with over 150 cultural venues in Dublin alone welcoming visitors until late in the evening.

Arising from discussions at the Dublin Castle Global Irish Economic Forum on the most appropriate way to increase the impact and popularity of Culture Night for 2012 and beyond, it is proposed to designate St. Patrick's Day as the *International Day of Irish Culture*, thereby building on solid foundations already in place. Discussions are ongoing with all relevant stakeholders as to the exact format and scope of such an event, which will depend also on the amount of funding that is available. I also propose to deepen the engagement with Music Day, scheduled this year for 21st June, and create a further cultural pivot point at a key moment during the year. In that way, there will be three main national cultural focus points throughout the year — St. Patrick's Day in Spring, Music Day at Midsummer, and Culture Night in the Autumn.

The National Cultural Institutions and other cultural venues supported by my Department play a very significant role in Ireland's cultural tourism product. In 2011, there were over 3.6 million visitors to such institutions and venues. At the moment, they and the Arts Council are being activated to support both *The Gathering* and our upcoming EU Presidency Cultural programme.

### Irish Heritage Trust

71. **Deputy David Stanton** asked the Minister for Arts, Heritage and the Gaeltacht, further to Parliamentary Question No. 63 of 31 January 2012, if the review of the Irish Heritage Trust has been finalised; and if he will make a statement on the matter. [12512/12]

82. **Deputy David Stanton** asked the Minister for Arts, Heritage and the Gaeltacht, further to Parliamentary Question No. 63 of 31 January 2012, when he expects to publish the review of the Irish Heritage Trust; and if he will make a statement on the matter. [12513/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I propose to take Questions Nos. 71 and 82 together.

As the Deputy will be aware from my previous related replies, my Department commenced a review of the operation of the Irish Heritage Trust last year, in accordance with a protocol agreed with the Trust in 2006. In this regard, my Department invited observations on an Issues Paper in relation to the operation of the Trust. Submissions in response to the Issues Paper were received from a cross-section of built heritage stakeholders, including State agencies, local authorities and non-governmental organisations. This input has proved very helpful in assisting my officials to shape the conclusions of the review and the recommendations for the way forward for the Trust.

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Further to my previous replies, I am pleased to advise the Deputy that good progress has been made in advancing the review in consultation with the Trust and relevant stakeholders. An advanced draft final report on the outcome of the Review process has been discussed with the Trust and I expect to receive the finalised report before the end of the month, with a view to publication next month.

### **Film Industry Development**

72. **Deputy Sandra McLellan** asked the Minister for Arts, Heritage and the Gaeltacht the efforts he has made to protect the terms and conditions of employment in the Irish film industry for production and pre-production workers; if appropriate training and career development programmes are in place; and if he will make a statement on the matter. [12486/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Primary responsibility for training within the Irish film industry is carried out by Screen Training Ireland (STI). STI is part-funded by the Irish Film Board and provides continuing training and career development opportunities for professionals in the independent film and television sector. It works with industry professionals, both locally and internationally, to identify, design and deliver training for Irish professionals. Training programmes are offered to practitioners and companies to enhance their expertise in Film, Television, Animation and Digital Media to allow for the continued development and expansion of the sector.

Statutory responsibility for the protection of the terms of employment for workers in all sectors in the State is a matter for my colleague, the Minister for Jobs, Enterprise and Innovation, and I understand that there are a number of bodies under the auspices of his Department, such as the Right Commissioners Service of the Labour Relations Commission, that investigate grievances or disputes.

### **Heritage Sites**

73. **Deputy Willie O’Dea** asked the Minister for Arts, Heritage and the Gaeltacht if he will be holding public consultations before announcing any attempt to make Clonmacnoise, County Offaly, a world heritage site; and if he will make a statement on the matter. [12553/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** My Department is currently reviewing the strategy for advancing nominations to the World Heritage List from the Tentative List. The potential nomination of Clonmacnoise is being considered within the context of the review, along with other properties on the Tentative List. No decisions have been made on future nominations and no actions have been taken in relation to progressing further the Clonmacnoise bid. Any site potentially proposed for nomination will involve consultation with all relevant stakeholders. It should be noted that the nomination of a property to the World Heritage List takes considerable time, commitment, and resources to prepare, and each property nominated is subject to detailed evaluation by UNESCO.

### **Census of Population**

74. **Deputy Aengus Ó Snodaigh** asked the Minister for Arts, Heritage and the Gaeltacht the progress made on publishing the 1926 census; and if he will make a statement on the matter. [12481/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The Programme for Government contains a commitment to enabling the publication of the 1926 Census. This

Census was the first undertaken by an independent State ten years after the Rising; four years after the Treaty was signed; and just three years after the Civil War. It is, therefore, an historic collection of great value and interest for historians and family researchers alike. I intend to bring a proposal to Government on enabling its publication in the coming weeks.

### Foras na Gaeilge

75. D'fhiafraigh **Peadar Tóibín** den Aire Ealaíon, Oidhreachta agus Gaeltachta cén buiséad a bheidh ag Foras na Gaeilge sna blianta 2012, 2013 agus 2014. [12561/12]

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** Mar is eol don Teachta, is gníomhaireacht é Foras na Gaeilge den chomhlacht forfheidhmithe Thuaidh Theas, An Foras Teanga. Dá réir sin, is tríd an Chomhairle Aireachta Thuaidh Theas a shocraítear na buiséid bhliantúla don Fhoras Teanga.

Pléadh cúrsaí buiséid don bhliain 2012 don Fhoras Teanga ag cruinniú den Chomhairle Aireachta a tionóladh in Inis Ceithleann ar 14 Feabhra. Socraíodh go dtabharfar na pleananna gnó agus na buiséid don bhliain 2012 os comhair chruinniú den Chomhairle Aireachta lena bhfaomhadh, tar éis dóibh a bheith aontaithe idir na Ranna Urraíochta agus faofa ag na Ranna Airgeadais.

Dá réir sin, táthar ag leanúint de chúrsaí buiséid a phlé idir oifigigh mo Roinne agus oifigigh na Roinne Cultúir, Ealaíon agus Fóillíochta ó thuaidh, i gcomhthéacs na gcistí airgeadais atá ar fáil sa dá dhlíne. Ag brath ar an dul chun cinn a dhéanfar, tá súil agam go mbeifear in ann moltaí a chur os comhair an chéad chruinniú eile den Chomhairle Aireachta Thuaidh Theas i bhformáid rannach an Fhorais Teanga, a bheidh ar siúl an samhradh seo.

### EU Programmes

76. **Deputy Peadar Tóibín** asked the Minister for Arts, Heritage and the Gaeltacht the EU culture programmes that are running at present; the location at which these projects are based and the categories; the numbers employed on these projects; the total amount of funding that has been secured from the EU for same; the projected amount of the €70 billion of funding that Ireland hopes to secure during the life of the programme; the reason there has been no information made available to interested community based groups regarding the creative economy programme. [11335/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The Deputy will appreciate that, at present, there are two EU programmes operating within the areas for which I have responsibility:

1. The Media Programme is the EU support programme for the European audiovisual industry and details are available at [www.mediadeskireland.ie](http://www.mediadeskireland.ie); and
2. The Culture Programme is the EU support programme for organisations working in the field of culture and details are available at [www.ccp.ie](http://www.ccp.ie).

The websites in question give a significant level of detail on the operation of the two programmes.

I am not aware of a fund of €70 billion of the nature referred to by the Deputy, either at EU level or elsewhere. There are, however, discussions currently underway between the Member States and the European Commission on a new framework programme for the cultural and creative sectors, for which a budget of some €1,800 million is mooted. This would run from 2014 to 2020 and be called the Creative Europe Programme. This is far from finalised and it

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will have to be considered in the context of the overall EU Budget. It includes a proposal to amalgamate the current Culture and MEDIA programmes under a common framework and to create an entirely new facility to improve access to finance.

### Departmental Staff

77. **Deputy Michael Moynihan** asked the Minister for Arts, Heritage and the Gaeltacht if the early retirement scheme will impact on the opening hours of the State's cultural institutions; and if he will make a statement on the matter. [12548/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Whilst my Department provides funding to the National Cultural Institutions, the Board of each institution is responsible for all operational matters, including opening hours, and I do not have a statutory function in respect of such day-to-day matters. However, I am aware that opening hours is a matter which is kept routinely under review by all of the National Cultural Institutions and my Department will continue to actively promote and encourage public access to the collections held by our National Cultural Institutions to the greatest extent possible.

### Tourism Promotion

78. **Deputy Pádraig Mac Lochlainn** asked the Minister for Arts, Heritage and the Gaeltacht the efforts he made to promote Irish heritage and cultural tourism on the occasion of the recent visit to Ireland by the Vice President of China; and if he will make a statement on the matter. [12485/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The recent visit to Ireland of Vice President Xi Jinping provided a major boost to the profile of Irish culture and heritage in China, as well as strengthening our overall relationship with the People's Republic and with their most senior leadership. During his time in Ireland, Vice President Xi visited Bunnah Castle and Folk Park, and this focus on Ireland's historic heritage was continued and enhanced with his visit to the Cliffs of Moher. On the final evening of the visit, at Vice-President Xi's request, the Government organised a special performance of *Riverdance* which took place in Dublin in honour of the Vice President and his delegation, building on the extraordinary success and impact that this show has generated in China over the last decade.

International coverage of the visit was extensive both in China and worldwide. The Xinhua News Agency covered the entire visit and reports appeared on Shanghai TV and Shanghai Oriental TV and in The Shanghai Daily, China Daily, Shanghai Morning Post, Beijing Daily, Can Kao Xiao Xi and the South China Morning Post. Positive reports by agencies such as Bloomberg, Reuters and AFP appeared elsewhere in the Straits Times, the Nikkei Shinbun, the Mainichi, the Asahi, the Financial Times Deutschland, the Frankfurter Allgemeine Zeitung, Les Echos, Canada's Globe and Mail, the Ottawa Citizen, the Vancouver Sun, the New York Times, the Wall Street Journal, The Times and the Financial Times. France 24 also covered the visit. Given this extensive coverage, I expect the benefit both to cultural and heritage tourism and to Ireland's cultural profile generally to be very significant.

### Inland Waterways

79. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Arts, Heritage and the Gaeltacht if he will provide an update on the Ulster Canal regeneration project; and if he will make a statement on the matter. [12489/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** As the Deputy will be aware, the North/South Ministerial Council (NSMC) Plenary Meeting in July 2007 agreed to proceed with the restoration of the section of the Ulster Canal between Clones and Upper Lough Erne. The then Government agreed to cover the full capital costs of the project, which were estimated at that time to be of the order of €35m. However, Government Accounting procedures do not provide, in that sense, for the ‘ring-fencing’ of funds for projects of this nature.

I am advised that it was always the intention that the Ulster Canal project would be funded from the Waterways Ireland annual allocations, as agreed through the annual estimates processes in this jurisdiction, as well as the deliberations of NSMC in relation to annual budgets. I am advised that it was also a key consideration throughout the process that the Ulster Canal project would be supported by a significant level of projected income from the commercialisation of certain Waterways Ireland assets — a scenario that was affected negatively by the economic downturn.

It was noted at the NSMC Plenary Meeting held in Armagh on 18 November 2011 that the Ulster Canal project is progressing incrementally. Planning applications were lodged by Waterways Ireland with Monaghan County Council, Clones Town Council and Cavan County Council on 25 October 2011 and with the Department of the Environment Planning Service Northern Ireland on 28 October 2011. I am informed that Cavan County Council has granted planning permission. Monaghan County Council and Clones Town Council have requested additional information. I am sure that the Deputy will agree that this is a significant milestone for the project.

I am continuing to explore all possible options to advance this project. In this regard, towards the end of last year, I met with senior officials of Monaghan County Council, Fermanagh District Council and Waterways Ireland to discuss approaches to setting up an inter-agency group that could examine ways in helping to advance the Ulster Canal project. Officials of my Department are currently finalising the terms of reference for the inter-agency group. I look forward to that work continuing in the period ahead.

*Question No. 80 answered with Question No. 63.*

*Question No. 81 answered with Question No. 61.*

*Question No. 82 answered with Question No. 71.*

*Question No. 83 answered with Question No. 63.*

### **Arts Plan**

84. **Deputy Dessie Ellis** asked the Minister for Arts, Heritage and the Gaeltacht the way he intends to maximise the potential of community arts projects as an important tool for social inclusion in areas of disadvantage; the contact he has had with other relevant parties in this regard; and if he will make a statement on the matter. [12484/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I wish to assure the Deputy that I am acutely aware of the beneficial effects of arts in the community, both from the aspect of individual participation and that of community involvement, as well as their potential for impact in addressing social inclusion issues. The Government’s priorities for the arts are set out in the Programme for Government. Responsibility for the promotion of the arts at all levels throughout the country is devolved primarily to the Arts Council, as the principal agency through which State funding is channelled to the arts. The Council is a statu-

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torily independent body, funded by my Department, and independent in its day-to-day operations, including in relation to its funding decisions.

I should also point out that over 80 projects received capital funding under the ACCESS and Arts Capital schemes operated by my Department. These projects — situated in the heart of communities — assist in local arts endeavours and I would urge communities to support and participate in the many and diverse range of activities offered by them throughout the State. Since taking office, I have engaged extensively with the arts community at local and national levels. Following dialogue with local arts officers, a pilot interactive strategy has been put in place, which, I believe, will lead to more co-ordination in arts and culture activities at community and at local level.

### Art Collections

85. **Deputy Charlie McConalogue** asked the Minister for Arts, Heritage and the Gaeltacht if he has completed an inventory of art collections in the State's possession, in respect of those owned by the State and those on loan to the State; if so, if he will indicate their worth to the State; and if he will make a statement on the matter. [12542/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Whilst my Department provides funding to the National Cultural Institutions, the Board of each Institution is responsible for all operational matters, including inventories, and I do not have a statutory function in respect of day-to-day operational matters.

*Question No. 86 answered with Question No. 63.*

### Arts Plan

87. **Deputy Gerry Adams** asked the Minister for Arts, Heritage and the Gaeltacht the role he sees for the arts and the creative industry for economic and regional development and social innovation here; the role the EU has to play in same; and if he will make a statement on the matter. [12490/12]

91. **Deputy Denis Naughten** asked the Minister for Arts, Heritage and the Gaeltacht his plans to develop the creative sector of the economy; and if he will make a statement on the matter. [12192/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I propose to take Questions Nos. 87 and 91 together.

Positioned at the core of local, regional, urban and rural activities, the arts, creative and heritage-related sectors play a pivotal part in the economic life of communities across the country, including the vital area of employment. Employment in the arts sector embraces a diverse and broad extent of activities, encompassing those engaged in specific arts practice, as well associated wider elements. I believe strongly that cultural tourism can contribute in a significant way to the development of the economy and the creation of jobs. A 2011 study by Indecon showed that total employment in the wider arts sector, which includes film and video, museums and other cultural activities, literature and publishing, amounted to 21,300 and contributed €716m in Gross Value Added to the economy in 2010.

There are currently two EU programmes operating within the areas for which I have responsibility that assist the arts and creative sector:

1. The Media Programme is the EU support programme for the European audiovisual industry and details are available at [www.mediadeskireland.ie](http://www.mediadeskireland.ie); and

2. The Culture Programme is the EU support programme for organisations working in the field of culture and details are available at [www.ccp.ie](http://www.ccp.ie).

Discussions are currently underway between the Member States and the European Commission on a new framework programme for the cultural and creative sectors. This will run from 2014 to 2020 and will be called the Creative Europe Programme. A budget of some €1,800 million is mooted for the new programme but this is not finalised and will have to be considered in the context of the overall EU Budget. It includes a proposal to amalgamate the current Culture and MEDIA programmes under a common framework and create an entirely new facility to improve access to finance.

The potential for the development of the Irish audiovisual industry is set out in the Creative Capital Report — *Building Ireland's Audiovisual Creative Economy*, which I published last summer. The advancement of its recommendations is being examined by an Implementation Committee at present.

### Údarás na Gaeltachta

88. D'fhiafraigh **Brian Stanley** den Aire Ealaíon, Oidhreachta agus Gaeltachta cé mhéad post nua atá cruthaithe ag Údarás na Gaeltachta sna ceantair Ghaeltachta sna blianta 2009, 2010 agus 2011; cé mhéad post atá cailte ag Údarás na Gaeltachta i rith an ama sin; agus cé mhéad a chosnaigh gach post le linn na tréimhse sin. [12564/12]

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** Tá an t-eolas maidir leis an méid post a chruthaigh Údarás na Gaeltachta sa Ghaeltacht, an méid post a cailleadh agus an costas in aghaidh an phoist do na blianta 2009-2011 léirithe sa tábla thíos:

Bliain	Méid post a cruthaíodh	Méid post a cailleadh	Meánchostas in aghaidh an phoist
2009	710	1,431	€11,273
2010	704	1,102	€11,393
2011	734	808	€11,259*

\*figiúr sealadach

### Foras na Gaeilge

89. D'fhiafraigh **Michael P. Kitt** den Aire Ealaíon, Oidhreachta agus Gaeltachta an féidir cruinniú a reáchtáil idir Foras na Gaeilge agus na heagraíochtaí nach bhfuil sásta leis an tSamhail Nua Mhaoinithe; agus an ndéanfaidh sé ráiteas ina thaobh. [12475/12]

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** Is mian liom aird an Teachta a dhíriú ar mo fhreagra ar Cheist Uimhir 46 den 31 Eanáir 2012. Go hachomair, is fiú dhá phointe ar leith a threisiú arís:

- is í an Chomhairle Aireachta Thuaidh Theas atá freagrach as cinntí straitéiseacha a thógáil maidir le Foras na Gaeilge; agus

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- mar thoradh ar threoir ón gComhairle Aireachta, tá próiseas comhairliúcháin phoiblí ar na dréachtscéimeanna a bhaineann leis an samhail nua mhaoinithe ar siúl ag Foras na Gaeilge faoi láthair go dtí an 2 Aibreán 2012.

Mar chuid den phróiseas comhairliúcháin, tuigtear dom go bhfuil cruinnithe poiblí réigiúnacha á n-eagrú ag Foras na Gaeilge i ngach cúige i rith mhí an Mhárta chun deis a thabhairt do dhaoine, lena n-áirítear na heagraíochtaí bunmhaoinithe, ionchur a bheith acu sa phróiseas. Tuigtear dom freisin go bhfuil cuireadh tugtha ag Foras na Gaeilge do na heagraíochtaí bunmhaoinithe go léir freastal ar chruinnithe ar leith leis an bhForas chun an tsamhail nua mhaoinithe a phlé.

Mar eolas don Teachta, d'aontaigh an Chomhairle Aireachta Thuaidh Theas ar an 14 Feabhra 2012 go bhféadfaidh Foras na Gaeilge leanúint le maoiniú eatramhach a chur ar fáil do na heagraíochtaí bunmhaoinithe go dtí an 30 Meitheamh 2013.

### Heritage Sites

90. **Deputy Seán Crowe** asked the Minister for Arts, Heritage and the Gaeltacht the steps he is taking to make heritage protection grants available; and if he will make a statement on the matter. [12478/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Due to the current national economic difficulties and the significant reductions in the capital allocations provided to my Department, the resources available to me for the provision of grants for the protection of the built heritage are limited. However, my Department will continue to provide funding for the protection, conservation and development of our built heritage, insofar as resources allow.

In 2011, my Department provided €650,000 through a “Structures at Risk Fund” to assist with works to safeguard structures, both in private and civic ownership, protected under the Planning and Development Act 2000, as amended. This fund was administered by local authorities and was focused primarily on those protected structures most at risk. My Department also provided a further €1.25 million in capital assistance to the Office of Public Works in 2011 to assist in the conservation and presentation of historic properties and national monuments in State care. I intend to provide an allocation for the Structures at Risk Fund and capital assistance to the OPW in 2012 and I will be notifying both the local authorities and the OPW of the details shortly.

My Department also provided funding of almost €7.5 million to support the work of the Heritage Council in 2011, which included €1.5 million made available from the Environment Fund. The Heritage Council supports a number of conservation grants schemes and my Department will be providing an allocation to the Council in order to assist these schemes in 2012.

*Question No. 91 answered with Question No. 87.*

### Job Creation

92. **Deputy Bernard J. Durkan** asked the Minister for Arts, Heritage and the Gaeltacht the extent to which he and his Department and or other subordinate bodies or agencies have identified the degree to which targets identified in the context of the job creation initiatives are achievable within the relevant time span having particular regard to the obvious positive and beneficial opportunities likely to arise throughout the arts and heritage spectrum; and if he will make a statement on the matter. [12505/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** In the Action Plan for Jobs, there are 11 specific actions to be undertaken by my Department and the agencies under its remit. Together, I believe that we can work to realise the explicit and implicit targets set for my area of responsibility.

### Commemorative Events

93. **Deputy Martin Ferris** asked the Minister for Arts, Heritage and the Gaeltacht the number of times that the Oireachtas consultation group on commemorative matters has met in the past 12 months; when it is due to meet next; the progress it has made, in conjunction with other relevant parties, preparing for upcoming commemorative events; and if he will make a statement on the matter. [12487/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The Deputy will be aware that the All-Party Oireachtas Consultation Group on Commemorations, which I chair, was recently strengthened by expanding its membership. Since then, the Group has met on two occasions, the most recent meeting being on 21st February. It will meet again on this afternoon.

The Group now includes the Minister of State at my Department, Mr Dinny McGinley, T.D., Ms Heather Humphries, TD, Mr Michael Conaghan, TD, Ms Anne Ferris, TD, Senator Mary White, Senator Mark Daly, Mr Aengus Ó Snodaigh, TD, Senator Kathryn Reilly, Ms Mary O’Sullivan TD, Ms Catherine Murphy TD and Senator Dr Martin McAleese. While it is envisaged that the framework for commemorations of the decade of centenaries relating to the period 2012-2022 will be developed by officials and approved by Government, it is intended that particular commemorative initiatives and the arrangements for them will be brought to the attention of the All-Party Group.

I would also report the establishment of an Expert Advisory Group of eminent historians, chaired by Dr Maurice Manning, supported by Dr Martin Mansergh. This Group will advise Government and the All-Party Oireachtas Committee on both the overall commemorative programme and on any specific issues which may arise. In particular, it will seek to set a tone that is inclusive and non-triumphalist, ensuring authenticity, proportionality and openness. It hopes to consult widely with scholars, with universities, with educational and cultural bodies, with local historical associations and committees, and with individuals, where appropriate. It will seek to encourage original research at local and national level, at all times acknowledging the identities and traditions which are part of the historic story of the island of Ireland and Irish people worldwide.

I can confirm to the Deputy that there has been a significant level of engagement with various interested parties in regard to the commemorations programme, including on both a North/South and an East/West basis. I hope to attend commemoration events in Belfast and London later this month, with further events planned in succeeding months for Dublin, Belfast and Waterford. From an overall perspective, the Government’s approach to these commemorations will seek to respect historical accuracy, promote tolerance, respect and inclusiveness, and recognise the All-Island and East/West shared past nature of the decade.

### Acht na dTeangacha Oifigiúla

94. D’fhiafraigh **Gerry Adams** den Aire Ealaíon, Oidhreacht agus Gaeltachta cathain a bheidh na haighneachtaí agus torthaí na suirbhéanna atá curtha faoi bhráid na Roinne Ealaíon, Oidhreacht agus Gaeltachta mar chuid den athbhreithniú ar Acht na dTeangacha Oifigiúla, 2003 ar fáil don phobal; agus an ndéanfaidh sé ráiteas ina thaobh. [12559/12]

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** Mar chuid den athbhreithniú atá ar siúl ag mo Roinn ar Acht na dTeangacha Oifigiúla 2003, eagraíodh próiseas comhairliúcháin phoiblí inar tugadh deis do dhaoine a gcuid tuairimí faoin Acht a nochtadh trí shuirbhé agus/nó trí aighneacht a chomhlánú. Fuarthas timpeall 1,400 freagra ar an suirbhé agus 240 aighneacht de bharr an phróisis chomhairliúcháin sin. Tá anailís ar an ábhar seo ar siúl ag oifigh mo Roinne faoi láthair. Tá súil agam go mbeidh sé ar chumas mo Roinne príomh-thorthaí an tsuirbhé ar sheirbhísí trí Ghaeilge ó chomhlachtaí poiblí a fhoilsiú ar shuíomh gréasáin mo Roinne i dtráth cuí, mar aon leis na haighneachtaí a fuarthas uathu siúd a chuir in iúl go raibh siad sásta go bhfoilseofaí iad.

*Question No. 95 answered with Question No. 65.*

### **An Teanga Gaeilge**

96. D'fhiafraigh **Dessie Ellis** den Aire Ealaíon, Oidhreacht agus Gaeltachta cén obair atá déanta aige chun an Ghaeilge a chur chun cinn i measc comhlachtaí príobháideacha sa Stát. [12562/12]

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** I dtús báire, ní miste dom a rá go bhfuil dualgas reachtúil ar Fhoras na Gaeilge i ndáil leis an nGaeilge a chur chun cinn i ngach gné den saol ar fud oileán na hÉireann. Tá réimse leathan gníomhaíochtaí ar siúl ag Foras na Gaeilge chun an Ghaeilge a chur chun cinn i measc comhlachtaí príobháideacha, lena n-áirítear:

- seirbhísí comhairleoireachta agus tacaíochta a sholáthar do mhórchomhlachtaí maidir le dea-chleachtas in úsáid an dátheangachais, mar shampla leis na comhlachtaí Microsoft, Google, Samsung, Meteor agus Ulster Bank;
- deiseanna nua a fhorbairt i ndáil le táirgí gnó a sholáthar i nGaeilge tríd an scéim taighde agus forbartha;
- scéimeanna tacaíochta maoinithe a reáchtáil don earnáil ghnó ar mhaithe le húsáid na Gaeilge a spreagadh ar ábhair ghnó agus mhargaíochta;
- urraíocht a dhéanamh ar ghradaim na hearnála gnó ina bhfuil aitheantas agus aird tugtha d'úsáid na Gaeilge; agus
- eolas a chur chuig úinéirí gnó atá ag oscailt nó ag athfhorbairt láithreacha gnó ag tabhairt léargas ar sheirbhís tacaíochta an Fhorais do ghnólachtaí.

Ó thaobh na Gaeltachta de, tá ról lárnach ag Údarás na Gaeltachta i gcur chun cinn na Gaeilge i measc comhlachtaí príobháideacha. Áirítear Scéim Ghaeilge do Chomhlachtaí Gaeltachta i measc ghníomhaíochtaí an Údaráis sa réimse seo. Is scéim tacaíochta í seo atá deartha go speisialta leis an nGaeilge a spreagadh i measc chliantchuideachtaí de chuid an Údaráis sa Ghaeltacht, agus béim faoi leith ar úsáid agus infheictheacht na Gaeilge i gcúrsaí gnó.

Cuirtear maoiniú ar fáil freisin faoi scéimeanna tacaíochta Gaeilge mo Roinne féin d'eagraíochtaí áirithe chun cur ar a gcumas an Ghaeilge a chur chun cinn lasmuigh den Ghaeltacht, ach go háirithe sa réimse gnó. Áirítear Gaillimh le Gaeilge, Gnó Mhaigh Eo agus Gael-Taca i measc na n-eagraíochtaí sin.

### **Dairy Industry**

97. **Deputy Seamus Kirk** asked the Taoiseach if he will provide the value of dairy exports

and also dairy products sold domestically for the years 2010 and 2011; and if he will make a statement on the matter. [12695/12]

**Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe):** The information requested by the Deputy is set out in the table:

Domestic production, Imports and Exports of Dairy Products, 2010 and 2011 (€m)<sup>1</sup>

Year	Domestic production (A)	Imports (B)	Exports (C)	Supply available (A)+(B)-(C)
2010	2,809.7	430.5	2,230.8	1,009.4
2011	Not available	477.3	2,650.0	Not available

<sup>1</sup>Imports and Export figures exclude eggs and include casein (proteins found in milk) and baby food.

It should be borne in mind that the supply available may be used for stock building, further processing or consumption. The best indicator of the value of dairy products sold domestically is available from the Household Budget Survey (HBS). The HBS is held every five years and the results of the most recent 2009/2010 survey will be published before the end of March 2012. This will give average weekly household expenditures on various commodities including dairy products.

98. **Deputy Seamus Kirk** asked the Taoiseach the estimated number of persons employed in primary, secondary and tertiary employment within the dairy industry for the years 2008 to 2011; and if he will make a statement on the matter. [12696/12]

**Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe):** The exact information requested by the Deputy is not available. The Farm Structure Survey in 2007 indicated that there were 21,300 farms with dairy cows in the State, of which 19,400 were classified as specialist dairy farms under the farm typology classification (i.e. dairying was estimated to account for two thirds or more of the total gross margin on the farm). It was estimated that there were 43,700 people employed on specialist dairy farms, comprising of 19,100 holders, 8,300 spouses of holders, 12,800 other family members and 3,500 regular non-family workers.

The June 2010 Census of Agriculture recorded a total of 27,414 farms with dairy cows. However, this includes many small dairy herds; 18,458 farms had 10 or more dairy cows. Data on the farm typology and farm labour force in 2010 is being compiled and will be available in the fourth quarter of this year. The annual Census of Industrial Production provides detailed structural statistics on manufacturing industry, including the dairy sector which comprises the Operation of Dairies, Cheese Making and the Manufacture of Ice-cream. There were 5,040 persons engaged in the dairy sector in 2008 and this fell to 4,922 in 2009. Corresponding data for 2010 will be published by June 2012.

### Appointments to State Boards

99. **Deputy Gerry Adams** asked the Taoiseach if the chief executive officer of Rehab (details supplied) is a member of any State board; and the remuneration, expenses or other payments they receive for such membership. [12257/12]

**The Taoiseach:** The person referred to is not a member of either of the State boards that I am responsible for making appointments to i.e. the National Economic and Social Council and the National Statistics Board.

### Constitutional Convention

100. **Deputy Clare Daly** asked the Taoiseach if he will consult with the Irish Council for Civil Liberties as a relevant stakeholder in the establishment of the constitutional convention. [12008/12]

101. **Deputy Brendan Ryan** asked the Taoiseach in view of the commitment given by the Government in the constitutional convention to examine the issue of same sex marriage, if respected non-governmental organisations (details supplied) will be invited to participate in the constitutional convention and will such NGOs have a permanent place at the discussion table; and if he will make a statement on the matter. [12313/12]

102. **Deputy Michael Healy-Rae** asked the Taoiseach his views on a matter (details supplied) regarding the constitutional convention; and if he will make a statement on the matter. [12473/12]

**The Taoiseach:** I propose to take Questions Nos. 100, 101 and 102 together.

I met representatives of the opposition parties and the Dáil Technical Group on 28 February to consult them on the Government's proposals for the Constitutional Convention. They undertook to revert to me with their views within a week, following which a further meeting is envisaged. The Government's proposals for the Convention, including its composition, have been made public on *www.merrionstreet.ie*. We propose that the Convention should consist of 100 members, including a chairperson. 66 members would be ordinary citizens. The remaining 33 would be made up of Oireachtas members and one parliamentarian from each of the political parties in Northern Ireland which accept an invitation to be represented.

The Government is conscious that a number of organisations, representing various interests, have signalled a desire to be members of the Convention. However, as indicated above, the Convention is intended to be a forum mainly for ordinary citizens. Of course, the Convention can invite such organisations to make a presentation when matters in which they have a particular interest are being examined. They will of course also be able to make written submissions on any topic.

### Freedom of Information

103. **Deputy Gerry Adams** asked the Taoiseach if he will provide a breakdown of the number of freedom of information requests submitted in the years 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011 to his Department; the total amount of fees charged and fees received in each year; the number and amount of initial search fees paid and the number and amount of search and retrieval fees paid [12890/12]

**The Taoiseach:** The information sought by the Deputy is set out in the table:

Year	Number of FOI requests received	Total fees charged and received <sup>1</sup>	Number of initial fees paid <sup>2</sup>	Amount of initial fees paid	Number of search and retrieval fees paid	Amount of search and retrieval fees paid <sup>3</sup>
		€		€		€
2002	162	774.85	n/a	n/a	6	774.85
2003	142	537.07	21	315.00	4	222.07
2004	45	600.00	35	525.00	0	0.00
2005	60	1,040.12	52	780.00	1	35.12
2006	55	870.00	48	720.00	0	0

Year	Number of FOI requests received	Total fees charged and received <sup>1</sup>	Number of initial fees paid <sup>2</sup>	Amount of initial fees paid	Number of search and retrieval fees paid	Amount of search and retrieval fees paid <sup>3</sup>
		€		€		€
2007	71	1,170.00	56	840.00	1	105.00
2008	83	2,188.02	76	1,135.00	7	978.62
2009	99	2,555.79	78	1,170.98	9	1,084.81
2010	110	2,656.92	104	1,560.90	17	871.02
2011	98	2,633.41	93	1,390.00	11	908.41

<sup>1</sup>The total fees charged and received include internal review fees.

<sup>2</sup>These fees only became effective from July 2003.

<sup>3</sup>These figures include photocopying charges.

### Passport Applications

104. **Deputy Finian McGrath** asked the Tánaiste and Minister for Foreign Affairs and Trade the position regarding a passport in respect of a person (details supplied) in Dublin 7. [12182/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The Passport Office has no record of an application from the person in question. She has since advised the Passport Office that she is not an Irish citizen and that she made an application for citizenship through naturalisation in June 2011. This is therefore a matter for the Minister for Justice and Equality.

### International Agreements

105. **Deputy Patrick Nulty** asked the Tánaiste and Minister for Foreign Affairs and Trade when he will sign and ratify the optional protocol to the International Covenant on Economic, Social and Cultural Rights; the reason for the delay; and if he will make a statement on the matter. [12335/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The Government decided to proceed with Ireland's signature of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights on 21 February 2012. Arrangements are now being made for signature, which will take place shortly. Ratification of the Optional Protocol is a separate step, which must be preceded by a thorough screening of the obligations to be assumed, and will be considered in due course.

The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights opened for signature in New York in September 2009. To date thirty nine (39) States have signed. Nine European Union member states have signed. Seven States have ratified the Optional Protocol: Argentina, Bolivia, Bosnia and Herzegovina, Ecuador, El Salvador, Mongolia and Spain. The Optional Protocol will come into force three months after the deposit with the United Nations Secretary General of the tenth instrument of ratification or accession. As only seven States have ratified the Optional Protocol so far it has not yet come into force.

### Freedom of Information

106. **Deputy Gerry Adams** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will provide a breakdown of the total fees received in his Department for freedom of information requests and the number of individual requests in each of the years 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011. [12727/12]

107. **Deputy Gerry Adams** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will provide a breakdown of the number of freedom of information requests submitted in the years 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011 to his Department; the total amount of fees charged and fees received in each year; the number and amount of initial search fees paid and the number and amount of search and retrieval fees paid. [12743/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I propose to take Questions Nos. 106 and 107 together.

Below in tabular format is a statistical breakdown of the Freedom of Information Requests processed by my Department since 2002 and the fees associated with such requests. Fees in respect of requests for access to non-personal information and requests for internal review were introduced in July 2003, in accordance with the Freedom of Information (Amendment) Act 2003.

My Department makes every effort to work with requesters to reduce the cost of Search and Retrieval fees, which are generally incurred where the request ranges over a large volume of records or a significant time period. Less than 10 per cent of all requests did not proceed where Search and Retrieval fees were sought. It is the policy of my Department to make all requests and replies made under the Freedom of Information Act, which are not of a personal nature, publicly available. The Freedom of Information Requests Database is available on the website of my Department ([www.dfa.ie](http://www.dfa.ie)) and contains copies of the non-personal requests made since April 2004.

Year	Requests Received	Application Fees	S&R Fees Received	Internal Review Fees
2011	68	€880	€721.39	0
2010	87	€1,110	€1,078.74	€75
2009	86	€1,115	€1,579	0
2008	89	€905	0	€300
2007	43	€390	€356.15	€450
2006	49	€420	€335.20	€75
2005	41	€285	0	€75
2004	45	€450	€49.98	€150
2003	95	€150	0	0
2002	131	N/A	0	0

### Trade Relations

108. **Deputy Finian McGrath** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will give an update on trade with Argentina and any proposed plans to further develop links. [12839/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** In 2011, Argentina was Ireland's 44th largest trading partner. Total merchandise trade stood at €227,777,000, a 37.8% increase over 2010. Exports were valued at €60,261,000; imports at €167,516,000. The principal exports were medical and pharmaceutical products, and office machines and data processing machines. The principal imports were foodstuffs for animals — which account for about 60% of imports — and essential oils, used in the manufacture of pharmaceutical products.

Deputies will be aware that the government is committed to increasing Ireland's exports as a key element of economic growth; part of this strategy is to develop the potential of existing

export markets. Argentina has not been identified as a priority market under the government's Trade, Tourism and Investment Strategy. It is recognised, however that there are niche opportunities there for Irish companies in specific sectors. The government and state agencies will continue to support Irish companies in accessing those opportunities in Argentina.

### **Trade Embargoes**

109. **Deputy Finian McGrath** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will give an update on his position on ending the blockade of Cuba by the U.S.A. [12840/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** Ireland's position on the United States' trade embargo of Cuba is long standing and well known. Ireland, and other EU member states, supports an annual draft resolution at the UN General Assembly introduced by Cuba rejecting the extraterritorial effects of the US embargo, most recently on 25 October 2011. We and our EU partners are not persuaded that the continued embargo on Cuba is contributing in a positive way to the democratic transition in Cuba; this position has been expressed on many occasions in contacts with the United States.

### **Foreign Conflicts**

110. **Deputy Finian McGrath** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will give an update on his position on The Malvinas and the non-compliance of the United Kingdom with United Nations resolutions. [12841/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** As I have indicated to the House on a number of occasions, most recently on 31 January of this year, the question of the Falkland Islands (Malvinas) has been the subject of successive resolutions adopted by the General Assembly of the United Nations, as well as its special committee on decolonisation. The committee's most recent resolution was adopted on 21 June 2011.

In this resolution, the special committee on decolonisation called for a peaceful negotiated settlement of the sovereignty dispute and expressed regret that implementation of resolutions adopted by the committee in the past had not started in spite of widespread international support for negotiations between the two governments. In addition, the committee requested the two countries to consolidate the current "process of dialogue and cooperation" by resuming negotiations in order to find, as soon as possible, a peaceful solution to their sovereignty dispute. I would encourage both countries to resume their negotiations in the interest of pursuing a peaceful resolution of their differences on this matter.

### **Tax Code**

111. **Deputy Timmy Dooley** asked the Minister for Finance his views on the state of the coach tourism sector which is being exasperated by the high levels of tax on diesel; if he will consider the reintroduction of an excise rebate scheme in order to help the coach tourism sector; and if he will make a statement on the matter. [12387/12]

**Minister for Finance (Deputy Michael Noonan):** A derogation under EU Directive 2003/96 on Energy Taxation allowed the application of a reduced rate of Mineral Oil Tax to fuel used for the purposes of certain road passenger services. That derogation has expired and the arrangement was, therefore, terminated by the Finance Act 2008. It would not be possible, having regard to the relevant provisions of EU law, to re-introduce a scheme of that nature for those services.

### Tax Collection

112. **Deputy Timmy Dooley** asked the Minister for Finance if Northern Ireland coach companies have been reclaiming VAT from the Exchequer here on fuel purchased in the Republic of Ireland; and if he will make a statement on the matter. [12392/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that non-established businesses that incur VAT in one Member State for the purposes of their taxable business in another Member State are entitled to a refund of that VAT where certain conditions are met. EU Council Directive 2008/9/EEC sets out those conditions and the claims for refund are processed through the Electronic VAT Refund (EVR) system.

Passenger transport is an exempt activity and VAT is not refundable in respect of such activity, except in limited circumstances where a taxable person established in the State is engaged in the transport of passengers who are picked up from a destination in the State and transported to a destination outside the State. In 2011 Revenue undertook a review of domestic and EU legislation in relation to Electronic VAT Refunds, including the VAT and EVR Directives and ECJ judgements concerning interpretation of the latter Directive and the criteria governing entitlement to refunds set out therein. The review has clarified particular aspects of the Directive as it relates to VAT incurred for the purposes of carrying on activities that are taxable in the Member State in which the business is established but which are exempt in the Member State of Refund. Revenue have concluded that non-established passenger transport operators are not entitled to refunds of VAT, whether that service takes place wholly or partially in the State or whether it takes place wholly outside the State.

### Tax Code

113. **Deputy Mary Lou McDonald** asked the Minister for Finance if, further to Parliamentary Questions Nos. 132 and 133 of 22 November 2011, he will consider revoking the ability of a member of the Government living outside of Dublin to claim a tax deduction on an amount of €3,500 per annum for maintenance costs associated with maintaining a second residence in a hotel, examples of which are laundry and so on, as allowed for under Rule 3 of Schedule 2 of the Income Tax Act 1967, now section 114 of the Taxes Consolidation Act 1997. [12413/12]

**Minister for Finance (Deputy Michael Noonan):** The tax deduction introduced by the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act 1992 applies in respect of the expense incurred in maintaining a second residence. The legislation does not specify the nature that a second residence has to take. Accordingly, I am informed by the Revenue Commissioners that they have set out their views on how they will grant the deduction in three possible scenarios — where a Minister owns a second residence, where a second residence is rented and where a second residence consists of hotel or guesthouse accommodation. These were outlined in my reply to the previous Parliamentary Questions referred to by the Deputy.

As regards Ministers who avail of hotel or guesthouse accommodation, as an alternative to the actual vouched additional expenses incurred in living away from home, the Revenue Commissioners are prepared to accept that an annual claim in the amount of €3,500 represents a reasonable estimate of the amount of such expenses, and I am advised that they have no plans to review this amount. As with all tax measures, the Dual Abode Allowance remains under constant review. However, I do not intend to amend the scheme at this time.

114. **Deputy Pearse Doherty** asked the Minister for Finance if he will provide details of all works of art deemed eligible under the artists exemption in 2009, 2010 and 2011 including

information on the category of works and the qualifying criteria under which these works qualified in each of the named years; and if he will make a statement on the matter. [12121/12]

**Minister for Finance (Deputy Michael Noonan):** Details of all determinations made by the Revenue Commissioners under section 195 of the Taxes Consolidation Act 1997, including the years 2009, 2010 and 2011 are available on the Revenue website at <http://www.revenue.ie/en/tax/it/leaflets/artists-exemption-section-195-1997-act.html>. This list is updated on a quarterly basis. The criteria under which determinations are made are set out in the Guidelines made under subsection (12) of that section. The Guidelines are available on the Revenue website at <http://www.revenue.ie/en/tax/it/reliefs/artists-exemption.html>.

115. **Deputy Dominic Hannigan** asked the Minister for Finance his plans for the taxation of betting exchanges; and if he will make a statement on the matter. [12124/12]

**Minister for Finance (Deputy Michael Noonan):** The proposed betting (Amendment) Bill, which is being drafted at present, will amend the 1931 Betting Act to inter alia establish the regulatory framework for the licensing of remote bookmakers and betting exchanges, including measures to enforce the regulatory framework. The drafting of the Bill, which is fairly complex, is well advanced. The Finance Act 2011 contained measures to allow for the extension of the 1% betting duty to remote bookmakers and for a 15% gross profit tax to betting exchanges. The taxation provisions are subject to a Ministerial Commencement order which can only be commenced when the Betting (Amendment) Bill is enacted. In relation to the taxation treatment of betting exchanges, it is the operator of the betting exchange that will be liable to the gross profit tax which is also the position in the UK.

116. **Deputy Nicky McFadden** asked the Minister for Finance if he will outline the rationale for the travel agents margin scheme; if he will consider the concerns raised by a person (details supplied); and if he will make a statement on the matter. [12141/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that provisions covering the Travel Agents Margin Scheme are contained in Section 88 of the VAT Consolidation Act 2010. This scheme, which is provided for in Articles 306 to 310 of the EU VAT Directive, with which Irish VAT law must comply, was introduced with effect from 1 January 2010. Detailed discussions with the travel industry were carried out prior to the introduction of the scheme which is a standard EU-wide Scheme in operation in most Member States of the EU. The scheme deals with the activities carried on by travel agents who act in the capacity of a principal when supplying certain travel services such as transport, accommodation, etc, which they have bought in from third parties for onward supply to travellers. Travel agents covered by the scheme are liable to VAT on their margin on the services provided rather than the full consideration they receive in respect of the supply of these services.

The nature of the scheme means that the travel agent only has an obligation to account for VAT on the margin in the country where he/she is established. The travel agent has no further VAT obligations in places where the travel services are supplied. The travel agent cannot recover any VAT charged when he/she purchases the travel services but this is because VAT is only accounted for on the margin when the services are supplied on to the traveller. The VAT treatment applied under the margin scheme has the same effect as for ordinary traders who account for VAT on the full consideration charged for a supply of goods or services and recover VAT on the purchase of those goods or services. There is no double taxation. Similarly travel agents like other traders can recover VAT on deductible overheads incurred by them in connection with their taxable supplies.

[Deputy Michael Noonan.]

The scheme has benefits for a travel agent in terms of complying with his/her VAT obligations. In the absence of the scheme a travel agent could have compliance obligations across many Member States of the EU with a resultant increased administrative burden.

### **Tax Collection**

117. **Deputy Patrick O'Donovan** asked the Minister for Finance the status of the tax liabilities of persons (details supplied); and if he will make a statement on the matter. [12150/12]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that a claim for refund of PAYE overpaid in 2011 by the persons concerned was received by Limerick Tax District on 1 March 2012. The refund was in the amount of €784.18, and was approved for payment by Limerick Tax District on the same day on which it was received. There are no other outstanding tax liabilities or refunds on record for the persons concerned.

### **Departmental Staff**

118. **Deputy Timmy Dooley** asked the Minister for Finance the reason the Revenue authorities are transferring the payroll section of the Revenue Commissioners from Ennis, County Clare, to Mayo; the impact that this will have on current employees; and if he will make a statement on the matter. [12151/12]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that no decision has been taken by them to transfer their payroll section from Ennis to Mayo. The Government has agreed a strategic approach to progress shared services in all sectors of the Public Service. This is in line with the Programme for Government and the Public Sector Reform Plan and is explicitly provided for in the Croke Park Agreement. This strategic approach includes proposals for an integrated payroll service on a shared basis for the Civil Service. This is likely to impact on Revenue's payroll section in Ennis.

The Revenue Commissioners are constantly reviewing their processes and procedures to ensure that they are delivering their services in the most efficient and effective manner. In line with the Government's decision on reducing public sector numbers, Revenue's Employment Control Framework numbers have been reduced significantly for 2012. This requires Revenue to critically look at all areas of work and redeploy resources to priorities, such as targeting and confronting those who do not comply with their tax and duty obligations. The impact of the Government's decision on payroll shared services on Revenue's payroll section in Ennis will be considered in this context.

### **Tax Reliefs**

119. **Deputy Patrick O'Donovan** asked the Minister for Finance if he will provide evidence that persons (details supplied) applied for mortgage interest relief; the procedure that was followed by a company to get mortgage interest relief; and if he will make a statement on the matter. [12164/12]

**Minister for Finance (Deputy Michael Noonan):** Mortgage interest relief is available only to individuals. I am advised by the Revenue Commissioners that the process of registering for such relief is undertaken by the individual/s to whom a particular mortgage in respect of a principal private residence applies rather than the mortgage provider or relevant financial insti-

tution. Revenue has confirmed that following representations made by the Deputy in the matter that direct contact was made with the persons concerned and that the matter has been resolved.

### **Financial Services Regulation**

120. **Deputy Terence Flanagan** asked the Minister for Finance the help available for first-time home buyers who find it difficult to get a deposit together (details supplied); and if he will make a statement on the matter. [12234/12]

**Minister for Finance (Deputy Michael Noonan):** The banking system restructuring plan creates capacity for the two pillar banks, namely Bank of Ireland and AIB to provide lending in excess of €30 billion in the next three years. SME and new mortgage lending for these banks is expected to be in the range of €16 to €20 billion over this period. The lending capacity is incorporated into the banks' deleveraging plans which allow for repayment of Central Bank funding through asset run-off and disposals over the period to 2013. It is a commercial decision for each lending institution to decide the amount of deposit that it requires from each borrower who is seeking mortgage approval. It is important that each lending institution is allowed to assess properly and independently the risks when deciding on the level of deposit that it requires.

The Deputy may be aware that the changes which I announced in the Budget last December mean that individuals who take out qualifying loans in 2012 as first time buyers will now receive relief at a rate of 25% on ceilings of €10,000/€20,000, single/married as opposed to the previously proposed rate of 15% on ceilings of €3,000/€6,000. This will give a maximum relief in 2012 of €2,500 for single and €5,000 for married persons.

### **Bank Guarantee Scheme**

121. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Finance the efforts he has made to ensure that banks covered by the guarantee scheme uphold agreements with clients relating to the payment of VAT on house sales; and if he will make a statement on the matter. [12237/12]

122. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Finance if his attention has been drawn to the fact that a company (details supplied) had an agreement with Ulster Bank that every time it sold a house it would lodge the entire moneys with the bank and that the bank would subsequently pay the 13.5% VAT to the Revenue, that Ulster Bank has failed to do this and that consequently Revenue is now bringing the company to court to get its VAT and that there are many builders facing the threat of liquidation in similar situations; and if he will make a statement on the matter. [12238/12]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 121 and 122 together.

I am advised by the Revenue Commissioners that the sale of new houses by a builder or developer is subject to VAT at the reduced rate of 13.5%. VAT legislation provides that the seller is obliged to remit to the Revenue Commissioners the VAT on the sales, less certain input VAT. Where, at the time of the sale, the houses are under the control of another person, including a receiver, mortgagee in possession or liquidator, then that other person is obliged to remit the VAT on the sales to the Revenue Commissioners.

The legal responsibility for meeting its obligation to account for and pay the VAT rests with the registered business concerned. Any arrangement entered into by the business and any other

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party in regard to paying VAT is a matter for the business concerned. I, as Minister for Finance, and the Revenue Commissioners have no function in this regard.

With regard to the company referred to by the Deputy, a very significant debt is owed by them to Revenue and collection/recovery efforts by Revenue have been unsuccessful. Having regard to the quantum of the debt and the failure of the company to engage with Revenue towards an agreed approach to payment of the debt, Revenue is now proceeding towards a High Court petition for the appointment of a liquidator on the basis that the company is insolvent.

### **Illicit Trade in Tobacco**

123. **Deputy Simon Harris** asked the Minister for Finance if the study on comparing the detection rate of X-ray scanners with other countries as outlined in the Comptroller and Auditor General's 2009 report to improve the detection of illegal tobacco here has been completed; if he will make public the results of this study; and if he will make a statement on the matter. [12291/12]

**Minister for Finance (Deputy Michael Noonan):** The 2009 Comptroller and Auditor General's Report on the Accounts of the Public Services, in addressing the issue of tobacco smuggling, suggested that, in order to assess the performance of the Revenue container scanners, a comparison of detection rates with those of other countries would be useful. Revenue commenced such a study in 2011. This study involves liaison with the relevant administrations of other Member States and with the European Commission's anti-fraud office, OLAF, in order to acquire relevant data that can be used as a reliable benchmark for comparison of scanner detection rates.

There are inherent difficulties in carrying out this study, which are delaying its completion. These include the relative scarcity of comparable statistical data that is available internationally on scanner detection rates and sensitivities of some jurisdictions associated with the publication of information in relation to enforcement techniques and methodologies. It is hoped that the study in question will be completed during 2012.

Revenue currently has two mobile X-ray container-scanning systems, one of which was acquired in 2007 and the second in 2010. One scanner is based in Dublin Port and the other at Rosslare Ferry Port. However, both scanners are available for deployment at other ports as required. Revenue deploys the scanners on a risk assessment basis at various locations throughout the country.

124. **Deputy Simon Harris** asked the Minister for Finance if the Revenue Commissioners have completed the recommended in-depth analysis of the effectiveness of available deterrents, prosecutions and sanctions regarding illegal tobacco production; if he will direct the Revenue Commissioners to release the results of their analysis; and if he will make a statement on the matter. [12292/12]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that they monitor the effectiveness of their programmes and strategies for counteracting the illicit tobacco trade on an ongoing basis. As part of this process the legislative penalties for excise evasion are regularly assessed in terms of their deterrent value. In this regard the Finance Act 2010 introduced significantly increased monetary penalties for tobacco offences. The penalty for conviction on indictment was increased from €12,695 to €126,950, or up to three times

the duty paid value of the goods, whichever is the greater. The new penalties are applicable in respect of court convictions for offences occurring after the passing of that Act.

The Commissioners are satisfied that the new provisions are working effectively. In addition to monetary penalties imposed on conviction, in 2011 there were forty-five custodial sentences for tobacco tax offences, of which twenty-eight were suspended. Revenue initiatives to counteract the illicit tobacco trade include:

- the establishment of a high level internal group, chaired at Commissioner level, to examine the risks related to tobacco products tax evasion and to oversee and optimise the detection of contraband and counterfeit tobacco products,
- the adoption of a comprehensive tobacco strategy, which is underpinned by annual action plans. This 3-year (2011-2013) strategy, which is published on Revenue’s website *www.revenue.ie*, includes a number of programmes, which are designed to complement each other in targeting the supply and demand sides of the market for contraband tobacco in Ireland,
- the commissioning of surveys in 2009, 2010 and 2011 by the Revenue Commissioners and the Office of Tobacco Control to establish smoking trends,
- the introduction of substantially increased legislative penalties in the Finance Act 2010 for the smuggling and sale of illicit tobacco products,
- further development of cooperation and intelligence sharing at organisational, national and international level,
- a commitment to prosecute all serious cases of tobacco tax evasion and a focus, in partnership with other Government agencies, on reducing the demand for contraband tobacco.

### **Disabled Drivers**

125. **Deputy Anthony Lawlor** asked the Minister for Finance the reasons in order to qualify for the disabled drivers and disabled passengers scheme a vehicle must be purchased from an authorised person according to SI 353/1994, section 8(1); the assistance that can be offered to someone in terms of motor taxation exemptions who did not buy from an authorised dealer but has been medically certified as disabled; and if he will make a statement on the matter. [12331/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that an authorised dealer is a person who is authorised under section 136 of the Finance Act 1992 (as amended) “*to manufacture, distribute, deal in, deliver, store, repair or modify unregistered vehicles and to convert registered vehicles*”. Authorisation brings a number of responsibilities concerning the management and record keeping in relation to vehicles, responsibilities that are subject to control and scrutiny by the Commissioners.

Because of the significant amount of relief from both VRT and VAT available to purchasers of vehicles under the Disabled Drivers and Passengers scheme, it is appropriate that vehicles provided under this scheme should be provided by authorised dealers to facilitate the monitoring of various elements of the scheme. It is not possible to avail of the scheme if a vehicle was purchased privately. Motor Taxation is a matter for the Department of Environment, Community and Local Government.

### Tax Reliefs

126. **Deputy Gerald Nash** asked the Minister for Finance if he will provide for each of the following years, 2005 to 2011, inclusive, the number of claims made by companies for co-relative adjustments; the number of claims for co-relative adjustments conceded by the Revenue Commissioners; the total value of the tax involved in those claims for co-relative adjustments conceded by the Revenue Commissioners; if he will provide, in respect of the total number of claims made in these years, a breakdown by industry and the other country involved; the amount of tax involved in each of the three largest cases; and if he will make a statement on the matter. [12336/12]

**Minister for Finance (Deputy Michael Noonan):** Claims for relief from double taxation (“correlative adjustments”) arise in Ireland as a result of an upward adjustment to company profits in a country with which we have a double taxation treaty. A company may make a claim for a correlative adjustment to Revenue in Ireland where tax paid in the other country is increased as a result of such an upward adjustment and the associated company in the other country has agreed to such upward adjustment. Each claim is examined by Revenue and an appropriate amount of relief from double taxation is agreed. The number of correlative adjustment claims and the amount of tax relief granted in respect of those claims for each of the years 2005 to 2011 is shown in the table. The countries and industry sector involved are also listed in the table.

Finally, I am informed by the Revenue Commissioners that their obligation to observe confidentiality in relation to the tax affairs of taxpayers or small groups of taxpayers precludes them from providing the information requested by the Deputy in relation to the amount of tax involved in the 3 largest cases.

	Number of claims received		Amount of tax relief granted *
2005	6	5 (1 claim not allowed)	€35.9m
2006	14	11 (2 claims were withdrawn and 1 is still open)	€101.7m
2007	8	8	€163.4m
2008	15	10 (1 claim was withdrawn and 4 claims are still open)	€315.7m
2009	13	9 (1 claim was withdrawn and 3 are still open)	€77.5m
2010	16	6 (10 claims are still open)	€51.7m
2011	8	1 (7 claims are still open)	**

\*Note that the relief may be granted over a number of years and may take the form of increasing losses to be carried forward as well as refunds and off-sets.

\*\*As there is only one case involved publication of the amount is not considered appropriate as it could lead to identification of the company.

#### *Countries involved*

Australia, Belgium, Canada, Denmark, France, Germany, Italy, Netherlands, Spain, Sweden, UK, USA.

#### *Claims by industry sector*

Energy, Financial Services and Insurance, Food and Drink, General Manufacturing, Health care and Medical Devices, Hospitality, Information Technology, Retail, Transport.

### Tax Code

127. **Deputy Pat Deering** asked the Minister for Finance the reason Revenue has allowed

only €13.71 plus 50 cent per mile to be paid tax free to GAA referees, considerably less than its own guidelines and Civil Service rates. [12416/12]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that, for reasons of taxpayer confidentiality, they cannot comment on specific cases. However, I am informed by the Revenue Commissioners that their views on the tax treatment of the reimbursement of expenses of travel and subsistence have been in the public domain for some considerable time and are contained in their Statement of Practice titled *Tax Treatment of the Reimbursement of Expenses of Travel and Subsistence* which is available on their website at [www.revenue.ie](http://www.revenue.ie).

In that Statement of Practice, they set out their views on the tax treatment of expenses in a wide range of situations, and I am including the following extract, which seems to be the most relevant, for the information of the Deputy: Individuals carrying out work on a voluntary and unpaid basis.

Notwithstanding anything contained in tax law or in this Statement of Practice, the reimbursement of expenses of travelling and subsistence to individuals who work on a voluntary and unpaid basis for organisations whose functions and aims are both altruistic and non-commercial (for example, voluntary unpaid workers working for charities, sports bodies, etc.) may be paid tax-free provided the expenses of travelling and subsistence—

(a) merely put the unpaid individual in a position to carry out his/her work; and

(b) no more than reimburse the individual the expenses actually incurred by him/her and do not exceed what are known as the Civil Service rates for reimbursement of expenses of travelling and subsistence.

The Revenue Commissioners further inform me that they do not determine the nature and quantum of payments made by any body, including sports bodies, to their officials, staff or volunteers. That is entirely a matter for those bodies. If a body wishes to reimburse an official the expenses of travel and subsistence at rates less than what are known as the Civil Service rates, then that is a matter for that sports body. If a body wishes to pay a higher figure than the Civil Service rates, then it is unlikely that such an amount would be simply a matter of reimbursement of expenses. The question of the tax treatment of the excess would then arise.

The current Civil Service motor travel rates are:

Official motor travel in a calendar year	Engine capacity up to 1,200 cc	Engine capacity 1,201 cc to 1,500 cc	Engine capacity 1,501 cc and over
Up to 4,000 miles	62.94 cent per mile	74.42 cent per mile	95.05 cent per mile
4,001 miles and over	34.13 cent per mile	38.00 cent per mile	45.79 cent per mile

In addition, the current Civil Service domestic subsistence day rates are:

Absence of less than 5 hours	Absence of more than 5 hours but less than 10 hours	Absence of more than 10 hours
Nil	€13.71	€33.61

### Tax Collection

128. **Deputy Niall Collins** asked the Minister for Finance if he will approve the issuing of a P21 in respect of a person (details supplied) in County Limerick. [12492/12]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that a P21 was issued to the person concerned on 2 March 2012.

### **Banking Sector Regulation**

129. **Deputy Derek Keating** asked the Minister for Finance the reason Permanent TSB is allowed to charge 5.19% variable rate when all other banks have changed theirs to 3.2%. [12502/12]

**Minister for Finance (Deputy Michael Noonan):** The lending institutions in Ireland, including those in which the State has a significant shareholding, are independent commercial entities. Ultimately the pricing of financial products, including standard variable mortgage interest rates, is a commercial decision for the management team and board of each lending institution, having due regard to their customers and the impact on profitability, particularly where the cost of funding to each lending institution, including deposit pricing, is under pressure.

Neither the Central Bank nor I have responsibility for any variation in the variable mortgage interest rates charged by Permanent TSB. However, as I have indicated in replies to previous Parliamentary questions on this subject, the Central Bank has advised me that it will continue to engage with specific lenders which appear to have standard variable rates set disproportionate to their cost of funds.

### **EU Treaties**

130. **Deputy Michael McGrath** asked the Minister for Finance if the European Stability Mechanism Treaty contains a provision that access to funds under the mechanism is contingent on countries ratifying the fiscal compact treaty; and if he will make a statement on the matter. [12510/12]

**Minister for Finance (Deputy Michael Noonan):** The European Stability Mechanism (ESM) Treaty, which was signed by all euro area Member States on 2 February, subject to ratification, provides “that the granting of financial assistance in the framework of new programmes under the ESM will be conditional, as of 1 March 2013, on the ratification of the Intergovernmental Treaty (IGT) by the ESM Member concerned” and on implementation of the balanced budget rule as specified in that treaty within the agreed timeline (one year after entry into force of the treaty). The linkage between the ESM and the Intergovernmental Treaty to ratification was accepted in the interests of securing agreement on the ESM and its acceleration into force by July 2012. I believe the linkage between the Treaties will further contribute to confidence, solidarity and financial stability in the euro area.

The ESM will replace the EFSF and it may assume the rights and obligations of the EFSF. However, it is important to note that it has been clarified that the linkage of both the ESM and the IGT refers to new applications for assistance under the ESM and will not affect the transfer to the ESM of undisbursed amounts under the EFSF to Ireland (and other existing programme countries). The funding approved under the existing Programme of Financial Support for Ireland is not therefore conditional on Ireland ratifying the fiscal compact but, as is currently the case, on Ireland successfully implementing our programme. Primary legislation will be required to enable Ireland to ratify the ESM Treaty and implement its decisions. It is expected that the required legislation will be published this term.

### **Tax Collection**

131. **Deputy Jack Wall** asked the Minister for Finance if a person (details supplied) in County

Kildare is paying their correct taxation; and if he will make a statement on the matter. [12604/12]

**Minister for Finance (Deputy Michael Noonan):** I have been advised by the Revenue Commissioners that, based on the information currently available, the person is receiving the correct tax credits for 2012.

### **Banks Recapitalisation**

132. **Deputy Gerry Adams** asked the Minister for Finance if he will detail the nominal interest payments or other forms of payment that have been given to any of the Fir Tree Capital Funds from Anglo Irish Bank, now IBRC, for its €200 million of subordinated notes in Anglo Irish Bank which were the subject of a legal challenge by Fir Tree Capital Funds in the US that was recently dismissed; if he will outline the maturity dates of these subordinated bond notes; the action he intends to take concerning these outstanding subordinated notes; if any portion of the outstanding subordinated notes shall be honoured by the now IBRC; and if he will make a statement on the matter. [12665/12]

**Minister for Finance (Deputy Michael Noonan):** The Deputy is aware that under the Relationship Framework the Board of the bank is responsible for the day to day operations of the bank including the funding of the bank. I have been informed by the bank that there are two subordinated private placement bonds that were issued in 2005 and documented under US law, that are now held by Fir Tree. The bank became aware that Fir Tree was the new holder in December 2010 and March 2011 respectively. For clarity it should be noted that IBRC's liability is US\$200 million not €200 million.

The first bond is for \$165,000,000 and has a maturity date of 29.9.2015. Interest is paid quarterly and the interest basis is 3 month US\$ Libor +92basis points. Interest payments made to Fir Tree are as follows:

\$504,411.60 — 29-Dec-10

\$504,409.95 — 29-Mar-11

\$517,595.10 — 29-Jun-11

\$491,557.92 — 29-Sep-11

\$536,043.85 — 29-Dec-11

The second subordinated private placement bond was issued for \$35,000,000 and has a maturity date of 29.9.2017. It currently pays a fixed rate of 4.8%. Interest payments are semi-annual and Fir Tree has received two interest payments as follows:

\$840,000.00 — 29-Mar-11

\$840,000.00 — 29-Sep-11

As things stand IBRC has a contractual obligation to pay interest and principal on the notes.

133. **Deputy Gerry Adams** asked the Minister for Finance the total amount in euro of the outstanding unguaranteed Bank of Ireland subordinated debt not repurchased by Bank of Ireland; if he will detail, subsequent to his statement on 2 December 2011, the reason he was no longer considering the use of the powers available under CISA for making savings for the taxpayer through writing down this outstanding subordinated debt; his views that those Bank

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of Ireland note holders who did not participate in the Bank of Ireland debt for equity swap earlier in 2011 made the correct investment decision as their holdings of subordinated debt shall now be honoured in full; if the reason he no longer, as quoted in the aftermath of the March 2011 stress tests, is fulfilling his promise that he would take all actions necessary to achieve burden sharing for subordinated debt in all of the banks including Bank of Ireland; and if he will make a statement on the matter. [12666/12]

**Minister for Finance (Deputy Michael Noonan):** As set out in Bank of Ireland's (the "Bank") preliminary statement of its financial results for the year ended 31 December 2011, released on 17 February 2012, the Bank's outstanding unguaranteed subordinated debt at 31 December 2011 was €370m. This excludes the €1bn contingent capital instrument investment subscribed by the State. As the deputy is aware, I noted on 23 November 2011 that the Bank had to raise €350m of core tier 1 capital by 31 December 2011 to satisfy the requirement of the 2011 Prudential Capital Assessment Review ("PCAR 2011"). In that context I considered using the powers available under the Credit Institutions (Stabilisation) Act 2010 as amended ("CISA") to apply for a Subordinated Liabilities Order ("SLO") to generate, from subordinated liabilities, the residual capital required by the Bank by 31 December 2011.

On 2nd December 2011, the Bank announced that it had raised approximately €350m of core tier 1 capital, through its tender offer and purchase of capital securities. As a result of the Bank's announcement and the fact that the totality of the outstanding PCAR 2011 capital required by 31 December 2011 had been raised, the grounds for use of the powers under CISA to raise that capital through burden-sharing no longer arose.

It is not for the Minister to comment on the investment decisions made by the holders of subordinated debt in the Bank. The powers granted pursuant to CISA continue to be in effect and will be used in the future if necessary. With regard to achieving burden sharing with subordinated bondholders in all of the banks including the Bank, I draw the deputy's attention to the fact that total capital generated from burden sharing with bond holders since 2008 is in excess of €15bn.

### **Tax Reliefs**

134. **Deputy Ciarán Lynch** asked the Minister for Finance the relief available to a person holding a variable rate mortgage from KBC Bank which has failed to pass on the ECB interest rate reduction; and if he will make a statement on the matter. [12701/12]

**Minister for Finance (Deputy Michael Noonan):** Tax relief for mortgage interest on a home loan is tax relief given to mortgage holders based on the interest paid on a qualifying mortgage on a home i.e. a new mortgage for a home, a top up loan used for the purposes of developing or improving a home, a separate home improvement loan, a re-mortgage or a consolidation of existing qualifying loans, secured on the deeds of the home. The relief is paid at source by the mortgage provider either in the form of a reduced monthly mortgage payment or a credit to the funding account.

Various eligibility criteria apply to the relief and the rates and ceilings for which Mortgage Interest Relief is available depends on the date the loan was drawn down and whether the mortgage holder is a first time buyer or not. In any event, mortgages taken out prior to 1 January 2004 are no longer eligible for Mortgage Interest Relief. However, top up loans/equity release loans taken out since 1 January 2004 on these pre-2004 loans may be eligible for Mortgage Interest Relief, provided they satisfy the eligibility criteria. The details of the scheme are available at [www.revenue.ie](http://www.revenue.ie). Mortgage Interest Relief is set to be abolished at end 2017.

### Freedom of Information

135. **Deputy Gerry Adams** asked the Minister for Finance if he will provide a breakdown of the total fees received in his Department for freedom of information requests and the number of individual requests in the years 2002 to 2011, inclusive. [12726/12]

136. **Deputy Gerry Adams** asked the Minister for Finance if he will provide a breakdown of the number of freedom of information requests submitted in the years 2002 to 2011, inclusive, to his Department; the total amount of fees charged and fees received in each year; the number and amount of initial search fees paid and the number and amount of search and retrieval fees paid. [12742/12]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 135 and 136 together.

I have set out below the statistics for Freedom of Information requests received by my Department since 2002. These statistics include fees, the number of requests received and the type of requests. My Department has a record of the number of FOI requests for which search and retrieval fees were paid for separately from 2005 to 2011 only, however the total amounts for search and retrieval fees for each year are provided. Details of the number of personal and non personal requests for each year are also provided. In accordance with the Freedom of Information (Amendment) Act 2003 an ‘up-front’ fee of 15 euro must accompany a request for non personal information, and 10 euro if the person is covered by a medical card.

#### Type of Requests

Year	No of FOI Requests received	Personal	Non Personal	Mixed
2002	326	27	297	2
2003	305	24	279	2
2004	102	34	68	0
2005	93	14	78	1
2006	72	8	64	0
2007	64	8	56	0
2008	180	16	161	3
2009	272	10	262	0
2010	337	21	316	0
*2011	258	26	232	0

#### Fees

Year	Initial Fees	Search and Retrieval	Internal Review	Refunds	Search and Retrieval Cases
2002		483			
2003		1,468			
2004	960	1,069	225	154	
2005	1060	1,265	225	75	7
2006	790	2,561	225	502	5
2007	690	135	375	30	1
2008	2,805	774	450	855	10
2009	3,930	1,462	750	107	19

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Year	Initial Fees	Search and Retrieval	Internal Review	Refunds	Search and Retrieval Cases
2010	3,175	2,538	825	461	15
*2011	2,809	633	525	45	12

\*The 2011 totals reflect the split in the Department in July when the Department of Public Expenditure and Reform was established.

### Sovereign Debt

137. **Deputy Paschal Donohoe** asked the Minister for Finance if the liabilities of the National Roads Authority form part of general Government debt; if NRA debt liabilities relating to contractual payments for public private partnership projects are calculated as part of our sovereign debt; his views that a failure by the NRA to meet such payments would constitute a credit event; and if he will make a statement on the matter. [12791/12]

**Minister for Finance (Deputy Michael Noonan):** The NRA is within general government. Any loans and some other financial liabilities such as bonds of NRA therefore form part of general government debt. According to the NRA Annual Report the liabilities of the agency amounted to €17.6m in 2010. However, most of these liabilities are accounts payable and do not contribute to government debt. Neither do liabilities to private partners concerning future streams of payments form part of general government debt. The 2008 buy-out contract between NRA and National Toll roads of Westlink is, on the other hand, considered part of General Government Debt. These figures have formed part of deficit and debt figures of general government since 2008 Credit events cover a wide spectrum and can mean different things. With regard to PPPs, the NRA does have payment obligations. I am informed by them that all payment obligations to PPP private partners are being met.

138. **Deputy Paschal Donohoe** asked the Minister for Finance if there exists a difference of ranking in the importance of debt obligations between Government bonds, promissory note repayments, State guaranteed bank bonds and the debt obligations of the National Roads Authority; and if he will make a statement on the matter. [12792/12]

**Minister for Finance (Deputy Michael Noonan):** In relation to the ranking of debt obligations between Government bonds, promissory note repayments and State guaranteed bank bonds, section 48 of the Finance Act 1978 provides the following: “To remove doubt, it is hereby declared that any liabilities of the Minister for Finance, or of any other Minister of the Government with the consent of the Minister for Finance, of the due repayment of moneys borrowed by persons shall rank, and shall be deemed always to have ranked, *pari passu* in all respects with the liabilities of the Minister for Finance in respect of securities created and issued under section 54(1) of the Finance Act, 1970.”

In relation to the National Roads Authority (NRA), under the Roads Act, 1993 the NRA may issue debt guaranteed by the Minister for Finance which would rank equally with all other debt obligations issued by the Minister or guaranteed by him. However, unguaranteed obligations of the NRA are not obligations of the State. It is not that they “rank” differently from those of the Minister, they are simply not his obligations and as such there is no equivalence between an NRA obligation and a bond issued under Section 54(1) of the Finance Act 1970 above.

### Appointments to State Boards

139. **Deputy Gerry Adams** asked the Minister for Finance if the chief executive officer of Rehab (details supplied) is a member of any State board; and the remuneration, expenses or other payments they receive for such membership. [13245/12]

**Minister for Finance (Deputy Michael Noonan):** In response to the Deputy's question the Chief Executive Officer of Rehab is not a member of any board that comes under the aegis of my Department.

### Teachers' Remuneration

140. **Deputy Dara Calleary** asked the Minister for Education and Skills the way he justifies the suspension of allowances for newly qualified teachers; his views that as a result of this cut he has created a fourth tier within the one system: pre-January 2011 rate, post-January 2011, pre-December 2011 rate and post-February 2012 rate; his views on the negative impact this will have on attracting talent to the teaching profession and that this will deter many from entering the teaching profession; and if he will make a statement on the matter. [12134/12]

185. **Deputy Brendan Smith** asked the Minister for Education and Skills if he will give consideration to the issues raised regarding the allowances payable to new entrants to the teaching profession (details supplied); and if he will make a statement on the matter. [12643/12]

186. **Deputy Maureen O'Sullivan** asked the Minister for Education and Skills if he recognises the inequality of budget 2012 for newly qualified teachers, some whom might be earning €11,000 less than if they were qualified two years earlier, and who are expected to perform yard duties unpaid alongside colleagues who will be paid and may not receive additional pay for teaching in a gaelscoil or in a Gaeltacht area; the reason a tiered system based on date of entry was not put in place or a phasing out of allowances rather than an immediate cut to those newly qualified teachers who paid full fees for their degrees and who face difficulties finding teaching work; and if he will make a statement on the matter. [12650/12]

197. **Deputy Brendan Griffin** asked the Minister for Education and Skills his views on a matter (details supplied) regarding newly qualified teachers; and if he will make a statement on the matter. [12768/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 140, 185, 186 and 197 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 qualification 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 appointed to teaching for the first time on or after 5 December 2011 but before 1 February 2012 are eligible for allowances on the basis of their qualifications at entry to the profession up to a maximum of the allowance which had been applicable to an honours primary degree.

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

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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 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. 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.

### **School Transport**

141. **Deputy Pearse Doherty** asked the Minister for Education and Skills if he will meet with the parents of schoolchildren from an area (details supplied) regarding changes to the school transport scheme to discuss the impact that these changes are having on their families and their children's education; and if he will make a statement on the matter. [12146/12]

142. **Deputy Pearse Doherty** asked the Minister for Education and Skills his view on a presentation he recently received from the parents of children from an area (details supplied) regarding changes to the school transport scheme; and if he will make a statement on the matter. [12147/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** I propose to take Questions Nos. 141 and 142 together.

From the commencement of the 2012/13 school year, the use of the Catchment Boundary Area (CB) System as a means of determining eligibility will cease for all pupils newly entering post primary school. This means that from the 2012/13 school year, school transport eligibility for all pupils newly entering a post primary school will be determined by reference to the distance they reside from their nearest post-primary education centre having regard to ethos and language. This change was announced as part of Budget 2011 but is not being introduced until the 2012/13 school year in order to allow parents of children newly entering post primary school ample time to consider their school choice options, taking account of the revised school transport eligibility arrangements.

At post primary level, the evidence is, as set out in the Value for Money Review of the School Transport Schemes, that the majority of children are attending their nearest post primary school/centre. The changes to the Post Primary School Transport Scheme will be applied equitably on a national basis.

Given that Bus Éireann will be communicating with the families currently availing of post primary school transport and that I have already set out the rationale underpinning the policy position for the Deputy and other local representatives and cannot make any exceptions to the policy, it is not feasible for me to meet with individual groups of parents to discuss these changes.

### **Vocational Education Committees**

143. **Deputy Mary Lou McDonald** asked the Minister for Education and Skills if he will provide a full list of all payments and allowances paid to vocational education committee chief executive officers; the changes, if any, he plans to make to these payments and allowances; and if he will make a statement on the matter. [11212/12]

144. **Deputy Mary Lou McDonald** asked the Minister for Education and Skills if vocational education committee chief executive officers receive a payment or allowance for sitting on and attending their own VEC board meetings. [11213/12]

190. **Deputy Mary Lou McDonald** asked the Minister for Education and Skills if vocational education committee chief executive officers' annual remuneration is paid with moneys provided by him; and if so, if he will provide in a tabular format the remuneration received by each of the VECs' chief executive officers including a breakdown of his or her annual salary, allowances and expenses. [12676/12]

200. **Deputy Mary Lou McDonald** asked the Minister for Education and Skills, further to Parliamentary Question No. 256 of 14 February 2012, if he will provide in tabular form a breakdown between salary and allowance for each vocational education committee CEO. [12808/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 143, 144, 190 and 200 together.

Chief Executive Officers (CEOs) of Vocational Education Committees (VECs) are paid directly by the Committees which employ them. The pay costs of the VECs are funded primarily by the pay grant issued by my Department, but also by pay receipts retained by the VECs comprised principally of retained superannuation contributions. The Deputy should note that the CEO is not a member of the VEC.

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. CEOs may qualify for payment of an allowance in respect of the discharge of the role of Secretary to a Board of Management of a Comprehensive School. An allowance was payable to CEOs for the role of Transport Liaison Officer, when that task was undertaken by them prior to 2012. Details of all payments made to CEOs in 2011 are outlined in the table.

My officials are currently in discussion with SIPTU, the union which represents the CEOs of the VECs, regarding the overall remuneration structure which will apply to the CEOs of the new Education and Training Boards once established.

Payments to VEC CEOs 2011

(Ref: PQ 11212 06-3-12)

	Basic Salary	Allowance- Transport Liaison Officer	Allowance- Secretary to a Board of Management of a Comprehensive School	Total Salary and Allowances	Expenses
	(€)	(€)	(€)	(€)	(€)
City of Cork	129,854	5,493		135,347	7,190
City of Dublin	145,952	0		145,952	4,083
City of Limerick	108,226	5,493		113,719	5,448
City of Waterford	114,809	5,493		120,302	3,041
Dún Laoghaire	114,809	5,493		120,302	2,725
City of Galway	114,119	7,760		121,879	4,780

[Deputy Ruairí Quinn.]

	Basic Salary	Allowance- Transport Liaison Officer	Allowance- Secretary to a Board of Management of a Comprehensive School	Total Salary and Allowances	Expenses
	(€)	(€)	(€)	(€)	(€)
Co. Carlow	100,544	5,493		106,037	5,107
Co. Cavan	114,809	7,787		122,596	9,437
Co. Clare	114,416	9,389	3,550	127,355	12,150
Co. Cork	111,295	12,196	3,449	126,940	12,191
Co. Donegal	113,262	12,593	3,562	129,417	7,265
Co. Dublin	114,587	5,493		120,080	5,645
Co. Galway	123,227	12,549	3,550	139,326	11,636
Co. Kerry	101,455	8,552		110,007	5,169
Co. Kildare	114,809	7,787	2,587	125,183	11,589
Co. Kilkenny	93,649	7,954		101,603	3,228
Co. Laois	112,184	6,028		118,212	7,119
Co. Leitrim	114,809	7,787	3,562	126,158	3,244
Co. Limerick	114,416	11,032		125,448	0
Co. Longford	97,843	7,787		105,630	3,907
Co. Louth	97,139	9,385		106,524	6,910
Co. Mayo	116,992	10,994		127,987	11,496
Co. Meath	117,181	9,616		126,796	7,700
Co. Monaghan	114,416	9,389		123,805	9,538
Co. Offaly	112,940	7,463		120,402	3,230
Co. Roscommon	95,798	5,474		101,272	4,207
Co. Sligo	114,416	7,760		122,176	8,370
Co. Tipperary (NR)	111,920	7,760		119,680	5,963
Co. Tipperary (SR)	125,275	8,494		133,770	9,591
Co. Waterford	114,809	7,787		122,596	5,460
Co. Westmeath	114,629	7,760		122,389	2,836
Co. Wexford	111,518	11,032		122,550	5,316
Co. Wicklow	114,416	7,760		122,176	5,732
Total	3,730,523	262,834	20,260	4,013,617	211,303

### EU Funding

145. **Deputy Pearse Doherty** asked the Minister for Education and Skills the total spend on the Waterford Crystal European Globalisation Fund programme as detailed in his report to the European Commission submitted on 6 February 2012; the amount of money he expects to be returned to the European Commission; and if he will make a statement on the matter. [12165/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** The final report and accompanying statement of expenditure in respect of the Waterford Crystal EGF programme were submitted to the European Commission by the Department on 6 February 2012 as required under the relevant European Commission decision. The total expenditure certified by the Irish authorities in the statement of expenditure was €3,089,633.08.

The European Commission has recently forwarded its initial calculations that include a reimbursement of €562,591.50 in respect of the EU financial contribution of €2,570,853.00 made to the Waterford Crystal EGF programme. However, as the EGF case in question has not yet been closed by the European Commission, I am not in a position to confirm the final outcome at this time.

146. **Deputy Pearse Doherty** asked the Minister for Education and Skills if he will confirm if an application to the European Globalisation Fund in the name of redundant TalkTalk workers has been submitted; the date on which it was submitted; the amount of money being sought from the European Commission; and if he will make a statement on the matter. [12166/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** An application for co-financing assistance from the European Globalisation Adjustment Fund (EGF) in respect of some 592 workers made redundant at the Talk Talk company in Waterford and at three ancillary enterprises was submitted to the European Commission by my Department on 29 February 2012. The measures included in the application are costed in the region of €5.4m at a maximum co-financing rate of 50% (€2.7m) from the EU if approved and include guidance, training, further and higher education and enterprise supports and a contribution towards course expenses. I have already approved the implementation of a number of these measures through national funding in anticipation of approval of the application by the EU budgetary authority.

#### **Teachers' Remuneration**

147. **Deputy Robert Dowds** asked the Minister for Education and Skills the current starting and continuing incremental salary for the new primary teachers entering the profession at this point. [12175/12]

148. **Deputy Robert Dowds** asked the Minister for Education and Skills the current starting and continuing incremental salary for a person commencing as a special needs assistant. [12176/12]

149. **Deputy Robert Dowds** asked the Minister for Education and Skills the current salary and continuing salary for special needs assistants already in the system. [12177/12]

150. **Deputy Robert Dowds** asked the Minister for Education and Skills his views on the divergent salaries for long-standing special needs assistants and new teachers entering the profession at this point. [12178/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 147 to 150, inclusive, together.

The salary scales for Special Needs Assistants appointed prior to 1/1/2011 and since 1/1/2011 and the salary scales for Primary teachers appointed since 1/1/2011 are set out in a table. Salary scales are published on my Department's website. SNAs irrespective of their appointment date and teachers appointed since the 1st January 2011 commence on the first point of the incremental scale appropriate to their post and are awarded increments as they become due. The maximum point on the SNA scale for new appointees since the 1/1/2011 is €33,605 and the maximum point on the teachers' scale is €53,423.

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Special Needs (Child Care) Assistant	1/1/10	1/1/11
	€23,188	€20,869
	€24,277	€21,850
	€25,362	€22,826
	€26,452	€23,807
	€27,542	€24,788
	€28,626	€25,763
	€29,683	€26,715
	€30,738	€27,664
	€31,800	€28,620
	€32,857	€29,571
	€33,919	€30,527
	€35,919	€32,327
Long service increment	€ 37,339	€33,605

*Circular 0040/2011*

To: The Managerial Authorities of Recognised Primary, Secondary, Community and Comprehensive Schools and The Chief Executive Officers of Vocational Education Committees

### New Pay Scales for New Appointees to Teaching in 2011

#### *Introduction*

1. The Minister for Education and Skills wishes to inform vocational education committees, management bodies and teachers of the application of revised rates of salary and allowances for new appointees to teaching from 1 January 2011 onwards.

2. As part of Budget 2011 the Government has applied a 10% reduction in the pay of new entrants to the public service (referred to in this Circular as “new appointees”) and all new appointees to the entry grades of the public service must start at the first point of the relevant pay scale with effect from 1 January 2011.

#### *Application of new pay rates*

3. The 10% reduction in pay applies to basic pay, allowances and the supervision and substitution payment.

##### *(a) Basic Pay:*

The 10% reduction applies to basic pay on all points of the incremental salary scale. Daily and hourly rates for casual and non-casual teachers in the primary sector and hourly rates for casual and non-casual part-time teachers in the post-primary sector have also been reduced. The revised rates are set out in an Appendix to this Circular.

##### *(b) Allowances:*

The 10% reduction also applies to all allowances with the exception of promotional allowances; *i.e.* special duties, assistant principal, deputy principal and principal allowances.

#### *New Appointee to teaching*

4. The new pay rates apply to all teachers who are new appointees appointed on or after 1 January 2011.

5. Where a person gave service in an analogous teaching position before 1 January 2011 (including those currently on an approved leave of absence), s/he will not be regarded as a new appointee to teaching. In addition, a person with a written offer of employment before 1 January 2011 will not be regarded as a new appointee. In these cases, the person will be assigned to the appropriate pre-1 January 2011 scale and allowances, and incremental credit for approved teaching service and non-teaching experience which is deemed relevant will be awardable.

6. Where a teacher who is retired and is in receipt of a pension returns to teaching on or after 1 January 2011, s/he will start on the first point of the post 1 January 2011 incremental salary scale.

#### *Incremental credit*

7. All new appointees to teaching will start on the first point of the post 1 January 2011 incremental salary scale. The Government has decided that all new appointees to entry grades (subject to the criteria set out above) will start at the minimum point of the new reduced scale.

8. However, incremental credit may continue to apply for relevant recognised service (e.g. recognised teaching service in another EU Member State). Similarly, those who leave the system will be able to reckon such previous relevant service on re-entry.

#### *Circulation*

9. Please ensure that copies of this Circular are provided to the Board of Management/Vocational Education Committee and its contents are brought to the attention of all teachers in your employment including those on leave of absence.

10. This Circular can be accessed on the Department's website under <http://www.education.ie>.

11. All enquiries regarding this Circular should be e-mailed to [teachersna@education.gov.ie](mailto:teachersna@education.gov.ie) OR [payroll@education.gov.ie](mailto:payroll@education.gov.ie).

Dalton Tattan  
Principal Officer

Padraig Maloney  
Principal Officer

Teachers/SNAs Terms and Conditions  
June 2011

Payroll  
June 2011

### Appendix I Pay Scales for new appointees appointed on or after 1 January 2011

Teachers' Common Basic Scale	€
1	€27,814
2	€28,775
3	€29,737
4	€30,702

## [Deputy Ruairí Quinn.]

Teachers' Common Basic Scale	€
5	€32,198
6	€33,168
7	€34,136
8	€36,576
9	€37,795
10	€39,251
11	€40,700
12	€42,160
13	€43,380
14	€44,996
15	€44,996
16	€44,996
17	€47,225
18	€47,225
19	€47,225
20	€47,225
21	€50,170
22	€50,170
23	€50,170
24	€50,170
25	€53,423

Academic Qualifications	€
1. (a) (i) H. Dip. in Ed. (Pass)	€532
(ii) Higher Froebel Cert.	€532
(b) (i) H. Dip. in Ed. (1st or 2nd Hons)	€1,112
(ii) Ard Teastas Gaeilge	€1,112
(c) Primary Degree (Pass)	€1,658
(d) Masters Degree by thesis or exam (Pass)	€4,426
(e) Primary Degree (1st or 2nd Hons)	€4,426
(f) Masters Degree (1st or 2nd Hons)	€4,946
(g) Doctors Degree	€5,526
Only one of the allowances at (a) or may be held together with one of the allowances (c) to (g)	
2. (i) *An Teastas i dTeagasc na Gaeilge le honoracha	€3,850
(ii) *Higher Diploma in Education (1st or 2nd Hons)	€3,850
(iii) *Primary Degree (Pass) together with at least 3 years approved experience in commercial, industrial or other approved occupation	€3,850
*Payable only to teachers who were in receipt of an allowance of £110 (pre July 1968) and who did not qualify for a higher allowance at 1. above	

Academic Qualifications	€
(iv) Diploma for Teachers of Deaf Diploma for Teachers of Blind Diploma for Teachers of Mentally and Physically Handicapped Children	€2,193
Other Allowances	€
1. Rural Science Teachers (for organisation and development of education activities outside formal class instruction)	€1,658
2. Itinerant Domestic Science Teachers	€1,658
3. Teaching through Irish	€1,424
4. Gaeltacht Grant payable to teachers in the Gaeltacht other than those in receipt of an allowance equal to 10% of scale salary	€ 2,757
5. Island Allowance	€1,658
6. Special allowance payable to teachers in Comprehensive Schools	€2,224
Untrained Teachers' Rate	€
Z01	€24,619
Allowance for Teachers with 35 years' service	€2,091
Allowance Payable to Teachers in the Prison Service Honorarium	€4,296
Secondment Allowances	€
Category 2	€15,143
Category 3	€11,831
Category 4	€9,117
Allowance payable to teachers of apprentices in Dun Laoghaire and Co. Cork VECs	€8,766
Secure Unit Allowance/Disturbed Adolescent Allowance 100%	€ 1,976
Hourly and daily rates of pay for part-time and substitute teachers	
Primary daily rate casual (qualified teacher)	€164.26
Primary daily rate (unqualified)	€115.12
Primary hourly rate (qualified) on payroll	€32.21
Primary hourly rate (qualified) paid by grant	€36.60
Primary hourly rate (unqualified)	€26.07
Post-primary hourly rate casual (qualified)	€40.10
Post primary hourly rate (unqualified)	€36.76
Supervision and Substitution	
Hourly rate	€43.04

[Deputy Ruairí Quinn.]

## Appendix II

### Frequently Asked Questions

*I am a newly qualified teacher who has never worked as a substitute teacher — Which pay scale will I start on?*

Only service given in a teaching position pre-1 January 2011 will count as prior service for eligibility for pre-2011 pay scales. If you have not served in a teaching position (including as a substitute) before 1 January 2011 you will be offered a contract at the new pay rates and conditions. You cannot receive incremental credit for any training prior to entry to teaching.

*I am a teacher who worked in Ireland as a substitute teacher in 2001 but I have been in the UK for the past number of years — Which pay scale will I start on?*

You worked in a teaching position prior to 1 January 2011. You will therefore be offered a contract at pre-2011 pay rates and conditions. Your service as a qualified and registered teacher in the UK will be reckonable for incremental credit purposes.

*I am a teacher who worked in the EU for the past number of years. I have never worked in a teaching position in the public service in Ireland but am due to start in May 2011 — Which pay scale will I start on?*

You are a new appointee to teaching. You will begin on the first point of the January 2011 payscale. Recognised teaching service in another country prior to your first entry to teaching in Ireland is reckonable subject to certain conditions.

*I am a qualified and registered teacher who has prior public sector experience as a Lecturer. I will begin teaching in May 2011 — Which pay scale will I start on?*

You are a new appointee to teaching. You will therefore be offered a contract at January 2011 pay rates and conditions. This applies also to teachers who are moving to take up a post in other positions (eg Special Needs Assistants, administrators, etc). You may be entitled to certain incremental credit in respect of your lecturing service.

*I have been employed as a teacher in the private sector for 5 years. I will begin teaching in the public sector in May 2011 — What will my starting salary be?*

You are a new appointee under the recent Government Decision. You will therefore be offered a contract at the first point of the January 2011 pay rates and conditions. You may be entitled to incremental credit subject to certain conditions.

*I am a teacher who was employed with a Vocational Education Committee since September 2005. I resigned from my post with the VEC in November 2010. I expect to take up a teaching post in a Voluntary Secondary school in September 2011. Which pay scale will I be paid on?*

You worked in a teaching position prior to 1 January 2011. You will therefore be offered a contract at pre-2011 pay rates and conditions if you resume teaching in a voluntary secondary school in September 2011. Your service as a qualified and registered teacher with the VEC will be reckonable for incremental credit purposes.

### Third Level Fees

151. **Deputy Éamon Ó Cuív** asked the Minister for Education and Skills if he has set the income threshold that will apply for eligibility for postgraduate contribution of €2,000 towards fees; if not, when a decision will be made on this matter in view of the fact that many students need to now make decisions on their future; and if he will make a statement on the matter. [12187/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** A limited number of post graduate students who would previously have qualified under the standard grant thresholds will qualify to have a €2,000 contribution made towards the costs of their fees. There will be a new income threshold for this payment which will be lower than the standard grant threshold. The income threshold for this level of grant is currently being determined in the context of the formulation of the student grant scheme for the 2012/13 academic year.

152. **Deputy Éamon Ó Cuív** asked the Minister for Education and Skills if the professional diploma in education, level 8, course is considered a postgraduate course or an undergraduate course for the purposes of third level grants and fees; and if he will make a statement on the matter. [12188/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Professional Diploma in Education (PDE) was previously known as a Postgraduate Diploma in Education (PGDE) was placed on the framework of qualifications at Level 8 with effect from the start of the academic year 2011/12. The course is considered to be a post graduate course for the purposes of the Student Grant Scheme. Under the terms of the Free Fees Initiative, whereby the State meets the tuition costs of eligible students, an approved course is defined as a full-time undergraduate course of a minimum duration of two years in an approved third level institution. As the Professional Diploma in Education is a Level 8 post graduate course it does not qualify for funding under the Free Fees initiative.

### Third Level Staffing

153. **Deputy Brian Walsh** asked the Minister for Education and Skills if he is concerned that academic and support services for students of NUI Galway and Galway Mayo Institute of Technology may be adversely affected by the retirement this year of 34 and 22 staff from each of the institutions, respectively; and if he will make a statement on the matter. [12219/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As autonomous statutory bodies it is a matter for each Higher Education Institution to manage its staffing resources and retirements as they arise. In contrast to other parts of the public service an Employment Control Framework is in place for the higher education sector which provides institutions with considerable flexibility to fill vacancies, through recruitment or promotions, subject to the conditions of the ECF. Staff turnover and retirement of long -serving staff is an ongoing feature of such institutions and their management authorities have been planning in anticipation of additional retirements this year.

### EU Funding

154. **Deputy Dara Murphy** asked the Minister for Education and Skills the person that determines qualifications for the EU's European Globalisation Fund for retraining workers (details supplied); and if he will make a statement on the matter. [12239/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** On 9 June 2010, the Department submitted an application for co-funded assistance from the European Globalisation Adjustment Fund (EGF) in respect of 9,089 former workers made redundant in the construction NACE 41, 43 and 71 sub-sectors during the nine-month EGF reference period between 1 July 2009 and 31 March 2010. Applications for EGF co-financed assistance are made in support of specified redundant workers. Under the rules pertaining to sectoral applications, only identified workers made redundant during a specified nine-month reference period may be included in the application for EGF support.

In accordance with Article 5(1) of EGF Regulation (EC) No 1927/2006, a maximum period of 10 weeks applies from the end of the EGF reference period in which an EGF application must be submitted. For the three Irish construction sub-sectors, the stipulated reference period ended on 31 March 2010 and the 10-week application period ended on 9 June 2010. Redundant workers for inclusion in the EGF application submitted for all three construction sub-sectors were identified based on the most recent recorded date of registration for a statutory redundancy payment as at 28 April 2010 and, as appropriate for those redundant apprentices included in the NACE 41 and 43 sub-sectors, based on data from the apprenticeship database held by FÁS.

Statutory redundancy payment data on which the cohort of eligible redundant workers was based, was received from the Redundancy Payments Division of the then Department of Enterprise, Trade and Employment on 28 April 2010. Other requirements relating to the specification of employers and NACE 2 codings, and which involved liaison by the Department with external bodies holding data, also needed to be verified prior to the submission of the application.

The EGF application was submitted on 9 June 2010 and was made on the basis of particular information at a given point in time. The point in time chosen yielded very substantial levels of redundancies, was based on the best current data available and allowed sufficient time to submit the application within the mandatory deadline. It should be noted that it is not the enterprise making the workers redundant but the individual workers who have been identified as having been made redundant, which is the key element in terms of eligibility. Moreover, the statutory redundancy payments system, on which the EGF application was significantly based, does not automatically follow up each of the 3,349 enterprises encompassed by the application on a rolling basis seeking updated details of all workers who may have been let go at different times. Thus, the relevant information from this source was the best available to my Department when compiling the EGF application.

As such, some 37 former employees of the enterprise named were identified as having been made redundant during the reference period as at 28 April 2010. No persons were informed of EGF eligibility until after the EU budgetary authority approval of the Irish application and its subsequent disaggregation across the three construction sub-sectors on 16 November 2011.

### **Schools Building Projects**

155. **Deputy Pearse Doherty** asked the Minister for Education and Skills if he has any plan to provide funding for a new secondary school in Lucan, County Dublin; if so, if he will give details of these plans, including the funding to be allocated, catchment area to be covered and number of pupils to be catered for; and if he will make a statement on the matter. [12243/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As the Deputy is aware, total enrolment in both primary and post-primary schools is expected to grow by almost 70,000 between now and 2018 (over 45,000 at primary level and 25,000 at post primary) and will

continue to grow up to at least 2024 at post-primary level. The priority now is to focus on major school projects and smaller projects devolved to schools to meet the demographic demands. The primary aim will be to ensure that every child will have access to a school place.

It is within this context that in 2011, I announced the establishment of 40 new schools nationally within the next six years, comprising of twenty new primary schools and twenty new post-primary schools. Of these, 18 will be in the Dublin area, 12 of which will be primary and 6 post primary schools. Lucan is one of the areas where a 1,000 pupil second level school will be established in the coming years. The school will cater for increasing demographic demand in the general Lucan area.

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.

### **School Staffing**

156. **Deputy Robert Dowds** asked the Minister for Education and Skills the way walking deputy principals in primary schools are appointed; and if there is a difference between the way such persons are appointed to DEIS and non-DEIS schools. [12253/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The reforms to the teacher allocation process introduced for the 2012/13 school year revised the basis for appointment of Administrative Principal and Administrative Deputy Principal status in primary schools. The criteria for such status will be solely based on pupil numbers rather than the current approach of mostly on pupil numbers but some also on teacher numbers. The relevant enrolment thresholds for the appointment of Administrative Principals and Administrative Deputy Principals are outlined in Appendix B of Primary Circular 0007/2012 which is available on the Department website.

To ease the transition to the entirely enrolment driven arrangements for Administrative Principals and Administrative Deputy Principals, schools that are adversely affected by the rule change can continue to keep their administrative status until there is a change of Principal or Deputy Principal, as appropriate, in the school providing they continue to satisfy the existing rule.

### **Disadvantaged Status**

157. **Deputy Robert Dowds** asked the Minister for Education and Skills if he has any plans to extend DEIS to any further schools; and if he will make a statement on the matter. [12254/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** While a key priority for me is to continue to prioritise and target resources at schools with the most concentrated levels of educational disadvantage, the current economic climate and the challenge to meet significant targets on reducing public expenditure, particularly given the upward pressures on teacher numbers and in the context of operating under a fixed ceiling on teacher numbers, affords no capacity to provide for additionality to the DEIS programme.

DEIS (Delivering Equality of Opportunity in Schools) includes a commitment for ongoing evaluation of the programme to ensure successful implementation and appropriate measurement of outcomes at both local and national level. The Educational Research Centre has undertaken this ongoing evaluation, on behalf of my Department, the aim of which is to monitor the

[Deputy Ruairí Quinn.]

implementation of the programme and assess its impact on students and schools at primary and post primary levels.

In addition, the Inspectorate of my Department conducted evaluations of planning in a sample of 36 DEIS schools, 18 primary and 18 post-primary. A national composite report on the effectiveness of DEIS planning in primary and post-primary schools has been completed and this report along with the ERC report were published in January 2012. My Department will fully consider these evaluation reports before any decisions can be made regarding the future of DEIS.

### **Redundancy Payments**

158. **Deputy Pat Breen** asked the Minister for Education and Skills when a person (details supplied) in County Clare will receive a redundancy payment; and if he will make a statement on the matter. [12260/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As the Deputy is aware from my answer to Parliamentary Question No. 232 of 24th January, an application for redundancy from the person referred to, was received by my Department on 7th September 2011. A large number of applications were received during the period August — September 2011. Applications received during those months are currently being processed in date order of receipt. Every effort is being made, within the resources available, to process these applications as quickly as possible. I expect that the application referred to by the Deputy will be reached for processing by the end of April.

### **Schools Building Projects**

159. **Deputy Billy Kelleher** asked the Minister for Education and Skills when a school (details supplied) will be built; and if he will detail the current status of the project. [12265/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I wish to advise the Deputy that my Department has recently carried out a technical assessment of a site for a new school building. My Department is liaising closely with the school authorities in the context of progressing this project to the next stage of the architectural planning process.

### **School Staffing**

160. **Deputy Pearse Doherty** asked the Minister for Education and Skills if he will review the staffing allocation for a school (details supplied) in County Donegal; his views that staffing levels are adequate; and if he will make a statement on the matter. [12282/12]

174. **Deputy Michael Lowry** asked the Minister for Education and Skills if he will provide further information on the application requirements for small schools in line to lose a teacher as a result of budget 2012 but which now have a projected increased enrolment for 2012 and wish to avail of the newly opened appeal to the primary staffing appeals board; in particular; the reason for requesting that a school place the teacher in line to lose the post on a panel for potential redeployment prior to a decision being reached by the appeals board; if he will provide a guarantee that the same teacher will be returned to the school following a successful appeal; and if he will make a statement on the matter. [12411/12]

179. **Deputy Tom Fleming** asked the Minister for Education and Skills if he will reverse the budget cuts in relation to small schools and allow schools (details supplied) in County Kerry,

which recently underwent a major refurbishment and extension investment retain its two teachers; and if he will make a statement on the matter. [12476/12]

181. **Deputy Gerry Adams** asked the Minister for Education and Skills if his attention has been drawn to the effects his amended scheme for the allocation of teachers will have on a school (details supplied) in County Louth; if his attention has been drawn to the fact that the September 2011 returns for this school would have qualified the community for a fourth teacher but this is now under threat from his new schedule; if he will accept an appeal from this school community on this matter; and if he will make a statement on the matter. [12511/12]

183. **Deputy Joe McHugh** asked the Minister for Education and Skills if he will identify the best options a school (details supplied) in County Donegal that will submit appeal forms for staffing arrangements, Primary Circular 0007/2012, p. 3; if he will outline the type of evidence that the appeals procedure requires for proof of projected enrolments, that is, completed enrolment forms and so on; and if he will make a statement on the matter. [12589/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 160, 174, 179, 181 and 183 together.

My Department has expanded the existing appeals process so that it is accessible to the 73 small schools that are losing a classroom post as a result of the budget measure. It is worth noting that there are almost 1,200 small schools with 86 pupils or less and no small school will be forced to close as a result of this decision.

Such schools will not lose their classroom post if they are projecting increased enrolments in September 2012 that would be sufficient to allow them to retain their existing classroom posts over the longer term. The detailed arrangements are set out in the Department's Staffing Circular 0007/2012 including the relevant thresholds to retain a classroom teaching post at Appendix A. It is a matter for individual schools to provide information relevant to their projected increase in enrolment to the Staffing Appeal Board.

The closing date for submission of appeals for the April meeting of the Staffing Appeal Board is 23 March, 2012. Schools must submit to my Department by 16 March, 2012 a redeployment form for any teacher surplus to requirements who is eligible to be placed on the redeployment panel. I can assure the Deputies that it is intended that the Appeal Board meeting will take place prior to the release of the main redeployment panel in mid to late April, 2012 thus allowing for any impact of the Board's decision on redeployment panels to be effected. The Appeal Board operates independently of the Department and its decision is final.

### **Schools Inspectorate**

161. **Deputy Joanna Tuffy** asked the Minister for Education and Skills if he will provide details of the number of education inspectors who have retired recently or taken up early retirement; his plans to fill the posts of inspector whose duties include evaluating newly qualified teachers when they take up their teaching posts; and if he will make a statement on the matter. [12290/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Ten inspectors retired prior to the 29th, February 2012. In anticipation of this the Department entered into discussions with the Department of Public Expenditure and reform (PER) in order to highlight the staffing situation at the Schools Inspectorate Division in light of the large number of inspectors opting to retire early. These discussions culminated in an agreement being reached that key positions that were deemed essential in order to have an effective School Inspectorate could be filled. Some of

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these were promotions to higher positions. In addition to this in January 2012 the Department engaged the Public Appointments Service (PAS) to conduct recruitment competitions for primary and post primary inspectors.

The Teaching Council is the body responsible for the registration of teachers. Newly qualified primary teachers who are conditionally registered with the Council and who are seeking to obtain full registration as teachers must fulfil both service and professional competence conditions laid down by the Council. At present, primary inspectors conduct unannounced inspections of the work of these teachers in order to advise the Council regarding the professional competence condition for registration. The Inspectorate has planned its inspection programme for the period to June 2012 to ensure that, as far as possible, newly qualified primary teachers who will be able to fulfil the service requirement by 30 June 2012 will be inspected by that date for the purpose of fulfilling the professional competence requirement for full registration with the Council.

### **Redundancy Payments**

162. **Deputy Simon Harris** asked the Minister for Education and Skills if his attention has been drawn to the delay being experienced by former special needs assistants for their redundancy payments, some of whom will have to wait in excess of six months before receiving their payments; his views that this is an acceptable situation; the steps he will take to rectify the situation; and if he will make a statement on the matter. [12301/12]

**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. The assignment of the staff has helped to reduce the period of the backlog significantly.

A large volume of redundancy applications were received during the period July-September 2011. Applications received during those months are currently being processed in date order of receipt and every effort is being made, within the resources available, to process these applications as quickly as possible. Once the large number of applications received during this period are processed the current backlog shall be reduced further.

The Deputy will appreciate that in the context of the employment control framework it is only possible to reassign limited staffing resources from within the existing staff cohort of my Department to deal with redundancy payments whilst at the same time ensuring that other priority functions such the payment of teachers on a fortnightly basis continues.

163. **Deputy Simon Harris** asked the Minister for Education and Skills if he will expedite the redundancy payments owed to a person (details supplied) in County Wicklow who used to be employed as a special needs assistant and will not receive any redundancy pay until April 2012 at the earliest despite applying for payment in September 2011; and if he will make a statement on the matter. [12302/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** An application for redundancy from the person referred to by the Deputy was received by my Department on 21st September 2011. A large number of applications were received during the period July-September 2011. Applications received during those months are currently being processed. Applications are processed in date order of receipt with some priority given to 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. Every effort is being made, within the resources available, to process these applications as quickly as possible.

164. **Deputy Simon Harris** asked the Minister for Education and Skills, further to Parliamentary Question No. 65 of 28 September 2011, the number of additional staff that have been transferred within his Department's payroll division to expedite the payment of redundancy money to former special needs assistants; and if he will make a statement on the matter. [12303/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** My Department is responsible for the payment of ninety thousand serving and retired teachers, special needs assistants and certain clerical officers and caretakers on a fortnightly basis. The priority of the Department is to ensure that those personnel are paid correctly and on time each fortnight.

Another priority is to process the redundancy applications for special needs assistants which have increased substantially in the last two years as quickly as possible. The Deputy will appreciate that in the context of the employment control framework it is only possible to reassign limited additional staffing resources from within the existing staff cohort of my Department to deal with redundancy payments whilst at the same time ensuring that other priority functions such the payment of teachers on a fortnightly basis continues.

Accordingly, the number of staff assigned and the periods of their assignment have varied. Overall since late October, approximately ten additional staff members have been temporarily re-assigned to the Redundancy Unit from various Sections of my Department.

165. **Deputy Simon Harris** asked the Minister for Education and Skills the total number of redundancy applications in respect of special needs assistants he has received over the past 12 months; the number of applicants that have received their payments; the number outstanding; the average time applicants must wait to receive their payment; if he is satisfied with this waiting time; and if he will make a statement on the matter. [12304/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** A total of 1,101 redundancy applications in respect of Special Needs Assistants were received by my Department in the 12 months from January to December 2011. During that same period, 627 redundancy payments (totalling in excess of €4.9 million) were paid to Special Needs Assistants.

383 redundancy applications are currently being processed by the Redundancy Unit and payment in respect of those will issue as soon as possible. Up to the end of February 2012, a further 450 applications (approx) have been received. These applications will be processed in date order of receipt with some priority given to 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.

Every effort is being made, within the resources available, to process redundancy applications as quickly as possible. 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.

### **School Discipline**

166. **Deputy Finian McGrath** asked the Minister for Education and Skills the position regarding the case of a person (details supplied). [12315/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Section 29 of the Education Act 1998 provides for an appeal by a parent or guardian to the Secretary General of my Department, or in the case of a Vocational Educational Committee (VEC) school to the VEC in the first instance, where a Board of Management of a school, or a person acting on behalf of the board, refuses to enrol a student in a school, expels a student or suspends a student for 20 or more days in any school year. My Department has no authority to compel a school to admit a pupil, except in the case of an appeal under section 29 of the Education Act, 1998 being upheld.

My officials have been in contact with the National Educational Welfare Board (NEWB) on this matter. The NEWB have confirmed that they have received notification from the school authorities of their intention to expel the pupil in question. My officials also understand from the NEWB that 20 school days have not passed since the formal notification from the school authorities.

### EU Funding

167. **Deputy Pearse Doherty** asked the Minister for Education and Skills if he will confirm that additional funding was provided by him in 2011 to enable a number of redundant Dell workers complete third level education courses that had been commenced with European Globalisation Fund, EGF, funding but owing to the closure of the Dell EGF funding programme required additional funds from his Department; the number of workers involved; the total amount of funding provided; if he will publish the letter sent by an official of his Department (details supplied) to FÁS on 21 February 2011 providing funding for a further academic year for qualifying workers; if he will make similar arrangements for EGF eligible redundant workers from all EGF programmes who are currently enrolled in third level courses but may have to withdraw from those courses due to EGF programme deadlines; and if he will make a statement on the matter. [12321/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** I can confirm that €299,737 was provided by my Department in 2011 to enable a number of redundant DELL workers undertake an additional academic year on third level education courses that had been commenced with European Globalisation Fund funding. This funding covered fees which would have otherwise been payable by the individuals concerned for the courses provided by Universities (€140,599), IOTS (€114,676) and Griffith College (€44,462). FÁS are currently examining their records to see if funding was provided to other private colleges other than Griffith College and I will forward any further information to the Deputy.

As was clearly indicated in the letter referred to by the Deputy, the decision to extend support to the Dell students for the 2011/12 academic year was based solely on the basis of understandings (based on an incorrect interpretation of the rules governing the Fund) that support for this academic year fell within the scope of the Fund. It was also made clear that these concessionary arrangements would not extend beyond the academic year 2011/12 regardless of the duration of the programmes involved. The question of similar arrangements for redundant workers, on other EGF programmes does not arise.

All EGF programmes are strictly time limited in accordance with the requirements of the relevant EU legislation and eligible redundant workers are so informed. Students in publicly funded institutions on programmes of longer duration may be eligible for support in accordance with the regulations governing the operation of the Department's Free Fees and student support schemes dependent on their individual circumstances.

### Career Guidance

168. **Deputy Michael Healy-Rae** asked the Minister for Education and Skills in view of the

fact that it is a condition of the Education Act that career guidance be provided in our schools, if he will detail the minimum requirement or the requirement in general to be provided under the Act; and if he will make a statement on the matter. [12345/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** 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.

### Third Level Institutions

169. **Deputy Michael McCarthy** asked the Minister for Education and Skills, further to Parliamentary Questions Nos. 224, 225 and 227 of 31 January 2012, when a reply will issue; and if he will make a statement on the matter. [12373/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As previously advised, the information requested by the Deputy is not readily available within my Department. I requested the HEA, at the time, to contact the seven universities with a view to obtaining as much information as is possible. This information, where available, has been forwarded to the Deputy. However, it should be noted that given differences between the various university management and financial information systems, it is difficult to collect consistent and comparable data.

Details, as requested, on rental costs and travel expenses incurred by the seven universities in 2010 and 2011 have also been forwarded to the Deputy. I have also forwarded copies of each university's travel policy. It has not been possible to disaggregate travel costs incurred within the EU and outside the EU.

In relation to question 224, my Department does not provide an allocation to universities for hospitality and entertainment. The Higher Education Authority allocates an annual core recurrent grant to each institution and it is a matter for the institution to determine how this funding is allocated internally. I have also been informed by the HEA that information on expenditure of this nature by the universities is not readily available and that the level of information requested by the Deputy would require a very substantial amount of administrative time to identify and extract the full range of details sought.

### Rollú Scoile

170. D'fhiafraigh **Robert Dowds** den Aire Oideachais agus Scileanna an bhfuil aon réamh-mheastachán déanta ag a Roinn ar an méid breitheanna a mheastar a bheidh ann sa toadhcháí (go dtí 2025) agus cén éifeacht a bheidh leis na huimhreacha seo ar líon na bpáistí a bheidh ag freastal ar bhunscoileanna; agus má tá, an bhfuil sé sásta na réamh-mheastacháin sin a fhoilsiú go luath. [12382/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Tugann an nasc thíos le suíomh gréasáin na Roinne Oideachais agus Scileanna sonraí faoi réamh-mheastacháin de rollú lánaimseartha sna hinstiúidí oideachais go léir a dtugann an Roinn seo cabhair dóibh ag an gCéad, an Dara agus ag an Tríú Leibhéal agus ag Leibhéal an Bhreisoideachais (san áireamh eolas

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faoi bhoinn tuisceana bunúsacha éagsúla maidir le déimeagrafaic agus coinneáil): <http://www.education.ie/servlet/blobServlet/stat—proj—enrolments—2011.pdf>.

Tá réamh-mheastacháin rollaithe do na scoileanna go léir ag an mBunleibhéal le fáil i dtábla 1. Scaoilfear réamh-mheastacháin leasaithe i leith blianta níos deireanaí ar shuíomh gréasáin na Roinne a luaithe is a mbíonn siad le fáil.

171. D'fhiafraigh **Robert Dowds** den Aire Oideachais agus Scileanna cé mhéad páistí nua a thosaigh i mbunscoileanna tar éis inimirce ó thíortha eile sna blianta 2005, 2006, 2007, 2008, 2009, 2010 agus 2011. [12383/12]

172. D'fhiafraigh **Robert Dowds** den Aire Oideachais agus Scileanna cé mhéad páistí a d'fhág bunscoileanna ar eisimirce go tíortha eile sna blianta 2005, 2006, 2007, 2008, 2009, 2010 agus 2011. [12384/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Tógfaidh me Ceisteanna Uimh. 171 agus 172 le chéile.

Tá an teolas atáá lorg ar fáil ar an tábla ceangailte. Tá an eolais ar fáil freisin sa rannóg Staitisticí ar láithreán gréasáin mo Roinne:

	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
Lucht fágála a chuaigh ar imirce idir 1 Deireadh Fómhair agus 30 Meán Fómhair den bhliain acadúil roimhe sin.	2,133	2,050	2,260	2,657	3,280	3,474	3,414
Iontrálaithe ó scoileanna lasmuigh d'Éirinn (lena n-áirítear Thuaisceart Éireann) idir 1 Deireadh Fómhair agus 30 Meán Fómhair den bhliain acadúil roimhe sin.	4,789	6,282	8,339	8,607	6,548	4,202	3,747

### Schools Refurbishment

173. **Deputy Pat Breen** asked the Minister for Education and Skills the position regarding an application in respect of a school (details supplied) in County Clare; and if he will make a statement on the matter. [12403/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The school referred to by the Deputy submitted an application for funding under my Department's Emergency Works Scheme to carry out various improvement works to their school building. My Department's Planning and Building Unit has requested further information from the school authority in relation to this application. When this information is received a final decision will be communicated to the Board of Management.

*Question No. 174 answered with Question No. 160.*

### School Enrolments

175. **Deputy Terence Flanagan** asked the Minister for Education and Skills the position regarding a secondary school (details supplied) in Dublin 5; and if he will make a statement on the matter. [12439/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The position in relation to entrance fees is that a key requirement for all recognised schools in the Free Education Scheme, is that the school does not operate a charge, in whatever form, that is in effect a mandatory fee and that is contrary to the principle of not charging fees. Voluntary contributions may be sought from parents, provided it is made clear to parents that there is no compulsion to pay and that a child's place in the school or continued enrolment is not dependant on a willingness to make a contribution.

Registration fees are sometimes requested by schools in order to avoid “double booking” of pupils in schools. Under current arrangements, schools are allowed to request a booking fee/registration fee when considering applicants for enrolment, provided this is refundable at all times following a decision on enrolment. The Department is strongly supportive of the integration of ICT tools and techniques into teaching practice. The Department's ICT in schools programme sets out a clear agenda to be pursued in this regard and schools are very much encouraged to plan for the integration of ICT into teaching practice as part of their Whole School Planning process.

However, decisions on the specific ICT devices used to support teaching and learning and the extent to which such technology is used in place of traditional textbooks is an operational matter for the Board of Management of each school and my Department has no role at individual school level in approving such initiatives. I believe it is important that where new technology is being adopted by schools, the costs of this transition are borne in mind by schools so that parents are not left in a difficult financial situation.

#### **Teachers' Remuneration**

176. **Deputy Sean Fleming** asked the Minister for Education and Skills if he will provide savings that could be made to payroll costs across his Department and all primary, second level and third level educational institutions if annual remuneration was reduced in line with the following scale (details supplied); and if he will make a statement on the matter. [12450/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The details requested by the Deputy are not readily available. My Department will arrange to compile and forward the details requested as soon as possible.

#### **Departmental Functions**

177. **Deputy Joe Higgins** asked the Minister for Education and Skills the way the transfer of responsibilities for skills development to his Department impacts on the budget for other crucial areas of his Department's expenditure such as primary education. [12465/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Under the Employment Programmes and Services and Skills Training (Transfer of Departmental Administration and Ministerial Functions) Order 2010, the functions of the Department of Enterprise, Trade and Employment in relation to FÁS were transferred to the renamed Department of Education and Skills from 1 May 2010. As a result of this transfer, €452 million (8 month costs) was added to the 2010 allocation of Vote 26: Education and Skills in respect of these services. Subsequently, the Department of Social Protection, following the commencement of the relevant sections of the Social Welfare (Miscellaneous Provisions) Act 2010, assumed funding and overall responsibility for FÁS employment services and programmes, resulting in €462 million, being the 2011 allocation for these services and programmes, transferring to the Vote of the Department of Social Protection Vote with effect from 1 January 2011.

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In determining my Department's overall annual expenditure allocations for 2011 and 2012, all aspects of the Department's programmes and services were examined, given the requirement to effect expenditure savings on the Education and Skills Vote, while at the same time, however, endeavouring to protect as much as possible front-line services in the Education Sector. This protection includes the filling of teacher vacancies that arise, as an exception to the general moratorium on the filling of public sector vacancies. Thus, while Budget 2012 implemented a range of savings across the Vote for my Department, expenditure on First-Level Education Grants and Services as contained in the Revised Estimates Volume, shows an increase from €3,081 million in 2011 to €3,109.4m in 2012 — an increase of 1%. This compares to an overall decrease of 2% in the 2012 Vote for my Department, when compared to the provisional outturn for 2011.

### School Enrolments

178. **Deputy Willie O'Dea** asked the Minister for Education and Skills if his attention has been drawn to the fact that the local selection procedure for places in second level schools in Limerick city is giving rise to a great deal of controversy; if he will outline precisely what this selection procedure is; the criteria for the selection; and if he will make a statement on the matter. [12471/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Deputy will be aware that a Common Application System was agreed between the principals of the post-primary schools in Limerick City. This system is facilitated through the Limerick Education Centre with support from my Department. Whilst this administrative system ensures that a co-ordinated approach can be taken to enrolments in the area, each school authority, in accordance with the Education Act, 1998, retains autonomy in relation to its own enrolment policy.

It is the responsibility of the managerial authority of any school that is not in a position to admit all pupils seeking entry to implement an enrolment policy in accordance with the Education Act 1998. In this regard a board of management may deem it necessary to restrict enrolment to children from a particular age group or to children living in a particular area or on the basis of some other criterion. Section 29 of the Education Act 1998, provides parents with an appeal process where a Board of Management of a school or a person acting on behalf of the Board refuses enrolment to a student.

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 Board can be contacted at National Educational Welfare Board, National Headquarters, 16-22 Green Street, Dublin 7 or by telephone at 01-8738700. The Deputy will also 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 the 28th of October last and my officials are now co-ordinating the submissions received. The feedback from this consultation will help inform the nature and scope of a new regulatory framework for school enrolment.

*Question No. 179 answered with Question No. 160.*

### Schools Building Projects

180. **Deputy Brendan Smith** asked the Minister for Education and Skills the position regarding a proposed building project (details supplied) in Dublin 7; when it will proceed to the next stage; the likely timescale for construction; the level of accommodation to be provided; and if he will make a statement on the matter. [12507/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As the Deputy is aware, an application for planning permission forms part of the site acquisition process for the school to which he refers. A draft design for the school was discussed with the school authority and the design is currently being revised in light of those discussions. The current 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 also 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. 181 answered with Question No. 160.*

### School Curriculum

182. **Deputy Finian McGrath** asked the Minister for Education and Skills if he will consider the teaching of Mandarin in our schools as part of the curriculum. [12516/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** There are a range of foreign languages available on the curriculum in schools -- French, German, Spanish, Italian, Russian, Japanese and Arabic. Mandarin Chinese is not currently on the curriculum. It is not possible in the current budgetary situation to expand the range of languages available in the post primary curriculum. However, the availability of Transition Year and the option of school developed short courses proposed as part of junior cycle reform will, in the future, give opportunities to schools to provide additional languages, including Mandarin Chinese, if they wish to do so.

*Question No. 183 answered with Question No. 160.*

### Disadvantaged Status

184. **Deputy Stephen S. Donnelly** asked the Minister for Education and Skills the criteria under which DEIS schools are classified as either DEIS rural or DEIS urban; the procedure for seeking a reclassification for a formerly rural school which has become urbanised due to urban sprawl; and the time taken for this process to be complete. [12611/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** DEIS (Delivering Equality of Opportunity in Schools), the action plan for educational inclusion, provided for a standardised system for identifying levels of disadvantage and an integrated School Support Programme (SSP). The process of identifying schools for participation in DEIS was managed by the Educational Research Centre (ERC) on behalf of the Department and supported by quality assurance work co-ordinated through the Department's regional offices and the Inspectorate. There are 864 schools in DEIS. These comprise 669 primary schools (198 Urban Band 1, 144 Urban Band 2 and 327 Rural) and 195 second-level schools.

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Band 1 schools are those 198 urban/town primary schools with the highest concentrations of disadvantage. Primary schools serving rural communities, including towns with populations below 1,500, are designated as Rural. The indicators used in identifying schools for participation in DEIS took into account the differences between urban and rural disadvantage.

While a key priority for me is to continue to prioritise and target resources at schools with the most concentrated levels of educational disadvantage, the current economic climate and the challenge to meet significant targets on reducing public expenditure, particularly given the upward pressures on teacher numbers and in the context of operating under a fixed ceiling on teacher numbers affords no capacity to provide for additionality to the DEIS programme, including reclassification from rural to urban.

*Questions Nos. 185 and 186 answered with Question No. 140.*

### **Departmental Bodies**

187. **Deputy Seán Crowe** asked the Minister for Education and Skills the number of persons working in the State Examination Commission who have availed of the early retirement scheme; if he will provide a breakdown of the posts directly affected by staff taking early retirement; and the provision that has been put in place to ensure the smooth running of the examination process. [12662/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations including matters relating to the running of the examinations system following any recent retirements. In view of this, I have forwarded the Deputy's query to the State Examinations Commission for direct reply to the Deputy.

### **Disadvantaged Status**

188. **Deputy Charlie McConalogue** asked the Minister for Education and Skills if a school (details supplied) was included in the recent review of DEIS schools; if not included, if he will explain the reason it was not included; and if he will make a statement on the matter. [12664/12]

189. **Deputy Charlie McConalogue** asked the Minister for Education and Skills if a school (details supplied) was included in the recent review of DEIS schools; if so, the reason his decision not to keep the legacy post was not reversed; and if he will make a statement on the matter. [12667/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 188 and 189 together.

Due to conflicting numbers of posts being reported as potentially lost to DEIS Band 1 and Band 2 urban primary schools it was necessary to obtain clarity with regard to the net effect of a range of factors on teacher allocations in these schools; for example, increasing and decreasing enrolments, the reforms to the existing teacher allocations process and up to date enrolments, all of which contribute to determining the staffing requirement for these schools for 2012/13 school year. The Report on the net impact, in terms of posts, of Budget measures on these DEIS Band 1 and Band 2 urban primary schools, that still had additional posts allocated under disadvantage schemes pre-dating DEIS, was published on 21 February 2012.

The School to which the Deputy refers was not included as part of this Report, as it is a DEIS rural primary school. Of the 328 DEIS Rural primary schools, 16 of these schools with legacy posts will lose one teaching post each. It should be noted that the overwhelming majority of DEIS Rural Primary Schools have not been affected by this decision. A letter has issued from my Department to the school referred to by the Deputy in relation to the withdrawal of posts from previous disadvantage schemes.

*Question No. 190 answered with Question No. 143.*

### **School Patronage**

191. **Deputy Brendan Ryan** asked the Minister for Education and Skills regarding the patronage process for the new secondary school in County Dublin, the number of children who reside in the parish (details supplied) and are included within the submission for patronage from the vocational education committee as declaring a preference for a VEC community college in the town; and if he will make a statement on the matter. [12687/12]

192. **Deputy Brendan Ryan** asked the Minister for Education and Skills regarding the patronage process for the new secondary school in County Dublin, the number of children who reside in the parish (details supplied) and are included within the submission for patronage from the Educate Together body as declaring a preference for an Educate Together second level school in the town; and if he will make a statement on the matter. [12688/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 191 and 192 together.

As the Deputy is aware, in June 2011 I announced that 20 new primary and 20 new post-primary schools are to be established in the next six years across a number of locations. This announcement included a proposal to establish a new post-primary school in the area referred to by the Deputy. This school is to be established in September 2013. The closing date for receipt of applications for patronage of the post-primary schools to be established in 2013 and 2014 was Friday 24th February 2012.

Under the application criteria for patronage, applicants were required to provide evidence of parental demand by signing up lists of parents who expressed interest in having their children educated in their new school. They were also required to confirm willingness to enrol children in the area for whom the Department has identified the need for a school. The Forward Planning Section of my Department will assess all applications in line with the announced criteria and will prepare a report for submission to the New Schools Establishment Group, who will in turn submit their report to me for final consideration and decision. Details of the new arrangements for patronage of new schools and the criteria for deciding on patronage of these new schools are available on my Department's website, [www.education.ie](http://www.education.ie).

### **Schools Funding**

193. **Deputy Tom Barry** asked the Minister for Education and Skills the amount of funding distributed among vocational and voluntary sector second level schools in Fermoy and Mallow, County Cork, between 2000 and 2012. [12706/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The information requested will be collated and forwarded to the Deputy shortly.

### Teaching Qualifications

194. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills the number of teachers currently being paid by him who are not registered with the Teaching Council; if he will provide details of the numbers as they apply at primary and secondary level; and if he will make a statement on the matter. [12712/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The information as requested by the Deputy for teachers in primary, secondary and community/comprehensive schools is not available. As the Deputy will be aware, it is my intention to commence Section 30 of the Teaching Council Act following the enactment of the Education (Amendment) Bill 2012. This will prohibit the employment of unregistered teachers except in very limited circumstances. The numbers of unregistered persons who have acquired employment rights in schools will be determined following the completion of the transfer of data from the Teaching Council. This can only happen following enactment of the Bill.

### Freedom of Information

195. **Deputy Gerry Adams** asked the Minister for Education and Skills if he will provide a breakdown of the total fees received in his Department for freedom of information requests and the number of individual requests in each of the years 2002 to 2011, inclusive. [12724/12]

196. **Deputy Gerry Adams** asked the Minister for Education and Skills if he will provide a breakdown of the number of freedom of information requests submitted in the years 2002 to 2011, inclusive, to his Department; the total amount of fees charged and fees received in each year; the number and amount of initial search fees paid and the number and amount of search and retrieval fees paid. [12740/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 194 and 196 together.

The table sets out the number of freedom of information (FOI) requests received by the Department from 2002 to 2011, along with a breakdown of the fees received in respect of those requests. I have endeavoured to answer your questions as comprehensively as possible, however, it was not possible to provide financial details in respect of 2002 because the Department's financial system was not computerised until 2003:

Year	Total Requests Received	Total Fees Received	Total Search and Retrieval Fees Received
2002	1,948	—	—
2003	2,736	€1,155	€60
2004	1,840	€4,440.18	€1,225.18
2005	3,716	€4,515.71	€2,415.71
2006	1,108	€2,190	0
2007	470	€2,478	€893
2008	457	€4,802.87	€1,637.87
2009	569	€3,327.80	€1,177.40
2010	796	€2,626.27	€501.27
2011	1,170	€3,558.78	€1,213.78

*Question No. 197 answered with Question No. 140.*

### School Transport

198. **Deputy Tom Fleming** asked the Minister for Education and Skills the steps he is taking to address the cessation of the Forge Cross school pick-up point, Kilgarvan, County Kerry, which has been a designated school pick-up point for children for many years now; and if he will make a statement on the matter. [12773/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** Under the terms of my Department's Post Primary School Transport Scheme children are eligible for transport where they reside not less than 4.8 km from and are attending their nearest education centre as determined by the Department/Bus Éireann, having regard to ethos and language.

Bus Éireann is responsible for the planning and timetabling of school transport routes. Bus Éireann is also responsible for designating the pick up and set down points to be used by their bus services. Occasionally, where Bus Éireann considers there is a risk to the safety of school children carried, to the safety of the service itself, or to the safety of other road users, it may become necessary to amend routes or pick up points on safety grounds. In these circumstances every effort is made to minimise any potential inconvenience to the families using the service. Bus Éireann endeavours, within available resources, to ensure that each eligible child has a reasonable level of school transport service in the context of the Scheme nationally.

Bus Éireann has advised that the children referred to in the details supplied are availing of a school transport service within the guidelines of the scheme. Bus Éireann has further advised that upon reviewing conditions at Forge Cross for picking up children, the company decided that the arrangement posed a safety risk which could be resolved by making a minor change to the location of the pick-up point. A more suitable pick-up point located about half a kilometre away has been nominated for the purpose of safely picking up the children each morning instead. There is no change to the afternoon arrangements because the children can be set down safely on their own side of the road.

### Special Educational Needs

199. **Deputy Pearse Doherty** asked the Minister for Education and Skills the numbers of special needs assistant whole-time equivalents employed at each primary and post-primary school in tabular form and broken down on a county basis as of December 2011 and the corresponding figures for December 2007, December 2009, December 2009 and December 2010; and if he will make a statement on the matter. [12785/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The number of Special Needs Assistants (whole time equivalent) employed nationally from 2007 to 2011 is available in the following document. The details for each year are the December figures for the year in question. The primary schools information is inclusive of the special schools details. The information in the detailed format requested by the Deputy is not readily available. However, the website of the National Council for Special Education (NCSE) does provide a specific breakdown of SNA allocations for the current school year which began last September. This can be accessed at [www.ncse.ie](http://www.ncse.ie).

SNAs are recruited specifically to assist in the care of pupils with disabilities in an educational context. The class teacher is responsible for educating all pupils in their class, including any pupil with a special educational need. In this task, the teacher may be supported by a learning support teacher and/or resource teacher. As a result, the allocation of SNAs in each school can alter from year to year. Some schools may receive an increased allocation, while others may experience a reduction because the allocation of supports are provided in line with the needs of individual schools.

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The National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating special needs resources to schools to support children with special educational needs. The NCSE operates within the Department's criteria in allocating such support. The NCSE will continue to support schools, parents, children and teachers and special needs assistants will continue to be deployed to schools to meet children's needs in line with the Department's policy.

Year	Number of Special Needs Assistants in Primary schools	Number of Special Needs Assistants in Post Primary Schools, including VECs.
2007	8,038	1,786
2008	8,440	2,002
2009	8,392	1,950
2010	8,401	2,142
2011	8,105	1,257

*Question No. 200 answered with Question No. 143.*

### Schools Refurbishment

201. **Deputy Martin Heydon** asked the Minister for Education and Skills the type of works that are envisaged to be included in the emergency works programme for primary schools; if this level and types of works has changed in recent years; and if he will make a statement on the matter. [12887/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The main purpose of the Emergency Works Scheme is to ensure the availability of funding for urgent works to those schools that are most in need of resources as a result of an emergency situation or on receipt of an enrolment application from a special needs pupil. An emergency is a situation which poses an immediate risk to health, life, property or the environment, which is sudden, unforeseen and requires immediate action and in the case of a school, if not corrected would prevent the school or part thereof from opening. Terms and conditions of the scheme were published in March 2011 and are available on my Department's website *www.education.ie*.

### Appointments to State Boards

202. **Deputy Gerry Adams** asked the Minister for Education and Skills if the chief executive officer of Rehab (details supplied) is a member of any State board; and the remuneration, expenses or other payments he receives for such membership. [13243/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The CEO of Rehab is not a board member of an agency under the aegis of my Department.

### National Lottery

203. **Deputy Charlie McConalogue** asked the Minister for Public Expenditure and Reform his plans for the future of the national lottery; and if he will make a statement on the matter. [12206/12]

204. **Deputy Charlie McConalogue** asked the Minister for Public Expenditure and Reform if he will meet and engage with the lotto retailers in advance of any plans to privatise the national lottery; and if he will make a statement on the matter. [12212/12]

205. **Deputy Charlie McConalogue** asked the Minister for Public Expenditure and Reform his plans for maintaining retailers' commission from lotto sales in the event of privatisation; and if he will make a statement on the matter. [12214/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I propose to take Questions Nos. 203 to 205, inclusive, together.

I announced on 10th November 2011, in the context of unveiling the Infrastructure and Capital Investment Framework 2012-2016, that the Government has decided to review a number of options regarding the future of the National Lottery. My Department is currently examining the various options with respect to the next Lottery licence and I expect to be in a position to revert to Government in the near future.

The Government's intention is to seek a large upfront payment to the State as part of the arrangements for the new licence, with some of the payment to be used to help fund the building of the proposed new National Paediatric Hospital. Any new arrangements for the National Lottery will also involve the continued provision of significant annual revenues from the Lottery for good causes. However, in advance of a final decision by Government on how to proceed on the matter, it would be premature for me to speculate at this stage on possible terms for the next licence.

In relation to retailers, I am cognisant of the important role which retailers play in the operation of the National Lottery. I am also aware of the importance to retailers of income from the Lottery, particularly in the present economic climate. I can assure the Deputy that the position of retailers will be taken into consideration in the context of any decision regarding the arrangements for the next Lottery licence.

### **Public Procurement**

206. **Deputy Brendan Griffin** asked the Minister for Public Expenditure and Reform the protection levels that exist for local enterprises competing in the public tendering process against foreign or non-local companies; if the immediate impact on the local economy is considered; the measures being taken to ensure that required standards can be met by new entrants to the market; if he is willing to review this matter; and if he will make a statement on the matter. [12497/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I am very aware that public procurement can be an important source of business for local enterprises. In general, SMEs' flexibility and ability to respond speedily to requirements can be advantageous in competing for local contracts. Current guidelines from my Department require public bodies to promote participation of small and medium-sized enterprises in the award of public contracts. The guidelines set out positive measures that contracting authorities are to take to promote SME involvement in a manner that is consistent with the principles and rules of the existing public procurement regulatory regime. The guidance also highlights practices that are to be avoided because they can unjustifiably hinder small businesses in competing for public contracts.

The key provisions of the guidance include:

- supplies and general services contracts with an estimated value of €25,000 or more to be advertised on the *www.etenders.gov.ie* website;
- less use of "restrictive" tendering procedures and greater use of "open" tendering;

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- ensuring that the levels set by contracting authorities for suitability criteria are justified and proportionate to the needs of the contract;
- sub-dividing larger requirements into lots where this is practical and can be done without compromising efficiency and value for money;
- the needs and possibilities for small businesses to compete and supply to be taken into account when setting up panels / framework arrangements;
- and encouragement of small companies to combine with others to make a joint bid for a contract that they might not be in a position to perform on their own.

Public contracts above a certain value must be advertised EU wide and awarded to the most competitive tender in an open and objective process. The aim is to promote an open, competitive and non-discriminatory public procurement regime which delivers best value for money. It would be a breach of the rules for a public body to favour or discriminate against particular candidates on grounds of nationality and there are legal remedies which may be used against any public body infringing these rules. In this regard, it is worth pointing out that the open market regime also offers opportunities for Irish companies to win business abroad and reliable EU studies indicate that many Irish businesses are successful in this regard.

The Government will continue to review the situation in regard to SME participation in public procurement and where consistent with achieving value-for-money, probity and transparency, will seek to address any further issues that might be identified.

### **Departmental Agencies**

207. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform, following a meeting of the Committee of Public Accounts on 8 November 2011 when members were told the Department of Finance advised Campus Stadium Ireland Development that it would have to issue proceedings to recover VAT from Dublin Waterworld Limited, if he will confirm the instructions that were issued by his Department and if he was furnished with the opinions of both Campus Stadium Ireland Development's legal advisers and taxation advisers on the VAT issue. [12646/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** My understanding is that the Public Accounts Committee has been given access to Department of Transport, Tourism and Sport records among which is reference to the Department of Finance having indicated orally that it could not consent to abandoning an attempt to recover VAT in a case involving Campus Stadium Ireland Development. The relevant Vote section — which generally acts as a first contact point on a wide range of issues with the relevant line department and which at the time would have been part of the Department of Finance and is now part of my Department — has no record of any written instruction having been issued in this regard, nor any record of having received advice from CSID's advisers.

### **National Monuments**

208. **Deputy Pat Deering** asked the Minister for Public Expenditure and Reform the funding available to improve access to and provide amenity areas at Tobinstown and the Brownhill Dolmen, County Carlow. [12702/12]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes):** The Brownshill Dolmen is a national monument in State ownership and is under the care and management of the Office of Public Works. The dolmen is accessed from a small car park on the public road by means of a pathway. The dolmen, a small area around it, and the pathway are in State ownership. The car park is owned and managed by Carlow County Council. In 2009, additional strips of land were purchased alongside the pathway and at the area surrounding the dolmen. This provided improved access to the site. An interpretation panel is situated at the car park. The current budgetary position does not allow for further works to this site. Tobinstown, also known as Haroldstown, Dolmen is a national monument but it is not in State ownership and is not in the care of the Office of Public Works.

### Freedom of Information

209. **Deputy Gerry Adams** asked the Minister for Public Expenditure and Reform if he will list the nature and amount of fees charged for freedom of information requests prior to the Freedom of Information (Amendment) Act 2003; and to explain the current fees system for freedom of information requests. [12734/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** Section 47 of the Freedom of Information Act, 1997, *inter alia*, provides for the charging of a fee by a public body and for payment by the requester in respect of the grant of a Freedom of Information request of an amount equal to—

(a) the estimated cost of the search for and retrieval of the record concerned, and

(b) the estimated cost of any copy of the record made by the public body concerned for the requester concerned.

as determined by the head of the public body concerned.

Section 47 also provides for certain limitations and exemptions in respect of such fees. In summary these are:

- No such search and retrieval fees can be charged when only personal information is contained in the record concerned unless the grant related to a significant number of records;
- Copying charges shall be disregarded also if only personal information is contained in the record and it would not be reasonable, having regard to the means of the requester, to apply a charge;
- Such fees could be waived or reduced when the record concerned would be of assistance to the understanding of a matter of national importance; and
- Neither search and retrieval fees nor copying fees can be charged when the cost of collecting and accounting for the fee would exceed the amount of the fee.

The powers under Section 47 in respect of copying and search and retrieval fees were unaffected by the Freedom of Information (Amendment) Act, 2003 and the amount prescribed for such fees have remained unchanged since the legislation first came into effect. These are:

- Search and retrieval: €20.95 per hour
- Copying charges

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- Photocopy per sheet: €0.04
- Floppy disk: €0.51
- CD Rom: €10.16
- Radiograph: €6.35

In 2003 the Freedom of Information (Amendment) Act introduced application fees for requests for non-personal information. The fees prescribed by Regulation under the amended Act are €15 for a Freedom of Information request for non personal information, €75 for an internal review of a Freedom of Information decision and €150 for an appeal to the Information Commissioner. A reduced application fee structure applies to persons in possession of medical cards. The reductions are as follows: initial request €10, internal review €25 and €50 appeal to the Information Commissioner.

According to the most recent information available to my Department contained in the Annual Report of the Office of the Information Commissioner for 2010, of 15,249 Freedom of Information requests received by public bodies in 2010, 10,688 related to personal information in respect of which application fees do not apply for the initial request or any internal review or appeal to the Information Commissioner.

### **Public Procurement**

210. **Deputy Éamon Ó Cuív** asked the Minister for Public Expenditure and Reform if Radio Teilifís Éireann is subject to public procurement guidelines in relation to the appointment of contractors and the purchase of services; if it is obliged to go to public tender to procure these services; and if he will make a statement on the matter. [12287/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The EU Commission has determined that public broadcasters funded through fee based systems such as the TV licence are subject to EU public procurement rules. These rules specifically do not apply to the acquisition, development, production or co-production of programme material intended for broadcasting by broadcasters and contracts for broadcasting time. However, the normal rules on public procurement are applicable to all other relevant procurement by such public broadcasters.

### **Sale of State Assets**

211. **Deputy Éamon Ó Cuív** asked the Minister for Public Expenditure and Reform if he has any target figure to be realised from the sale of State assets broken down by State enterprise and the target in each case; and if he will make a statement on the matter. [12288/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** As I have already told the House, I do not propose to indicate to the market how much I expect to raise from the sale of the individual assets contained in the programme of State asset disposals that I announced on 22 February. However, I can assure the Deputy that the sales will be transacted via an open, transparent and competitive process.

### **Land Transfers**

212. **Deputy Brendan Griffin** asked the Minister for Public Expenditure and Reform when the Office of Public Works will be in a position to transfer land to Kerry County Council for

the provision of Derrynane Abbey Island burial ground; and if he will make a statement on the matter. [12602/12]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes):** The Commissioners of Public Works have recently received sanction from the Department of Public Expenditure and Reform to transfer the land in question to Kerry County Council. The matter is now being finalised by the Chief State Solicitor.

### Tax Code

213. **Deputy Maureen O’Sullivan** asked the Minister for Public Expenditure and Reform concerning the Estimates for public services, if he will confirm that taxpayer support to the horse-racing and greyhound fund is projected to be reduced in 2012 by 1.75% to €56.29 million; the amount of the projected spend of €56.29 million that is likely to be recouped by the Exchequer through direct taxation, that is, from taxes on betting; and if he will make a statement on the matter. [12652/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I wish to confirm that the taxpayer support to the Horse and Greyhound Racing Fund is €56.29 million as published in the recent Revised Estimates for Public Services 2012. The forecast for Betting Duty in 2012 is €34m which includes €10m for the extension of the betting duty to the online sector as per Budget announcement.

*Question No. 214 withdrawn.*

### Freedom of Information

215. **Deputy Gerry Adams** asked the Minister for Public Expenditure and Reform if he will provide a breakdown of the total fees received in his Department for freedom of information requests and the number of individual requests in each of the years 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011. [12731/12]

216. **Deputy Gerry Adams** asked the Minister for Public Expenditure and Reform if he will provide a breakdown of the number of freedom of information requests submitted in the years 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011 to his Department; the total amount of fees charged and fees received in each year; the number and amount of initial search fees paid and the number and amount of search and retrieval fees paid. [12747/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I propose to take Questions Nos. 215 and 216 together.

Since the establishment of my Department in July of last year, the number of Freedom of Information (FOI) requests received to the end of December 2011 was 61. My Department received 56 non personal requests and 5 personal requests. In accordance with the Freedom of Information (Amendment) Act 2003 an ‘up-front’ fee of 15 euro must accompany a request for non personal information, and 10 euro if the person is covered by a medical card. The total amount received in “up front fees” was 765 euro and 899 euro was received in respect of search and retrieval. There were six search and retrieval cases.

### Office of the Ombudsman

217. **Deputy Gerald Nash** asked the Minister for Public Expenditure and Reform if he will consider designating the Arts Council as a body whose decisions are reviewable by the Office

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of the Ombudsman in the interests of good governance and transparency; and if he will make a statement on the matter. [12772/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The Ombudsman (Amendment) Bill 2008 completed all stages in the Dáil in June 2010 and is awaiting second stage in the Seanad. This Bill represents the most significant extension of the Ombudsman's remit in almost 30 years. On completion of its passage in the Dáil the main areas included in the Bill are third level education institutions, the Vocational Educational Colleges and the Courts Service.

The priority in terms of extending the Ombudsman's remit has been to identify public bodies currently outside her remit that have a significant interface with members of the public whose administrative actions have the potential to affect large numbers of people. The extension of the Ombudsman's remit to cover additional bodies or additional areas of work, beyond those already covered by the Ombudsman (Amendment) Bill 2008, will be reviewed in line with the Government Reform Agenda over the coming months. Bodies to be included or exempt will be agreed in the context of this review.

### Human Rights Issues

218. **Deputy Seán Kyne** asked the Minister for Public Expenditure and Reform his views that it would be a highly positive measure, in the context of the reform of the public sector, if the Irish Human Rights Commission's Human Rights Guide for the Civil and Public Service was updated from the 2010 edition, became part of all training areas and was distributed throughout the public service. [12824/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The Irish Human Rights Commission's (IHRC) *Human Rights Guide for the Civil and Public Service* makes an important contribution to the human rights agenda in Ireland. The updating of the 2010 edition is a matter for my colleague, the Minister for Justice and Equality and the IHRC. Organisational training strategies are aligned to civil service Departmental business objectives and are derived from training needs analyses and individual requirements identified through the Performance Management and Development System. In this context my Department will take the opportunity to advise civil service Departmental Training Units of the availability of the Guide.

### Enterprise Support Services

219. **Deputy Niall Collins** asked the Minister for Jobs, Enterprise and Innovation if there is currently or proposed a seed capital scheme for small business start up; and if he will make a statement on the matter. [12412/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** A dynamic and healthy venture capital market is a prerequisite for the growth and development of high potential start-up companies in Ireland. Enterprise Ireland assists companies who wish to raise venture capital funding to grow their businesses, focusing on stimulating funding for companies that would have difficulty raising capital through traditional sources of finance. The agency's support for venture capital funds is undertaken through investment as a limited partner with other private investors on a *pari passu* basis. The management of these funds is in the hands of private sector Venture Capital fund managers who take investment decisions on a fully commercial basis.

Under the Seed and Venture Capital Scheme 2007-2012, Enterprise Ireland has acted as catalyst for the establishment of four Seed Capital Funds. These Funds have a total of €124m in seed monies under management. Enterprise Ireland can assist companies with contact details and specific areas of interest for the major Irish venture capital companies. In addition, the agency can assist with introductions to these specific venture capital funds.

Enterprise Ireland also continues to focus on the development of high potential start-up companies. This year, Enterprise Ireland is targeting the support of 95 High Potential Start Ups (HPSUs). Initiatives such as the Competitive Start Fund also provide critical early stage financing to entrepreneurs, while the €10m International Start-Up Fund encourages overseas entrepreneurs to locate start-up businesses in Ireland. Details of all these schemes are available on Enterprise Ireland's website, [www.enterprise-ireland.com](http://www.enterprise-ireland.com).

In November 2011 my colleague, the Minister for Finance, Michael Noonan, TD, announced a new Seed Capital Scheme to encourage individuals currently or formerly in employment to establish new business ventures. The scheme provides for a refund of tax already paid by an individual who sets up and takes employment in a new qualifying business. Further details are available from the Revenue Commissioners website, [www.revenue.ie](http://www.revenue.ie).

220. **Deputy Terence Flanagan** asked the Minister for Jobs, Enterprise and Innovation when the loan guarantee scheme will be in place to help entrepreneurs (details supplied); and if he will make a statement on the matter. [12142/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** With regard to the Temporary Partial Credit Guarantee Scheme, an Operator has been selected through a public tendering process and will be contracted by my Department to act as the agent for the practical oversight, management and operation of the Scheme. Primary legislation to underpin the Scheme is being urgently progressed with the Attorney General's Office, and a Credit Guarantee Bill will be published during this Spring session. The Guarantee Scheme will go live as soon as possible following enactment of the legislation in Quarter 2, 2012.

Participating lenders will administer the guarantee scheme and make all decisions on lending. Businesses seeking to avail of the guarantee scheme can approach a participating bank as soon as the scheme goes live. The Department will play no role in the individual loan application or decision making process.

### Employment Support Services

221. **Deputy Finian McGrath** asked the Minister for Jobs, Enterprise and Innovation the position regarding the support services for self-employed persons who are out of work. [12208/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** People who were previously self-employed and who are out of work can avail of the services of the state agencies for a range of supports. For those seeking employment, a variety of supports are available through the Department of Social Protection, including the services to jobseekers provided by FAS. Further details of services for jobseekers are available on the website [www.fas.ie](http://www.fas.ie).

The Action Plan for Jobs, which I launched on 13 February, includes a number of initiatives which will support those wishing to start up new businesses, including:

- The introduction of a microfinance fund to provide loans of up to €25,000 to small business start-ups.

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- A focus on improving bank lending practices to support job creation and on ensuring that lending targets for the pillar banks are met.
- A commitment to maintaining a strong business development function in the Community Enterprise Centres, which provide both a support network for emerging entrepreneurs and micro industries.
- A specific focus on supporting female entrepreneurs in a new Business Start-Up drive for women.

Additionally, and as outlined in the Action Plan for Jobs, I have been reviewing the structure of enterprise supports in recent months and, in particular, the role of the CEBs. A new “one-stop-shop” micro enterprise support structure will be established through the dissolution of the existing CEB structures and the creation of a new Micro Enterprise and Small Business Unit in Enterprise Ireland.

Enterprise Ireland will work with the Local Authorities to establish a new network of Local Enterprise Offices (LEOs). The LEOs will combine the enterprise support service previously provided by the CEBs and the business support work of the Business Support Units in the Local Authorities. This will provide an enhanced service to micro-enterprises through seamless access to both Enterprise Ireland 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.

### **International Agreements**

222. **Deputy Mary Lou McDonald** asked the Minister for Jobs, Enterprise and Innovation following Ireland’s application to become a member of the Human Rights Council and the Irish tripartite adoption of the United Nations’ International Labour Organisation in June 2011, if it is his intention to ratify the ILO convention No. 189 on Decent Work for Domestic Workers 2012 and by doing so demonstrate his commitment to protecting human rights and decent work for all. [12244/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I welcome the successful outcome of discussions at the International Labour Conference (ILC) that lead to the adoption of a new International labour standard aimed at ensuring Decent Work for Domestic Workers. The final text of the draft Convention was one that the Irish Government was in a position to support and the Convention on Decent Work for Domestic Workers now becomes ILO Convention No. 189 supplemented by a Recommendation.

The issue of ratification by Ireland of this Convention is being considered in the context of our standard approach to the ratification of international instruments. In this regard, the Convention will be examined from the perspective of any changes that may be required to existing domestic legislation. However, it is important to note that domestic workers are protected by virtue of the fact that the full suite of employment rights legislation, including that of redress for violations of their employment rights, apply to domestic workers in the same way as they apply to other categories of employees in Ireland.

A voluntary Code of Practice for Persons Employed in Other People’s Homes was developed under the Industrial Relations Act 1990. The Code sets out certain employment rights and practices for persons employed in other people’s homes and encourages good practice and compliance with the law in such employment situations. In any proceedings before a court, or

a workplace relations dispute resolution body, a code of practice shall be admissible in evidence and any provision of the code which appears to the court, body or officer concerned to be relevant to any question arising in the proceedings shall be taken into account in determining that question.

It is also worth pointing out that NERA has been carrying out an on-going pilot programme of inspections involving domestic workers. In general, cooperation levels among employers of domestic workers was high and compliance levels were on a par with other employer/employee relationships.

### **Industrial Disputes**

223. **Deputy Clare Daly** asked the Minister for Jobs, Enterprise and Innovation if he will instruct fellow Departments and State agencies to implement, as employers, recommendations made by the Labour Court over matters brought before it when industrial disputes arise in said Departments or State agencies. [12386/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** Ireland's system of industrial relations is, essentially, voluntary in nature and responsibility for the resolution of industrial disputes is a matter for the parties involved. The system of industrial relations in Ireland is designed to help and support parties in their efforts to resolve their differences, rather than imposing a solution on the parties to an industrial dispute. It is expected that parties would come to the Labour Court in good faith and, would be prepared to accept the outcome of any process, including, Labour Court recommendation.

Responsibility for the settlement of a workplace relations dispute rests, ultimately, with the parties themselves. While it would be my wish that all employers in both the public and private sectors would observe Labour Court recommendations, given the voluntarist nature of the process, I am not in a position to instruct them to do so.

### **Employment Rights**

224. **Deputy Michelle Mulherin** asked the Minister for Jobs, Enterprise and Innovation if he will consider changing the time restrictions for carer's leave to allow applicants to stay on this scheme for a longer time; and if he will make a statement on the matter. [12424/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The Carer's Leave provisions 2001 to 2006 provide that a person may take leave to care for a person, who is deemed by the Department of Social Protection to be in need of such care. The original provisions of the 2001 Carer's Leave Act were amended by Section 48 of the Social Welfare Law Reform and Pensions Act (2006) which increased Carer's leave from 65 to 104 weeks. I have no plans at the moment to extend the statutory maximum further. Under the terms of the Act however, the employer and employee may agree to arrangements for Carer's leave that are more favourable to the employee than those set out in the Act.

### **Freedom of Information**

225. **Deputy Gerry Adams** asked the Minister for Jobs, Enterprise and Innovation if he will provide a breakdown of the total fees received in his Department for freedom of information requests and the number of individual requests in each of the years 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011. [12729/12]

226. **Deputy Gerry Adams** asked the Minister for Jobs, Enterprise and Innovation if he will provide a breakdown of the number of freedom of information requests submitted in the years

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2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011 to his Department; the total amount of fees charged and fees received in each year; the number and amount of initial search fees paid and the number and amount of search and retrieval fees paid. [12745/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I propose to take Questions Nos. 225 and 226 together.

The table outlines the number of FOI requests received, the relevant fees paid as well as the overall amounts received in respect of FOI requests in each of the years 2002 to 2011:

Year	No of requests	Application Fee €	Internal Review application Fee €	Balance of Search and Retrieval paid €	Total Fees received €
2002*	205	N/A	N/A	912.88	912.88
2003	153	300.00	Nil	569.57	869.57
2004	62	600.00	375.00	240.79	1,215.79
2005	86	675.00	225.00	366.15	1,266.15
2006	71	600.00	375.00	580.93	1,555.93
2007	57	540.00	300.00	147.29	987.29
2008	85	880.00	375.00	346.07	1,601.07
2009	124	1,225.00	225.00	1,327.49	2,777.49
2010	104	975.00	225.00	673.77	1,873.77
2011	70	610.00	150.00	81.22	841.22

\*Application fees only came into effect on 1st July 2003.

As regards the further breakdown of fees that the Deputy has requested in relation to initial search fees and search and retrieval fees, I can advise that this information would require the investment of significant time and resources and cannot, in the time available, be provided. If the Deputy has an interest in a particular year, I would be prepared to have this examined further.

### Employment Rights

227. **Deputy Jack Wall** asked the Minister for Jobs, Enterprise and Innovation his views on a matter (details supplied); the actions he plans to address the concerns raised; and if he will make a statement on the matter. [12832/12]

**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;

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- 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

### **Enterprise Support Services**

228. **Deputy John Lyons** asked the Minister for Jobs, Enterprise and Innovation if he will provide information on State support for the cloud computing sector here; the way that he and relevant agencies are encouraging start-up businesses in this sector; the number of existing multinational companies that have received support to set up here; and if he has examined introducing cloud computing in his own operations. [12833/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The Government's Action Plan for Jobs outlines a number of actions which will be implemented in 2012 to support the Cloud Computing sector in Ireland. Such actions include:

- Examining the potential for demonstration projects in cloud computing to promote Ireland as a centre of excellence for this technology, providing a reference site for Irish companies, while potentially lowering costs and improving services;
- Supporting industry groups (e.g. Irish Internet Association) to develop and deliver a practical tool kit to assist SMEs in assessing the adoption of Cloud Computing for their business;
- Ensuring that the ICT Skills Action Plan incorporates needs associated with the development of Cloud Computing in Ireland;
- Developing a Cloud Computing Procurement Standard with industry experts through an NSAI Standards group;
- Supporting research groups in areas of relevance to exploitation of cloud computing; and,
- Delivering a Cloud Computing Technology Research Centre in order to support an industry led research and innovation agenda in this area.

With regard to the last two bullet points, I can confirm that a Cloud Computing Technology Centre is being established jointly by Enterprise Ireland and IDA Ireland. After an open consultation process with industry partners, a steering committee has begun the work of developing a detailed research agenda. This agenda formed the basis for the Initial Research Programme which will be undertaken by Dublin City University, University College Cork and Athlone Institute of Technology and will formally commence in the coming weeks. This phase will be funded by €1m over 12 months.

This research is particularly valuable in that, it not only includes considerations of the technical expertise and requirements to develop effective cloud computing platforms, but also incorporates the business acumen required to build new business models, end user requirements and novel ways to commercialise these platforms at the very outset of the research programme. This approach will continue to inform and drive the development of the ongoing research into this increasingly economically advantageous area. While this phase is running in 2012, an open competition will be held to establish a Host for the formal Technology Research Centre, which will allow for a significant scale up in activity over a 5 year period supported by €5m in exchequer funding.

While the Cloud Computing Technology Centre represents the primary mechanism through which Enterprise Ireland will assist the business sector to develop and acquire expertise Cloud Computing, Enterprise Ireland has, in addition, funded directly a number of Cloud Computing start-up companies through its High Potential Start Up Programme and its Competitive Start Fund and will continue to support start-up companies in this sector.

IDA Ireland has informed me that, at the end of 2011, it was supporting 67 client companies in the Computer, Electronic and Optical Equipment Sector that employed over 14,000 people. It is not possible, however, to state how many of these companies are focused solely on the Cloud Computing sector.

The question of introducing Cloud Computing in the Public Service is currently under consideration by my colleague, the Minister for Public Expenditure and Reform, who has committed, in accordance with the Acton Plans for Jobs, to developing a Cloud Computing Strategy for the Public Sector in 2012.

### **Redundancy Payments**

229. **Deputy Michael McCarthy** asked the Minister for Social Protection when payments will issue to former employees of a liquidated company (details supplied); and if she will make a statement on the matter. [12360/12]

**Minister for Social Protection (Deputy Joan Burton):** Claims in respect of all the people concerned were processed for payment in February 2012.

### **Employment Support Services**

230. **Deputy Brian Walsh** asked the Minister for Social Protection following the announcement that the JobBridge scheme has reached its target of 5,000 internships since it was launched, the proportion of these positions that related to host organisations based in Galway city and county; and if she will make a statement on the matter. [12759/12]

**Minister for Social Protection (Deputy Joan Burton):** The National Internship Scheme was launched on 1st July 2011. The Scheme has made very significant progress to-date. Currently, in excess of 5,100 internship placements have commenced. The number of internship placements that have commenced in Galway City is 204. The number of internship placements that have commenced in Galway County is 106.

### **Social Welfare Appeals**

231. **Deputy Pat Breen** asked the Minister for Social Protection the position regarding an application in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [12130/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 13th October 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 16th 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 Benefits

232. **Deputy Simon Harris** asked the Minister for Social Protection if she will provide a detailed breakdown of the current rent allowance limits in Bray, County Wicklow, which were revised following a meeting between the Health Service Executive and her officials following the nationwide review of rent allowance limits; and if she will make a statement on the matter. [12136/12]

**Minister for Social Protection (Deputy Joan Burton):** The new maximum rent limits which came into force on 1 January 2012 are in line with the most up to date market data available. The emphasis of the rent limit review was to ensure that value for money is achieved whilst at the same time ensuring that people on rent supplement are not priced out of the market for private rented accommodation. The analysis of the rental market for Wicklow carried out by the Department found that rental prices for Bray were having a distorting effect on the prices for Wicklow as a whole. Accordingly, for the purpose of establishing rent limits for Co. Wicklow, Bray was excluded and the Department indicated that this area would be managed separately.

Department officials have now carried out a separate analysis of the rental market in the Bray, Delganey and Greystones area. Local rent limits are now in place and are set out in the tabular statement.

Rent Supplement Rent limits for Bray, Greystones and Delganey

County	Single person in shared accommodation	Couple in shared accommodation	Single person	Couple with no children	Couple or one-parent family with 1 child	Couple / one-parent family with 2 children	Couple / one-parent family with 3 children
Bray, Greystones and Delganey areas	275	300	450	625	725	800	850

### Community Employment Schemes

233. **Deputy Pat Breen** asked the Minister for Social Protection her plans to review the criteria for entry to a scheme (details supplied); and if she will make a statement on the matter. [12143/12]

**Minister for Social Protection (Deputy Joan Burton):** The criteria for participating on the Community Employment (CE) programme are based on age and length of time in receipt of various social welfare payments. The core eligibility criterion for CE is that the person is in

receipt of a qualifying Social Welfare payment, as defined on the Department's public website. This requirement is based on Government policy and Departmental guidelines and has been the rule since CE commenced in 1994.

The aim of CE remains as an active labour market programme with the emphasis on progression into employment and/or further education and training. The programme is managed within this context, with consideration to the availability of resources and the needs of participants and the community. The CE programme is one of a range of training and employment programmes available for unemployed persons. All of these programmes have specific objectives and eligibility criteria that address the specific needs of a wide range of participants.

Unemployed persons who are not in receipt of the required social welfare payments can still participate on many education and training programmes. Such persons are advised to contact their local Employment Services Office where an Employment Services Officer will be happy to discuss the employment and training options that are open to them. Within the current very difficult budgetary constraints, the number of places on Community Employment will remain at 23,300 in 2012.

234. **Deputy Michael McGrath** asked the Minister for Social Protection if a person participating on a community employment scheme is required, on reaching their sixty-sixth birthday, to terminate their employment under the scheme; and if she will make a statement on the matter. [12167/12]

242. **Deputy Michael McGrath** asked the Minister for Social Protection if there is a rule that requires a community employment scheme supervisor to cease their employment on reaching the age of 66 years; and if she will make a statement on the matter. [12276/12]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 234 and 242 together.

The provisions of the Community Employment programme allow for funding by the Department of Social Protection of Community Employment (CE) Sponsors to employ participants and supervisors up to the last day of their 65th year, at which point the entitlement to a state pension becomes available. Consequently, funding from my Department for such participants ceases on their 66th birthday, in line with the aims and objectives of the programme under Government Labour Market Intervention policies.

For a person who has already reached 66 years of age, no funding would be available for the Sponsor to cover their wages. Additionally, CE was specifically set up as a labour market intervention with a defined target population, including long-term unemployed and other disadvantaged groups, to ultimately assist them to return to the labour market. Pensioners were not in the target population for this programme. It should be noted that Section 34(4) of the Employment Equality Acts 1998-2002, provide: 'it shall not constitute discrimination on the age ground to fix different ages for retirement (whether voluntary or compulsory) of employees on any class or definition of employee'.

### **Social Welfare Appeals**

235. **Deputy John Lyons** asked the Minister for Social Protection, further to Parliamentary Question No. 340 of 11 January 2012, if an update can be provided on the disability appeal of a person (details supplied); and on an appeals officer being assigned to the case. [12180/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that, further to my reply to Parliamentary Question No. 340 of 11 January 2012,

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the appeal was assigned to an Appeals Officer on 16 January 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**

236. **Deputy Dominic Hannigan** asked the Minister for Social Protection if she is reviewing the criteria of JobBridge to allow persons who receive a disability allowance to participate in the scheme; and if she will make a statement on the matter. [12204/12]

**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. My Department continues to monitor and review the operation of the JobBridge scheme including its eligibility criteria on an ongoing basis.

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.

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. This review process is at an advanced stage and it is anticipated that the Minister may be in a position to present formal proposals in the coming weeks.

Individuals in receipt of Disability Payments may access a wide range of activation supports including the Work Placement Programme, which is designed to provide participants with valuable work experience, thereby improving their prospects of securing employment. 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.

### Community Employment Schemes

237. **Deputy Ciarán Lynch** asked the Minister for Social Protection if a person (details supplied) will be allowed an extension to their community employment scheme; and if she will make a statement on the matter. [12213/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned has been a participant since 2005 on a CE scheme in Cork City and by May 2012 will have received his maximum entitlement on CE. It will not be possible to grant any extension.

### Social Welfare Benefits

238. **Deputy Jack Wall** asked the Minister for Social Protection the reason rent supplement has been reduced in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [12222/12]

**Minister for Social Protection (Deputy Joan Burton):** Budget 2012 announced an increase in the minimum contribution paid by rent supplement customers. There was also an introduction of a new minimum contribution for two person households. The reduction in the rent supplement payable to the person concerned reflects the increase in the minimum contribution for a two person household.

*Question No. 239 withdrawn.*

### Departmental Funding

240. **Deputy Gerry Adams** asked the Minister for Social Protection the level of funds from her Department that go to fund the work of Rehab; if any of that money contributes towards the salary of the chief executive of the Rehab Group; and if she will make a statement on the matter. [12259/12]

**Minister for Social Protection (Deputy Joan Burton):** There are four Community Employment projects sponsored by Rehabcare, which is part of the Rehab group. There are 52 participants on these projects. The Department of Social Protection provides funding in the form of participants allowances, supervisor salaries, training and materials grants. This would amount to circa €807,560 in 2011. All of the funding is paid on the basis of identified persons in place and approved costs justified by receipts/invoices. There is no funding/contribution towards the salary of the chief executive of the Rehab group through CE.

Similarly, the Department of Social Protection provides funding for approx 192 named employees with a disability in Rehab Enterprises Ltd under the three Strands of the Wage Subsidy Scheme. The WSS is an incentivised scheme for the employment of people with disabilities in the open labour market. This amounted to circa €2,787,526 in 2011. There is no funding of the salary of the chief executive of the Rehab group through the Wage Subsidy Scheme.

### Community Employment Schemes

241. **Deputy Michael McGrath** asked the Minister for Social Protection if the employment status of community employment scheme supervisors has changed in any respect with the transfer of the schemes to her Department; and if she will make a statement on the matter. [12275/12]

**Minister for Social Protection (Deputy Joan Burton):** Supervisors and assistant supervisors are employed by sponsor organisations in contract with the Department of Social Protection

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for the operation of Community Employment (CE) and the delivery of the local services supported. All sponsor organisations operate independently of the Department in the discharge of their various functions in respect to the management of staff, contracts of employment, participants, finance, and governance arrangements. These arrangements will not be changed with the integration of FÁS into my Department.

Given the position of the majority of sponsor organisations as independent entities constituted under the Companies Acts, there can be no consideration that the employment status of any of their employees could or should change as a result of the transfer of CE to the Department of Social Protection.

*Question No. 242 answered with Question No. 234.*

### **Social Welfare Code**

243. **Deputy Paschal Donohoe** asked the Minister for Social Protection if persons can do voluntary work while on jobseeker's allowance or would this constitute not being available for work; if that is the case, if she will consider reviewing the situation; and if she will make a statement on the matter. [12279/12]

**Minister for Social Protection (Deputy Joan Burton):** A jobseeker may engage in voluntary work within the State without affecting their jobseekers entitlement provided they continue to satisfy the statutory conditions of being available for and genuinely seeking work. The aims of the Voluntary Work Option are twofold, namely:

- i) to encourage voluntary organisations to involve jobseekers to the greatest extent possible in their activities by creating new opportunities for voluntary work; and
- ii) to inform jobseekers of their freedom to involve themselves in voluntary work and to encourage them to do so.

Examples of voluntary work in which jobseekers may engage include helping the sick, elderly or persons with a disability or assisting youth clubs, church groups, sports groups, cultural organisations and local resident associations. These arrangements have been put in place in recognition of the long tradition of volunteering in this country and the contribution that volunteering makes to Ireland's social fabric.

244. **Deputy Paschal Donohoe** asked the Minister for Social Protection if she will examine the current situation where students must turn down offers of unpaid work experience in order to qualify for jobseeker's allowance; and if she will make a statement on the matter. [12280/12]

**Minister for Social Protection (Deputy Joan Burton):** Social welfare legislation provides that a person must satisfy the conditions of being available for and genuinely seeking work in order to be entitled to jobseeker's benefit or jobseeker's allowance. Any person who fails to satisfy these conditions is not entitled to a jobseeker's payment. A student undergoing a full-time course of study, instruction or training is disqualified for receiving jobseekers allowance or benefit. This disqualification also extends to the holiday periods, including the summer holidays. The disqualification for receipt of jobseeker's benefit or allowance does not apply in the case of mature students during the period between two academic years. During this period a mature student can apply for jobseeker's benefit or allowance, subject to satisfying the standard qualifying conditions, including that of being available for full-time work. There are no plans to change these aspects of the jobseeker's schemes.

It may be noted that Jobbridge, the national internship scheme was established to provide people with valuable work experience. The aim of the national internship scheme is to assist in breaking the cycle where jobseekers are unable to get a job without experience, either as new entrants to the labour market after education or training or as unemployed workers wishing to learn new skills. The scheme also gives people a real opportunity to gain valuable experience to bridge the gap between study and the beginning of their working lives.

Additionally, my Department encourages people to engage in voluntary work within the State. Any person who engages in voluntary work may continue to be entitled to Jobseekers Benefit or Allowance provided that, in engaging in the voluntary work, the customer continues to satisfy the statutory conditions of being available for and genuinely seeking work. Examples of voluntary work in which jobseekers may engage include:

- helping the sick, elderly or persons with a disability,
- assisting youth clubs, church groups, sports groups, cultural organisations, local resident associations.

The groups involved may be nationally organised groups or local voluntary or community groups. The aim of the Voluntary Work Option is twofold, namely — to encourage voluntary organisations to involve jobseekers to the greatest extent possible in their existing activities by creating new opportunities for voluntary work and to inform jobseekers of their freedom to involve themselves in voluntary work and to encourage them to do so. In addition, the existing Community Employment Scheme, operated by FÁS, offers the opportunity to unemployed persons to participate in paid employment in the social economy.

### Employment Support Services

245. **Deputy Simon Harris** asked the Minister for Social Protection if her attention has been drawn to the fact that FÁS has advertised a job (details supplied) which requires applicants to be in possession of a certain qualification which is not taught or professionally supplied through any institution here; her views on the difficulties this imposes on applicants; her views that this is acceptable; and if she will make a statement on the matter. [12289/12]

**Minister for Social Protection (Deputy Joan Burton):** Vacancy reference number 661783 — Plant Operators with Personal Track Safety (PTS) (Leinster) was advertised on Jobs Ireland on 2nd February 2012. In this instance the Employer is seeking candidates with the PTS Card/Letter. Department of Social Protection colleagues in Jobs Ireland have confirmed that Irish Rail do provide Personal Track Safety (PTS) training to staff of contract companies. Irish Rail have informed staff at Jobs Ireland that up to 20,000 trainees have been certified in recent years, which would provide a significant pool of suitable candidates for the Employer to choose from.

The Employment Service division of the Department of Social Protection is committed to maintaining all vacancy advertisements to the highest standards. To achieve this each vacancy is screened by our trained specialists to ensure compliance with our quality assurance standards.

### Social Welfare Benefits

246. **Deputy Emmet Stagg** asked the Minister for Social Protection the reason for the delay in awarding carer's allowance to a person (details supplied) in County Kildare. [12308/12]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that the department is in receipt of an application for carer's allowance from the person in question. On completion of

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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

247. **Deputy John McGuinness** asked the Minister for Social Protection the position regarding an appeal of a claim for disability allowance in respect of a person (details supplied) in County Kilkenny; and if a response will be expedited. [12317/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the disability allowance claim of the person concerned was disallowed following an assessment by a Medical Assessor who expressed the opinion that she was medically unsuitable for the allowance. An appeal was registered on 16 February 2012 and in accordance with the statutory procedures the relevant department papers and the comments by or on behalf of the Deciding Officer on the matter raised in the appeal have been sought. In that context, an assessment by another Medical Assessor will be carried out. The Social Welfare Appeals Office functions independently of the Minister for Social and Family Affairs and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

248. **Deputy Peadar Tóibín** asked the Minister for Social Protection the position regarding a widower's pension in respect of a person (details supplied) in County Meath; and if she will make a statement on the matter. [12320/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the person concerned has appealed the Department's decision and his appeal has been referred to an Appeals Officer who proposes to hold an oral hearing on 8 March 2012. The person concerned has been notified of the arrangements for the 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. 249 withdrawn.*

250. **Deputy Pat Breen** asked the Minister for Social Protection when a decision will issue to a person (details supplied) in County Clare; and if she will make a statement on the matter. [12326/12]

**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, including that adduced at oral hearing, disallowed the appeal of the person concerned. Notification of the Appeals Officers decision on 24 February 2012. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

*Question No. 251 withdrawn.*

252. **Deputy Pat Breen** asked the Minister for Social Protection when a person (details supplied) in County Clare will receive a decision on their appeal in respect of their application for carer's allowance; and if she will make a statement on the matter. [12338/12]

**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.

### **Redundancy Payments**

253. **Deputy Heather Humphreys** asked the Minister for Social Protection when a person (details supplied) in County Monaghan will receive their redundancy payment; and if she will make a statement on the matter. [12343/12]

**Minister for Social Protection (Deputy Joan Burton):** A redundancy lump sum claim in respect of the person concerned was received on 29 August 2011. Redundancy lump sum claims received in July 2011 are currently being processed.

### **Mortgage Arrears**

254. **Deputy Niall Collins** asked the Minister for Social Protection the way in which a suitably qualified financial adviser may apply to be admitted onto the panel of 100 financial advisers the Government is to establish as recommended by the Keane report to negotiate for persons in mortgage arrears with the banks. [12348/12]

**Minister for Social Protection (Deputy Joan Burton):** My Department participated in the Interdepartmental Mortgage Arrears Working Group (referred to as the Keane group) and is currently a member of the Steering Group set up by the Minister for Finance to oversee and drive its overall recommendations. My Department provides a number of supports for those in mortgage difficulty, particularly through the Mortgage Interest Supplement scheme which aims to provide short term support to eligible people who are unable to meet their mortgage interest repayments. In 2011 some 19,000 people benefitted from this scheme at a cost to the Exchequer of almost €68 million.

The Interdepartmental Mortgage Arrears Working Group recommended that an independent Mortgage Support and Advice Service be established to advise mortgage holders in arrears or pre arrears in assessing their options. The report stated that the need for this service would be time limited to approximately 3 years.

The publication of the heads of the Personal Insolvency Bill in January 2012, proposes the introduction of a four step process to address personal insolvency issues with the first three steps involving non-judicial debt settlement arrangements. This is a new arrangement and was not envisaged when the thinking in support of a Mortgage Advisory Service was originally proposed. Therefore, my Department is examining the role envisaged for the Personal Insolvency Trustee to ensure that there is no conflict with or duplication of Government supported services. From the customers perspective for example, the target group and complexity of the problems that need to be addressed appear to be similar and from the advisory perspective, the skills and expertise required would also appear to be similar for both services.

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My Department is chairing a Working Group as part of the Implementation Steering Group to examine the issues relating to the establishment of the Mortgage Advice Service, and as part of its remit it is examining the efficiency, necessity and governance arrangements of potentially two separate services. The needs of the customer, the importance of ease of access and information on services and the way in which the services will be made available must be to the fore. My Department will be consulting with all relevant groups as part of its work in this area.

### **Social Welfare Benefits**

255. **Deputy Finian McGrath** asked the Minister for Social Protection if she will review a matter (details supplied) regarding rent issues. [12350/12]

**Minister for Social Protection (Deputy Joan Burton):** The claimant has been in receipt of rent supplement at her current address since 15th February 2011. Her rent supplement is currently paid on a calendar monthly basis at the end of each month. It is possible that the rent supplement be paid weekly, if the claimant so prefers. Since the awarding of the rent supplement, the only change has been on foot of the Budget 2012 measure which increased the statutory minimum contribution to her rent, effective from 1st January 2012.

### **Social Welfare Appeals**

256. **Deputy John Lyons** asked the Minister for Social Protection the position regarding a social welfare appeal in respect of a person (details supplied) in Dublin 11. [12351/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the illness benefit claim of the person concerned was disallowed following an examination by a Medical Assessor who expressed the opinion that he was medically unsuitable for the benefit. An appeal was registered on 16 January 2012 and in accordance with the statutory procedures the relevant department papers and the comments by or on behalf of the deciding officer on the matters raised in the appeal have been sought. In that context, an examination by another Medical Assessor will be carried out. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### **FÁS Training Programmes**

257. **Deputy Simon Harris** asked the Minister for Social Protection the reason a person (details supplied) in County Wicklow has been told by FÁS that they cannot partake in a FÁS course on account of funding constraints; her views that this position is acceptable; the steps she will take to rectify this problem; and if she will make a statement on the matter. [12368/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned attended a DSP Employment Services office in early January 2012 and was advised that the 2012 funding allocations under the Technical Employment Support Grant (TESG) scheme had not yet been confirmed for the year. The person concerned was asked to call to the office later in the month when the funding situation would have been clarified, but he did not do so. The person concerned has been contacted today by the local employment services office and invited to attend for an appointment to discuss his training requirement. This meeting has been confirmed for 7 March at 3pm. Subject to standard eligibility checks, there would appear to be no bar to the individual concerned accessing TESG funding support in respect of the specified programme.

*Question No. 258 withdrawn.*

### Social Welfare Appeals

259. **Deputy Pat Breen** asked the Minister for Social Protection the position regarding an application in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [12371/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 15 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 in due course to an Appeals Officer for consideration. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

260. **Deputy Michelle Mulherin** asked the Minister for Social Protection the position regarding an appeal in respect of a person (details supplied) in County Mayo; if she will expedite the processing of the appeal; if she will confirm the reasons their application for disability payment was refused in the first instance; and if she will make a statement on the matter. [12417/12]

**Minister for Social Protection (Deputy Joan Burton):** The disability allowance claim, of the person concerned, was disallowed by a Deciding Officer following an assessment by a Medical Assessor of the Department who expressed the opinion that she was medically unsuitable for the allowance.

The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 20 July 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 25 January 2012 and the appeal was assigned to an Appeals Officer for consideration on 14 February 2012. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

*Question No. 261 withdrawn.*

### Social Welfare Benefits

262. **Deputy Jonathan O'Brien** asked the Minister for Social Protection if her attention has been brought to the case of a person (details supplied); and if she will review this case and ensure that this person's labour market rights are upheld and their payments are processed accordingly. [12436/12]

**Minister for Social Protection (Deputy Joan Burton):** An application for supplementary welfare allowance by the person concerned in August 2011 was disallowed as it was determined that she did not satisfy the habitual residence condition. The decision was upheld on appeal by the social welfare appeals office.

263. **Deputy Terence Flanagan** asked the Minister for Social Protection the position regarding school costs (details supplied); and if she will make a statement on the matter. [12442/12]

**Minister for Social Protection (Deputy Joan Burton):** The back to school clothing and footwear allowance scheme provides a one-off payment to eligible families to assist with the cost of

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uniforms and footwear for children going to school. In 2011, over 196,000 individuals received a back to school clothing and footwear allowance payment in respect of some 384,000 children at a cost of almost €91m.

A means test is applied to the scheme to ensure that limited resources are directed to those in greatest need ensuring maximum value for money. The BSCFA scheme is an important support for parents at a time of particular financial strain and assists with the clothing and footwear costs associated with returning to school. While the Department does not provide funding toward the costs of computers or school books I am aware that the Department of Education and Skills operate a book grant scheme for students in State primary and post-primary schools. The scheme is mainly aimed at pupils from low-income families and families experiencing financial hardship and is administered in each school by the school Principal.

*Question No. 264 withdrawn.*

### **Humanitarian Aid**

265. **Deputy Clare Daly** asked the Minister for Social Protection if she will allocate moneys from the emergency flood relief fund to ease hardship to residents (details supplied) during this very difficult time. [12453/12]

**Minister for Social Protection (Deputy Joan Burton):** The Deputy will be aware that in the immediate aftermath of the severe flooding experienced in October 2011, the Government put in place a humanitarian aid scheme to assist the people affected by that flooding. Since these floods, the Department has been providing individuals with emergency payments to offset their immediate needs such as the purchase of food, clothing, fuel and household goods. Payments have also been made in respect of essential household items such as carpets, flooring, furniture and white goods. Funding towards alternative accommodation costs have also been made in certain cases depending on the circumstances of the families. Larger payments in respect of longer-term needs, such as assisting with the cost of repairing homes and making them habitable again are also being made.

Matters relating to emergency flood defence works or issues relating to insurance claims or settlements do not fall within the remit of the Department. Any person continuing to experience hardship as a result of the recent flooding should contact the local Department of Social Protection representative administering the supplementary allowance scheme who may be able to offer assistance.

*Question No. 266 withdrawn.*

### **Community Employment Schemes**

267. **Deputy John Lyons** asked the Minister for Social Protection the reason an offer of a placement in respect of a person (details supplied) in Dublin 5 was rescinded; if she will arrange for the matter to be examined again in view of the fact that this person was eligible for the scheme throughout the duration of the interview process but their eligibility only came to an end just prior to an offer of a placement being made. [12506/12]

**Minister for Social Protection (Deputy Joan Burton):** The Community Employment Programme is a labour market intervention designed to assist the long term unemployed return to the work force. Persons eligible to apply should be aged 25-65 years who are unemployed for over 12 months and who are currently in receipt of one of the following payments from the Department of Social Protection:

- Jobseeker's t Benefit (JB).
- Jobseeker's Assistance (JA).
- One-Parent Family payment (OFP).
- Widows/Widowers/Surviving Civil Partner's (Contributory) Pension.
- Widows/Widowers/Surviving Civil Partner's (Non Contributory) Pension.
- Deserted Wife's Benefit (DWB).
- Farm Assist (FA).

Time spent in receipt of carers allowance or time spent on recognised training or employment programmes, in addition to receipt of above payments, can make up the qualifying period of 12 months. To be eligible to participate on a community employment scheme, it is mandatory that all participants are currently in receipt of one of the above listed payments on their expected CE start date.

The person concerned was on jobseeker's benefit from 7th August 2010 until 10th February 2012 during which time she completed a FÁS Computerised Accounts and Payroll course for 26 weeks. Entitlement of the person concerned to jobseeker's benefit ceased on 10th February 2012 and she was no longer eligible to start on a CE scheme after that date. However, if the person concerned would like to speak to a employment services officer to explore her training options, an appointment can be made for her at her local employment services office.

### **Social Insurance**

268. **Deputy Gerald Nash** asked the Minister for Social Protection if her attention has been drawn to the hardships caused by the temporary cessation of work by the Scope section on claims for support to her Department by affected persons; when the review of the Scope section will be completed; the measures in place to deal with cases which would normally be dealt with by the section; and if she will make a statement on the matter. [12508/12]

**Minister for Social Protection (Deputy Joan Burton):** I assume the Deputy is referring to insurability decisions in relation to working directors. Scope section of the Department continues to make decisions in relation to all other insurability matters.

The determination of the PRSI insurability status of working directors has been the subject of recent legal advice and court judgments. As a result of these developments the Department is currently examining its procedures for determining the insurability status of working directors to ensure that its decisions are in accordance with best practice and legal advice. I regret the difficulties caused by the delay in processing cases for decision however this is a very difficult and complicated aspect of insurability and it is vital that this matter be examined fully before any further decisions are issued.

*Questions Nos. 269 and 270 withdrawn.*

### **Social Welfare Benefits**

271. **Deputy John McGuinness** asked the Minister for Social Protection if a carer's allowance will be approved in respect of a person (details supplied) in County Kilkenny. [12576/12]

**Minister for Social Protection (Deputy Joan Burton):** There is no record of a carer's allowance application ever having been received from the person in question. On 5 March 2012, a

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claim form and return envelope issued to him at the address supplied. On its completion and return to carer's allowance section, his application will be processed.

### **Social Welfare Appeals**

272. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding an appeal in respect of a person (details supplied); and if she will make a statement on the matter. [12579/12]

**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 11th 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 21st 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 Benefits**

273. **Deputy Paschal Donohoe** asked the Minister for Social Protection the position regarding an application for a carer's allowance in respect of a person (details supplied) in Dublin 7; and if she will make a statement on the matter. [12591/12]

**Minister for Social Protection (Deputy Joan Burton):** Based upon the details supplied, no record of a carer's allowance application can be found. On 5 March 2012, a claim form and return envelope issued to him at the address supplied. On its completion and return to carer's allowance section, his application will be processed.

*Questions Nos. 274 and 275 withdrawn.*

### **Social Welfare Appeals**

276. **Deputy John Browne** asked the Minister for Social Protection when an application for carer's allowance will be approved in respect of a person (details supplied) in County Wexford. [12642/12]

**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, including that adduced at oral hearing, disallowed the appeal of the person concerned. Following the submission of additional correspondence from the person concerned, the Appeals Officer reviewed this case but considered that the details submitted contained no new facts or fresh evidence which would warrant a revision of his initial 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.

### **Social Welfare Benefits**

277. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if and when payment under the jobseeker's allowance and benefit scheme will issue in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [12663/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned is currently in receipt of jobseeker's benefit. A decision will be made on his application for jobseeker's allowance when his entitlement to jobseeker's benefit has exhausted.

### Employment Support Services

278. **Deputy Gerald Nash** asked the Minister for Social Protection if she is developing plans to extend the JobBridge scheme; if the categories of social welfare recipients open for consideration under the programme will be extended; and if she will make a statement on the matter. [12677/12]

**Minister for Social Protection (Deputy Joan Burton):** The National Internship Scheme provides internship opportunities of either 6 or 9 months for unemployed individuals on the Live Register, in organisations in the private, public and community voluntary sectors. The scheme is limited to individuals who are currently on the Live Register and have been in receipt of Jobseekers Allowance/Benefit or are signing on for credits for at least 3 of the last 6 months.

The eligibility to access the National Internship Scheme is based on the overall objective of labour market policy in ensuring a pathway to appropriate employment, training and education opportunities for those on the Live Register. It is important that as employment opportunities become available they are taken up by those on the Live Register. The structure for achieving this objective is through a reinvigorated National Employment Action Plan (NEAP) which currently provides the framework for engaging with the unemployed.

Given the scale of the unemployment crisis, the key objective of labour market policy and of the NEAP will be to keep those on the Live Register close to the Labour Market and prevent the drift into long-term unemployment. This will ensure that Live Register members availing of activation measures such as the National Internship Scheme will, while retaining social welfare unemployment payments and a top up allowance of €50, get an opportunity to engage in the workplace, get work experience and so be in a position to avail of employment opportunities as the economy improves.

For these reasons, it has been proposed as a matter of public policy that eligibility for the scheme be confined to those on the Live Register and in receipt of unemployment payments or signing for credits for 3 of the last 6 months. As such, the policy objective is to prioritise scarce resources on those on the Live Register so as to increase their chances of leaving it thereby ensuring a reduction in Exchequer costs over time.

My Department continues to monitor and review the operation of the JobBridge scheme including its eligibility criteria on an ongoing basis. The extension of JobBridge to those in receipt of One Parent Family Payments and Disability Allowances forms part of this broader review process. This review process is at an advanced stage and it is anticipated that the Minister may be in a position to present formal proposals in the coming weeks.

### Social Welfare Benefits

279. **Deputy Denis Naughten** asked the Minister for Social Protection if an application for a domiciliary care allowance payment will be back dated (details supplied); and if she will make a statement on the matter. [12680/12]

**Minister for Social Protection (Deputy Joan Burton):** An application for domiciliary care allowance (DCA) was received in the Department on 17th July 2009 and this application was awarded on appeal on 23rd March 2011. DCA is payable from the month following receipt of the application unless good cause is shown for the delay. Where good cause is shown, it can be

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backdated by a maximum of six months or to April 2009 (when the Department took over administration of the scheme from the HSE), whichever is the most recent. The person concerned did not indicate any reason for the delay in claiming the payment and, as a result, the allowance was put into payment from August 2009, the month after the application was received in the Department.

If the person concerned wishes to make an application for backdating, she should do so in writing, stating clearly the reason the application was not made at the earliest opportunity. As the Department took over responsibility for the DCA scheme in April 2009, this is the earliest date that payment can be backdated if good cause for the late claim is shown.

### Humanitarian Aid

280. **Deputy Marcella Corcoran Kennedy** asked the Minister for Social Protection the progress that has been made in regard to a relocation arising from flooding in an area (details supplied); and if she will make a statement on the matter. [12689/12]

**Minister for Social Protection (Deputy Joan Burton):** The Government has provided various types of support to people affected by the November 2009 flooding. Humanitarian Aid payments were made, both in the immediate aftermath of the flooding and subsequently to enable eligible households to resume living at their home. Flood relief works were also undertaken in some of the affected areas and other works are at an advanced state of preparation. Discussions also took place with representatives of the insurance industry regarding giving households access to appropriate house insurance at a reasonable cost.

Subject to certain conditions the Government also decided to provide support to a small number of families who are continuing to experience significant housing problems as a result of the November 2009 flooding and are considering the possibility of relocating rather than resuming living at their original home. The household of the person concerned has been visited by an official from the Department and a report of their individual circumstances has been completed. In addition one of the conditions was that assistance could only be provided in situation where: *“in the opinion of the Office of Public Works the house is unsustainable due to flooding because of depth/duration/frequency and cannot be protected from flooding at an economical cost”*.

The Office of Public Works (OPW) has confirmed that the person concerned satisfies this condition. The person has been advised that on the basis of all the relevant facts it has been decided that financial assistance towards relocation will be provided to them. The Department will be in contact with the person concerned in the coming weeks setting out the exact details.

### Social Welfare Appeals

281. **Deputy Ciarán Lynch** asked the Minister for Social Protection when a decision will issue on an appeal to have rent allowance re-instated in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [12699/12]

**Minister for Social Protection (Deputy Joan Burton):** I am informed by the Social Welfare Appeals Office that an appeal for the person concerned has not been registered. However, because of the large number of appeals currently being lodged, there is a backlog in the office in registering appeals. If the appeal has been submitted in recent weeks the appeal will be registered and acknowledged in due course. The Chief Appeals Officer has assured me that all appropriate measures are being taken to address this backlog in registration. 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

282. **Deputy Jim Daly** asked the Minister for Social Protection, further to Parliamentary Question No. 416 of 28 February 2012, when she expects a redundancy payment to issue to the person named as the month that is currently being processed as per the answer does not determine this. [12705/12]

**Minister for Social Protection (Deputy Joan Burton):** A redundancy lump sum claim in respect of the person concerned was received on 12 September 2011. Redundancy lump sum claims received in July 2011 are currently being processed. It is hoped that claims received in September 2011 will be processed by April 2012.

*Question No. 283 withdrawn.*

### Freedom of Information

284. **Deputy Gerry Adams** asked the Minister for Social Protection if she will provide a breakdown of the total fees received in her Department for freedom of information requests and the number of individual requests in each of the years 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011. [12732/12]

285. **Deputy Gerry Adams** asked the Minister for Social Protection if she will provide a breakdown of the number of freedom of information requests submitted in the years 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011 to her Department; the total amount of fees charged and fees received in each year; the number and amount of initial search fees paid and the number and amount of search and retrieval fees paid. [12748/12]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 284 and 285 together.

The figures requested by the Deputy are provided in the table:

Year	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
No of FOI requests received	670	593	559	462	464	370	485	556	859	1,106
Total fees charged	0	185	325	430	390	440	645	820	900	695
Total fees received	0	185	325	430	390	440	645	820	900	695
Number of search deposits	1	1	0	0	0	0	0	1	0	0
Amount of search deposits	12.57	48.19	0	0	0	0	0	147.1	0	0
Number of search and retrieval fees paid	1	1	0	0	0	0	0	1	0	0
Amount of search and retrieval fees paid	62.85	240.9	0	0	0	0	0	735.3	0	0

### Social Welfare Benefits

286. **Deputy Michael Creed** asked the Minister for Social Protection if she will reconsider an

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application for domiciliary care allowance in respect of a person (details supplied) in County Cork in view of a recent diagnosis; and if she will make a statement on the matter. [12750/12]

**Minister for Social Protection (Deputy Joan Burton):** An application for domiciliary care allowance (DCA) was received on 29th March 2011. This application was referred to one of the Department's Medical Assessors who found that the child was not medically eligible for DCA. A letter issued on 10th June 2011 refusing the allowance. The person concerned subsequently lodged an appeal against this decision. She was informed by the Social Welfare Appeals Office on 8th December 2011 that the appeal had been disallowed. The decision/appeal process for this application is now complete. If the person concerned has additional information which was not made available to the deciding and appeals officers when they made their decisions, it is open to her to re-apply for the payment.

### Social Welfare Appeals

287. **Deputy Paul J. Connaughton** asked the Minister for Social Protection when an oral hearing can take place in relation to an appeal for illness benefit in respect of a person (details supplied) in County Galway. [12754/12]

**Minister for Social Protection (Deputy Joan Burton):** Payment of illness benefit, to the person concerned, was disallowed by a Deciding Officer following an examination by a Medical Assessor of the Department who expressed the opinion that she was capable of work. An appeal was opened and in the context of that appeal her case was reviewed by a second Medical Assessor who also expressed the opinion that she was capable of work. I am advised by the Social Welfare Appeals Office that, following receipt of the grounds of appeal from the person concerned, the relevant Departmental papers and comments of the Department have been sought. On their receipt the case will be referred to an Appeals Officer for consideration.

### Social Welfare Code

288. **Deputy Brendan Griffin** asked the Minister for Social Protection her views on a matter regarding carers (details supplied); and if she will make a statement on the matter. [12763/12]

**Minister for Social Protection (Deputy Joan Burton):** Carers allowance is a means tested social assistance payment made to persons who are unable to work because they providing full time care and attention to elderly people or people with disabilities. Expenditure on carers has increased substantially over the last ten years, from €100 million in 2000 to a provisional outturn of some €658 million on carer's allowance, carer's benefit and respite care grant in 2011. 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 carer's allowance from my Department; 22,000 of these 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.

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 number of applications 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.

### **Departmental Programmes**

289. **Deputy Ciarán Lynch** asked the Minister for Social Protection if additional staffing measures will be put in place at local offices with regard to the roll-out of the pathways to work programme; if these positions will be sourced from within existing personnel or by external recruitment; and if she will make a statement on the matter. [12769/12]

**Minister for Social Protection (Deputy Joan Burton):** Pathways to Work is a new approach to the provision of service to unemployed people, the objective of which is to reduce the level of long term unemployment and in so doing to ensure that the overall level of unemployment will reduce as the economy returns to growth

Following approval by Government of the NEES project plan last June and the transfer of the CWS and the FÁS services in October 2011 and January 2012 respectively, the Department is now developing the new integrated service as set out in Pathways to Work. The new integrated service will be piloted from four office locations in May of this year and extended to a

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further 10 offices by the end of the year. As the question suggests the roll-out of the new service will be very challenging for my Department and will require the allocation of additional resources to employment services/activation work.

The transfer of approximately 1,700 staff from the CWS and FÁS, the majority of whom have significant experience in working with clients in a case management model has enhanced the capabilities of the Department in this regard. In addition, the Department is also engaged in a programme of systems development and process change that should enable staff from within its own resources to be deployed to meet the requirements of the new business model.

The Department will also work with the Department of Public Expenditure and Reform and the Public Appointments Service to address any resourcing deficit that arises notwithstanding the reallocation of resources outlined above. The use of external resources, including private sector providers of employment services, will also be considered.

### **Redundancy Payments**

290. **Deputy James Bannon** asked the Minister for Social Protection if she will reverse the decision announced in budget 2012 to reduce the employer's rebate on redundancies from 60% to 15% which in effect increases the costs of redundancy for employers by 112%; and if she will make a statement on the matter. [12778/12]

**Minister for Social Protection (Deputy Joan Burton):** The purpose of the redundancy payments scheme is to compensate workers, under the Redundancy Payments Acts, 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 €600.00 per week. All payments are made from the Social Insurance Fund (SIF). There are two types of redundancy payment made from the SIF — rebates to those employers who have paid statutory redundancy to eligible employees and statutory lump sums to employees whose employers are insolvent and/or in receivership or liquidation.

It is the responsibility of the employer to pay statutory redundancy to all their eligible employees. An employer who pays statutory redundancy payments to their 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.

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.

I am very concerned about the deficit in the Social Insurance Fund. Where the date of dismissal for the purposes of redundancy occurred before 1 January 2012 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.

I do not see why this country should continue to borrow money to plug the hole in the Social Insurance Fund in order to fund the cost of making people redundant — often from very profitable companies. As part of the deliberations on Budget 2012, the approach taken in other countries was examined and it was decided that the 60% level of rebate is not sustainable in the current economic climate. While 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. The new arrangements bring Ireland more closely into line with practice in other countries.

### Social Welfare Benefits

291. **Deputy James Bannon** asked the Minister for Social Protection the reason an application for respite care has been refused in respect of a person (details supplied) in County Longford; and if she will make a statement on the matter. [12782/12]

**Minister for Social Protection (Deputy Joan Burton):** The respite care grant is an annual payment made to full-time carers who satisfy certain conditions. One of these conditions is that the carer is not employed outside the home for more than 15 hours a week. On the basis of the evidence provided, the person concerned did not satisfy this condition. In addition, based on the advice of the Department's medical Assessors, the person being cared for was deemed not eligible on medical grounds, following a review. The person concerned was notified of her right to appeal, but did not exercise her option in this regard.

### Social Welfare Appeals

292. **Deputy Pat Breen** asked the Minister for Social Protection the reason a person (details supplied) in County Clare has not been facilitated; and if she will make a statement on the matter. [12794/12]

**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 summary decision. The person concerned was notified of the Appeals Officer decision on 27th February 2012. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

293. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding an appeal against a decision to refuse an application for diet supplement in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [12809/12]

**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 25th November 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf the Deciding Officer on the grounds of appeal be sought. When received, the appeal in question will be referred in due course to an Appeals Officer for consideration. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### Social Welfare Code

294. **Deputy Seán Kyne** asked the Minister for Social Protection if her attention has been drawn to the fact that the habitual residence condition, which affects several social welfare payments and was introduced in 2004 to prevent welfare tourism, is causing hardship to persons, in particular Irish citizens who have returned home, in accessing social assistance and if the HRC can be examined to ensure fairness and consistency in decision-making across all offices and branches of the Department. [12810/12]

**Minister for Social Protection (Deputy Joan Burton):** The requirement to be habitually resident in Ireland was introduced as a qualifying condition for certain social assistance schemes and child benefit with effect from 1 May 2004. The effect of the condition is that a person whose habitual residence is elsewhere would not normally be entitled to social welfare assistance or child benefit payments on arrival in Ireland. Guidelines were introduced for Deciding Officers in the Department to assist in ascertaining entitlements of such claimants to social assistance. Each case received for a determination on the Habitual Residence Condition (HRC) is dealt with in its own right and a decision is based on application of the legislation and guidelines to the particular individual circumstances of each case.

A review of the habitual residence guidelines undertaken by a Departmental working group in 2010 and 2011 was completed in June 2011. An updated version of guidelines was published on the Department's website which can be found at <http://www.welfare.ie/EN/OperationalGuidelines/Pages/habres.aspx>. The purpose of this review was to make the guidelines clearer and more user-friendly for deciding officers and customers alike, and, improve consistency in decision making across the Department.

The guidelines regarding determination of habitual residence address the issue of returning emigrants very specifically. The Guidelines state: "A person who had previously been habitually resident in the State and who moved to live and work in another country and then resumes his/her long-term residence in the State may be regarded as being habitually resident immediately on his/her return to the State."

In determining the main centre of interest in the case of returning emigrants, deciding officers take account of:

- purpose of return e.g. expiry of foreign residence permit,
- the applicant's stated intentions,
- verified arrangements which have been made in regard to returning on a long-term basis e.g. transfer of financial accounts and any other assets, termination of residence based entitlements in the other country, or assistance from Safe Home or a similar programme to enable Irish emigrants to return permanently,
- length and continuity of the previous residence in the State,
- the record of employment or self-employment in another State and,
- whether s/he has maintained links with the previous residence and can be regarded as resuming his/her previous residence rather than starting a new period of residence.

The following examples are acceptable as proof of permanent return to Ireland:

- Documented evidence of transportation of personal possessions,
- Proof of cessation of employment,
- Proof of termination of lease on rented property or proof of sale of home,
- Evidence of closure of financial accounts and transfer of funds,
- Evidence of completion of studies abroad (where applicable),
- Copy of passport and expiration of visa at the time they returned.

(In a case where a person says they were resident illegally in a country outside the EEA, the entry visa to that country, stamped on their passport, will clearly show the permitted duration of their stay in that country. For example, a person who went to the USA in 2007 and was granted an entry visa to remain there for 90 days but continued to live there until 2009, that person was resident in the USA illegally after the expiry of the 90 days. In a case like this, the fact that a person cannot return to that particular country, would mean that they may be likely to be habitually resident in Ireland).

This list is not exhaustive.

This is generally sufficient to enable the deciding officer to determine whether their present circumstances in Ireland indicate a temporary visit or habitual residence. Any applicant who disagrees with the decision on a case has the right to request a review of that decision and/or appeal to the independent Social Welfare Appeals Office.

There is no discrimination on grounds of nationality in social welfare legislation and to introduce such a provision would be contrary to the equality principles that Ireland has adopted in its equality legislation, the Treaties of the European Community, the Charter of Fundamental Rights, and other international conventions. I have no statistical evidence that there has been any significant increase in the number of disallowances on the grounds of not being Habitually Resident for claims made by returning Irish emigrants. An Irish national returning to live here on a permanent basis should experience no difficulty in demonstrating that they satisfy the requirements of the HRC.

### **Civil Registration**

295. **Deputy Martin Heydon** asked the Minister for Social Protection her plans to review the Civil Registration Act 2004 to allow Irish citizens who have died abroad to have their deaths registered here; and if she will make a statement on the matter. [12811/12]

**Minister for Social Protection (Deputy Joan Burton):** Usually where an Irish citizen dies abroad, the death is registered by the civil authorities of the place where the death occurred, and a certified copy of the death registration is obtainable. This certificate, translated if necessary, is normally sufficient for all legal and administrative purposes here and for these reasons alone there is no necessity for the death to be registered in the State. The provisions and procedures governing the registration of deaths in Ireland are contained in Part 5 of the Civil Registration Act 2004.

Section 38 of the Act provides that in specific circumstances the death of an Irish citizen domiciled in the State may be registered here. This applies where such a death occurs in a place where there is no system of registration or where it is not possible to obtain a copy of or extract from the civil records of the death. In all other circumstances the death is registered by the civil authorities of the place where the death occurred. Any broadening of the current provisions requires careful consideration given the number of people who live and die in other countries and who have or are entitled to have Irish citizenship. However, I would hope to be in a position to introduce legislation on this, and other aspects of civil registration, in 2012.

### **Social Welfare Code**

296. **Deputy Seán Kyne** asked the Minister for Social Protection the progress of the report in relation to the single working age payment, the completion of which is necessary owing to the agreement between Ireland and the IMF/ECB/EU; and if she will make a statement on the matter. [12826/12]

**Minister for Social Protection (Deputy Joan Burton):** As part of the agreed Programme of Financial Support with the EU/IMF and ECB, the Department submitted a progress report to the Troika by at the end of December 2011, outlining progress to date in developing a single working age payment. This report detailed measures that were steps towards a single working age payment and were announced in Budget 2012. These measures included changes to the One Parent Family Payment, the Farm Assist Scheme and the ceasing of concurrent entitlements to new entrants to the Community Employment Scheme.

A further commitment contained in the Programme for Financial Support is that the Department would submit to Government a comprehensive programme of reforms that can help better targeting of social support to those on lower incomes and ensure that work pays for welfare recipients. This programme is due to be submitted by end-March 2012 and it is expected that proposals in relation to the development of a single working age payment will be incorporated into this programme of reforms.

### **Appointments to State Boards**

297. **Deputy Gerry Adams** asked the Minister for Social Protection if the chief executive officer of Rehab (details supplied) is a member of any State board; and the remuneration, expenses or other payments they receive for such membership. [13248/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned is not a member of any State Board under the aegis of my Department.

### **Turbary Rights**

298. **Deputy Denis Naughten** asked the Minister for Arts, Heritage and the Gaeltacht if a person (details supplied) who was not informed that their bog was designated will be eligible to avail of the bog purchase scheme; and if he will make a statement on the matter. [12262/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The land referred to by the Deputy appears to be located in a Natural Heritage Area designated in 2004. In 2010, the then Government decided that turf cutting should come to an end on raised bog Natural Heritage Areas at the end of 2013 and also announced the closure of the Voluntary Bog Purchase Scheme, administered by my Department, to new applicants. However, the current Programme for Government contains an undertaking to review the situation with regard to turf cutting on Natural Heritage Areas.

On 15 April 2011, the Government made a number of decisions in relation to turf cutting in Ireland, including the putting in place of a compensation package for those who are required to cease cutting, the establishment of a Peatlands Council and the drawing up of a national strategy on peatland conservation and management. In the context of the national strategy, the position regarding raised bog Natural Heritage Areas, which are designated under national legislation, will be examined in advance of the 2014 cutting season in accordance with the Programme for Government.

### **EU Programmes**

299. **Deputy Dominic Hannigan** asked the Minister for Arts, Heritage and the Gaeltacht the number of projects that are running here under the creative economy programme; the location at which they are based and the funding headings; the numbers that are employed in projects under this programme; the amount of funding that has been accessed for Ireland through the fund; his plans to secure further funding; the way he communicates the funding to community groups around the country; and if he will make a statement on the matter. [12266/12]

303. **Deputy Bernard J. Durkan** asked the Minister for Arts, Heritage and the Gaeltacht the extent to which he can facilitate directly or through the various arts and cultural organisations throughout the country access to specific EU funding for the promotion of festivals throughout Europe having particular regard to the fact that such festivals at local and national level have the capacity to generate considerable positive economic activity resulting in job creation directly and indirectly; and if he will make a statement on the matter. [12812/12]

304. **Deputy Bernard J. Durkan** asked the Minister for Arts, Heritage and the Gaeltacht the extent in which he has sought and or received information from the authorities at EU level with a view to obtaining increased support for the various festivals established or being established throughout the country; and if he will make a statement on the matter. [12813/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I propose to take Questions Nos. 299, 303 and 304 together.

At present, there are two EU programmes operating within the areas for which I have responsibility:

1. The Media Programme is the EU support programme for the European audiovisual industry and details are available at [www.mediadeskireland.ie](http://www.mediadeskireland.ie); and

2. The Culture Programme is the EU support programme for organisations working in the field of culture and details are available at [www.ccp.ie](http://www.ccp.ie).

Discussions are currently underway between the Member States and the European Commission on a new framework programme for the cultural and creative sectors. This will run from 2014 to 2020 and be called the Creative Europe Programme. It includes a proposal to amalgamate the current Culture and MEDIA programmes under a common framework and create an entirely new facility to improve access to finance. A budget of some €1,800 million is mooted for the new programme but it is not finalised yet. Annual funding for arts festival is provided in the main by the Arts Council, to which the statutory responsibility is devolved.

### Special Areas of Conservation

300. **Deputy Robert Troy** asked the Minister for Arts, Heritage and the Gaeltacht if he will give a commitment that there will be no further bogs designated special areas of conservation or national heritage areas in the future. [12678/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Ireland has completed its nomination of sites for designation as raised and blanket bog Special Areas of Conservation (SACs). We have also designated a number of Natural Heritage Areas (NHAs). There are no proposals in my Department to add any further specific sites to these designations or proposals at this time.

### Freedom of Information

301. **Deputy Gerry Adams** asked the Minister for Arts, Heritage and the Gaeltacht if he will provide a breakdown of the total fees received in his Department for freedom of information requests and the number of individual requests in each of the years 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011. [12720/12]

302. **Deputy Gerry Adams** asked the Minister for Arts, Heritage and the Gaeltacht if he will provide a breakdown of the number of freedom of information requests submitted in the years 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011 to his Department; the total

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amount of fees charged and fees received in each year; and the number and amount of initial search fees paid and the number and amount of search and retrieval fees paid. [12736/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I propose to take Questions Nos. 301 and 302 together.

My Department was established on 2 June 2011 and I am advised that 27 requests for information were submitted under the Freedom of Information Acts to my Department between that date and end-2011. As the Deputy will be aware, requests for non-personal records are required to be accompanied by an application fee of €15 (a reduced fee applies to those covered by a medical card). I am advised that, during the period in question, application fees were charged in 24 cases, totalling €360.

Section 47 of the Freedom of Information Acts 1997 and 2003 provides for fees to be charged, as appropriate, for the process of searching for, retrieving and making copies of the records that are to be released. I am advised that, of the 27 aforementioned requests submitted to my Department, such fees were considered applicable in 2 cases and that fees were charged of €157.87 and €22.99, respectively.

*Questions Nos. 303 and 304 answered with Question No. 299.*

### **Arts Sector**

305. **Deputy Bernard J. Durkan** asked the Minister for Arts, Heritage and the Gaeltacht the extent to which he and his Department have focused on the issue of maximisation of job retention and creation throughout the arts and heritage sector in view of the propensity within the sector to attract increased financial support throughout the community; and if he will make a statement on the matter. [12814/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The arts and culture sectors continue to offer vital opportunities for the provision of important cultural, social and employment benefits to communities throughout the country. The nature of employment within the arts sector encompasses a very wide range of activities. It can include those engaged in the arts practice within specific artistic genres and can also encompass areas which flow from such artistic pursuits. It may also embody the whole industrial creative sectors, including the audiovisual production sector.

The Government appreciates and values the contribution the arts sector makes to the internationally renowned artistic reputation of this country. Within the current economic constraints, investment in the arts, culture and creative sectors is more important than ever, having regard to the employment intensity of the sector.

The heritage area is also increasingly identified as a primary stimulus in the tourism sector and my Department is committed to promoting greater appreciation and understanding of Ireland's rich heritage as a valuable amenity for business, farming and tourism and as a means of presenting Ireland as an attractive destination for sustainable inward investment. While the Department of Transport, Tourism and Sport, and the agencies under its remit, have primary responsibility for the promotion of Ireland generally as an attractive visitor location, heritage sites, including national parks and national monuments, feature strongly in much of this promotion.

In addition, my Department through, for example, the provision of important heritage inventories, the funding for the conservation and presentation of the built heritage, and through support for the Heritage Council, assists in promoting greater appreciation and understanding

of Ireland's heritage as a valuable amenity for residents and visitors alike. My Department is also directly involved in developing heritage initiatives with Fáilte Ireland, the Heritage Council and other organisations. I am confident that these and other initiatives will contribute to the quality of the national heritage tourism product, economic recovery and job creation.

### National Monuments

306. **Deputy Bernard J. Durkan** asked the Minister for Arts, Heritage and the Gaeltacht the extent to which ongoing inspections are carried out at protected or other monuments throughout the country with particular reference to the detection of the need for weather-proofing or other damage; and if he will make a statement on the matter. [12815/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The 757 national monuments in the ownership or guardianship of the Minister for Arts, Heritage and the Gaeltacht are managed and maintained by the Office of Public Works on a day to day basis. Local authorities are responsible for monuments in their ownership or guardianship. The vast majority of recorded monuments (approximately 120,000) are, however, privately owned and, while they are protected under the National Monuments Acts, the owners are responsible for their maintenance.

Appropriate action is taken if my Department becomes aware of threats or damage to monuments, including advice to owners, prosecution under the National Monuments Acts or, occasionally, rescue excavation work. My Department's National Monuments Service also maintains a general oversight of monuments in the course of its routine fieldwork.

*Question No. 307 answered with Question No. 63.*

### Arts Sector

308. **Deputy Bernard J. Durkan** asked the Minister for Arts, Heritage and the Gaeltacht the extent to which he expects to be in a position to support all aspects of the arts by way of conventional or new methods in the course of the current year; and if he will make a statement on the matter. [12817/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Government policy on the arts is set out in the Programme for Government. In the context of the 2012 Estimates, I have continued my endeavours to maximise ongoing Government support for the arts and culture sector. I remain committed to securing the best possible level of funding for the arts sector. Responsibility for the promotion of the arts at all levels throughout the country is primarily devolved to the Arts Council, which is the principal agency through which State funding is channelled to the arts. For 2012, the Exchequer allocation to the Arts Council is €63.241m.

### Departmental Funding

309. **Deputy Bernard J. Durkan** asked the Minister for Arts, Heritage and the Gaeltacht the number of bodies and/or groups, voluntary or otherwise, supported directly or indirectly by way of financial help in the past 12 months; if he expects to be in a position to maintain such assistance in the current and future years; and if he will make a statement on the matter. [12818/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** As the Deputy will be aware, my Department oversees and has policy responsibility for the conservation, preservation, protection, development and presentation of Ireland's heritage and culture. My

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Department also seeks to promote the Irish language, to support the Gaeltacht and to assist the sustainable development of island communities. Information in relation to the functions of my Department, as well as the programmes and schemes operated by it, can be found on my Department's website at *www.ahg.gov.ie*.

A number of State bodies and agencies with responsibilities relating to various aspects of my Department's remit are funded from within my Department's Vote Group, together with a wide range of other bodies and organisations. It would not be feasible to provide the broad sweep of information requested by the Deputy in the context of a Parliamentary Question. However, if the Deputy has a particular question in relation to a specific body or issue, I would be glad to seek to provide the relevant information.

### Arts Sector

310. **Deputy Bernard J. Durkan** asked the Minister for Arts, Heritage and the Gaeltacht the extent to which it is intended or expected to utilise arts and culture as a means of protecting a positive image of this country abroad; and if he will make a statement on the matter. [12819/12]

311. **Deputy Bernard J. Durkan** asked the Minister for Arts, Heritage and the Gaeltacht the extent to which it might be possible to use Irish culture and art imagery, buildings and landscape as a means of promoting Irish exports abroad and simultaneously promoting the arts; and if he will make a statement on the matter. [12820/12]

313. **Deputy Bernard J. Durkan** asked the Minister for Arts, Heritage and the Gaeltacht the extent to which he expects to be in a position to promote, directly or indirectly, a positive image abroad of County Kildare in the course of the current year through the theme of art and culture; and if he will make a statement on the matter. [12822/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I propose to take Questions Nos. 310, 311 and 313 together.

I am strongly of the view that Ireland's arts and culture constitute one of our world-class, distinctive strengths as a nation and this view was reaffirmed by the positive findings of the Global Irish Economic Forum held last October. I am satisfied that the international promotion of Irish arts through my Department's *Culture Ireland* programme continues to make a notable contribution — not least in the US last year with the *Imagine Ireland* programme — in helping to restore our global reputation in these difficult times. At the same time, the promotion of Irish cultural and creative excellence in Europe and in key export markets, such as China, offers fresh and innovative opportunities for the country, working in tandem with the promotion of trade, investment, tourism, agri-food and science. In particular, our EU Presidency in 2013 offers a new platform for cultural links with key European partners. In relation to the promotion abroad of County Kildare, the Deputy will understand that my remit in this context is a national one.

### Cultural Institutions

312. **Deputy Bernard J. Durkan** asked the Minister for Arts, Heritage and the Gaeltacht the degree to which it is intended to promote and increase visits and interest in historical and cultural sites throughout the country in the course of the current year and utilising the services of both the public and private sectors in the course thereof with consequent economic benefit; and if he will make a statement on the matter. [12821/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The National Cultural Institutions, which operate under the aegis of my Department, play a key role in increasing awareness of the value and benefit of cultural activities. Visitor numbers to our national cultural institutions and other cultural venues supported by my Department exceeded 3.6 million in 2011. This figure represents a moderate increase on the 2010 figure of 3.58 million and a significant increase over and above the 2009 figure of 3.25 million.

Initiatives to attract the interest of the general public and to enhance the visitor experience will remain a priority for all of these cultural institutions and venues in 2012 and my Department will continue to work closely with them in this regard. The quality and diversity of the cultural exhibits and events on offer at these institutions plays a key role in attracting such significant visitor numbers. In this regard, the funding provided by my Department to the cultural institutions is of critical importance in terms of the maintenance and preservation of existing collections and enhancing the calibre and range of the collections and exhibitions on offer.

*Question No. 313 answered with Question No. 310.*

### **Heritage Sites**

314. **Deputy Bernard J. Durkan** asked the Minister for Arts, Heritage and the Gaeltacht the extent to which he continues to monitor endangered heritage sites, buildings or locations throughout the country; the number of such locations or sites identified in the past 12 months; the action taken to address any issues arising; and if he will make a statement on the matter. [12823/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** My Department has a broad range of responsibilities in respect to the protection of our natural, architectural and archaeological heritage and, in each case, there is a different suite of legislative instruments that provide for the protection of the relevant national heritage sites.

My Department directly manages 6 national parks and 66 nature reserves. In addition, it has responsibility for the monitoring of European nature sites established under the Birds and Habitats Directives, as well as natural heritage areas, nature reserves and refuges for fauna and flora established under the Wildlife Acts. All sites designated for nature conservation have been identified as requiring protection and are monitored on an on-going basis.

Under the provisions of Part IV (Architectural Heritage) of the Planning and Development Act 2000, as amended, each planning authority is required to include in its development plan a Record of Protected Structures. The making of an addition to, or deletion from, a Record of Protected Structures is a reserved function of the planning authorities. Inclusion in the Record of Protected Structures places a duty of care on the owners and occupiers of protected structures and also gives planning authorities powers to deal with development proposals affecting them, seek to safeguard their future and serve notice to require works to be carried out in relation to endangerment of protected structures. On the basis of information submitted by the planning authorities to my Department, there were 19 such notices served in 2008, 27 in 2009 and 10 in 2010. Information for 2011 is currently being sought.

The 757 national monuments in the ownership or guardianship of the Minister for Arts, Heritage and the Gaeltacht are managed and maintained by the Office of Public Works on a day to day basis. Local authorities are responsible for monuments in their ownership or guardianship. The vast majority of recorded monuments (approx 120,000) are, however, privately owned and, while they are protected under the National Monuments Acts, the owners are responsible for their maintenance. Appropriate action is taken where my Department becomes

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aware of threats or damage to monuments, including advice to owners, prosecution under the National Monuments Acts or, occasionally, rescue excavation work.

The Deputy will appreciate that the scope to provide for the protection of the State's heritage assets is constrained by the current national economic difficulties and the significant reduction in the public finances. However, my Department will continue to provide funding for the protection, conservation and development of our built and natural heritage, in so far as resources allow, in accordance with best practice and legal requirements, both nationally and internationally, and will intervene as provided by law to protect such sites.

### Natural Heritage Areas

315. **Deputy Seán Kyne** asked the Minister for Arts, Heritage and the Gaeltacht if he is satisfied that proper procedures were followed in relation to the designation of the Moycullen Bog complex NHA, when ground inspections that allowed this NHA to be designated commenced; and if the public will be able to access the file concerning the visual assessment of the fields concerned for inclusion. [12843/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I am satisfied from the information made available to me that the processes undertaken by my Department which led to the designation of Moycullen Bog as a Natural Heritage Area by Statutory Instrument (SI No 584 of 2005) were undertaken in a fair and proper manner. The decision to designate Moycullen Bog was taken after a survey of the site in October 2003 and copies of the survey notes are available, on request, from the offices of my Department. Further details are also available on the website of the National Parks and Wildlife Service at *www.npws.ie*.

I am advised that notice of intention to designate this site issued to almost 4,000 individuals in early August 2004. In addition, notice of the proposed designation was broadcast on local radio and advertised in a local newspaper. Material relating to the proposal was made available for consultation purposes in local government offices and public libraries in the Galway area at the time. An appeals process was made available to those who wished to object to the proposal and I understand that this option was exercised by a number of individuals.

### Appointments to State Boards

316. **Deputy Gerry Adams** asked the Minister for Arts, Heritage and the Gaeltacht if the Chief Executive Officer of Rehab (details supplied) is a member of any State board; and the remuneration, expenses or other payments they receive for such membership. [13239/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I am advised that the person referred to by the Deputy is not a member of any State board under the aegis of my Department.

### Sale of State Assets

317. **Deputy Michael McNamara** asked the Minister for Communications, Energy and Natural Resources the number of job losses that will result in the privatisation in the energy sector of Bord Gáis; if that number is greater or lesser than the number of jobs that should be created from the €1 billion investment in job creation to be funded from the proceeds of the said sale; and if he will make a statement on the matter. [12419/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The Government has decided that Bord Gáis Éireann's Energy business will be part of the assets

disposal programme. The Government has also reiterated its commitment to retaining Bord Gáis Éireann's gas transmission and distribution systems as well as the two gas interconnectors in State ownership as national strategic infrastructure. I do not foresee job losses in BGÉ as an inevitable outcome of the planned divestment of the Energy business.

The proposed sales can deliver positive outcomes for Ireland's energy markets, for the State utilities and their employees, for consumers and for business. Bord Gáis Energy is a dynamic and successful company, which has delivered real benefits for consumers as it has invested and grown in power generation and energy supply. Sale of the business will support this vibrant company and its employees to continue to grow while enhancing competition in the energy market for the benefit of the economy and consumers.

The Government has agreed with the Troika that one-third of the asset disposal proceeds can be used for re-investment in our economy and the promotion of employment and economic recovery.

### **Telecommunications Services**

318. **Deputy John O'Mahony** asked the Minister for Communications, Energy and Natural Resources the reason an area (details supplied) in County Mayo is not included in the national broadband scheme; if there are plans to include this location; and if he will make a statement on the matter. [12172/12]

**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. Details of broadband services available in each county can be found on ComReg website at [www.callcosts.ie](http://www.callcosts.ie).

In cases of market failure the Government will intervene, where it is appropriate and possible to do so. The National Broadband Scheme (NBS) represents such an intervention. It aimed to bring an affordable, scalable broadband service to certain designated electoral divisions where the extent of broadband coverage by commercial operators, at the time the Scheme was launched in 2008, was deemed to be insufficient. Prior to the commencement of the NBS, a detailed mapping exercise was carried out to determine those areas that would be included in the scheme and those which, by virtue of being already substantially served by existing broadband suppliers, could not be included.

EU State aid and competition rules govern how states can intervene in areas where existing service providers operate. Accordingly, the NBS is restricted to providing a basic service and is prohibited from providing a service in areas where to do so would give rise to an unacceptable level of market distortion. That mapping exercise found that the general area of Aughadiffin, Kilkelly, County Mayo was served by existing service providers and consequently it was excluded from the Scheme.

The Rural Broadband Scheme (RBS) was launched last year in recognition of the fact that despite the widespread availability of broadband throughout Ireland, there still remained individual premises that were unable to receive broadband provision, due to technical difficulties such as line of sight issues. This Scheme, which is being rolled out this year, is aimed at making a basic broadband service available to those individual un-served premises in rural non-NBS areas that wish to avail of such services. In total, 210 applications were received in respect of premises in County Mayo, with 3 applications from the Kilkelly area.

[Deputy Pat Rabbitte.]

The combination of private investment and State interventions means that Ireland will meet the EU Commission's "Digital Agenda for Europe" target of having a basic broadband service available to all areas by 2013.

The Government accepts that the widespread availability of high speed broadband is a key requirement in delivering future economic and social development. The Next Generation Broadband Taskforce which I convened last summer has an important role to play in this regard. It comprises the CEOs of all of the major telecommunications companies operating in the Irish market, as well as CEOs of some other companies that provide broadband services. The purpose of the Taskforce is to discuss and report on policy issues and proposals in relation to the provision of high speed broadband across Ireland. I expect that the Taskforce will help to identify how best to deliver wider customer access to high-speed broadband generally and thereby assist in delivering on the commitment in the Programme for Government.

The Taskforce will conclude its deliberations shortly. It is my intention to consider the findings, conclusions and recommendations of the report of the Taskforce and to move quickly thereafter to put in place the optimal policy environment for the delivery of high speed broadband.

### **Energy Prices**

319. **Deputy Timmy Dooley** asked the Minister for Communications, Energy and Natural Resources in view of the global cost of competitive pressures on large multinational employers here, if he will consider maintaining and extending the current level of large energy user customer credits beyond 30 September; and if he will make a statement on the matter. [12179/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The provision of secure, sustainable and competitive energy supplies is critical for the economy and for business and mitigating energy costs where possible remains a key priority. Global gas and oil prices have risen sharply since the start of 2011 driven by events in North Africa and Japan and high demand from China and India and other emerging economies.

Given Ireland's heavy reliance on imported gas and oil and small peripheral market size, the economy is a price taker in the global fossil fuel market and vulnerable to fossil fuel price fluctuations. Competitor countries are in many instances facing the same prospect and the objective in the context of higher global prices is that Ireland retains and where possible improves comparative competitiveness in terms of energy costs. I am committed to working with enterprise and with the energy sector to ensure that the costs of energy are as competitive as possible through those measures at our disposal, including sustained focus on energy efficiency and renewables to reduce our dependence and therefore lower our vulnerability to global price increases in such fuels.

The latest analysis of data published by Eurostat for electricity and gas prices is published by the Sustainable Energy Authority of Ireland (SEAI) and covers the period January to June 2011. The figures show Irish electricity and gas prices performing well at that point by reference to the EU average for medium to large business customers (above 2,000 MWh/annum). The VAT-exclusive electricity price in Ireland for these businesses ranged from 10% to 17% below the EU average and from 13% to 19% below the Eurozone average. The category includes the large multinational employers. The SEAI data also show that prices for business customers of gas were below the EU average by 4% to 25% for most business gas categories.

The Electricity Regulation (Amendment) (Carbon Revenue Levy) Act 2010 provided for the introduction of a Carbon Revenue Levy, payable by fossil fuel generators of electricity, the

proceeds of which have been utilised for rebates to Large Energy Users (LEUs) to mitigate their electricity costs.

A recent Supreme Court judgment has found against the Commission for Energy Regulation's prohibition on the Carbon Revenue levy from being "bidded-in" by generators to the wholesale price of electricity in the Single Electricity Market. The consequences of the judgement are that generators will henceforth bid in the cost of the levy with potential impact on prices for the duration of the levy, which, under the Act, is due to cease at the end of 2012. My Department is assessing the judgement from all relevant policy perspectives in consultation with the Office of the Attorney General.

### **Departmental Reviews**

320. **Deputy Éamon Ó Cuív** asked the Minister for Communications, Energy and Natural Resources the details of all policy reviews instigated by him and his Ministers of State since assuming office; and if he will make a statement on the matter. [12218/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I understand that the Deputy's question relates to the rationalisation of State bodies. My Department is currently reviewing the rationalisation proposals for agencies under its aegis as set out in the Public Service Reform Plan with the objective of addressing them within the required timeframe as set out in the plan.

### **Telecommunications Services**

321. **Deputy Joe Carey** asked the Minister for Communications, Energy and Natural Resources his plans regarding the provision of rural broadband services to those that may not have availed of registration under last year's RBS; and if he will make a statement on the matter. [12277/12]

**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. The State only intervenes in cases of clear market failure, such as in the cases of both the National Broadband Scheme (NBS) and the Rural Broadband Scheme (RBS). Any such State intervention is subject to EU State Aid scrutiny to ensure that it does not give rise to an unacceptable level of market distortion.

The RBS was launched last year in recognition of the fact that despite the widespread availability of broadband throughout Ireland, there still remained individual premises that were unable to receive broadband provision, due to technical difficulties such as line of sight issues. This Scheme, which is being rolled out this year, is aimed at making a basic broadband service available to those individual un-served premises in rural non-NBS areas who wish to avail of such services. Approximately 3,700 applications qualified under the Scheme and the Verification Phase of the Scheme is now underway. Under this phase, the details of applicants have been passed to Internet Service Providers who are participating in the Scheme and these companies have responded to my Department indicating where they may be able to offer services. I expect that a significant number of applicants may be served by commercial operators as part of this phase of the scheme. Once the applicants have given their written consent to be contacted by the companies in question, the companies will be in touch with written offers of service.

The response to date by industry suggests that virtually all premises in the country are capable of obtaining a broadband service from a supplier using one of the available technology

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platforms i.e. DSL, fixed or mobile wireless, cable or satellite. Where a commercial service has been shown to be available, the State cannot intervene with a subvention for alternative services.

While it is not feasible to re-open the RBS for applications, those living in areas covered by the National Broadband Scheme are still entitled to seek a service from “3” under this Government initiative up to August 2014 when the contract will expire.

The Government accepts that the widespread availability of high speed broadband is a key requirement in delivering future economic and social development. The Next Generation Broadband Taskforce, which I convened last summer, has an important role to play in this regard. It comprises the CEOs of all of the major telecommunications companies operating in the Irish market, as well as CEOs of some other companies that provide broadband services. The purpose of the Taskforce is to discuss and report on policy issues and proposals in relation to the provision of high speed broadband across Ireland. I expect that the Taskforce will help to identify how best to deliver wider customer access to high-speed broadband generally and thereby assist in delivering on the commitment in the Programme for Government.

The Taskforce will conclude its deliberations shortly. It is my intention to consider the findings, conclusions and recommendations of the report of the Taskforce and to move quickly thereafter to put in place the optimal policy environment for the delivery of high speed broadband.

### Offshore Exploration

322. **Deputy Simon Harris** asked the Minister for Communications, Energy and Natural Resources if he will outline details, conditions and terms of a licence granted by him (details supplied) to explore for oil and gas deposits off the eastern coast; and if he will make a statement on the matter. [12296/12]

323. **Deputy Simon Harris** asked the Minister for Communications, Energy and Natural Resources if he will outline the difference between the licence (details supplied) granted by him in respect of exploring oil and gas deposits off the eastern coast and the licence that would be required from him to extract any deposits found; and if he will make a statement on the matter. [12297/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I propose to take Questions Nos. 322 and 323 together.

Standard Exploration Licence 2/11 was granted last year to a consortium comprising Providence Resources plc and Star Energy Oil and Gas Ltd over an area of approximately 380 square kilometres in the Kish Bank Basin. The exploration licence confers on the holder the exclusive right to search for petroleum in the licensed area, but does not confer a right to produce/extract petroleum. The licence is subject to the provisions of the Licensing Terms for Offshore Oil and Gas Exploration, Development and Production 2007 which can be viewed on my Department’s web site at the following link: <http://www.dcenr.gov.ie/Natural/Petroleum+Affairs+Division/Licensing+Applications/>.

The licence is for a term of six years from 18 August 2011, divided into two phases of three year each. During the first phase of the licence the licensees are required to drill an exploration well.

In the event that the exploration programme resulted in a commercial discovery being made then the licensees would require a number of statutory approvals for an extraction project,

including a petroleum lease and a plan of development consent from the Minister for Communications, Energy and Natural Resources. Other relevant statutory consents could include an IPPC Licence from the EPA, a Foreshore Licence from the Minister for the Environment, Community and Local Government and a planning and development consent from An Bord Pleanála. All of these consent processes would include an environmental impact assessment with a public consultation phase. A safety permit would also be required from the Commission for Energy Regulation.

### **Telecommunications Services**

324. **Deputy Gerry Adams** asked the Minister for Communications, Energy and Natural Resources the percentage of the population that has access to broadband, the locations across the State that cannot currently access broadband; and if he will make a statement on the matter. [12659/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Ireland's telecommunications market has been open to competition since 1999 and since then has developed into a well-regulated market supporting a multiplicity of commercial operators providing services over a diverse range of technology platforms. Despite the current economic difficulties, significant private sector investment continues to be made in the provision of broadband products and services.

The State is not a provider of services, except in instances of clear market failure such as in the cases of both the National and Rural Broadband Schemes. Such interventions are always subject to EU State Aid clearance to ensure no unacceptable level of market distortion takes place. Between these private and public investments, at least a basic broadband service is now available right throughout the country. Details of broadband services available on a county-by-county basis can be found on ComReg's website at *www.callcosts.ie*.

However, given the nature of some rural development, particularly in relation to one-off-housing, a relatively small number of rural premises do continue to experience difficulties in accessing reliable and affordable broadband services. The Rural Broadband Scheme should assist in addressing this problem. The combination of private investment and State interventions means that Ireland will meet the EU Commission's "Digital Agenda for Europe" target of having a basic broadband service available to all areas by 2013.

### **Electricity Transmission Network**

325. **Deputy Mary Lou McDonald** asked the Minister for Communications, Energy and Natural Resources if his attention has been drawn to the fact that persons who do not have land, planning permission or wind farms have applied and received grid application offers from EirGrid; and if he will make a statement on the matter. [12668/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Responsibility for the grid connection process is vested in the Commission for Energy Regulation (CER). I have no function in the matter. The CER operates a group approach to connecting projects to the national grid. The latest group approach, 'Gate 3', was the subject of extensive public consultation by the CER prior to the design and roll out of the process. Following the consultation, CER made the decision to offer grid connections in Gate 3 based on completed date of applications to the system operator for grid connections and not to take other criteria such as land ownership or planning permission into account.

All those developers in Gate 3 have now received grid connection offers from EirGrid or ESB Networks, although the rate of take-up of these offers is not yet known. Grid Connection

[Deputy Pat Rabbitte.]

offers require a deposit to be paid at the time of acceptance which is related to the size of the project involved. This is designed to ensure that developers have demonstrable commitment to developing the project applied for.

326. **Deputy Mary Lou McDonald** asked the Minister for Communications, Energy and Natural Resources if his attention has been drawn to the fact that a number of persons who have received grid application offers from EirGrid are selling these offers on the market; and if he will make a statement on the matter. [12669/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** In accordance with the Electricity Regulation Act 1999, the statutory responsibility for the processing of connections to the electricity network and the costs related thereto are a matter for the system operator and the Commission for Energy Regulation (CER) in the first instance. I have no function in relation to national grid access.

327. **Deputy Mary Lou McDonald** asked the Minister for Communications, Energy and Natural Resources the length of time on average it will take a new grid application to obtain a grid offer connection. [12670/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** In accordance with the Electricity Regulation Act 1999, the statutory responsibility for the processing of connections to the electricity network and the costs related thereto are a matter for the system operator and the Commission for Energy Regulation (CER) in the first instance. I have no function in relation to national grid access.

### Renewable Energy

328. **Deputy Mary Lou McDonald** asked the Minister for Communications, Energy and Natural Resources if he will confirm that he is satisfied that Ireland will meet its renewable energy targets set for 2020; and the targets for each year up to 2020. [12671/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Under the Renewable Energy Directive 2009/28/EC Ireland has been set a legally binding target for renewable energy as a proportion of all energy consumption that must be achieved by 2020. The National Renewable Energy Action Plan sets out that this overall 16% target will be achieved through 40% consumption of renewables in the electricity sector, 10% in the transport sector and 12% in the heat sector. The targets are challenging and the plan sets out the actions needed and the barriers to be overcome in order to achieve the targets by 2020.

The progressive delivery of increased renewable energy is being supported by a variety of policy initiatives. In the transport sector, the biofuels obligation introduced in 2010 under the Energy (Biofuel Obligation and Miscellaneous Provisions) Act 2010, requires transport fuel suppliers to provide a specified amount of their sales in the form of biofuels. The obligation currently stands at 4% by volume which is equivalent to 3% in energy terms. The biofuel obligation will incrementally increase on a sustainable basis over the horizon to 2020 to meet the renewable transport target of 10% in 2020. In April 2011, I launched the Electric Vehicle Grant scheme to encourage early adoption of the technology by offering support of up to €5,000 for the purchase of Battery Electric Vehicles (BEVs) and Plug In Hybrid Electric Vehicles (PHEV).

Due to the cost of transporting heat, heat is generally consumed at the point of generation to maximise efficiency. The recently announced biomass feed-in-tariff for electricity exported

to the grid provides for up to 310 MW of new biomass generation to be constructed. This will support renewable heating by stimulating the production of biomass and anaerobic digestion combined heat and power. Ireland's renewable heat target is particularly challenging given settlement patterns and housing density.

Renewable electricity is the largest contributor to Ireland's renewable energy consumption (estimated at 18% at the end of 2011) and will contribute most to the national 2020 target. The largest contribution in the electricity sector is expected to be made through generation from wind technologies, followed by biomass technologies. For the support of commercial renewable generation, my Department administers a renewable energy support mechanism known as the Renewable Energy Feed In Tariff (REFIT). EirGrid's data, available on their website *www.eir-grid.com*, shows that at the end of 2011, there were 1630 MW of wind generation connected to the grid, representing the majority of the 1900 MW of renewable generation on the system.

The latest modelling, undertaken by the Sustainable Energy Authority of Ireland (SEAI), (Energy Forecasts for Ireland to 2020 [2011]), projects that capacity of around 4000 MW of renewable generation will be required on the electricity system to deliver the 40% renewable electricity target by 2020. I am determined that the challenging 2020 target will be achieved and the policy measures set out above are testimony to my determination in this regard.

### Energy Prices

329. **Deputy Terence Flanagan** asked the Minister for Communications, Energy and Natural Resources the position regarding fuel pricing; and if he will make a statement on the matter. [12684/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Ireland is a price taker in the global fossil fuel market. The Irish oil industry is fully privatised, liberalised and deregulated and there is free entry to the market. There is no price control on petroleum products and it has been the policy objective of successive Governments to promote price competition and consumer choice.

Previous surveys have shown that prices which Irish retailers charge for oil products, relate to the refinery price rather than to the price of crude oil. Prices at the pump reflect the volatile market price, transportation costs, euro/dollar fluctuations and other operating costs as well as the impact of taxes on oil products. Taxation of fuel products including petrol is a matter for my colleague the Minister for Finance.

### Freedom of Information

330. **Deputy Gerry Adams** asked the Minister for Communications, Energy and Natural Resources if he will provide a breakdown of the total fees received in his Department for freedom of information requests and the number of individual requests in each of the years 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011. [12722/12]

331. **Deputy Gerry Adams** asked the Minister for Communications, Energy and Natural Resources if he will provide a breakdown of the number of freedom of information requests submitted in the years 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011 to his Department; the total amount of fees charged and fees received in each year; the number and amount of initial search fees paid and the number and amount of search and retrieval fees paid. [12738/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I propose to take Questions Nos. 330 and 331 together.

[Deputy Pat Rabbitte.]

My Department was established in 2007 and provision of information for the years prior to that year is not possible.

The information sought by the Deputy in the period 2007-2011 is set out in the table:

Year	No. Requests	No. Fees <sup>1</sup>	Fees <sup>1</sup> Rec'd €	Refunds Made €	No. S&R <sup>2</sup> Fees	S&R <sup>2</sup> Fees €
2007	77	71	1,040.00	60.00	4	386.45
2008	72	47	705.00	0.00	1	117.32
2009	52	46	690.00	30.00	2	740.38
2010	55	52	775.00	150.00	5	739.59
2011	54	50	750.00	150.00	2	1,509.20
<b>Total</b>	<b>310</b>	<b>266</b>	<b>3,960.00</b>	<b>390.00</b>	<b>14</b>	<b>3,492.94</b>

<sup>1</sup> Upfront fees normally €15 (or €10 for medical card holders).

<sup>2</sup> Search and Retrieval.

In addition to the details sought by the Deputy, I can advise that over the period 2007 to 2011 a total of €2,650 was received in fees in relation to appeals of decisions issued under the FOI Acts.

### Telecommunications Services

332. **Deputy Martin Heydon** asked the Minister for Communications, Energy and Natural Resources when acceptable broadband will be rolled out at a location (details supplied) in County Kildare; and if he will make a statement on the matter. [12835/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Ireland's telecommunications market has been liberalised since 1999 and the delivery of broadband services is therefore a matter, in the first instance, for private sector commercial operators. Details of broadband services available in each county can be found on ComReg website at [www.callcosts.ie](http://www.callcosts.ie).

In cases of market failure the Government will intervene, where it is appropriate and possible to do so. The National Broadband Scheme (NBS) represents such an intervention. Prior to the commencement of the NBS, a detailed mapping exercise was carried out to determine those areas that would be included in the scheme and those which, by virtue of being already substantially served by existing broadband suppliers, could not be included.

EU State aid and competition rules govern how states can intervene in areas where existing service providers operate. Accordingly, the NBS is restricted to providing a basic service and is prohibited from providing a service in areas where to do so would give rise to an unacceptable level of market distortion. That mapping exercise found that Kildare town was served by existing service providers and consequently it was excluded from the Scheme.

The Rural Broadband Scheme (RBS) was launched last year in recognition of the fact that despite the widespread availability of broadband throughout Ireland, there still remained individual premises that were unable to receive broadband provision, due to technical difficulties such as line of sight issues. This Scheme, which is being rolled out this year, is aimed at making a basic broadband service available to those individual un-served premises in rural non-NBS areas who wish to avail of such services. In total, 164 applications were received in respect of premises in County Kildare.

The combination of private investment and State interventions means that Ireland will meet the EU Commission's "Digital Agenda for Europe" target of having a basic broadband service available to all areas by 2013.

The Government accepts that the widespread availability of high speed broadband is a key requirement in delivering future economic and social development. The Next Generation Broadband Taskforce, which I convened last summer, has an important role to play in this regard. It comprises the CEOs of all of the major telecommunications companies operating in the Irish market, as well as CEOs of some other companies that provide broadband services. The purpose of the Taskforce is to discuss and report on policy issues and proposals in relation to the provision of high speed broadband across Ireland. I expect that the Taskforce will help to identify how best to deliver wider customer access to high-speed broadband generally and thereby assist in delivering on the commitment in the Programme for Government.

The Taskforce will conclude its deliberations shortly. It is my intention to consider the findings, conclusions and recommendations of the report of the Taskforce and to move quickly thereafter to put in place the optimal policy environment for the delivery of high speed broadband.

### Departmental Expenditure

333. **Deputy Éamon Ó Cuív** asked the Minister for Communications, Energy and Natural Resources the amount of money allocated by him in the past four years to energy and natural resources; the amount of money allocated by him in the past four years to energy efficiency schemes including the warmer homes, the better energy scheme and their predecessor schemes; the allocation to the scheme in 2011 and 2012 from the jobs initiative scheme announced by the Government last year; and if he will make a statement on the matter. [12844/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The amounts of money allocated to energy and natural resources in the past four years are set out in the table:

	2008 Actual Outturn	2009 Actual Outturn	2010 Actual Outturn	2011 Provisional Outturn	2012 Budget
	€	€	€	€	€
Energy	67	80	116	118	104 <sup>1</sup>
Natural Resources <sup>2</sup>	65	48	50	43	51

<sup>1</sup> Includes €15 million capital carryover.

<sup>2</sup> Natural Resources includes allocation for Inland Fisheries.

The amounts of money allocated to energy efficiency schemes in the past four years are set out in the table. It should be noted that from 2011, expenditure on the Warmer Homes Scheme has been consolidated into the National Energy Retrofit Programme. Expenditure on other energy efficiency supports has also been consolidated into this programme.

	2008 Actual Outturn	2009 Actual Outturn	2010 Actual Outturn	2011 Provisional Outturn	2012 Budget
	€	€	€	€	€
Low Income Housing/Warmer Homes Scheme	5.780	14.000	30.340	0	0

[Deputy Pat Rabbitte.]

	2008 Actual Outturn	2009 Actual Outturn	2010 Actual Outturn	2011 Provisional Outturn	2012 Budget
	€	€	€	€	€
Public and Commercial Sector	1.000	0.570	0	0	0
Public Sector Energy Efficiency Support	0	4.000	0.996	0.012	0
Energy in Business/Energy Efficiency Action Plan Programme	4.000	4.400	2.903	0.154	0
Home Energy Savings Scheme/Insulation Programme	0	17.000	47.386	0	0
Better Energy Programme	0	0	8.139	98.410	82.896 <sup>3</sup>
Total	10.780	39.970	89.764	98.576	82.896

<sup>3</sup>Includes €15m capital carryover.

Under the Jobs Initiative of May 2011, an additional €19 million in Exchequer funding was allocated to the National Energy Retrofit Programme. This was supplemented by €11 million savings from within my Department's 2011 allocation. The amount provided for 2012 is as set out above.

### Disconnection of Utilities

334. **Deputy Finian McGrath** asked the Minister for Communications, Energy and Natural Resources his views on a matter (details supplied) regarding a gas bill. [12845/12]

#### **Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):**

Responsibility for the regulation of disconnection and reconnection processes and fees is a matter for the Commission for Energy Regulation (CER), which is an independent statutory body. I have no function in the matter.

It is the case that the continuing level of disconnections is a matter of considerable concern for me and my Government colleagues, the CER, voluntary organisations and energy suppliers. The current economic climate is placing additional pressures on consumers and many consumers are experiencing problems meeting outgoings including energy costs. The primary responsibility to manage customer debt rests with the energy suppliers and the customer. The key message for all customers is to contact their suppliers to make arrangements before the situation gets to the point of disconnection.

The CER, a statutorily independent body established under the Electricity Regulation Act, 1999, has responsibility for overseeing the regulation of Ireland's electricity and gas sectors. CER promotes competition in the electricity and natural gas markets so that customers can ultimately benefit from competitive pressures on prices, and also protects the interests of final customers, especially the disadvantaged and the elderly, by ensuring that standards of services are set and codes of practice are in place to protect vulnerable users.

In fulfilment of its customer protection remit, the CER has taken a number of initiatives in relation to disconnections policy since 2010. In 2010, changes were introduced to the allocation of costs of both disconnections and reconnections for non-payment between the supplier and customer. Instead of the customer bearing the entire cost, these costs are now shared equally by the supplier. The CER also issued updated Guidelines for the Disconnections Code of

Practice requiring suppliers to engage with customers experiencing difficulties making payments against their bills.

The CER has also proactively facilitated a “Pay as You Go” metering system, also known as a prepayment meter, in both the natural gas and electricity industry to allow customers to manage their bills more effectively. The ‘Pay as You Go’ metering system is being rolled out by all suppliers across the country. In addition to providing a useful budgeting tool to customers, suppliers are required to offer customers facing disconnection the option of a “Pay as You Go” meter, where this is suitable, instead of proceeding to disconnect the customer. In these circumstances the customer’s outstanding debt is placed on the meter and is repaid over time.

CER advise that when a customer is disconnected from either natural gas or electricity for an extended period of time and their meter has been removed, prior to reconnection, the customer’s installation requires safety checks and certification to ensure that it is still safe to have natural gas or electricity connected to it. In addition, if the customer has been disconnected for over two years, reconnection costs will be charged.

The Commission has a statutory responsibility to provide a complaints resolution service to customers with an unresolved dispute with their supplier or network operator. An Energy Customers Team has been set up within the Commission to deal directly with customers who have complaints. CER also provides a dedicated Energy Customers website at *www.energycustomers.ie*, which provides consumer information on the electricity and gas market and, in particular, on how to engage with its complaints resolution service.

In relation to the individual customer to whom this question is related, my Department is advised that the customer has been offered reconnection with a “Pay as You Go” meter which will facilitate the repayment of outstanding debt and avoid any further build up from occurring.

### **Appointments to State Boards**

335. **Deputy Gerry Adams** asked the Minister for Communications, Energy and Natural Resources if the chief executive officer of Rehab (details supplied) is a member of any State board; and the remuneration, expenses or other payments they receive for such membership. [13241/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I wish to advise the Deputy that the individual in question is not a member of the Board of any State Body, which comes under the aegis of my Department.

### **Public Sector Pay**

336. **Deputy Mary Lou McDonald** asked the Minister for the Environment, Community and Local Government, following the response of the Minister for the Environment, Community and Local Government to Parliamentary Question No. 137 of 1 February 2012 in which he states the remuneration of city and county managers is sanctioned by the Department of Public Expenditure and Reform and was reduced in January 2010 in accordance with policy on pay, if he will supply in a tabular format the annual remuneration of each current city and county manager including his or her annual salary, allowances and expenses. [12609/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Salaries of City and County Managers are set out in the City and County Managers (Remuneration) (No. 2) Order 2010. The salaries for City and County Managers are set out in the table:

[Deputy Phil Hogan.]

Local Authority Manager	Salary
Dublin City Council	€189,301
Cork County Council	
Fingal County Council	€162,062
South Dublin County Council	
Cork City Council	
Dún Laoghaire-Rathdown	€153,260
Kildare County Council	
Meath County Council	
Limerick City Council	
Clare County Council	
Donegal County Council	
Galway County Council	
Kerry County Council	
Kilkenny County Council	
Limerick County Council	€142,469
Louth County Council	
Mayo County Council	
South Tipperary County Council	
Westmeath County Council	
Wexford County Council	
Wicklow County Council	
Galway City Council	
Waterford City Council	
Carlow County Council	
Cavan County Council	
Laois County Council	
Leitrim County Council	
Longford County Council	€132,511
Monaghan County Council	
Offaly County Council	
Roscommon County Council	
Sligo County Council	
North Tipperary County Council	
Waterford County Council	

There are a number of allowances available to County and City Managers.

County and City Managers may submit claims in respect of travel and subsistence expenses incurred as part of their official duties in accordance with the relevant travel and subsistence circulars. All local authorities are obliged to ensure that only essential travel is undertaken and that the number of employees going on any official journey is kept to an absolute minimum. Local authorities are also obliged to ensure that related expenditure is critically appraised and monitored.

A Manager may claim up to 7.5% of their salary in substitution of motor mileage rates contained in the travel and subsistence circulars, where a local authority considers that those allowances do not adequately recompense the Manager for the extent to which their car is used for official business.

A Manager or Assistant Manager may claim an allowance in respect of individual or casual entertainment expenses incurred by them in relation to development functions and public relations associated therewith. The level of allowance corresponds to the number of Assistant Managers and is contained in the following table.

Table	
County or City Manager	Up to €2,095
Manager and one Assistant Manager	Up to €3,683
Manager and two or more Assistant Managers	Up to €5,270
Manager and three or more Assistant Managers	Up to €6,858

County and City Managers with designated responsibility for a Regional Authority may claim an allowance of €5,662 per annum in respect of these responsibilities.

### Housing Grants

337. **Deputy James Bannon** asked the Minister for the Environment, Community and Local Government the reason a person (details supplied) in County Longford has been refused a grant for an extension due to requirements brought about by their disability, while their spouse, who has separate needs, has received grant aid; and if he will make a statement on the matter. [12779/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** My Department’s involvement with the Housing Adaptation Grant Schemes for Older People and People with a Disability relates primarily to the recoupment of a proportion of local authority expenditure on the payment of individual grants. The grant schemes, introduced in November 2007, are funded by 80% recoupment available from my Department together with a 20% contribution from the resources of the local authority. It is a matter for each local authority to determine how the funding is apportioned between the various grant measures and to manage the operation of the schemes in their areas from within the allocation.

Local authorities are responsible for the administration of the grant schemes including the processing and approval of individual grant applications, monitoring of work underway and the payment of grants on the satisfactory completion of the relevant works. Information relating to the status of individual applications is not available in my Department.

### Community Development

338. **Deputy James Bannon** asked the Minister for the Environment, Community and Local Government the position regarding an application by a community centre (details supplied) in County Longford for equipment in respect of its newly built sports hall and community centre; and if he will make a statement on the matter. [12783/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I refer to the reply to question no. 146 of 25 January 2012 which sets out the position in this matter. The documentation for the State Aid notification was submitted through the relevant EU notification systems on 13 January 2012. As soon as my Department receives the Com-

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mission decision we will notify all Local Development Companies and the project referred to in the question will be reconsidered should clearance be granted to award amounts over €200,000.

### Household Charge

339. **Deputy John Lyons** asked the Minister for the Environment, Community and Local Government if an estate (details supplied) is exempt from paying the household charge. [12145/12]

361. **Deputy James Bannon** asked the Minister for the Environment, Community and Local Government the reason residential property owned by a Government Department is exempt from paying the household charge; and if he will make a statement on the matter. [12463/12]

366. **Deputy Jack Wall** asked the Minister for the Environment, Community and Local Government if an estate (details supplied) in County Kildare can be considered in relation to the household charge; and if he will make a statement on the matter. [12587/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 339, 361 and 366 together.

The Local Government (Household Charge) Act 2011 and the Local Government (Household Charge) Regulations 2012 provide the legislation underpinning the household charge. Interpretation of the legislation is a matter for legal advice in individual cases and ultimately a matter for the Courts.

Section 3 of the Act provides that an owner of residential property on the liability date of 1 January 2012 is liable to pay the household charge. Section 2(2) of the Act provides that certain buildings are not residential property for the purposes of the legislation. Section 2(2)(b) provides that a building vested in a Minister of the Government, a housing authority (within the meaning of the Housing (Miscellaneous Provisions) Act 1992) or the Health Service Executive is not residential property for the purposes of the Act. In addition, section 2(2)(c) provides that a building owned by a body standing approved for the purpose of section 6 of the Act of 1992 is not residential property for the purposes of the Act.

A building that is not a residential property for the purposes of the Act is not liable to the household charge. The Acts place the onus on an owner of a residential property to assess his or her liability to the charges on the relevant liability dates and, if liable, to declare that liability and to pay the charges in respect of that property by the due dates.

### Pension Provisions

340. **Deputy Mary Lou McDonald** asked the Minister for the Environment, Community and Local Government if he intends to amend the pension entitlements or remuneration of existing city and county managers. [11209/12]

341. **Deputy Mary Lou McDonald** asked the Minister for the Environment, Community and Local Government if he intends to amend the pension entitlements or remuneration of new entrant city and county managers. [11210/12]

342. **Deputy Mary Lou McDonald** asked the Minister for the Environment, Community and Local Government the number of city and county managers that will avail of the Croke Park grace period retirement of February 2012; and if he will supply the retirement age of each manager availing of the grace period. [11211/12]

360. **Deputy Mary Lou McDonald** asked the Minister for the Environment, Community and Local Government if he will provide, in tabular form, the amount received by each city and county manager on retirement between January 2000 and February 2012 providing a break down of the final lump sum by annual pension, lump sum payment, and special severance gratuity payment. [12457/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 340 to 342, inclusive, and 360 together.

Article 78 of the Local Government (Superannuation) (Consolidation) Scheme 1998 / 2007 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.

Seven city and county managers retired at the end of their tenure of office between 1 January 2010 and 29 February 2012. The information requested in this regard is outlined in table 1. The information requested in respect of retirements from January 2000 to February 2012 is set out in table 2.

Table 1

Local Authority Manager for:	Retirement Date	Age at Retirement
North Tipperary	30/04/2010	61
Donegal	07/07/2010	65
Cork City Council	31/08/2010	63
Monaghan	30/11/2010	58
South Tipperary Co. Council	28/04/2011	65
Waterford Co. Council	19/09/2011	53
Limerick City Council	28/02/2012	58

Table 2

Local Authority Manager retirements from January 2000-February 2012

Local Authority Manager for:	Retirement Date	Annual Pension	Lump Sum Payment	Special Severance Gratuity Payments
Leitrim	02/01/2000	£28,012.50 Punts	£78,998.28 Punts	£28,012.50 Punts
Cork City	01/05/2000	£32,536.00 Punts	£91,967.23 Punts	£32,536.00 Punts
Monaghan	17/10/2000	£31,341.50 Punts	£96,469.55 Punts	Nil
Limerick County	11/05/2001	£36,002.00 Punts	£108,211.15 Punts	Nil
South Dublin	01/01/2002	€52,729.68	€161,600.19	€52,729.68
Clare	05/02/2002	€49,150.93	€143,437.87	€49,150.93
Kilkenny	30/04/2002	€50,074.00	€143,540.93	Nil
Louth	18/05/2003	€52,077.00	€150,375.57	Nil
Cavan	03/05/2003	Nil (Died in Service)	€138,943.13 (Death Gratuity)	Nil
Wexford	31/08/2003	€52,077.00	€150,649.56	€52,077.00
Galway	04/04/2004	€53,639.50	€160,918.50	€53,639.50
Kerry	13/04/2004	€53,639.50	€152,327.38	€53,639.50
Waterford County	17/07/2004	€49,575.50	€144,306.84	€49,575.50

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Local Authority Manager for:	Retirement Date	Annual Pension	Lump Sum Payment	Special Severance Gratuity Payments
Fingal	12/09/2004	€58,856.00	€171,488.61	Nil
Dún Laoghaire Rathdown	27/09/2005	€63,218.50	€181,660.51	€63,218.50
Longford	04/10/2005	€54,315.00	€171,367.50	Nil
Westmeath	03/01/2006	€51,069.81	€141,279.53	€59,649.50
Dublin City	17/06/2006	€85,214.50	€255,643.50	€85,214.50
Offaly	13/01/2007	€60,307.00	€172,405.29	€60,307.00
Cork County	18/12/2006	€76,124.50	€225,274.32	€76,124.50
Kildare	25/12/2006	€65,251.50	€193,123.04	€65,251.50
Clare	01/04/2009	€73,422.50	€205,770.23	€73,422.50
Mayo	30/11/2009	€73,422.50	€220,267.50	Nil
North Tipperary	30/04/2010	€68,290.50	€204,871.50	€68,290.50
Donegal	07/07/2010	€73,422.50	€220,249.72	Nil
Cork City	31/08/2010	€78,983.50	€236,950.50	€78,983.50
Monaghan	30/11/2010	€68,290.50	€201,735.74	€68,290.50
South Tipperary	28/04/2011	€73,422.50	€220,267.50	Nil
Waterford County	19/09/2011	€63,335.64	€189,664.16	€66,255.50
Limerick City	28/02/2012	€73,422.50	€202,541.55	€91,222.50

### Building Regulations

343. **Deputy Brendan Ryan** asked the Minister for the Environment, Community and Local Government if he will respond to the calls from concerned residents to overhaul the building regulations system to underpin the necessary remedial work for homes affected by pyrite; and if he will make a statement on the matter. [12170/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I have set up an independent Panel to examine the problem of pyrite in private housing and I have asked the Panel to report to me early this year. When I receive the report, I will give early and careful consideration to it and any recommendations it may contain.

### Local Government Elections

344. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government the grade at which a public servant is precluded from taking up an elected position at local authority level; the grades ineligible for holding local authority elected positions; and if he will make a statement on the matter. [12203/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Section 13 of the Local Government Act 2001 provides that certain classes of persons are disqualified from being a member of a local authority. Section 13(*h*) provides that a civil servant who is not by terms of employment expressly permitted to be a member of a local authority is disqualified. In this regard, I understand that civil servants in the clerical grades and non-industrial grades with salary maxima equal to or below the maximum for clerical officer may stand as candidates at local election, subject to permission to do so being given by their Department.

Section 13(*i*) of the Act provides that a person employed by a local authority who is not the holder of a class, description, or grade of employment designated by order under section

161(1)(b) is disqualified from being a member of a local authority. Every class, description or grade of employment the maximum remuneration for which does not exceed the maximum remuneration for the grade of Clerical Officer is designated as employment for the purpose of section 161(1) of the Act. Section 13(g) of the 2001 Act disqualifies Gardaí and full time members of the defence forces from being a member of a local authority.

### **Election Management System**

345. **Deputy John O'Mahony** asked the Minister for the Environment, Community and Local Government if a commission has been set up to review the European election constituencies; if so, the terms of reference of the commission; when it is expected to report; and if he will make a statement on the matter. [12224/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Section 5(1) of the Electoral Act 1997, as amended, requires that a Constituency Commission be established to review Dáil and European Parliament constituencies following the publication by the Central Statistics Office (CSO) of the preliminary results of a Census. Following the publication of the preliminary results of the 2011 census by the CSO last year I established a Constituency Commission.

Section 6 of the 1997 Act, as amended, sets out the functions of a Constituency Commission as follows:

(1) It shall be the function of a Constituency Commission to make a report in relation to the constituencies for—

- (a) the election of members to the Dáil, and
- (b) the election of members of the European Parliament.

(2) In preparing a report under subsection (1)(a) a Constituency Commission shall, in observing the relevant provisions of the Constitution in relation to Dáil constituencies, have regard to the following:

- (a) the total number of members of the Dáil, subject to Article 16.2.2 of the Constitution, shall be not less than 153 and not more than 160;
- (b) each constituency shall return 3, 4 or 5 members;
- (c) the breaching of county boundaries shall be avoided as far as practicable;
- (d) each constituency shall be composed of contiguous areas;
- (e) there shall be regard to geographic considerations including significant physical features and the extent of and the density of population in each constituency; and
- (f) subject to the provisions of this section, the Commission shall endeavour to maintain continuity in relation to the arrangement of constituencies.

(3) In preparing a report under subsection (1)(b) a Constituency Commission shall have regard to the following:

- (a) the total number of members of the European Parliament to be elected in the State shall be 12 or such other number as may be specified for the time being pursuant to the treaties governing the European Communities;

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(b) there shall be reasonable equality of representation as between constituencies; and

(c) the matters specified in paragraphs (b) to (f) of subsection (2).

(4) The reference in subsection (2)(c) to county boundaries shall be deemed not to include a reference to the boundary of a city or any boundary between any 2 of the counties of Dún Laoghaire-Rathdown, Fingal and South Dublin.

Section 9(1) of the Electoral Act 1997, as amended, requires a Constituency Commission to present its report to the Chairman of the Dáil no later than three months after the publication by the CSO of the final results of the Census in respect of the total population of the State. I understand that the CSO intends to publish the final results of the 2011 Census at the end of March 2012.

### Home Purchase Schemes

346. **Deputy Terence Flanagan** asked the Minister for the Environment, Community and Local Government the help available for those who find it difficult to get a deposit together (details supplied); and if he will make a statement on the matter. [12233/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** 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. Two types of house purchase loan are available from local authorities: standard annuity loans targeted at lower income first time buyers and those under the Home Choice Loan scheme which are available to qualifying middle income first time buyers affected by the “credit crunch”. The terms and conditions governing the operation, including eligibility terms, of annuity mortgages and the Home Choice Loan are set out under the Housing (Local Authority Loans) Regulations 2009 and the Housing (Home Choice Loan) Regulations 2009 respectively. These are available on my Department’s website: [www.environ.ie](http://www.environ.ie).

### Private Residential Tenancies Board

347. **Deputy David Stanton** asked the Minister for the Environment, Community and Local Government the funding made available and expenditure of the Private Residential Tenancies Board each year respectively since it was established; the number of staff employed by the board each year respectively; and if he will make a statement on the matter. [12249/12]

348. **Deputy David Stanton** asked the Minister for the Environment, Community and Local Government if he will provide details of the number of applicants to the Private Residential Tenancies Board dispute resolution service in 2008, 2009, 2010, 2011 and to date in 2012 respectively; the number of staff currently engaged in the dispute resolution service of the board; the average waiting time for applicants to access this service in each of these years respectively; the number of cases currently awaiting a decision; and if he will make a statement on the matter. [12250/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** I propose to take Questions Nos. 347 and 348 together.

I have no function in the operational matters of the Private Residential Tenancies Board (PRTB), an independent statutory body established on 1 September 2004 under the Residential Tenancies Act 2004. While the PRTB received Exchequer funding for a number of years, it has operated on a self-financing basis since 2010. The Table outlines the Exchequer funding received by the PRTB from 2004-2009.

Year	Exchequer Grant
2004	€154,266.00
2005	€1,703,279.00
2006	€2,973,787.00
2007	€5,739,940.00
2008	€3,812,417.00
2009	€974,415.00

The PRTB publishes a range of statistics in their annual reports and accounts which are available on their website *www.prtb.ie*. The statistics include data on dispute resolution figures and on staffing levels. The most recently published report and accounts relate to 2010. The PRTB has a current staffing complement of 50 and it is required, under the Employment Control Framework, to reduce this number to 35 by the end of 2012.

### Planning Issues

349. **Deputy Robert Dowds** asked the Minister for the Environment, Community and Local Government in relation to a planning application (details supplied) in County Dublin, the reason item nine on the second schedule was not undertaken despite many attempts to have it done; the action he will take in the interest of public safety to ensure that the instruction in schedule nine is carried out as soon as possible. [12322/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** The enforcement of the conditions attached to a planning permission is a matter for the relevant planning authority and I have no role in that regard. Under section 30 of the Planning and Development Act 2000, I am specifically precluded from exercising any power or control in relation to any particular case with which a planning authority or An Bord Pleanála is or may be concerned, including cases of planning enforcement.

### Local Authority Housing

350. **Deputy Patrick Nulty** asked the Minister for the Environment, Community and Local Government the number of persons who were housed by each local authority from their respective homeless list in each of the years 2008, 2009, 2010 and 2011; if he will provide a breakdown of the nature of housing provided, in terms of accommodation owned by local authorities, approved housing bodies, and accommodation leased under the rental accommodation scheme and the social housing leasing initiative; and if he will make a statement on the matter. [12332/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** Under the Housing Act 1988 statutory responsibility for determination of eligibility and for assessment of housing need in relation to the provision of accommodation, including for those persons assessed as being homeless, is entirely a matter for the housing authorities concerned. Accordingly my Department does not hold the information

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requested in relation to the numbers accommodated from homeless lists or the breakdown by accommodation type.

In terms of the numbers of social housing accommodation units provided through the range of social housing support mechanisms details relating to 2008, 2009 and 2010 can be found in my Department's Annual Reports, available on my Department's website at: <http://www.environ.ie/en/Publications/StatisticsandRegularPublications/AnnualReports-Departmental/>. Figures in relation to 2011 have yet to be finalised and will be made available in the 2011 Annual Report and Annual Output Statement.

### **Water and Sewerage Schemes**

351. **Deputy Pat Deering** asked the Minister for the Environment, Community and Local Government if he will consider increasing the grant of €2,000 per household for sewage connection to group schemes that would allow persons living further away to connect in view of the new Water Services Bill. [12334/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The rate of grant available for Group Sewerage Schemes is €2,031.58 per house or 75% of the cost of the scheme, whichever is the lesser. I have accepted a proposal from the National Rural Water Services Committee, who have a role in advising me on rural water policy, that the rate of grant be reviewed during 2012. They will be examining this issue, taking into account, *inter alia*, the results of a pilot programme funded by my Department to test a range of small-scale wastewater collection and treatment systems under Irish conditions.

### **Local Authority Budgets**

352. **Deputy Joan Collins** asked the Minister for the Environment, Community and Local Government if it has been brought to his attention that it is a matter for each local authority to determine its own spending priorities in the context of its annual budgetary process; and in this context the reason he is in ongoing consultation with Sligo County Council in relation to its 2012 budget, in view of the fact that the budget was adopted by majority vote at a meeting of the county council on the 19 of December 2011; and if he will make a statement on the matter. [12337/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I refer to the replies to Question numbers 131 and 134 of 29 September 2011, 466 of 24 January 2012 and 196 of 22 February 2012, in which I stated that it is a matter for each local authority, including Sligo County Council, to determine its own spending priorities in the context of the annual budgetary process having regard to both locally identified needs and available resources. At the request of Sligo County Council, I met with a delegation from the Council on 31 January 2012 to discuss its financial position, including its adopted 2012 budget. My Department continues to be in ongoing consultation with the Council in relation to these matters.

### **Retail Sector Developments**

353. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government if he will provide an update on proposals for new planning guidelines that will restrict the limit on the size of retail units; and if he will make a statement on the matter. [12342/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** I intend to finalise the draft Guidelines for Planning Authorities on

Retail Planning by April 2012. These are aimed at: ensuring that the planning system plays a key role in supporting competitiveness in the retail sector; advancing choice for the consumer while promoting and supporting the vitality and viability of city and town centres; and, contributing to a high standard of urban design and encouraging a greater use of sustainable transport. My objective will be to strengthen national planning policy requirements for all planning authorities in relation to retail planning and the requirements in relation to driving city and town centres as focal points for retailing.

### **Household Charge**

354. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government the group that will be considering the structures and modalities for the property tax; if he will provide the names of the persons and the organisations they represent; the reason these persons have been chosen for the group; and if he will make a statement on the matter. [12365/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I have recently established an interdepartmental expert Group to design an equitable property tax having regard to its terms of reference. This Group, reflecting the principal Departments/Office concerned, has been asked to report to me by end April, 2012. I will then bring proposals to Government for decisions on the structure and modalities of the property tax. The members of the Inter-Departmental Group are:

#### *Chairperson*

Dr. Don Thornhill, Consultant.

#### *Membership*

Mr. Eugene Creighton, Assistant Secretary, Office of the Revenue Commissioners.

Mr. Des Dowling, Assistant Secretary, Department of the Environment, Community and Local Government.

Ms. Marie McLaughlin, Principal Officer, Department of Public Expenditure and Reform.

Mr. Eamonn Molloy, Assistant Secretary, Department of Communications, Energy and Natural Resources.

Mr. Derek Moran, Assistant Secretary, Department of Finance.

Mr. Brian O'Raghallaigh, Assistant Secretary, Department of Social Protection.

### **Departmental Schemes**

355. **Deputy Pat Deering** asked the Minister for the Environment, Community and Local Government the structure that will replace the work done by the rural development officer in assisting with applications for the low income small holder initiative. [12395/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The initiative referred to in the Question was one of a series of measures implemented through the Local Development Social Inclusion Programme (LDSIP) that was designed to counter disadvantage and to promote equality and social and economic inclusion. The LDSIP programme came to an end on 31 December 2009 and was replaced by a new programme, the Local and Community Development Programme (LCDP).

The LCDP aims to tackle poverty and social exclusion through partnership and constructive engagement between Government/agencies and people in disadvantaged communities. The primary focus of the programme is to support individuals into employment and self-employ-

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ment through education, training, work experience, job placement, enterprise and the social economy in both urban and rural areas. Low income farm families are among the targeted beneficiaries of the programme.

### Water Services

356. **Deputy Brendan Smith** asked the Minister for the Environment, Community and Local Government if he will clarify the position of households nationally who have joint water supplies with their neighbours; if any data exists as to location of same; if the divide between urban and rural areas is known; if he will assure such residents (details supplied), that no additional costs will be imposed on them with the introduction of water charges over and above houses with an individual supply; and if he will make a statement on the matter. [12407/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** As indicated in the reply to Question No. 144 of 29 February 2012, a public consultation process on the Government's proposals for the establishment of a new public water utility and the proposed approach to water charges and water metering concluded on 24 February. My Department received more than 300 submissions and these are now being considered.

The approach to be taken for the installation of meters in different household types, including those outlined in the question, is under consideration by my Department. Census 2011 asked households to provide information on the type of water supply they receive but householders were not asked if the supply was shared with other households or if their house was located in an urban or rural area. The Central Statistics Office will be publishing Census data on housing and households later this year.

357. **Deputy Jack Wall** asked the Minister for the Environment, Community and Local Government his views on a proposal regarding Irish Water; and if he will make a statement on the matter. [12415/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Fergus O'Dowd):** It is proposed that 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. No decisions have been made as yet in relation to the Headquarters of Irish Water.

My Department is currently examining the submissions received during the six week period of public consultation initiated by the Government on water sector reforms. These submissions will be taken into consideration in developing the implementation plan for the transition of water services functions from the city and county councils to Irish Water. The plan will, amongst other things, take account of the work 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. It is expected that this implementation plan will be finalised in April 2012.

### Water and Sewerage Schemes

358. **Deputy Paul J. Connaughton** asked the Minister for the Environment, Community and Local Government if a sewerage scheme for Creggs, County Galway, will be included in the next water services investment programme for the county in view of the fact that current arrangements for the village are unsatisfactory and the village was included in Galway County Council's water services assessment of needs submitted to his Department in July 2006 but was

not included in the water services investment programme for 2010 to 2012 and thus has not been advanced any further; and if he will make a statement on the matter. [12423/12]

**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 Galway. The programme includes contracts under construction and to commence to the value of some €130 million in Co. Galway during the period of the programme.

The programme aims to prioritise projects that target environmental compliance issues and support economic and employment growth. A key input to the development of the programme was the assessment of needs prepared by local authorities, including Galway County Council, in response to my Department's request to the authorities in 2009 to review and prioritise their proposals for new capital works in their areas. However, the Creggs Sewerage Scheme was not amongst the contracts and schemes included in Galway County Council's assessment of needs.

Progress under the Water Services Investment Programme 2010-2012 was reviewed in mid-2011 and through this process, consideration was given to any newly emerging priority contracts and schemes submitted by local authorities for addition to the Programme. No proposal for the Creggs Sewerage Scheme was received from Galway County Council in response to the review.

### **Consultancy Contracts**

359. **Deputy Clare Daly** asked the Minister for the Environment, Community and Local Government the name of the company which was awarded the contract for printing the household charge leaflet; the amount the contract was worth; if the contract was honoured; and the tendering process used in the awarding of the contract. [12451/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Wood Printcraft, Coolock was awarded the contract and supplied the household charge leaflet for the amount of €36,776.60. The National Procurement Service of the OPW has a framework agreement in place for the supply of leaflets and posters and Wood Printcraft was selected from the approved panel under this framework agreement.

*Question No. 360 answered with Question No. 340.*

*Question No. 361 answered with Question No. 339.*

### **Public Service Staff**

362. **Deputy Regina Doherty** asked the Minister for the Environment, Community and Local Government with regard to the changes in recruitment policy, if remaining applicants on the panel for Dublin City Fire Brigade will be put on the new panel or alternatively, if a new panel is to be compiled, will previous panel members' applications be fast tracked; the action that will be taken if there is not enough take-up through redeployment; and when the new panel will be assessed. [12499/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The recruitment moratorium in the Public Service was introduced by the Government in March 2009 as an emergency measure in response to the financial crisis facing the State. Under the terms of the moratorium no public service post, however arising, may be filled. When vacancies arise public bodies must reallocate or reorganise work or staff accordingly.

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My Department has delegated sanction from the Department of Public Expenditure and Reform for implementation of the moratorium across all local authorities. Under the terms of the moratorium all local authority exceptions must be sanctioned by my Department.

Under section 159 of the Local Government Act 2001, each County and City Manager is responsible for staffing and organisational arrangements, including recruitment and day to day operational measures, 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 reduction in staff numbers is managed so that the appropriate service level is maintained.

My Department works very closely with local authorities to ensure that critical posts are filled while overall numbers are reduced. All staffing sanction requests are examined on a case by case basis having due regard to the continued delivery of key services and the need for further reduction in overall staffing levels and expenditure in the local authority. I understand that the position in relation to staffing in Dublin Fire Brigade is kept under constant review by Dublin City Council management and that the panel which was in place since 2007 expired in December 2011.

Local authorities have been early movers in terms of staff reductions. Between June 2008 and December 2012 staff numbers have reduced by 7,500(20%) from 37,243 whole time equivalent (WTE) to 29,744 WTE and further significant reductions have taken place this year which will be reported in the March 2012 quarterly staffing return figures.

In the context of the very significant overall staff reductions, I am satisfied that fire service numbers have been protected. In the case of Dublin City Council its overall staff numbers have reduced from 7,326.15 WTE in June 2008 to 6,072.35 in December 2012, a reduction of 1,254(17%). In the same period the total number of full time fire fighters in Dublin City Council increased from 825 WTE to 874 WTE.

### **Local Authority Expenditure**

363. **Deputy Mary Lou McDonald** asked the Minister for the Environment, Community and Local Government the amount of moneys spent by each local authority year on year from 2000 to 2011 on funding third level education for councillors in tabular form. [12509/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The information requested is not available in my Department. The Local Government Act 2001 (Section 142) Regulations 2010 and the Guidelines accompanying the Regulations provide the basis for local authorities' consideration of appropriate training and development for councillors. The application of the Regulations and the Guidelines is a matter for each local authority concerned.

### **Household Charge**

364. **Deputy Sandra McLellan** asked the Minister for the Environment, Community and Local Government, further to Parliamentary Question No. 531 of 28 February 2011, if he will clarify the appeal procedure is to be applied to rectify this error or please advise if local authorities are to rectify the error. [12580/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** The list of housing developments which have been designated eligible for a waiver from the household charge is set out under the Local Government (Household

Charge) Regulations 2012. All households resident in a development prescribed as an unfinished housing estate for the purposes of the Local Government (Household Charge) Act 2011 are covered by the waiver. There is no appeals procedure. My Department will be working with all local authorities in preparing a new list for the purposes of the waiver in 2013.

365. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government if a person with an intellectual disability and in the care of State psychiatric services and is living in their own house, is liable to pay the household charge. [12584/12]

**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. 366 answered with Question No. 339.*

367. **Deputy Timmy Dooley** asked the Minister for the Environment, Community and Local Government if he will outline the criteria which exempt unfinished estates from the household charge; and if he will make a statement on the matter. [12658/12]

368. **Deputy Tom Barry** asked the Minister for the Environment, Community and Local Government if he will consider adding an estate (details supplied) in County Cork to the list for household charge waiver. [12716/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** I propose to take Questions Nos. 367 and 368 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;

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- 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.

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. A revised list of estates will be prescribed for 2013 after which time the waiver for unfinished housing developments will end. Throughout this period it is anticipated that the numbers of categories 3 and 4 developments will decrease significantly as my Department continues to work with local authorities and other stakeholders to resolve outstanding issues, including through the Public Safety Initiative.

### Freedom of Information

369. **Deputy Gerry Adams** asked the Minister for the Environment, Community and Local Government if he will provide a breakdown of the total fees received in his Department for freedom of information requests and the number of individual requests in each of the years 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011. [12725/12]

370. **Deputy Gerry Adams** asked the Minister for the Environment, Community and Local Government if he will provide a breakdown of the number of freedom of information requests submitted in the years 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011 to his Department; the total amount of fees charged and fees received in each year; the number and amount of initial search fees paid and the number and amount of search and retrieval fees paid. [12741/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 369 and 370 together.

The information requested is set out in the table. All fees charged in respect of an FOI request must be paid prior to the records being released. Therefore, there is no variance between the fees charged and the fees received by my Department in any given year. My Department’s policy with respect to charges applied to requests for information under FOI is set out on my Department’s website — *www.environ.ie*.

FOI requests received and breakdown of fees by year from 2002-2011

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
No. of FOI requests received	368	303	112	120	128	99	127	127	135	100

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Personal	N/A									

N/A = This information is not readily available and its compilation would involve a disproportionate amount of time and work.

### Motor Taxation

371. **Deputy Ciarán Lynch** asked the Minister for the Environment, Community and Local Government the state of legislation with regard to regulating declarations of non-use of a vehicle filed with the Garda; if there is any legislative or administrative facilitation of car insurance providers communicating with local Garda as to the operating or suspension of insurance with regard to an owner's vehicle; if he intends to bring forward legislative proposals to deal with this matter; if he will give an indication as to any estimated sum at present being lost to the Exchequer arising from abuse of the present system; and if he will make a statement on the matter. [12757/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** It is estimated that the annual loss arising from vehicle owners declaring their vehicles off the road is in the region of €84m. I intend to bring forward legislation this year to address the issue of off-the-road declarations. Currently, owners declare vehicles off the road for the purposes of motor tax after the fact, which is effectively unverifiable and open to abuse. I intend to provide that drivers will be able to declare their intention to keep their vehicle off-the-road in advance, so that if a vehicle is not to be used on a public road for a number of months, the owner will be able to inform the relevant authorities before taking the car off the road rather than afterwards, and so avoid a future liability for motor tax. As the new system will not allow for a retrospective declaration that a vehicle was off the road, there will not be any need for a verification check with motor insurers.

### Community Development

372. **Deputy Brendan Griffin** asked the Minister for the Environment, Community and Local Government his views on correspondence (details supplied); and if he will make a statement on the matter. [12767/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Meitheal Forbartha na Gaeltachta Teo (MFG) confirmed that its Board, upon examination of the company's financial situation, took the decision to cease trading on 7 September 2011 on the basis of insolvency. MFG is now in liquidation.

My Department is actively working to ensure that services in Gaeltacht areas previously supplied by MFG can be maintained. With regard to the Rural Development Programme (RDP) potential solutions must also be compliant with the relevant national and EU regulations and frameworks. There are complex legal and contractual issues with regard to MFG to be resolved and my Department is currently working on both long and short term solutions to ensure the continued delivery of the RDP, the Local and Community Development Programme (LCDP) and other programmes in Gaeltacht areas with the intention of finding a solution that will be efficient and effective and applied at the earliest possible opportunity. Any such solution will be compliant with all requirements of the Official Languages Act 2003.

Pobal, who administer the LCDP on behalf of my Department, has recently put in place an interim arrangement whereby funding for LCDP activities in Gaeltacht areas will be administered through contiguous Local Development Companies (LDCs) for an initial six month

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period, subject to a review of progress after 3 months. The LDCs have been advised that the LCDP services continue to be delivered to communities in an effective and coherent manner, through the medium of Irish, in the short/medium term, pending a longer term solution for Gaeltacht service delivery. The LDCs have been asked to prioritise the planning for this work by liaising with both Pobal and Údarás na Gaeltachta on how the work of the LCDP delivery to the Gaeltacht areas can be achieved. It is the Department's objective to have LCDP actions delivered to these areas within the next four weeks.

My Department is in the process of contacting promoters whose LEADER projects are at an advanced stage of development. An interim system, in cooperation with LDCs contiguous to Gaeltacht areas, is being established to facilitate payment of these projects in the short term. In parallel to this and as approved by the European Commission, a bidding/tendering process among LDCs that are currently contracted to deliver the LEADER programme, and thereby part of the accredited system, is being undertaken to determine a more permanent solution to address the long term delivery of Rural Development Programme (LEADER) funding in Gaeltacht areas.

### **Local Authority Housing**

373. **Deputy Dessie Ellis** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to the fact that Dublin City Council local authority mortgage holders have received only a single 0.25% cut to their interest rate since the rates were last increased in August 2011, despite the fact that the ECB rate was cut by 0.25% in November and again in December 2011 and that in his replies to Parliamentary Questions Nos. 139 of 9 November 2011 and 221 of 15 December 2011, he stated that both cuts would be passed on to local authority mortgage holders; the steps he will take to immediately ensure the second 0.25% cut is passed on and that future cuts are passed on without delay; and if he will make a statement on the matter. [12827/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** My Department understands that Dublin City Council will be implementing an interest rate cut of 0.25% from 1 February 2012 for all variable loans; a further rate cut of 0.25% is scheduled to be implemented on 1 April 2012.

### **Planning Issues**

374. **Deputy Dara Murphy** asked the Minister for the Environment, Community and Local Government with regard to An Bord Pleanála and planning, after a planning application has been refused by a local authority, whether the four weeks allowed to make an appeal by the applicant to An Bord Pleanála is a law or simply a guideline; and if he will make a statement on the matter. [12828/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** Section 37(1) of the Planning and Development Act 2000 provides that an applicant for permission and any person who made submissions or observations in writing in relation to the planning application to the planning authority in accordance with the permission regulations and on payment of the appropriate fee, may, at any time before the expiration of the period of four weeks beginning on the day of the decision of the planning authority, appeal to the Board against a decision of a planning authority.

### **Building Regulations**

375. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local

Government if he will support the residents of Priory Hall, Dublin, on the matters raised by one of the residents (details supplied). [12842/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I refer to the reply given to Question No. 162 of 1 March 2012 which sets out the position in relation to this matter.

### Appointments to State Boards

376. **Deputy Gerry Adams** asked the Minister for the Environment, Community and Local Government if the chief executive officer of Rehab (details supplied) is a member of any State board; and the remuneration, expenses or other payments they receive for such membership. [13244/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The person in question is not a member of any of the Boards of State bodies under the aegis of my Department.

### Commemorative Events

377. **Deputy Joanna Tuffy** asked the Minister for Justice and Equality the preparations that have been made in respect of the 50th International Eucharistic Congress by the Government including in respect of the management of the influx of visitors to this country and to the congress; and if he will make a statement on the matter. [12202/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I can inform the Deputy that the Garda Authorities are working closely with the Eucharistic Congress organisers in relation to the provision of the policing services that will be required for the relevant events. I can also inform the Deputy that in late 2011 officials of the Irish Naturalisation and Immigration Service (INIS) met with organisers of the Congress to provide information on visa related matters in order to ensure that visa required nationals travelling to the Congress were made aware of the visa requirements. My officials continue to be in regular contact with the organisers regarding registration numbers and nationalities so that the appropriate arrangements can be put in place to deal with any increase in visa applications that might arise as a result of the Congress being held here.

### Visa Applications

378. **Deputy Brian Walsh** asked the Minister for Justice and Equality when he expects the immigrant investor programme and the start-up entrepreneur programme to be open for applications; and if he will make a statement on the matter. [12126/12]

409. **Deputy Olivia Mitchell** asked the Minister for Justice and Equality when the immigrant investor programme and start-up entrepreneur scheme will be operational; and if he will make a statement on the matter. [12755/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 378 and 409 together.

The specific details and application procedures for both programmes, including application forms, supporting documentation and other requirements of the programmes are currently being drafted and will be made available at the formal launch later this month. I would expect applications to be accepted for these programmes soon after the formal launch.

379. **Deputy Brian Walsh** asked the Minister for Justice and Equality his plans to allow applications for long-term residency in respect of persons who hold business permission to remain in the State for more than five years; and if he will make a statement on the matter. [12171/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** Long Term Residency is granted on the basis that a non-EEA national has completed five years legal residency in the State on work permit / work authorisation / working visa conditions. Residency is calculated from the corresponding Stamp 1 or Stamp 4 endorsements in an applicant's passport and not by the dates of commencement and expiry of each work permit. Periods of time where a person has not had legal residency cannot be counted in any application for long term residency. The current scheme for granting Long Term Residence is under review at the present time and the issue raised by the Deputy will be considered in that context.

### Proposed Legislation

380. **Deputy Joanna Tuffy** asked the Minister for Justice and Equality the position regarding the Immigration, Residence and Protection Bill 2010; and if he will make a statement on the matter. [12209/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Government's five-year Programme for National Recovery contains a commitment to—

“ . . . introduce comprehensive reforms of the immigration, residency and asylum systems, which will include a statutory appeals system and set out rights and obligations in a transparent way.”

These commitments are being implemented by the Government through further development of the Immigration, Residence and Protection Bill 2010 which we have had restored to the Order Paper for that purpose. Further work is currently underway on the details of the Bill to take account of current Government policy objectives.

### Visa Applications

381. **Deputy Dessie Ellis** asked the Minister for Justice and Equality the reason for the current delays in the processing of bridging visas; the steps he is taking to rectify this situation; and if he will make a statement on the matter. [12261/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have been informed by the Irish Naturalisation and Immigration Service that following on from the Undocumented Scheme of 2009, persons in employment who have become undocumented in the State through no fault of their own may apply to the Immigration Service of my Department (INIS) to have their cases considered for a temporary permission which allows them to apply for a work permit to work in the State and to regularise their immigration status in the State.

Cases currently on hands are being processed as quickly as resources permit. The processing time can vary from individual to individual depending on the documentation included at the time of application and the complexity of the case. The current processing time is up to 6 months.

Should the Deputy have a specific case in mind a query 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**

382. **Deputy Joanna Tuffy** asked the Minister for Justice and Equality the number of applications for Irish citizenship currently being processed; the length of time it is taking to process applications and reach a decision; and if he will make a statement on the matter. [12278/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Citizenship Division of the Irish Naturalisation and Immigration Service is currently processing over 16,000 applications for naturalisation. One year ago there was a backlog of approximately 22,000 applications awaiting decision. Since then, as a result of the measures I initiated to deal with the backlog, over 16,000 applications were dealt with in 2011; more than double the number finalised in 2010. This year to date I have made determinations on over 3,000 applications. I expect that the current backlog of standard cases will be cleared over the coming months with the 6 month average processing time for standard applications being reached by June 2012.

### **Garda Stations**

383. **Deputy Kevin Humphreys** asked the Minister for Justice and Equality the date on which he will close a Garda station (details supplied) in Dublin 2; the station to which gardaí currently rostered there will be reallocated; if the same Garda resources will be dedicated to community policing of the catchment area affected as currently operate from that station; and if he will make a statement on the matter. [12281/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have been informed by the Garda Commissioner that there is no date set yet on when Harcourt Terrace Station will close in 2012 and therefore, no final decision has been taken on where personnel will be redeployed.

Harcourt Terrace is in the Pearse Street District and the Garda strength of that District, as of the 31 January 2012, the latest date for which figures are readily available, was 332 with an additional 28 Garda Reserves assigned to the Station. These resources are augmented by 16 civilian staff who provide vital technical and administrative support in the Pearse Street District and free up sworn officers for operational duty. While all Gardaí have responsibility to deal with Community Policing issues as and when they arise, the number of dedicated Community Gardaí in Harcourt Terrace station is 8, with a further 18 attached to Pearse Street. The Commissioner is committed to providing a professional and effective service to the community, both urban and rural.

The importance of the partnership between An Garda Síochána and the community in preventing and detecting crime and maintaining a safe environment for everyone can never be over-emphasised and the pledge of An Garda Síochána is to continue to invest time and energy in those partnerships and relationships to the benefit of all. It is intended where possible that the resources presently assigned to Harcourt Terrace Garda station will remain in the Pearse Street District, subject at all times to operational requirements as determined by the Commissioner.

### **Tribunals of Inquiry**

384. **Deputy Simon Harris** asked the Minister for Justice and Equality his plans to establish an independent inquiry to ascertain the cause of the Stardust fire, Dublin, which took place on 14 February 1981 and which claimed the lives of 48 people; and if he will make a statement on the matter. [12293/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I can inform the Deputy that Mr. Paul Coffey SC was appointed to carry out an independent examination of the case made by the Stardust Victims Committee for a renewed inquiry into the Stardust fire. His report was published in January, 2009 and concluded that to establish a new inquiry in the absence of any identified evidence as to the cause of the fire would be of no obvious or any forensic value and not in the public interest. Subsequently, and in keeping with Mr. Coffey's recommendations, motions were passed in both Houses of the Oireachtas placing on the record of both Houses an acknowledgement of the original Tribunal's findings that there is no evidence that the fire was started deliberately and that the cause of the fire is unknown.

### **Garda Transport**

385. **Deputy Brendan Smith** asked the Minister for Justice and Equality when a Garda patrol car will be restored to a station (details supplied) in County Monaghan; if he is satisfied that adequate personnel resources are attached to this station; and if he will make a statement on the matter. [12349/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The allocation of Garda resources, including transport, is a matter for the Garda Commissioner. At Divisional level the efficient deployment of Garda vehicles is a matter for the Divisional Officer in the light of operational requirements.

I am advised by the Garda authorities that a vehicle has recently been allocated to the Garda sub-district referred to by the Deputy. Additionally, I have been informed by the Garda authorities that they are satisfied the current policing arrangements within the Garda Cavan/Monaghan Division are sufficient to ensure that a comprehensive policing service continues to be delivered to the community. I have been further assured that the allocation of Garda transport and personnel within the Division will continue to be monitored and reviewed to ensure effective policing and that the optimum use is made of available resources.

### **Garda Accommodation**

386. **Deputy Kevin Humphreys** asked the Minister for Justice and Equality his plans for a site (details supplied); when will the redevelopment and building programme begin on the site; the progress that has been made thus far and whether there is a date for when development will be complete; if the excavation and archeological work is completed on the site; and if he will make a statement on the matter. [12353/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The programme of replacement and refurbishment of Garda accommodation is based on agreed priorities established by An Garda Síochána. The programme is progressed in co-operation with the Office of Public Works, who have responsibility for capital expenditure in respect of Garda accommodation.

I am advised by the Garda authorities that certain tasks, including archaeology works, have been completed at the relevant site. In addition, I have been informed that proposals in relation to the remainder of the project have been developed to an advanced stage. This is a matter which will be progressed in the context of An Garda Síochána's identified accommodation priorities and in the light of available resources.

### **Garda Operations**

387. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the levels of co-operation between the Garda and the PSNI; if prisoners from one jurisdiction are able to visit family in the other jurisdiction through the co-operation of both the Garda and the PSNI; the

procedures in place for cross-jurisdictional movement of prisoners; and if he will make a statement on the matter. [12363/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am happy to inform the House that the level of co-operation between the Garda Síochána and the PSNI has never been higher. The two forces co-operate seamlessly, across the range of policing activities.

Operational policing co-operation is the responsibility of the Garda Commissioner and the PSNI Chief Constable and their respective forces. Both police chiefs have emphasised the close nature and the high quality of the ongoing co-operation between their forces and it has been instrumental in preventing attacks, combating criminality and saving lives. The two police forces operate a Cross-Border Policing Strategy, which includes cross-Border investigations and operations, intelligence-sharing and security, information and communications technology and emergency planning.

Of course, combating the subversive threat remains an absolute priority for the Garda authorities and their PSNI counterparts. I can assure the Deputy, and the House, that the Government is committed to maintaining the highest level of co-operation between the Gardaí and the PSNI. Periods of temporary release may be granted to sentenced persons for humanitarian reasons, for example, for urgent family reasons. Such applications are considered on a case-by-case basis. Where necessary, the relevant authorities North and South consult with one another as to the arrangements to be made in such circumstances.

### Asylum Applications

388. **Deputy John Lyons** asked the Minister for Justice and Equality if he will provide an update on an application for humanitarian leave to remain in respect of a person (details supplied). [12394/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** Arising from the refusal of the person concerned and her daughter's asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned and her daughter were notified, by letter dated 15 April, 2010 that the then Minister proposed to make a Deportation Order in respect of them. They were 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 them. In addition, they were notified of their entitlement to apply for Subsidiary Protection in accordance with the European Communities (Eligibility for Protection) Regulations 2006.

The person concerned initiated Judicial Review Proceedings in the High Court, challenging the decision of the Refugee Appeals Tribunal in her case. She later withdrew her Judicial Review Proceedings against the Tribunal in November 2011. The matter was struck out and this Department received the Court Order to that effect in November 2011.

The position in the State of the person concerned and her daughter will now be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. The person concerned and her daughter have been invited to submit further representations in relation to their Section 3 applications and their applications for Subsidiary Protection. 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 and her daughter.

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Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

### **Citizenship Applications**

389. **Deputy Robert Dowds** asked the Minister for Justice and Equality when persons (details supplied) in County Dublin will receive a decision on their applications for naturalisation; and if further documentation is needed in either case. [12405/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that applications for a certificate of naturalisation were received from the persons referred to by the Deputy in October, 2009. The applications are currently being processed with a view to establishing whether the applicants meet the statutory conditions for the granting of naturalisation. Further information was requested from the persons concerned in letters issued on 28 February 2012. Upon receipt of the requested information processing will be finalised and the cases 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.

390. **Deputy Niall Collins** asked the Minister for Justice and Equality the options available to an applicant (details supplied) for a certificate of naturalisation who has been refused; and if he will make a statement on the matter. [12409/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** 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 December, 2010 and I decided, in my absolute discretion, to refuse the application. The person concerned was informed of this and the reasons for it in a letter issued on 20th February, 2012. 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 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.

### Family Law

391. **Deputy Joanna Tuffy** asked the Minister for Justice and Equality if he intends to implement the recommendations of the Law Reform Commission outlined in its 2010 report *Legal Aspects of Family Relationships* in respect of parental responsibility; and if he will make a statement on the matter. [12426/12]

394. **Deputy Eric Byrne** asked the Minister for Justice and Equality the position regarding the legal rights of same sex couples (details supplied) in respect of parenting rights and responsibilities; and if he will make a statement on the matter. [12444/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 391 and 394 together.

The Programme for Government contains a commitment to reform and modernise aspects of family law. In this context, the detailed recommendations in the Law Reform Commission's Report on the *Legal Aspects of Family Relationships* on guardianship rights (parental responsibility) for unmarried fathers, civil partners and step-parents are under consideration in my Department with a view to preparing legislative proposals.

Under the law as it stands, where a child's parents are married, both parents are automatically the child's guardians. Where a child is born outside marriage the mother is the sole automatic guardian. Where there is agreement between the parents, they can make a statutory declaration under section 2(4) of the Guardianship of Infants Act 1964, as inserted by section 4 of the Children Act 1997, appointing the father as a guardian of his child. In the absence of agreement, a non-marital father may apply to the court to be appointed a guardian of his child. A parent's same sex partner (whether or not they are civil partners) has no parental rights under the law.

Section 11 of the Guardianship of Infants Act provides that the guardian of a child or the unmarried father of a child, even if he is not a guardian, may apply to the court for its direction on any question affecting the welfare of the child, including orders on custody and access. In making such orders, and in determining whether an unmarried father should be appointed guardian, the court has to regard the welfare of the child as the first and paramount consideration. It is worth noting that the vast majority of applications for guardianship which proceed before the court are successful.

### Citizens' Rights

392. **Deputy Finian McGrath** asked the Minister for Justice and Equality the protection available for those who are wrongly accused of committing crimes (details supplied). [12430/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** If the Deputy could provide more detail in relation to this case, I would be happy to examine the matter further.

### Visa Applications

393. **Deputy Willie O'Dea** asked the Minister for Justice and Equality the way persons (details supplied) in County Wicklow who had hoped to set up a business but who cannot, due

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to spousal visa delays, do so can allay any further delays; if his attention has been drawn to these delays at INIS; and if he will make a statement on the matter. [12441/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Irish Naturalisation and Immigration Service (INIS) that applications of this type are currently taking 7 — 9 months to process. The processing time for dealing with such applications can vary depending on the particular circumstances of each individual case and the nature of the investigation required. This processing time is considered a reasonable period in which to process such cases and in fact in the High Court Case of K M and D G -v- The Minister for Justice, Equality and Law Reform (2007 No. 321 J.R.) Justice John Edwards held that a period of between 9 and 12 months was reasonable for the making of such decisions. The processing time is also well within international norms for this type of application.

In this case, INIS advises me that the person concerned entered the State on foot of a short stay “C” type visitor visa which is normally given for a stay of up to 90 days. The person subsequently made an application for residency arising from marriage to an Irish national which was received by INIS on 10th January, 2012. Applications of this type are dealt with in chronological order on the basis of the month in which they are received. I understand that INIS are prepared to allow the person to remain in the State pending a decision on this application; if the person concerned leaves the State before a decision on the application she will need to be in possession of an Irish entry visa to enable her to return.

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. 394 answered with Question No. 391.*

### **Road Traffic Offences**

395. **Deputy Joe McHugh** asked the Minister for Justice and Equality if he will describe the process that is involved in dealing with foreign registered vehicles that are caught breaking Irish speed limits; if they are liable for fines; the number of Northern Ireland registered motor vehicles that were recorded for speeding in this State in 2011; and if he will make a statement on the matter. [12454/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The issuing of fixed charge notices for relevant offences is a matter for An Garda Síochána. In relation to the process the Gardaí operate for dealing with foreign registered vehicles, I am informed that where the driver of a non-Irish registered vehicle is intercepted by a member of An Garda Síochána for a speeding offence, the name and address details are obtained and a fixed charge notice issues to the driver. I am further informed in relation to foreign registered vehicles that information is not maintained on the Fixed Charge Processing System in a manner which would disclose the number of Northern Ireland registered motor vehicles that were recorded as speeding in this State in 2011.

### **Citizenship Applications**

396. **Deputy Jack Wall** asked the Minister for Justice and Equality if an application for

naturalisation was received prior to the signing of Statutory Instrument No. 569 of 2011 in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [12458/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that on 17 October, 2011, documentation submitted by the person referred to by the Deputy, including an application form for a certificate of naturalisation and a cheque for €950 was returned to him by registered post as he had used an old version of the application form that was valid prior to 24 June 2011. He was advised that he was required to complete and submit the correct version of the application form (Form 8) and also that a fee of €950, which represents the certification fee payable by approved applicants, was not required at that stage.

In November 2011, I signed into law Statutory Instrument 569/11, which introduced an application fee of €175 for all applications for naturalisation and updated the prescribed forms of application. On 18 January, 2012 documentation submitted by the person referred to was returned to him and he was requested to re-submit the application with the application fee of €175, which applies in respect of all applications lodged since 10 November 2011. The application of 17 October 2011 cannot be taken into consideration as only applications in the form prescribed in legislation at date of application can be accepted. 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.

397. **Deputy James Bannon** asked the Minister for Justice and Equality the position regarding an application for naturalisation in respect of a person (details supplied) in County Longford, which was applied for nearly five years ago; and if he will make a statement on the matter. [12460/12]

**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 June, 2008. 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.

### Missing Persons

398. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality, further to Parliamentary Questions Nos. 408 and 410 of 7 February 2012, if he will indicate, by age and gender, the number of persons reported missing in the period 2000 to 2011 and still listed as missing in 2012 to date with particular reference to the age groups of five years and under, five to ten years, ten to 15 years and 15 to 20 years; those listed between 20 and 30 years or more; the extent to which Irish or other nationalities have been identified; the degree to which ongoing investigations continue to ascertain the current or likely whereabouts of those still missing; and if he will make a statement on the matter. [12464/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda authorities that the following table sets out the number of persons reported missing between 2000 and 2011 and up to and including 1 March 2012 by gender and nationality, according to the age categories specified in the Deputy's question, and who remain untraced.

Age (at time reported missing)	Missing	Gender		Nationality		
		Male	Female	Irish	Non-Irish	Unknown
0 to 4 years	9	4	5	6	3	0
5 to 9 years	7	2	5	0	6	1
10 to 14 years	16	8	8	3	12	1
15 to 19 years	360	236	124	23	261	76
20 years and over	221	180	41	115	74	32

All incidents where persons have been reported missing remain under investigation until such time as the person is located. An Garda Síochána reviews missing persons cases on a regular basis. The District Officer (Superintendent) in the area where a person has gone missing takes direct responsibility for all investigations and searches carried out. Local investigation teams are appointed by the District Officer, and all means necessary, including the services of specialist units, are deployed to assist in these investigations, as considered appropriate. The services of Interpol and Europol can also be availed of during such investigations, if necessary.

The Garda Missing Persons Bureau, which is responsible for all data relating to missing persons, provides expert assistance and advice to District Officers in all high risk missing person cases. The Garda authorities are satisfied that adequate resources, including staff and technology, are in place to deal with this issue and investigations are carried out in line with international best practice.

### Visa Applications

399. **Deputy Willie O'Dea** asked the Minister for Justice and Equality in view of the delay in processing spousal applications, if the Irish Naturalisation and Immigration Service, his Department or the Department of Foreign Affairs and Trade will issue multiple entry visas to applicants until their spouse visa application has been finalised; and if he will make a statement on the matter. [12493/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The current processing time-frame for considering residency applications on the basis of marriage to an Irish national is 7-9 months. In his judgment in the High Court Case of K M and D G -v- The Minister for Justice, Equality and Law Reform (2007 No. 321 J.R.) Mr. Justice John Edwards held that a period of between 9 and 12 months was reasonable for the making of such decisions. This period strikes

an appropriate balance between facilitating the overwhelming majority of genuine applicants in this category within a reasonable period, while at the same time detecting less genuine cases, for example, marriages of convenience designed to circumvent immigration procedures. Having said this, however, it is hoped that this time frame can be reduced in the future.

The Deputy may wish to note that a visa is solely a form of pre-entry clearance for visa required nationals seeking to enter the state and conveys no automatic right of entry into the state on the holder. To preserve the integrity of the immigration regime, it is not the general practice of the Irish Naturalisation and Immigration Service to issue any multiple entry or re-entry visa to an applicant for long term residency in Ireland, such as spouse of an Irish national, until a decision has been made on an the more substantive application. To do so would effectively be to pre-empt the more substantive decision.

### **Garda Deployment**

400. **Deputy Kevin Humphreys** asked the Minister for Justice and Equality if he will provide a breakdown of the moneys in 2009 to 2011, inclusive, that have been reimbursed to the State under section 30 of the Garda Síochána Act 2005, detailing the name and specific sum from individual sporting fixtures, music concerts, festivals or other events; and if he will make a statement on the matter. [12605/12]

401. **Deputy Kevin Humphreys** asked the Minister for Justice and Equality if the moneys that have been reimbursed to the State under section 30 of the Garda Síochána Act 2005 in respect of sporting fixtures, concerts, festivals and other events cover the actual financial cost of deploying gardaí at those events and if the remit of section 30 needs to be extended to adequately cover all associated policing costs; and if he will make a statement on the matter. [12606/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 400 and 401 together.

As I indicated to the Deputy in my reply to Questions Nos. 206 and 207 on 22nd February 2012, the Garda authorities have informed me that Garda records in relation to section 30 of the Garda Síochána Act 2005 are not maintained in a format which permits them to readily identify each of the parties from whom payments are received under the section. In that regard they have also indicated that during the years 2009 to 2011 policing services were provided for over 1,800 events. In the circumstances the Deputy will appreciate that the specific information he has sought could not be made available without a substantial and disproportionate use of resources which are required for other Garda purposes.

In so far as section 30 of the 2005 Act is concerned it is the policy of the Garda authorities that the relevant expenses should be recovered. That being said, circumstances will vary in relation to different events and, bearing in mind that public safety will always be the prime consideration for An Garda Síochána, certain costs may arise where recoupment is not sought. This would be the situation, for example, where a helicopter might be deployed as part of the policing arrangements for a major event. I understand that section 30 is generally operating effectively and this is a matter which will be kept under review.

### **Property Services Regulatory Authority**

402. **Deputy Patrick Nulty** asked the Minister for Justice and Equality when the Property Services Regulatory Authority will be established on a statutory basis; the reason for the delay; and if he will make a statement on the matter. [12655/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I wish to inform the Deputy that I intend to make an order establishing the Property Services Regulatory Authority (PSRA) as soon as possible. An advertisement inviting expressions of interest from suitably qualified persons for appointment as members of the Authority was published in December and a broad range of applications was received by the 21 December deadline. These have been assessed and I am currently finalising arrangements concerning the appointment of the first members of the PSRA. Other arrangements, necessary for the establishing of the Authority on a statutory basis, are proceeding concurrently.

### **Liquor Licensing Laws**

403. **Deputy Dominic Hannigan** asked the Minister for Justice and Equality the steps a club has to take to apply and get a public house licence; and if he will make a statement on the matter. [12660/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The position is that the sale and supply of intoxicating liquor in members' clubs is governed by the statutory provisions of the Registered Clubs Acts 1904 to 2008. Such a club may apply to the District Court for a certificate of registration following the giving of due notice to the fire authority and publication of a notice concerning the club's intention to apply for such a certificate in a newspaper circulating in the locality. The Court may grant the certificate where it is satisfied that the club complies with the statutory requirements concerning membership and management of the club and where the club's facilities meet the required statutory standards. The certificate of registration allows the club to supply intoxicating liquor to club members and their guests on the club's premises during permitted hours.

I should add that the Government Legislation Programme provides for publication of the Sale of Alcohol Bill later this year. It will modernise the law relating to the sale, supply and consumption of intoxicating liquor in licensed premises and registered clubs by repealing the Licensing Acts 1833 to 2011 and the Registration of Clubs Acts 1904 to 2008 and replacing them with streamlined and updated provisions.

### **Departmental Agencies**

404. **Deputy Gerald Nash** asked the Minister for Justice and Equality if the Reception and Integration Agency has any plans to develop facilities at a location (details supplied) in County Meath; and if he will make a statement on the matter. [12675/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Reception and Integration Agency (RIA) of my Department is charged with responsibility for the accommodation of asylum seekers while their applications for protection are being processed. As of 12/02/2012, there were 5,313 accommodated in RIA centres located throughout the State. It is understood that there is speculation locally in relation to the premises specified in the question as to its possible future use as an asylum accommodation centre.

It is not uncommon for unused hotels in locations around the country to generate such speculation but, as a matter of long standing policy, RIA never comments on procurement issues. The speculation in this case appears to be connected to the nearby Mosney Centre, where currently approximately 573 persons reside. There are no immediate plans to change existing arrangements at that centre. RIA has now entered into discussions with the contractor at Mosney in the context of the expiry of the current contract this June. It is not possible at this stage to say what the outcome of those discussions will be.

As a general point, the number of asylum seekers requiring accommodation now and in the future is under constant review. It is not possible to predict what particular accommodation facilities will be required in the short or medium term future. RIA will continue to have regard for the recommendations contained in the “Value for Money Report and Policy Review — Asylum Seeker Accommodation Programme” (May 2010), which is available on RIA’s website ([www.ria.gov.ie](http://www.ria.gov.ie)). Generally, the management of the direct provision budget must operate under the general economic constraints which apply to all public spending.

### **Multi-unit Management Companies**

405. **Deputy Pearse Doherty** asked the Minister for Justice and Equality if it is legally permissible for management companies to clamp residents’ cars for non-payment of management fees; if so, the detail of the legal framework within which such action can take place; the safeguards in place to ensure management companies and/or residents committees are not abusing powers granted to them under law; and if he will make a statement on the matter. [12703/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Multi-Unit Developments Act 2011 contains provisions which are intended to facilitate the fair, efficient and effective management of owners’ management companies. Section 18 requires such companies to establish and maintain a scheme of annual service charges from which they may discharge expenditure incurred on the provision of common or shared services to the owners and occupiers of residential units, including insurance, waste management and security services. In order to ensure transparency and accountability, the annual service charge, and the services to be provided, must be approved by a general meeting of the members.

Section 18 also provides that the owner of each residential unit is under an obligation to pay service charges levied under the Act. As regards the recovery of unpaid service charges, section 22 provides that unpaid service charges may be recovered by the owners’ management company concerned as a simple contract debt in a court of competent jurisdiction, i.e normally the District Court.

### **Criminal Injuries Compensation Tribunal**

406. **Deputy Ciarán Lynch** asked the Minister for Justice and Equality the number of appeal cases listed for hearing by the Criminal Injuries Compensation Tribunal in 2012; the number of appeal cases dealt with in 2011 and 2010; if he will confirm that the full complement of members is available to the tribunal and adequate to deal with the case load; and if he will make a statement on the matter. [12714/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I can inform the Deputy that the Criminal Injuries Compensation Tribunal currently has 62 cases of appeal on hand, of which 27 relate to the General Scheme and 35 relate to the Prison Officers Scheme. I understand that it is not possible to say in advance how many of these appeals will proceed in 2012. Under the terms of Paragraph 17 of the Scheme, Tribunal members act on a part-time basis. Arrangements for hearings are dependent on the availability of members and the availability of solicitors and counsel on behalf of applicants. The Deputy might further wish to note that there were 41 appeal cases heard in 2011 and 12 in 2010 and that I am satisfied that the Tribunal is fulfilling its functions under the Scheme.

### **Freedom of Information**

407. **Deputy Gerry Adams** asked the Minister for Justice and Equality if he will provide a

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breakdown of the total fees received in his Department for freedom of information requests and the number of individual requests in each of the years 2002 to 2011, inclusive. [12730/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** It has not been possible to compile the figures for all the years in question in the time available. I shall write to the Deputy when the information has been collated.

408. **Deputy Gerry Adams** asked the Minister for Justice and Equality if he will provide a breakdown of the number of freedom of information requests submitted in the years 2002 to 2011, inclusive, to his Department; the total amount of fees charged and fees received in each year; the number and amount of initial search fees paid and the number and amount of search and retrieval fees paid. [12746/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** It has not been possible to compile the figures for all the years in question in the time available. I shall write to the Deputy when the information has been collated.

*Question No. 409 answered with Question No. 378.*

### **Garda Deployment**

410. **Deputy Pat Breen** asked the Minister for Justice and Equality the situation regarding the future of a Garda division (details supplied); if the recent retirements will impact on this district or if a restructuring of this district is planned; and if he will make a statement on the matter. [12762/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Garda Commissioner, under Section 22 of the Garda Síochána Acts 2005-2007, prepares a policing plan for the forthcoming year which must be submitted to me for approval. Any plans which the Commissioner has in relation to such matters as the closure of Garda Stations or alterations to Divisional or District boundaries must be detailed in that annual policing plan.

As the Deputy is aware, the 2012 policing plan provides for the closure of 31 Garda stations throughout the country, the formal closure of a further eight non-operational stations and the re-alignment of a small number of Districts in Laois and Meath. The stations/areas referred to by the Deputy are not listed in the 2012 Policing Plan. Any further closures of Garda Stations or realignment of Divisions must therefore be detailed in the policing plans for 2013 or subsequent years.

### **Garda Vetting of Personnel**

411. **Deputy Jack Wall** asked the Minister for Justice and Equality his views on correspondence (details supplied) regarding Garda vetting; and if he will make a statement on the matter. [12764/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda authorities that the current average processing time at the Garda Central Vetting Unit (GCVU) is 2 weeks approximately. Seasonal fluctuations and the necessity to seek additional information on particular applications can, however, result in this processing time being exceeded on occasion. At present there are a total of 103 personnel assigned to the GCVU. Of this 103, 4 are members of An Garda Síochána and 75 are full-time Garda civilian personnel. In addition, 20 civilian personnel have been employed on a temporary basis to help reduce the backlog and

bring down processing times. A further 4 personnel have been assigned to the GCVU under the National Internship “Job Bridge” Scheme.

I would remind the Deputy that since I became Minister I have taken a number of measures to ensure that the time it takes for the processing of vetting applications improves significantly. I remain very conscious of the need to keep the time required to obtain a vetting to the minimum possible. Nonetheless registered organisations have been advised to take account of the possible need for additional information to be provided in some cases in their recruitment and selection process.

### **Citizenship Applications**

412. **Deputy James Bannon** asked the Minister for Justice and Equality the position regarding an application for naturalisation in respect of a person (details supplied) in County Longford; and if he will make a statement on the matter. [12776/12]

**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 certificate of naturalisation was received from the person referred to by the Deputy in January, 2010. 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.

### **Coroners Service**

413. **Deputy James Bannon** asked the Minister for Justice and Equality the reason for the delay in carrying out an inquest into the death of a person (details supplied); and if he will make a statement on the matter. [12780/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I wish to inform the Deputy that while neither I nor my Department has any role in individual cases, I understand that the Coroner for County Longford intends to set an inquest date for early April 2012 in this case.

### **Deportation Orders**

414. **Deputy Jonathan O’Brien** asked the Minister for Justice and Equality if he will review the pending deportation order in respect of a person (details supplied) in County Mayo; if his attention has been drawn to the fact that the person did not have adequate legal representation during the processing of their claim for asylum, that they were the victim of sustained sexual abuse from a very young age which led to them leaving their home country; if his further attention has been drawn to the fact that due to the circumstances under which they left their home country they are at real and substantial risk of sexual violence if returned there, as well as there being a danger to their life and that of their family; and if he will make a statement on the matter. [12787/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The person concerned arrived in the State on 22 April 2003 and applied for asylum. She was deemed to be an unaccompanied minor and as such was accompanied by a (then) Health Board official when making her application. Following due consideration of her case in accordance with law, the Refugee Applications Commissioner refused her a declaration of refugee status. This decision was subsequently upheld by the Refugee Appeals Tribunal.

In the matters of legal representation, the records indicate that the applicant received legal assistance throughout the determination process and subsequently. In that regard, she availed of the assistance of the Refugee Legal Service as well as the service of a solicitor in private practice during the course of her application. Following the refusal of her asylum claim, representations were received under Section 3 of the Immigration Act 1999 (as amended) from the person concerned with the assistance of the Refugee Legal Service. After examination, it was recommended to the then Minister for Justice, Equality and Law Reform to sign a Deportation Order in respect of the person concerned which was duly signed on 27 October 2004. The Order required her to remove herself from the State. She presented herself to the Garda National Immigration Bureau initially but failed to “present” since 5 July 2005.

On 6 October 2005 she initiated Judicial Review Proceedings in the High Court, challenging the Minister’s decision to make a Deportation Order against her. On 23 March 2007, the High Court refused the Judicial Review Leave Application. She instituted further Judicial Review proceedings on 10 February 2010 challenging the Subsidiary Protection decision made in respect of her son and the Deportation Order made against her son. Accordingly, as the matter is *sub judice*, I do not propose to comment further.

### **Citizenship Applications**

415. **Deputy Michael McCarthy** asked the Minister for Justice and Equality the reason for the delay in processing an application for a naturalisation certificate in respect of a person (details supplied); when a decision will issue; and if he will make a statement on the matter. [12806/12]

**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 April, 2008.

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**

416. **Deputy Michael Healy-Rae** asked the Minister for Justice and Equality if he will review a matter (details supplied) regarding a renewal of stamp 3; and if he will make a statement on the matter. [12829/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Irish Naturalisation and Immigration Service that the persons referred to by the Deputy arrived in the State, with their three children, on 17 July 2010 and have remained here since. They were granted temporary permission to remain by their local immigration officer. Their current permission to remain is valid until 15 September 2012. Their request for permission to remain in the State on a long-term basis will be considered when their current permission to remain comes up for renewal.

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.

### **Appointments to State Boards**

417. **Deputy Gerry Adams** asked the Minister for Justice and Equality if the chief executive officer of Rehab (details supplied) is a member of any State board; and the remuneration, expenses or other payments they receive for such membership. [13247/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The person concerned is in receipt of annual fees as Chair of the Board of the Equality Authority, which totalled €11,292 in 2011. She does not claim expenses or other payments in respect of this role. It is also understood that she donates the fees outlined to charitable causes.

### **Pension Provisions**

418. **Deputy Eric Byrne** asked the Minister for Defence the reason a person (details supplied) in Dublin 12 is being stopped €190 per month of their Army pension; and if he will urgently review this issue. [12269/12]

**Minister for Defence (Deputy Alan Shatter):** The person concerned is in receipt of a Defence Forces occupational pension from my Department, which is liable to income tax and the universal social charge on the same basis as applies generally. The amount in question is a statutory deduction of PAYE based on specific instructions as issued to this Department by the Revenue Commissioners. The relevant details are shown on his pension payslip. If the person concerned has any queries regarding the deduction of income tax he is advised to contact his regional Revenue office directly, the address of which is shown on his Tax Credit Certificate or on any correspondence received from Revenue.

### **Departmental Property**

419. **Deputy Jack Wall** asked the Minister for Defence the position regarding the taking

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charge of an estate (details supplied) in County Kildare by Kildare County Council; and if he will make a statement on the matter. [12585/12]

420. **Deputy Jack Wall** asked the Minister for Defence if an estate (details supplied) in County Kildare can be considered in relation to the household charge; and if he will make a statement on the matter. [12586/12]

**Minister for Defence (Deputy Alan Shatter):** I propose to take Questions Nos. 419 and 420 together.

The Department has, in recent years, had ongoing correspondence and meetings with officials from Kildare County Council on a range of issues including the taking in charge of this estate. In this regard the Department has recently received further correspondence from the Council setting out their requirements in advance of having the estate taken in charge and my officials are examining these at the present time. The Department is eager to progress this issue and will endeavour, in conjunction with the County Council, to have the matter resolved as soon as possible.

The Local Government (Household Charge) Act 2011 provides the legislative basis for the household charge that applies to residential property. Under the Act an owner of a residential property is liable to the household charge. Under section 2(2)(b) of the Act, a building vested in a Minister of the Government is not a residential property for the purposes of the Act and is not liable to the household charge.

#### Freedom of Information

421. **Deputy Gerry Adams** asked the Minister for Defence if he will provide a breakdown of the total fees received in his Department for freedom of information requests and the number of individual requests in each of the years 2002 to 2011, inclusive. [12723/12]

422. **Deputy Gerry Adams** asked the Minister for Defence if he will provide a breakdown of the number of freedom of information requests submitted in the years 2002 to 2011, inclusive, to his Department; the total amount of fees charged and fees received in each year; the number and amount of initial search fees paid and the number and amount of search and retrieval fees paid. [12739/12]

**Minister for Defence (Deputy Alan Shatter):** I propose to take Questions Nos. 421 and 422 together.

The information requested by the Deputy is set out in the table:

Year	Number of Requests Received	Application Fee	Search and Retrieval Fee	Internal Review Fee	Total
2002	131	*—	—	—	—
2003	106	180.00	291.48	—	471.48
2004	49	320.00	83.18	75.00	478.18
2005	41	205.00	—	—	205.00
2006	52	415.00	—	—	415.00
2007	28	180.00	—	—	180.00
2008	52	430.00	—	—	430.00
2009	61	605.00	419.00	—	1,024.00
2010	62	315.00	461.06	—	776.06

Year	Number of Requests Received	Application Fee	Search and Retrieval Fee	Internal Review Fee	Total
2011	40	374.57	283.97	75.00	733.54

\*The application fee for Freedom of Information requests was introduced on the 1st July 2003.

It has not been possible in the time available to compile a breakdown of the number of requests where search and retrieval fees were paid in respect of each of the years 2002 to 2011. The information will be forwarded to the Deputy as soon as possible.

### Appointments to State Boards

423. **Deputy Gerry Adams** asked the Minister for Defence if the chief executive officer of Rehab (details supplied) is a member of any State board; and the remuneration, expenses or other payments they receive for such membership. [13242/12]

**Minister for Defence (Deputy Alan Shatter):** The bodies under the aegis of my Department are the Civil Defence Board, the Army Pensions Board and the Board of Coiste an Asgard. The Chief Executive Officer of Rehab is not a member of any of these boards.

### Departmental Expenditure

424. **Deputy Martin Ferris** asked the Minister for Agriculture, Food and the Marine the amount of funding Horse Sport Ireland received in 2008, 2009, 2010 and 2011 in respect of the Irish draught horse. [12598/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** HSI is in receipt of an annual grant and funding under the National Development Plan 2007-2013 from my Department to assist its work in promoting and developing the non-thoroughbred horse industry, including breed improvement initiatives which apply to the Irish Draught Horse. The following table details the funding paid by my Department to Horse Sport Ireland in the years in question.

Organisation	Year	Annual Grant €	NDP 2007-2013 €	Total €
Horse Sport Ireland	2008	1,650,000	691,908	2,341,908
Horse Sport Ireland	2009	1,512,000	495,759	2,007,759
Horse Sport Ireland	2010	1,380,000	648,671	2,058,671
Horse Sport Ireland	2011	1,285,000	615,728	1,900,728

### Horse Racing Ireland

425. **Deputy Martin Ferris** asked the Minister for Agriculture; Food and the Marine if he will provide the names of the studbooks maintained by Horse Sport Ireland. [12599/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Horse Sport Ireland is approved by my Department, in accordance with the relevant EU and National Zootechnical legislation, to maintain studbooks for the Irish Sport Horse and Irish Draught Horse breeds.

426. **Deputy Martin Ferris** asked the Minister for Agriculture, Food and the Marine the number of stud books maintained by Horse Sport Ireland. [12600/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Horse Sport Ireland is approved by my Department, in accordance with the relevant EU and National Zootechnical legislation, to maintain two studbooks.

### Grant Payments

427. **Deputy Billy Kelleher** asked the Minister for Agriculture, Food and the Marine the position regarding a dairy hygiene grant in respect of a person (details supplied) in County Cork; and when a decision will issue. [12148/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person concerned submitted an application under the Dairy Equipment Scheme under the first tranche on 27 April, 2011. The application was approved into the scheme on 1 November 2011. The person named has submitted the payment claim and payment of the grant will take place when it has been determined that all the terms and conditions of the Scheme have been complied with. These checks will be completed as soon as possible.

### International Agreements

428. **Deputy Seán Kenny** asked the Minister for Agriculture, Food and the Marine when he makes his submission to the United Nations global plan, if he will ensure the world and its growing population will have enough food to eat, and if he will prioritise small-scale farmers in developing countries; if he will prioritise small-scale farmers, especially women, in developing countries in his submission to the UN Global Strategic Framework for Food Security and Nutrition process in April 2012; if he will attend the meeting of the UN Committee on World Food Security in October 2012 in Rome, when the Global Strategic Framework for Food Security and Nutrition will be approved, demonstrating that Ireland is a leader in protecting small-scale farmers; and if he will demand a future of hope for farmers in Uganda and other poor countries. [12154/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The first discussions on the Global Strategic Framework will be held at the FAO Regional Conferences. The European Regional Conference, which my Department will be attending, will take place in April in Baku, Azerbaijan and will be an opportunity for Ireland to feed into the process and to influence the consensus ERG position to be formulated.

Ireland's submission will be prepared by my Department in consultation with our colleagues in the Department of Foreign Affairs and Trade. While our submission has yet to be completed, I can assure you that it will be very supportive of smallholder farmers, particularly women, in developing countries. Our submission will be informed by the 2008 Hunger Task Force Report, which recommended three priority areas for Ireland in its efforts to address global hunger: 1) support to smallholder farmers, particularly women, in Africa; 2) addressing maternal and infant undernutrition, and 3) strengthening international political commitment to addressing Hunger.

Ireland has made steady progress in implementing the Hunger Task Force recommendations. Through our overseas development programme, Irish Aid, we support a comprehensive range of programmes to sustainably improve food and nutrition security of the poorest and most vulnerable. For example, in Malawi, we support smallholder farmers' organisations to improve soil fertility and diversify to more nutritious crops; in Tanzania, we support smallholder farmers' access to better farm inputs such as seeds and fertiliser; and in Lesotho, we support smallholder farmers to develop vegetable gardens to improve household nutrition. At the international level, we work to ensure that global agricultural research is focused on the needs of

women smallholder farmers, and that research outputs are readily available to the poorest farmers.

The *UN Global Strategic Framework for Food Security and Nutrition* is another opportunity to further Ireland's work in this area, and I look forward to engaging with it. A full meeting of the UN Committee on World Food Security takes place every October and is attended by my officials and officials from the Department of Foreign Affairs and Trade. A decision on Ministerial attendance will be taken closer to the event.

### Poultry Industry

429. **Deputy Maureen O'Sullivan** asked the Minister for Agriculture, Food and the Marine if he will provide mortality figures and other information (details supplied) in relation to factory farmed broilers; and if he will make a statement on the matter. [12163/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The Department of Agriculture, Food and the Marine does not keep records of mortality figures for factory farmed broilers. The majority of broilers are reared under contract to processors and these figures would be a matter between the grower and the processor. The table sets out the total number of birds slaughtered in export approved plants in the years 2009, 2010 and 2011:

Year	Total No. of birds slaughtered
2009	74,872,378
2010	83,139,886
2011	85,183,737

Ante mortem checks are carried out at processing plants. As a percentage of the national kill, less than 0.5% of broilers are condemned by Department of Agriculture, Food and the Marine personnel between arrival at the factory and processing. There is no statutory requirement to maintain statistics on fracture damage. There are many different causes of mortality in broilers including septicaemia, toxæmia, emaciation and pendulous crop, or other systemic diseases.

In relation to veterinary medicines, only products which are licensed to the requisite EU scientific standard and have demonstrated quality, safety (including from a consumer viewpoint) and effectiveness may be used. The Irish Medicines Board website ([www.imb.ie](http://www.imb.ie)) lists all authorised products. Medicines may only be used following prescription by the farmer's private veterinary practitioner. The prescribing practitioner must have formal responsibility for the care of the birds and having satisfied themselves that the medication is justified; specify the particular medicine to be used, together with any associated conditions, including duration of treatment. While, under relevant EU and national legislation, the primary responsibility for producing safe food rests with the Food Business Operator, my Department carries out inspections and residue surveillance to verify that relevant requirements are being met.

E.coli encompasses many strains, not all of which are pathogenic. Scientists use the term colonised rather than infected due to the fact that the bacteria do not cause infection or lesions to the broilers. It is known internationally that all broilers, including those reared under a free-range system are colonised with E.coli. *Campylobacter* is found in most raw poultry and is common in raw meat. The European Food Safety Authority (EFSA) carried out an EU-wide survey in 2008, which indicated a high prevalence of *Campylobacter* across the EU. 77% of broiler carcasses samples tested positive with the prevalence in Ireland being the second highest. Based on the number of case notifications the human population incidence rate in Ireland is below European levels. The Food Safety Authority of Ireland (FSAI) published recom-

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mendations for a Practical Control Programme for Campylobacter in the Poultry production and Slaughter Chain in 2011.

In addition to normal good hygiene and storage practices, consumers are advised to thoroughly cook poultry meat as this will eliminate any campylobacter and E.coli. I am advised that the practice of pumping fresh poultry meat, as described in the question, does not take place in the Republic of Ireland.

### **Rural Environment Protection Scheme**

430. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine if inspectors under the REP scheme are entitled to carry out unannounced inspections on farmers' properties; and if he will make a statement on the matter. [12189/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** REPS 4 is a measure under the current 2007-13 Rural Development Programme and is subject to the relevant EU Regulations in relation to inspection procedures and other issues. My Department's policy with regard to REPS inspections is that they are unannounced. This practice is provided for in the EU regulations.

### **Disadvantaged Areas Scheme**

431. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine if horses are eligible to be counted as livestock for stocking density purposes under the 2012 disadvantaged areas scheme; and if he will make a statement on the matter. [12190/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The proposed changes to the 2012 Disadvantaged Areas Scheme, including the proposed changes relating to the calculation of the minimum stocking density requirements, are still the subject of discussions between my Department and the EU Commission.

### **Harbours and Piers**

432. **Deputy John O'Mahony** asked the Minister for Agriculture, Food and the Marine when an announcement will be made on grants in respect of piers and harbours for 2012; and if he will make a statement on the matter. [12235/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** My Department is currently assessing all applications made for funding from the 2012 Fishery Harbour and Coastal Infrastructure Development Programme. Individual applications are being assessed in the context of the available exchequer funding and their overall priority ranking. I expect to be in a position to announce the detail of the programme in the near future.

### **Departmental Expenditure**

433. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine if he will provide the details and costs of any newspaper supplements his Department has been involved with over the past 12 months; and if he will make a statement on the matter. [12285/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** My Department contributed to one Newspaper supplement over the past 12 months at a cost of €48,400 including VAT. The publication entitled "A-Z of Agri-Food" was published last December and circulated with the Irish Independent. The aim of the publication was to promote Irish food

and food businesses at home and abroad. The magazine was also circulated to schools around the country, to Irish Embassies abroad and to trade bodies. Altogether, some 250,000 copies have been circulated.

434. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine the details of the total photography costs his Department incurred at the National Ploughing Championships; and if he will make a statement on the matter. [12286/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The amount spent on photography by my Department at the 2011 National Ploughing Championships was €6,762.85. This represents the costs associated with the Minister and Minister of State over the 3 days of the Championships.

### Animal Diseases

435. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine if he will provide an update on the Schmallenberg virus which is currently in the UK and other parts of Europe; the precautions and measures that have been put in place to safeguard the Irish agri-food industry here; and if he will make a statement on the matter. [12314/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Schmallenberg virus is a newly emerging disease. There is no evidence to suggest that the disease is transmissible to humans. The disease is not officially notifiable and there is no evidence that the disease is present in Ireland.

The EFSA (European Food Safety Authority) and ECDC (European Centre for Disease Control) and also the animal and human health authorities at national level, are collaborating to ensure rapid detection of any change in the epidemiology in animals and humans. Investigations and research projects are ongoing in the affected countries to better understand the epidemiological and the microbiological aspects of this outbreak among ruminants and Ireland is collaborating in this work.

The information available on the Schmallenberg virus suggests that it is part of the Simbu serogroup viruses that are primarily transmitted by insect vectors (midges, mosquitoes). There is no direct transmission from animal to animal, other than maternal transmission from mother to offspring in utero. Exposure to a similar virus — Akabane virus (widespread in Australia) induces strong immunity in the infected animal.

Schmallenberg virus manifests in ruminants—

- Adult cattle — (transient) febrile illness and milk drop and
- As congenital malformations in newborn animals/aborted animals (mainly sheep).

It appears that the infection in Europe occurred last summer/autumn. If in-calf cows were to have been affected in a similar manner to sheep, this would not manifest in the new born calves until later on, as the gestation period for bovines is about 280 days as opposed to 150 days for sheep. The virus distribution is mainly concentrated across north-central parts of Continental Europe (Netherlands, France, Germany, Luxembourg, Italy and Belgium) and southern areas of England. In the region of 1,000 farms are confirmed as being affected with these congenital defects so far.

The Commission in collaboration with the Member States through SCOFACH (relevant EU Standing Committee) has published a guidance document on its website in which it sets out full details of the knowledge to date on the virus and procedures for providing surveillance

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data to the European Food Safety Authority who have been charged with providing a full report on the virus by end of May 2012.

The Department has notified relevant persons (Veterinary staff and practitioners) to report and submit samples of any animals showing unexplained clinical symptoms of the disease or suspect birth defects. There is no suitable test yet available for general surveillance purposes. However, a PCR test to detect the virus is currently in use in my Department Laboratories. Some 58 samples tested to date in the Department's laboratory samples from animals presenting with clinical signs that may be associated with infection have tested negative.

Single Market rules preclude Member States from interfering with intra-union trade in animals except on legitimate animal health grounds. Accordingly, animals are free to move in trade in the Union provided they are certified as being compliant with animal health rules. Importers should ensure that any such imports are fully compliant with EU rules and that they operate to the highest standards of bio-security to ensure that no diseases are introduced to Ireland via such imports or the vehicles transporting them.

A Departmental group chaired by the Secretary General is monitoring developments in respect of the virus. We will continue to monitor this developing situation, maintain close contact with our colleagues in Northern Ireland, and will review as appropriate in light of any new information that becomes available or with the development of new testing capabilities.

### **Afforestation Programme**

436. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine if he will ensure that the restrictions in place at present with regard to planting forests are changed in order to enable more farmers to plant land to ensure their future viability and sustainability; and if he will make a statement on the matter. [12347/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The afforestation schemes provide attractive grants and premiums to incentivise the planting of agricultural land by farmers and other landowners, to support the continued development of a viable and sustainable national forest resource.

All applications submitted to my Department for approval to undertake afforestation are examined regarding the suitability of the site from a silvicultural, productivity and environmental perspective. This includes an evaluation of site productivity issues such as soil type, fertility, exposure and access, and an assessment of any potential environmental impact of the project on water quality, nature conservation, archaeology and landscape.

Certain sites are less suited for forestry. Poorer quality site types are predominantly peat and are often characterised by poor fertility, high elevation and constrained by poor access, wind stability issues, high fire risk, etc. These poor site types are also very sensitive from an environmental perspective and have limited timber productivity. In the current economic climate, my Department is not prioritising the use of limited Exchequer funds to support the establishment of new forests on such sites, on silvicultural, site productivity and environmental grounds.

My Department has a legal responsibility to ensure that every hectare approved for afforestation complies with requirements set out under various environmental European Directives such as the Birds and Habitats Directives, the EIA Directive and the Water Framework Directive, and with corresponding national legislation. This will ensure that the ongoing expansion of the national forest resource is compatible with the protection of Ireland's environment. My Department is in regular communications with the National Parks and Wildlife Service

(NPWS), the Environmental Protection Agency (EPA) and with other bodies, to ensure an ongoing streamlining of procedures to ensure the afforestation programme is compliant with the legislation outlined above. Changes to the restrictions in place to enable more farmers to plant are continually being looked at by my Department within this context.

### Grant Payments

437. **Deputy Patrick O'Donovan** asked the Minister for Agriculture, Food and the Marine the position regarding an agri-environment options scheme application in respect of a person (details supplied) in County Donegal. [12364/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named was approved for participation in the Agri-Environment Options Scheme with effect from the 1st November 2010.

Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, have to be completed before any payment can issue. During these checks a query arose in respect of land parcels declared which required digitisation. 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 in respect of 2010 at the earliest opportunity.

Payments in respect of the 2011 Scheme year are subject to a similar administrative checking process which includes verification of capital investments related to approved AEOS actions. These checks have now been completed and following the payment of year 1, the payment in respect of year 2 will be finalised.

438. **Deputy Patrick O'Donovan** asked the Minister for Agriculture, Food and the Marine if a farmer can establish entitlements if they have rented land on a year to year basis only; and if he will make a statement on the matter. [12372/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Under the Single Payment Scheme introduced in Ireland in 2005 entitlements were established for farmers who were actively farming during the 2000-2002 reference years and who were paid Livestock and/or Arable aid in those years. Generally speaking, the number of entitlements established was equal to the three-year average number of hectares of land farmed during the reference period. Farmers holding single payment entitlements must declare one hectare of eligible land each year for each entitlement held in order to maximise their payment. The eligible land declared each year can be owned, leased or rented.

439. **Deputy Pat Breen** asked the Minister for Agriculture, Food and the Marine, further to Parliamentary Question No. 544 of 24 January 2012, when payment will issue to a person (details supplied) in County Clare; and if he will make a statement on the matter. [12379/12]

**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 and full payment totalling €878.08 issued in respect of 2010.

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. During these checks a query arose in relation to an overclaim on the capital expenditure claim of the person named. My Department issued a letter dated 13 February to the person named regarding this particular matter. The other elements of the application is currently being processed and payment in respect of 2011 will issue to the person named at the earliest opportunity.

### International Agreements

440. **Deputy Dominic Hannigan** asked the Minister for Agriculture, Food and the Marine if he intends to prioritise small scale farmers in his submission to the UN Global Strategic Framework for Food Security and Nutrition; if he or one of his officials will be attending the UN Committee on World Food Security in October 2012 in Rome; and if he will make a statement on the matter. [12385/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The first discussions on the Global Strategic Framework will be held at the FAO Regional Conferences. The European Regional Conference, which my Department will be attending, will take place in April in Baku, Azerbaijan and will be an opportunity for Ireland to feed into the process and to influence the consensus ERG position to be formulated.

Ireland's submission will be prepared by my Department in consultation with our colleagues in the Department of Foreign Affairs and Trade. While our submission has yet to be completed, I can assure you that it will be very supportive of smallholder farmers, particularly women, in developing countries. Our submission will be informed by the 2008 Hunger Task Force Report, which recommended three priority areas for Ireland in its efforts to address global hunger: 1) support to smallholder farmers, particularly women, in Africa; 2) addressing maternal and infant undernutrition, and 3) strengthening international political commitment to addressing Hunger.

Ireland has made steady progress in implementing the Hunger Task Force recommendations. Through our overseas development programme, Irish Aid, we support a comprehensive range of programmes to sustainably improve food and nutrition security of the poorest and most vulnerable. For example, in Malawi, we support smallholder farmers' organisations to improve soil fertility and diversify to more nutritious crops; in Tanzania, we support smallholder farmers' access to better farm inputs such as seeds and fertiliser; and in Lesotho, we support smallholder farmers to develop vegetable gardens to improve household nutrition. At the international level, we work to ensure that global agricultural research is focused on the needs of women smallholder farmers, and that research outputs are readily available to the poorest farmers.

The *UN Global Strategic Framework for Food Security and Nutrition* is another opportunity to further Ireland's work in this area, and I look forward to engaging with it. A full meeting of the UN Committee on World Food Security takes place every October and is attended by my officials and officials from the Department of Foreign Affairs and Trade. A decision on Ministerial attendance will be taken closer to the event.

### Horticulture Sector

441. **Deputy Regina Doherty** asked the Minister for Agriculture, Food and the Marine if, due to the expansion in the agri-food economy, there are any plans to develop part-time and evening courses or degrees in horticulture. [12396/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** This is an operational matter for Teagasc, the Agriculture and Food Development Authority whose principal functions are to provide, or procure the provision of, educational, training, research and advisory services in agriculture. Teagasc is the primary state education provider in agriculture, food, horticulture, forestry and equine studies and works in partnership with many other education stakeholders including Universities and Institutes of Technology to deliver quality driven education and training programmes.

These programmes are provided through its network of colleges and regional education centres with full-time, part-time and distance learning courses offered as appropriate. Programmes are learner-centred, based on a platform of innovation and excellence and respond to the need for competitiveness in existing sectors and opportunities in the wider bio-economy. Lifelong learning is an essential requirement and Teagasc advisory and education services are committed to expanding the organisation's role in this area.

In relation to the provision of part time horticultural education, I have been informed that Teagasc conduct a range of short courses for horticultural producers at regular intervals. These courses include, for example, Pesticide Application, Introduction to Vegetable Growing and Organic Production. I understand they are currently exploring the possibility of delivering specific horticultural modules online.

Teagasc also provide full-time further level and higher level programmes for new entrants to horticulture. Some examples include the FETAC accredited Advanced Certificate in Horticulture at Kildalton College and the College of Amenity Horticulture in the National Botanic Gardens. Both of these colleges are also involved in delivering the Level 7 Bachelor of Science in Horticulture Programme in conjunction with Waterford Institute of Technology.

### **Harbours and Piers**

442. **Deputy Seán Kenny** asked the Minister for Agriculture, Food and the Marine if he has received a business plan and proposal from an organisation for lease renewal at a location (details supplied) in County Dublin; the support and assistance he can provide to the organisation. [12425/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The property referred to at No. 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.

### **Grant Payments**

443. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine when payment for the agri-environment options scheme 2011 will issue to persons (details supplied) in County Kerry; and if he will make a statement on the matter. [12428/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named was approved for participation in the Agri-Environment Options Scheme with effect from the 1st November 2010 and full payment totalling €833.31 issued in respect of 2010. Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, have to be completed before any payment can issue in respect of 2011. Final checks are being carried out on this application with a view to early payment in respect of 2010.

444. **Deputy Marcella Corcoran Kennedy** asked the Minister for Agriculture, Food and the Marine when an application for a grant will be paid to a person (details supplied) in County Offaly; and if he will make a statement on the matter. [12440/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named registered fourteen beef breed animals under the 2011 Suckler Welfare Scheme. The applicant provided information that all of the calves were weaned on the same day, which is contrary to the Terms and Conditions of the Scheme. This decision was successfully appealed to my

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Department. Therefore, payment in respect of 12 animals will issue to the named person shortly. The two remaining animals are ineligible for payment under the conditions of the Scheme due to the age of the dams at the time of calving.

### **Salmon Hardship Scheme**

445. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine if an application will be accepted under the salmon hardship scheme for fishermen who did not take up the offer at the time and who have now retired from fishing; if they will be accommodated for compensation under the scheme; and if he will make a statement on the matter.

[12445/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The Salmon Hardship Scheme is the responsibility of the Minister for Communications, Energy and Natural Resources and I have no role in relation to the scheme.

### **Animal Welfare**

446. **Deputy Sean Fleming** asked the Minister for Agriculture, Food and the Marine the role of the Turf Club in relation to a complaint relating to the welfare of horses while in training with a licensed trainer in view of the fact that he referred to this matter in Parliamentary Question No. 563 of 21 February 2012, and the reason in a parliamentary question on a similar matter, Parliamentary Question No. 582 of 21 February 2012, regarding horses in training he only referred to the option of reporting matters to the Garda or instituting civil proceedings and there was no reference to the Turf Club in that reply; if he will clarify the situation; and if he will make a statement on the matter. [12446/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The Turf Club is a private body which, together with Irish National Hunt Steeplechase Committee (INHSC), is responsible for the making and enforcing of the Rules of Racing in Ireland. 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 may submit a complaint to The Turf Club, report the matter to the Gardaí and/or institute civil proceedings.

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, S.I. No. 311 of 2010. Animals "used in competitions/shows, cultural or sporting events or activities while so being used" are outside the scope of S.I. No. 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.

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.

### **Installation Aid Scheme**

447. **Deputy Robert Troy** asked the Minister for Agriculture, Food and the Marine if he has

any intention of reintroducing the installation aid grant for young farmers wishing to take over the family farm; and if he could outline any incentives he may be considering to encourage young persons to pursue farming as a way of life. [12447/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The Young Farmers' Installation Scheme was closed to new applicants on 14 October 2008 and I have no plans to reopen the Scheme at this time. A number of tax measures were contained in the 2012 Budget in order to assist young farmers to pursue a career in farming.

### Grant Payments

448. **Deputy John O'Mahony** asked the Minister for Agriculture, Food and the Marine the reason a person (details supplied) in County Mayo has not received part of their single farm payment for 2010 even though an application to transfer single payment entitlements for 2010 was granted; and if he will make a statement on the matter. [12491/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** A Transfer of Entitlements application was received requesting the transfer of 5.14 Single Payment entitlements to the person named from another farmer by way of lease ending 31 December 2012. This application was processed successfully and letters confirming the transfer of the entitlements issued to both parties. The balance of the Single Farm Payment will issue shortly to the person named.

### International Agreements

449. **Deputy Robert Troy** asked the Minister for Agriculture, Food and the Marine when he is making his submission to the United Nations global plan, if he will prioritise small-scale farmers, especially women, in developing countries, in his submission to the UN Global Strategic Framework for Food Security and Nutrition process in April 2012; if he will attend the meeting of the UN Committee on World Food Security in October 2012 in Rome, when the Global Strategic Framework Food Security and Nutrition will be approved, demonstrating that Ireland is a leader in protecting small-scale farmers. [12494/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The first discussions on the Global Strategic Framework will be held at the FAO Regional Conferences. The European Regional Conference, which my Department will be attending, will take place in April in Baku, Azerbaijan and will be an opportunity for Ireland to feed into the process and to influence the consensus ERG position to be formulated.

Ireland's submission will be prepared by my Department in consultation with our colleagues in the Department of Foreign Affairs and Trade. While our submission has yet to be completed, I can assure you that it will be very supportive of smallholder farmers, particularly women, in developing countries. Our submission will be informed by the 2008 Hunger Task Force Report, which recommended three priority areas for Ireland in its efforts to address global hunger: 1) support to smallholder farmers, particularly women, in Africa; 2) addressing maternal and infant undernutrition, and 3) strengthening international political commitment to addressing Hunger.

Ireland has made steady progress in implementing the Hunger Task Force recommendations. Through our overseas development programme, Irish Aid, we support a comprehensive range of programmes to sustainably improve food and nutrition security of the poorest and most vulnerable. For example, in Malawi, we support smallholder farmers' organisations to improve soil fertility and diversify to more nutritious crops; in Tanzania, we support smallholder farm-

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ers' access to better farm inputs such as seeds and fertiliser; and in Lesotho, we support smallholder farmers to develop vegetable gardens to improve household nutrition. At the international level, we work to ensure that global agricultural research is focused on the needs of women smallholder farmers, and that research outputs are readily available to the poorest farmers.

The UN Global Strategic Framework for Food Security and Nutrition is another opportunity to further Ireland's work in this area, and I look forward to engaging with it. A full meeting of the UN Committee on World Food Security takes place every October and is attended by my officials and officials from the Department of Foreign Affairs and Trade. A decision on Ministerial attendance will be taken closer to the event.

### **Fishing Industry Development**

450. **Deputy Martin Ferris** asked the Minister for Agriculture, Food and the Marine his views on the disparity between the price paid to fishermen for their catch and the price charged to consumers (details supplied). [12593/12]

466. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine his views on a matter (details supplied) regarding fair trade for fishermen; and if he will make a statement on the matter. [12830/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I propose to take Questions Nos. 450 and 466 together.

While I would like to see fishermen receive a fair price for their catch, I have no role in determining the price they receive from processors, retailers or other agents. Like other parts of the food industry, the price received by primary producers in the seafood sector is determined by the market. A number of market factors may influence the price received by fishermen for their catch. These include demand for the product and the available supply, the number of intermediaries in the supply chain and their relative power, the extent to which fishermen collaborate through co-ops or otherwise to increase their bargaining power, the selling price for the final product in retail outlets or in export markets and the extent to which the value is added to the raw material to maximise selling price and last but not least, the relative profitability of the Irish processing sector compared to foreign competitors.

In relation to the profitability of the processing sector, Food Harvest 2020 recognised that the sector was fragmented, lacking in scale, uncompetitive in terms of production costs, too focussed on export of commodity products and constrained by inconsistent supply of raw material. BIM, with Enterprise Ireland and Udaras na Gaeltachta, is working to address each of these issues. Grant aid support of €1.749m under the Seafood Processing Business Investment Scheme was provided in 2011 to improve competitiveness and help the companies concerned develop export markets for high value added products.

The lack of scale in the Irish processing sector is recognised as a cause of higher production costs, lower investment in strategic areas of planning, business development, marketing and product innovation, all of which adversely affect profitability. The average net profitability of Irish seafood processing companies stands at 0.94% compared to between 4% and 6% for our European competitors. BIM is working closely senior managers of Irish seafood processing companies on strategies to address these issues and is making available a range of technical and financial supports to assist the sector to modernise and become more competitive.

I would hope and expect that a modern, efficient, competitive and innovative processing sector, selling value added products, differentiated from our competitors by quality and sustainability, would ultimately increase demand for fish from Irish fishermen and help assure them of a fair price for their catch.

### Forestry Sector

451. **Deputy Martin Ferris** asked the Minister for Agriculture, Food and the Marine if the 100% forestry grants will still be paid to new buyers of Coillte forestry. [12645/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** As recently announced by the Government, consideration will be given to the sale of some assets of Coillte, excluding the sale of land, when market conditions are favourable and at an acceptable price to Government. A valuation of Coillte assets is currently being undertaken by the NTMA (NewERA unit) in conjunction with my Department and the Department of Public Expenditure and Reform. No decision on the possible sale of Coillte assets will be taken until the valuation process is completed.

An afforestation grant is available as a fixed grant in respect of costs incurred in the establishment of a plantation. It is important to note that there is currently no grant assistance available for the replanting of forests following the commercial felling of trees. In order to preserve the forest estate, my Department's policy is that, apart from exceptional circumstances, replanting should take place on all areas harvested.

### Irish Horseracing Industry

452. **Deputy Maureen O'Sullivan** asked the Minister for Agriculture, Food and the Marine the way the programme expenditure in 2012, projected in the Estimates at €56.29 million, a 1.75% drop on 2011, under the heading Horse and Greyhound Racing Fund will contribute to the relevant high level goal, namely, to progress, in collaboration with State bodies, the further development of the agri-food sector including the Food Harvest 2020 targets; and if he will make a statement on the matter. [12653/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The horse and greyhound racing industries receive financial support from the State through the Horse and Greyhound Racing Fund (the Fund) under Section 12 of the Horse and Greyhound Racing Act 2001 (the Act). The State funding provided to Horse Racing Ireland (HRI) and to Bord na gCon (BNG) is crucial to sustain the horse racing and greyhound industries which account for an estimated 27,000 jobs, generating approximately €1.4bn in economic output.

The Fund has allowed Ireland to develop into a world centre of excellence for horseracing and greyhound racing and has allowed HRI and BNG to undertake various initiatives including capital investment programmes that have underpinned growth in the sectors in the context of strong international competition in the breeding, training and racing sectors. Both industries have a national network of breeders, owners, trainers racecourses and they maintain a unique skill base. These industries make a vital contribution to the rural economy including farm incomes, are export orientated and attract foreign direct investment.

By sustaining employment, generating economic activity and increasing exports both industries make a very important contribution to achieving Goal 1 in my Department's Statement of Strategy 2011-2014 — "Progressing, in collaboration with relevant sectors and State Bodies, the further development of the agri-food and marine sector including the achievement of Food Harvest 2020 targets."

### Direct Payment Schemes

453. **Deputy Dara Calleary** asked the Minister for Agriculture, Food and the Marine if he considers it acceptable that farmers and agents who are now submitting their single farm payment applications on-line, are not being given the conditions for the 2012 disadvantaged area scheme. [12656/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** It is intended that revised Terms and Conditions for the 2012 Disadvantaged Areas Scheme will be published immediately the proposed changes, as announced following the 2012 Budget, are agreed by the EU Commission. The proposed changes do not concern the essential classification of the Disadvantaged Areas and, therefore, applicants are free to lodge applications on the understanding, as heretofore, that, should they otherwise prove eligible for the Disadvantaged Areas Scheme, the application will be taken as also being an application for that Scheme. It will be appreciated that the application is, in the first instance, an application under the Single Payment Scheme.

454. **Deputy Dara Calleary** asked the Minister for Agriculture, Food and the Marine the number of farmers in County Donegal currently in the agri-environment option scheme that will be affected by the new specifications for managing species rich grassland, introduced in 2011, which state that supplementary feeding may not take place on species rich grassland parcels; and if he will make a statement on the matter. [12657/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The new specification introduced in 2011 specified that supplementary feeding was not permitted on areas claimed as Species Rich Grassland and applies to AEOS 2 only. 786 Donegal farmers selected Species Rich Grassland in their 2011 application to join the scheme and accordingly all are subject to this scheme condition.

### Grant Payments

455. **Deputy Marcella Corcoran Kennedy** asked the Minister for Agriculture, Food and the Marine the progress made on the re-digitisation of a parcel of land (details supplied) in County Offaly; when the applicant will receive their payment; and if he will make a statement on the matter. [12692/12]

**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, had to be completed before any payment could issue. Final checks are being carried out on this application with a view to early payment in respect of 2010.

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. During these checks queries were identified in relation to the capital expenditure claim of the person named. My Department has issued a letter to the person named regarding this matter and will process the application further upon receipt of a response to these queries.

456. **Deputy Michael P. Kitt** asked the Minister for Agriculture, Food and the Marine when agri-environment option scheme payments will be made to a person (details supplied) in County Galway. [12694/12]

**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, had to be completed before any payment could issue. These checks have been successfully completed and payment in respect of the 2010 scheme year will issue shortly. Payments in respect of the 2011 scheme year are subject to a similar administrative checking process. These checks are underway and once successfully completed I expect 2011 payment to issue to the person named.

### Milk Quota

457. **Deputy Seamus Kirk** asked the Minister for Agriculture, Food and the Marine the estimated value in terms of output, export and job creation if there was a 5% and a 10% increase in the national milk quota; and if he will make a statement on the matter. [12697/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The value of milk output at farm gate in 2011, based on production volumes of 5.5bn litres and an average milk price of 34c per litre, was €1.9bn. A 5% or 10% increase in production, based on 2011 output figures and assuming prices remain the same, would result in output values of €2bn and €2.1bn respectively, assuming current world demand remains.

Exports of milk and dairy products in 2011 at €2.7bn were 13% higher than 2010. Based on these values, a 5% or 10% increase would result in export values of €2.8bn and €2.97bn respectively. However, due to the volatility of international markets, caused by variations in global supply and demand, there will always be fluctuations in dairy prices. The production levels envisaged by the Deputy would, at a minimum, consolidate existing on-farm employment in the c.18,300 milk producing farms, as well as the 9,000 off farm jobs in the dairy industry generally and could result in additional off farm jobs being created in the processing, sales or distribution sectors.

It should be noted, however, that it will be 2015 at the earliest, following the ending of the Milk Quota regime in April 2015, before milk production quantities can increase by the levels set out in the question. The ‘soft landing’ concession, granted under the CAP Health Check 2008 of granting 1% quota increases to Member States from the 2009/2010 quota year to 2013/2014 (five increases) will continue.

### Freedom of Information

458. **Deputy Gerry Adams** asked the Minister for Agriculture, Food and the Marine if he will provide a breakdown of the total fees received in his Department for freedom of information requests and the number of individual requests in each of the years 2002 to 2011, inclusive. [12719/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** My Department received the following number of requests under the Freedom of Information Acts for the years 2002 to 2011. The fees charged are indicated in the table:

Year	Requests Received	Total fees received
2002	254	€115.00
2003	306	€1,540.50
2004	270	€1,436.15
2005	189	€1,301.80

[Deputy Simon Coveney.]

Year	Requests Received	Total fees received
2006	217	€2,236.50
2007	156	€1,696.13
2008	217	€3,020.45
2009	233	€3,859.21
2010	193	€2,075.03
2011	225	€2,272.67

459. **Deputy Gerry Adams** asked the Minister for Agriculture, Food and the Marine if he will provide a breakdown of the number of freedom of information requests submitted in the years 2002 to 2011, inclusive, to his Department; the total amount of fees charged and fees received in each year; the number and amount of initial search fees paid and the number and amount of search and retrieval fees paid. [12735/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The table sets out the position:

Year	Requests Received	Up front fees	Appeal Fees	Search and Retrieval Fees	Total Fees Received
2002	254	€115 (8 cases)	Nil	Nil	€115.00
2003	306	€345 (23 cases)	€300 (4 cases)	€895.5 (5 cases)	€1,540.50
2004	270	€780 (52 cases)	€300 (4 cases)	€356.15 (3 cases)	€1,436.15
2005	189	€885 (50 cases)	€375 (5 cases)	€41.8 (1 case)	€1,301.80
2006	217	€995 (67 cases)	€300 (4 cases)	€941.5 (5 cases)	€2,236.50
2007	156	€670 (44 cases)	€675 (9 cases)	€351.13 (2 cases)	€1,696.13
2008	217	€1,530 (106 cases)	€300 (4 cases)	€1,190.45 (11 cases)	€3,020.45
2009	233	€1,775 (123 cases)	€525 (7 cases)	€1,559.21 (7 cases)	€3,859.21
2010	193	€1,275 (85 cases)	€150 (2 cases)	€650.03 (7 cases)	€2,075.03
2011	225	€1,355 (93 cases)	€450 (8 cases)	€467.67 (8 cases)	€2,272.67

### Direct Payment Schemes

460. **Deputy Michael Creed** asked the Minister for Agriculture, Food and the Marine, further to Parliamentary Question No. 165 of 8 February 2012 and subsequent detailed information supplied, his views on the fact that a substantial number of applications under the early retirement scheme, which were received after 14 October, have been approved for payment, whereas of 139 applications received after 14 October 2008 under the installation aid scheme, only one has been approved for payment after appeal to the agriculture appeals office; if he will comment in general on the circumstances surrounding this appeal; if he will comment further on the different approach pursued by his Department to late applications under both schemes; and if he will make a statement on the matter. [12751/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The Early Retirement Scheme and the Young Farmer's Installation Scheme were suspended for new applications with effect from 14 October 2008. The early Retirement Scheme was reopened temporarily with limited funding for applications from 23 September 2009 to 30 October 2009 in order to accommodate as many as possible of those farmers who had completed, or were close to completing, applications at the point when the scheme was suspended.

The Young Farmers' Installation Scheme has remained suspended since 14 October 2008. In one case, my Department paid a grant under the Scheme where the Agriculture Appeals Office held, by decision of 13 June 2011, that my Department was required to process the application notwithstanding the fact that it had been lodged with my Department after 14 October 2008. Following a request by my Department for a review of the decision concerned, the Acting Director of the Agriculture Appeals Office upheld the decision on 19 August 2011. The Agriculture Appeals Office is an independent agency set up under the Agriculture Appeals Act 2001.

### Grant Payments

461. **Deputy Michael Creed** asked the Minister for Agriculture, Food and the Marine if he will clarify the situation regarding outstanding penalties under the suckler cow welfare scheme in respect of a person (details supplied) in County Cork; if these matters are currently the subject of formal appeal; and if he will make a statement on the matter. [12752/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named applied to join this Scheme in 2008. Under paragraph 8.6 of the Terms and Conditions of the Scheme, each participant is required to submit information relating to the measures undertaken on this Scheme through the ICBF. This applicant supplied the required information for animals born during 2008 and payment was issued to the named person in respect of twenty two eligible animals. No information has been received in respect of animals born during 2009, 2010 and 2011.

The person named was advised of this by letter dated 26th August 2011 and was requested to return the required information by 5th September 2011. To date, no information or correspondence has been received and therefore the person named is ineligible for any payments under the Suckler Welfare Scheme for animals born during 2009 and subsequent years.

### Harbours and Piers

462. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine the position regarding the provision of a pier at Cromane, County Kerry; and if he will make a statement on the matter. [12770/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Kerry County Council proposes to construct a new pier at Cromane, County Kerry. The proposed pier will be the property of that Local Authority who will be responsible for its development, maintenance and repair. My Department has received an application from Kerry County Council for funding for a total of 7 projects for inclusion in the 2012 Fishery Harbour and Coastal Infrastructure Development Programme which is currently under consideration. No application for funding in respect of Cromane Pier was received from Kerry County Council in 2012, but any application for funding in future years by Kerry County Council will be given consideration subject to available exchequer funding and overall national priorities.

### Grant Payments

463. **Deputy James Bannon** asked the Minister for Agriculture, Food and the Marine the reason a contract of sale entitlements without land under *force majeure* in the 2005 scheme year and was expected to be received in 2007 has not been forthcoming in respect of a person (details supplied) in County Westmeath; and if he will make a statement on the matter. [12784/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Single Payment entitlements were established for the person named based on his farming activity in the 2000-2002 reference period. The person named did not use his entitlements in 2005, the first year of the Scheme, as he had leased out his land. He then applied to sell his entitlements without land under the 2005 scheme year. EU Regulations allowed for the sale of entitlements by Private Contract Clause before 16 May 2005 where the land was also being sold. As this was not the case, the person named was informed that it was not possible to process the requested transfer under the 2005 scheme year.

The facility to sell entitlements without land only came into force in 2006 once the Scheme had been established and the entitlements had been used. EU regulations provided that, except in cases of *force majeure*, entitlements could only be sold without land once 80% had been used in one scheme year. While the person named did not meet the 80% usage requirements in that he had not used his entitlements under the 2005 scheme, he applied for *force majeure* on medical grounds. This application was successful and the person named duly sold 57 Single Payment entitlements under the 2006 scheme year.

### Forestry Sector

464. **Deputy Jim Daly** asked the Minister for Agriculture, Food and the Marine the position regarding an application for a felling licence in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [12797/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The position is that the Felling Section of my Department is awaiting the submission of replanting proposals from the applicant's forester. When this information is received the matter can be progressed further.

### Departmental Funding

465. **Deputy Clare Daly** asked the Minister for Agriculture, Food and the Marine the reason extra funding has not been made available to Teagasc for works in Ashtown, Dublin; and the budget from which these moneys have been made available. [12807/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** This is an operational matter for the Teagasc Authority. Teagasc has a very important role to play in supporting the Government's strategy for the development of the agriculture and food industries. For this reason, they receive substantial Exchequer resources each year to enable them provide first class education, research and advisory services.

Despite the difficult economic circumstances in which the recent budget was framed, the allocation to Teagasc was substantially maintained at €128.4m. This level of exchequer funding is a firm indication of the Government's continuing commitment to supporting Teagasc activities. Teagasc also earn other own income from advisory charges, education fees etc in addition to the exchequer allocation. I would point out that prioritisation of funding for particular services/programmes etc is a matter for Teagasc to determine.

I understand from Teagasc that the works at Ashtown are being funded from own resources and the intention is that the balance will be funded from proceeds from asset disposals under the Teagasc Change Programme. The use of proceeds is currently the subject of discussions with the Department.

*Question No. 466 answered with Question No. 450.*

### **Animal Transportation**

467. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine if he will introduce a set of codes for transporting animals by cable car in order to ensure that Dursey cable car will continue to operate; and if he will make a statement on the matter. [12836/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The operation of the cable car to Dursey Island is the responsibility of Cork County Council. Cork County Council engaged consulting engineers to carry out studies on the cable car servicing Dursey Island following which the transportation of all animals was ceased from 30th January 2012 for a number of reasons, inter alia, health and safety, absence of codes covering transportation of animals and persons in the same cable car and increase of the risk to public health. I will have my officials make contact with the Department of Arts, Heritage and the Gaeltacht on possibilities for the transport of farm animals by ferry.

### **Commonage Division**

468. **Deputy Seán Kyne** asked the Minister for Agriculture, Food and the Marine if his attention has been drawn to the anomaly whereby farmers who have areas of striped commonage, which are unfenced and governed by the rules pertaining to DAS and SPS, are not eligible as forage and that planning permission would be required to allow fencing; and if he will be mindful of these facts in relation to appeals. [12837/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Land declared by applicants for the purposes of the Single Payment Scheme and the Disadvantaged Areas must be eligible under the provisions of the relevant EU regulations and under the Terms and Conditions of each Scheme. In general, commonage land, including striped commonage is eligible for payment if it is actively farmed and the area is maintained in Good Agricultural and Environmental Condition. Furthermore, the following conditions must be met as outlined in the Terms and Conditions of the Schemes:

- The land must be used and managed by the applicant. The land must be suitable for and compatible with the farming enterprise;
- There must be independent and suitable access for animals and/or machinery. Independent access means access by public or private roadway or by a defined right of way. Access over adjoining landowners land, or over land which is subject to a lease or rental agreement to another person, is not acceptable;
- There must be defined external boundaries except in the case of commonage;
- If, at inspection, the applicant claims to be farming the land with animals then the type of animals must be appropriate to the land and there must be appropriate handling facilities available to meet the animals' welfare requirements.
- There must be evidence of an agricultural activity being conducted throughout the parcel; otherwise the unused part of the parcel may be found to be ineligible. This can arise where the stocking rate is too low.

### **Appointments to State Boards**

469. **Deputy Gerry Adams** asked the Minister for Agriculture, Food and the Marine if the chief executive officer of the Rehab Group (details supplied) is a member of any State board;

[Deputy Gerry Adams.]

and the remuneration, expenses or other payments they receive for such membership.  
[13238/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person detailed by the Deputy is not a member of any of the twelve State Bodies that fall within the aegis of my Department.

### Child Care Services

470. **Deputy Paul J. Connaughton** asked the Minister for Children and Youth Affairs when a person (details supplied) in County Galway may expect to hear the outcome of their appeal for child care subvention; and if she will make a statement on the matter. [12211/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** As previously advised, this appeal under the Community Child care Subvention (CCS) programme against the initial determination of subvention, was under consideration by my Department. This process has now been completed and the appeal has been upheld. The child care service in which these children are enrolled has been advised of this outcome.

### Inter-Country Adoptions

471. **Deputy Michael McCarthy** asked the Minister for Children and Youth Affairs if she will list the countries the Adoption Authority of Ireland is issuing declarations for in view of a notice on the organisation's website dated 22 February 2012 which advises that the AAI will not accept declaration of eligibility and suitability applications or issue new declarations for India until further notice; and if she will make a statement on the matter. [12376/12]

476. **Deputy John Browne** asked the Minister for Children and Youth Affairs the reason for the delay in approving an inter-country adoption application in respect of a family (details supplied) in County Wexford who wish to adopt a child from India; and if she will make a statement on the matter. [12613/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 471 and 476 together.

The Adoption Authority 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. Information relating to inter-country adoption from specific countries can be obtained from the Adoption Authority and is posted on the AAI website ([www.aai.gov.ie](http://www.aai.gov.ie)). The adoption of a child or children from another jurisdiction is in the first instance subject to the views, rules and arrangements of the country of origin. The AAI notices reflect the information available to it on the current situation at any point in time.

On 17 February 2012 the AAI posted on its website a notice relating to inter-country adoptions from India, which is a signatory to the Hague Convention. 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. 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. Should CARA invite Ireland/AAI to participate in a new inter-country adoption

scheme, 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. The AAI has advised that it is proposing to send a delegation to India to discuss administrative matters relating to inter-country adoption between our two countries.

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 Inter-country 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 that prospective adopters should not proceed with non-Hague Convention adoptions from India.

The Hague Convention is a co-operative agreement drawn up to allow countries to mutually support one another in protecting the best interests of children in the intercountry adoption process. It is designed in such a way as to allow for mirrored mechanisms and structures to mutually assure countries of the safety and standard of intercountry adoptions in those countries. The Adoption Authority of Ireland (AAI) performs the function of a Central Authority under the Adoption Act, 2010, in accordance with the Convention. In choosing to deal primarily with Hague countries, the AAI has the mechanism to work collaboratively with equivalent structures in that country. Each Central Authority has the responsibility to oversee standards in respect of those parts of the process taking place within their respective jurisdictions. This mutual arrangement is designed to give the AAI, the Government and, most importantly, those involved in the adoption process assurance as to the standards being set and the oversight of the system.

With effect from 1 November 2010, intercountry adoptions can be effected with other countries which have ratified the Hague Convention or with which Ireland has a bilateral agreement. Ireland currently has no bilateral agreements in respect of intercountry adoption. As the Hague Convention is designed to ensure a minimum set of standards in intercountry adoption, it is appropriate that the immediate priority for the Adoption Authority on reaching agreements on arrangements with other Hague countries. The AAI are in the process of developing administrative arrangements with a number of countries which are signatories to the Hague Convention.

### **Child Care Services**

472. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs the outcome of a child care subvention appeal in respect of a person (details supplied) in County Donegal; and if she will make a statement on the matter. [12408/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** My Department implements the Community Child care Subvention (CCS) programme which provides funding to community child care services to enable them to charge reduced child care rates to low income and disadvantaged families.

Community child care services qualify for grant aid on the basis of the level of service they provide and the profile of the parents benefiting from their service. Parental declaration forms are submitted in the Autumn of each year to my Department and the PPS numbers of those parents are transmitted to the Department of Social Protection (DPS) and the HSE for verification. Information supplied by the DSP and HSE is used to determine the level of subvention which applies to each individual parent. Following verification, letters issue to participating services confirming the total annual CCS subvention amount approved for that service together with a list of qualifying parents and confirmation of the subvention level applied to each parent.

[Deputy Frances Fitzgerald.]

Services are also advised that if any parent disagrees with the level of subvention applied to them, they have a right of appeal. The deadline for the submission of appeals in this instance was Friday, 3 February 2012.

I understand that the person referred to by the Deputy submitted an appeal against the initial determination of subvention and that this appeal has been successful. The service will be advised of this outcome in due course.

473. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs the outcome of a child care subvention appeal in respect of a person (details supplied) in County Donegal; and if she will make a statement on the matter. [12410/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** My Department implements the Community Child care Subvention (CCS) programme which provides funding to community child care services to enable them to charge reduced child care rates to low income and disadvantaged families.

Community child care services qualify for grant aid on the basis of the level of service they provide and the profile of the parents benefiting from their service. Parental declaration forms are submitted in the Autumn of each year to my Department and the PPS numbers of those parents are transmitted to the Department of Social Protection (DPS) and the HSE for verification. Information supplied by the DSP and HSE is used to determine the level of subvention which applies to each individual parent. Following verification, letters issue to participating services confirming the total annual CCS subvention amount approved for that service together with a list of qualifying parents and confirmation of the subvention level applied to each parent. Services are also advised that if any parent disagrees with the level of subvention applied to them, they have a right of appeal. The deadline for the submission of appeals in this instance was Friday, 3 February 2012.

I understand that the person referred to by the Deputy submitted an appeal against the initial determination of subvention and that this appeal has not been successful. The service has been advised of this outcome.

### **Departmental Funding**

474. **Deputy Mary Lou McDonald** asked the Minister for Children and Youth Affairs if she intends to provide funding to the Irish Society for the Prevention of Cruelty to Children for the 116000 missing children hotline; and if following ComReg's allocation of the 116000 number to the ISPCC she will confirm that the hotline number will be operational before the summer recess. [12578/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** Under EU telecoms rules agreed in 2009, the 116000 number is reserved in all EU member states for a missing children hotline. My Department established and is leading a cross-sectoral Project Team, including representatives of my own Department, the Department of Justice and Equality, ComReg and An Garda Síochána to advance this matter.

The position is that ComReg, who have responsibility for allocation of this number in Ireland, received an application to operate the Hotline from the ISPCC. Following cross departmental consultation and an examination of the issues involved by the Project team, ComReg has now allocated the number to the ISPCC. In the coming months the Project Team will work to ensure that the Hotline becomes operational as soon as possible and operates in a way that supports and augments existing arrangements to secure child protection.

### Inter-Country Adoptions

475. **Deputy Kevin Humphreys** asked the Minister for Children and Youth Affairs when the Adoption Authority of Ireland, AAI, will visit Ethiopia with regard to the formulation of a bilateral treaty; if she will provide a timeline or date for this visit; the progress that has been made on the AAI review on this issue; when the results of that review will be published; and if she will make a statement on the matter. [12607/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** Adoptions from Ethiopia, effected under the transitional arrangements provided for in the Adoption Act 2010, are ongoing and are currently being examined, and recognised, by the Adoption Authority of Ireland (AAI). These transitional arrangements may lead to adoptions from Ethiopia taking place up to the end of October 2013.

Adoptions from Ethiopia which are not covered by the transitional arrangements referred to above would require a bilateral agreement between Ireland and Ethiopia. The negotiation of bilateral agreements on intercountry adoption with states who have not ratified the Hague Convention is governed by Section 73 of the Adoption Act 2010 which states that “*the Authority, with the prior consent of the Minister, may enter into discussions with any non-contracting state concerning the possibility of the Government entering into a bilateral agreement with that State.*”

I have written to the AAI giving approval for the commencement of the process of examining the feasibility of a bilateral agreement with Ethiopia. The AAI have confirmed that, with the assistance of the Irish Embassy in Addis Ababa, they have sought an expert legal narrative and description of the current Ethiopian adoption law. The AAI will examine this to test for compatibility and compliance with the Adoption Act 2010. A delegation from the Adoption Authority will visit Ethiopia in the near future as part of this process. Arrangements for the AAI visit are currently being put in place by the AAI in conjunction with the Irish Embassy in Ethiopia. The review and the visit by the Authority will inform the AAI advice to me on the feasibility of a bilateral agreement with Ethiopia. The AAI is aware that I am anxious to bring clarity to the situation with regard to Ethiopia as soon as possible.

Any future bilateral arrangements which might be entered into would also be required by law to meet the minimum standards set out in the Hague Convention. As the Hague Convention is designed to ensure a minimum set of standards in intercountry adoption, the Adoption Authority of Ireland have indicated that their first priority is to reach agreement on arrangements with other Hague countries. The AAI are in the process of developing administrative arrangements with a number of countries who are signatories to the Hague Convention.

*Question No. 476 answered with Question No. 471.*

### Health Service Inspections

477. **Deputy Jonathan O’Brien** asked the Minister for Children and Youth Affairs, further to Parliamentary Questions Nos. 81 and 102 of 14 February 2012, in which she stated that since the publication of the Health Information and Quality Authority report into Glenn Alainn, Cork, on the 2 December that one child had been restrained for a period of one minute in the period up to 14 February, if her attention has been drawn to the fact that the subsequent HIQA report into Glenn Alainn on 28 February stated that since the previous report’s publication there had been three physical restraints in relation to three children; if she will provide clarification regarding the dates on which these incidents occurred and if the information provided to her by the unit for the purposes of responding to the parliamentary question and the HIQA reports were correct. [12711/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The information provided in my response to Parliamentary Questions numbers 81 and 102 of 14 February 2012 is correct. The HSE has confirmed that no child has been confined to their bedroom and one child was restrained for a period of one minute since the publication of the HIQA report.

The HIQA report published on 28 February refers to three physical restraints in relation to three children since the last inspection, which took place on 18/19 October 2012. These restraints took place on 17th and 18th of November and 1st December 2011 and were not referred to in the PQ reply which requested details of restraints since the publication of the HIQA report in December.

Special Care Units care for children who are detained by a High Court Order as it is deemed that their behaviour is a danger to themselves. In such circumstances it is to be expected that staff members will, from time to time, have to intervene physically to protect children from harm. All staff are trained in accredited methods of physical restraint, and all episodes of restraint are recorded and reviewed by the senior manager, the HSE external monitor and the HIQA inspector.

### **Freedom of Information**

478. **Deputy Gerry Adams** asked the Minister for Children and Youth Affairs if she will provide a breakdown of the total fees received in her Department for freedom of information requests and the number of individual requests in each of the years 2002 to 2011, inclusive. [12721/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** From the establishment of my Department on 2 June, 2011, 10 requests under the Freedom of Information Act were received by my Department in 2011. Four of these requests were processed by the Department of Health on my Department's behalf while the Freedom of Information Unit within my own Department was in the process of being established. Fees were payable in respect of nine of these requests; the fee charged in relation to each of these requests was €15.

479. **Deputy Gerry Adams** asked the Minister for Children and Youth Affairs if she will provide a breakdown of the number of freedom of information requests submitted in the years 2002 to 2011, inclusive, to her Department; the total amount of fees charged and fees received in each year; the number and amount of initial search fees paid and the number and amount of search and retrieval fees paid. [12737/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** From the establishment of my Department on 2 June, 2011, 10 requests under the Freedom of Information Act were received by my Department in 2011. Four of these requests were processed by the Department of Health on my Department's behalf while the Freedom of Information Unit within my own Department was in the process of being established. In respect of nine of these requests, initial search fee of €15 was paid. No search and retrieval fees were paid in respect of these requests. In respect of one of these requests no fee was payable under the Act. The total amount of fees received in 2011 was €135.

### **Appointments to State Boards**

480. **Deputy Gerry Adams** asked the Minister for Children and Youth Affairs if the chief executive officer of Rehab (details supplied) is a member of any State board; and the remuneration, expenses or other payments they receive for such membership. [13240/12]

**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. Apart from the Ombudsman for Children's Office which does not have a board, I am responsible for all Board of Management appointments. I can confirm that the individual that the Deputy has referred to is not a member of any State board which comes under the remit of my Department and is therefore not in receipt of any remuneration, expenses or any such payments.

### **National Children's Hospital**

481. **Deputy Billy Kelleher** asked the Minister for Health the total amount of funding allocated to the proposed national children's hospital project for 2012. [12366/12]

**Minister for Health (Deputy James Reilly):** Following the publication of the 'Infrastructure and Capital Investment 2012-2016: Medium Term Exchequer Framework', the Health Service Executive commenced drawing up its capital programme for the multi-annual period 2012-2016. The Executive is required to prioritise the capital infrastructure projects within its overall capital funding allocation taking into account the existing capital commitments and costs to completion over the period. A draft capital plan for the period 2012-2016 has been submitted to my Department. My Department has been reviewing the proposals and following up with the HSE where further details were required. The recent developments regarding the National Children's Hospital will require that some of the assumptions made in the plan in that regard are reviewed and my Department, together with the HSE, will be addressing the issues arising as a matter of priority.

### **Animal Experimentation**

482. **Deputy Maureen O'Sullivan** asked the Minister for Health the number of companies that have licences to use animals in experimentation; the length, terms and conditions of those licences; the guidelines that apply; and the extent of inspection to ensure those guidelines are being followed. [12788/12]

**Minister for Health (Deputy James Reilly):** I would like to advise the Deputy that my Department issues two types of authorisations, one in respect of the registration of premises and the other in respect of the licensing of projects. There are 45 registered premises across 18 Organisations. The number of project licences issued in 2011 was 132 and such licences are issued for 5 years. A number of conditions apply to each licence and these include matters in relation to the care and accommodation of the animals, record maintenance, the provision of veterinary advice and treatment and a requirement that the experiments can only be carried out at the registered premises specified in the licence.

The guidelines for inspections are contained in Commission Recommendation (2007/526/EU) of 18 June 2007 on guidelines for the accommodation and care of animals used for experimental and other scientific purposes. Inspections are carried out by the Department of Agriculture, Food and the Marine. A Memorandum of Understanding has been signed by both Departments formalising arrangements in this regard.

### **Departmental Schemes**

483. **Deputy Ciara Conway** asked the Minister for Health if he has considered revisiting the

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current amount charged for the drug payment scheme for a single person, in view of the fact that they are levied with the same charge as a couple or as a family; and if he will make a statement on the matter. [12122/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** There are no plans to change the current terms of the Drugs Payment Scheme.

#### **Pension Provisions**

484. **Deputy Catherine Murphy** asked the Minister for Health the reason the pension entitlements of a person (details supplied) have not been finalised; and if he will make a statement on the matter. [12123/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

#### **Medical Aids and Appliances**

485. **Deputy Aodhán Ó Ríordáin** asked the Minister for Health the position regarding a hearing aid application in respect of a person (details supplied) in Dublin 5; and if he will make a statement on the matter. [12128/12]

**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.

#### **Medicinal Products**

486. **Deputy Billy Kelleher** asked the Minister for Health the anti-venom stocks held in the State; the location of same; and if he will make a statement on the matter. [12137/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The National Poisons Information Centre, located in Beaumont Hospital provides information to doctors and health care professionals to assist them in the management of acute poisoning. In cases of poisoning with venomous species, the treating hospital should contact this body for information on how to obtain stocks of anti-venom. There are no centrally held stocks of anti-venom in Ireland. I am advised by the National Poisons Information Centre that they have no reports of the use of anti-venom serum in this country to date.

#### **Hospital Waiting Lists**

487. **Deputy Brian Walsh** asked the Minister for Health when a person (details supplied) in County Galway can expect to undergo an operation; and if he will make a statement on the matter. [12140/12]

**Minister for Health (Deputy James Reilly):** I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by dramatically improving the flow of patients through the system, and by streamlining waiting lists, including referrals from GPs. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

As a priority, public hospitals were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of

hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or day case surgery.

As this is a service matter, it has been referred to the HSE for direct reply. Should the patient's general practitioner consider that the patient's condition warrants an earlier appointment, he/she would be in the best position to take the matter up with the consultant and facility involved.

### Medical Cards

488. **Deputy Mattie McGrath** asked the Minister for Health when a decision will be made on an application for a medical card in respect of a person (details supplied) in County Tipperary; and if he will make a statement on the matter. [12149/12]

**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

489. **Deputy Billy Kelleher** asked the Minister for Health the staffing levels from 2008 to 2012 at the Cork Dental Hospital on the Cork University Hospital campus; and if he will make a statement on the matter. [12155/12]

**Minister for Health (Deputy James Reilly):** The Health Service Executive's Health Service Personnel Census indicates that the numbers employed in the Cork Dental Hospital between December 2008 and January 2012 (latest data) are as set out in the table:

Numbers (WTE excl. career break) employed at Cork Dental Hospital

Dec 08	Dec 09	Dec 10	Dec 11	Jan 12
88.25	75.48	78.59	83.98	78.82

### Hospital Services

490. **Deputy Billy Kelleher** asked the Minister for Health the number of patients treated by consultants from 2008 to 2012 and separately by visiting dentists from 2008 to 2012 at the Cork Dental Hospital on the Cork University Hospital campus; and if he will make a statement on the matter. [12156/12]

**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.

491. **Deputy Billy Kelleher** asked the Minister for Health if he will clarify the position on the bed closures at the Mercy University Hospital, Cork, and confirm that it is not the case that public beds that were closed either have opened or are about to open as private beds; and if he will make a statement on the matter. [12157/12]

493. **Deputy Billy Kelleher** asked the Minister for Health when the cardiac services being provided by the Mercy University Hospital, Cork, will link up with the established cardiac centre of excellence at Cork University Hospital; and if he will make a statement on the matter. [12159/12]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 491 and 493 together.

As these are service matters they have been referred to the HSE for direct reply.

#### **Irish Blood Transfusion Service**

492. **Deputy Billy Kelleher** asked the Minister for Health the current status of the Irish Blood Transfusion Service based at St. Finbar's Hospital, Cork; the future plans for the service based there; and if he will make a statement on the matter. [12158/12]

**Minister for Health (Deputy James Reilly):** Approval was given by the Board of the HSE in July 2011 to relocate the Munster Regional Transfusion Centre to a site at Cork University Hospital and a capital allocation has been provided for this purpose. This project is currently under discussion between the IBTS and the HSE.

*Question No. 493 answered with Question No. 491.*

#### **Ambulance Service**

494. **Deputy Billy Kelleher** asked the Minister for Health if the ambulance service for the southern region complies with Health Information and Quality Authority guidelines; and if he will make a statement on the matter. [12160/12]

**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 Service Staff**

495. **Deputy Billy Kelleher** asked the Minister for Health the manner in which a vacancy was recently filled in the reconfiguration department at Health Service Executive south; if expressions of interest were sought to fill the vacant position; and if he will make a statement on the matter. [12161/12]

**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 Properties**

496. **Deputy Billy Kelleher** asked the Minister for Health if he will detail the occupancy of Áras Sláinte at Wilton Road, Cork; the reason separate offices were needed at the Model Farm Road to facilitate Health Service Executive management; and if he will make a statement on the matter. [12162/12]

**Minister for Health (Deputy James Reilly):** Management of the Health Service Executive property portfolio is a service matter. Therefore your question has been referred to the Executive for direct reply.

#### **Health Services**

497. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health if he will review the case of a person (details supplied) in County Cork; if he will provide an update on same; and if he will make a statement on the matter. [12168/12]

**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.

### Medical Cards

498. **Deputy John O'Mahony** asked the Minister for Health when a person (details supplied) in County Galway will receive a decision on the medical card application made in October 2011; the reason for the delay in same; and if he will make a statement on the matter. [12169/12]

**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.

499. **Deputy Michelle Mulherin** asked the Minister for Health the reason a person (details supplied) in County Mayo was issued with a medical card with an incorrect PPS number on it and that when correcting the error, they were re-issued with a medical card still bearing the incorrect PPS number and incorrectly being a general practitioner visit card and further that on the third attempt PPS number was correct, however, it is still a GP visit card when it should be a medical card; if he will have the correct medical card issued to them as soon as possible; and if he will make a statement on the matter. [12174/12]

**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.

### General Practitioner Services

500. **Deputy Billy Kelleher** asked the Minister for Health the financial cost to the Health Service Executive of equipment supplied to general practitioners for blood sampling; and if he will make a statement on the matter. [12183/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** I believe the Deputy is referring to general items used in taking blood samples such as packaging, etc. The information sought by the Deputy is not routinely available, however, the HSE have advised my Department that the estimated costs of providing GPs with packaging and primary/secondary containers used in taking blood samples in primary care is between €5.5m and €6m annually. I should stress that this is an estimated cost as actual costs are not readily available.

501. **Deputy Billy Kelleher** asked the Minister for Health if the Health Service Executive subsidises practice nurses in general practitioners' surgeries; if so, the financial cost to the HSE; and if he will make a statement on the matter. [12184/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** Under the General Medical Services (GMS) Contract, provision is made for the payment of subsidies towards the cost of employing practice nurses, secretaries and managers. The current rates of payments are set out in the Health Professionals (Reduction of Payments to General Practitioners) Regulations 2010 (S.I. 638/2010). The current annual nursing subsidy ranges from €31,258.45 for a nurse with 1 year's experience, up to €38,204.77 for a nurse with 4 or more year's experience.

Fees and allowances paid to General Practitioners (GPs) under the General Medical Services Scheme, the Maternity and Infant Care Scheme, the Health (Amendment) Act 1996 (Hepatitis C patients) and the HeartWatch Programme amounted to some €465m in 2010. This includes secretarial/nursing allowances of €80.6m.

502. **Deputy Billy Kelleher** asked the Minister for Health the total cost from 2009 to 2011 for the laboratory testing of blood including the breakdown of blood testing for general practitioners; and if he will make a statement on the matter. [12185/12]

**Minister for Health (Deputy James Reilly):** The Deputy's question relates to service delivery matters and accordingly I have asked the HSE to respond directly to him.

503. **Deputy Billy Kelleher** asked the Minister for Health the amount general practitioners are paying towards the provision of equipment and testing of blood; and if he will make a statement on the matter. [12186/12]

**Minister for Health (Deputy James Reilly):** The Deputy's question relates to service delivery matters and accordingly I have asked the HSE to respond directly to him.

### Departmental Funding

504. **Deputy Peter Mathews** asked the Minister for Health, further to Parliamentary Question No. 668 of 14 February 2012, the Minister or Minister of State responsible for allocating the budget for such expenditure; and if he will make a statement on the matter. [12210/12]

**Minister for Health (Deputy James Reilly):** The HSE and Local Authorities both fund and deliver services to all persons and families presenting as homeless. The allocation of the HSE's homeless budget comes within the remit of the HSE and is allocated based on identified needs.

### Health Services

505. **Deputy Patrick O'Donovan** asked the Minister for Health the position regarding an E112 expenses claim in respect of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [12215/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### Medical Cards

506. **Deputy Mattie McGrath** asked the Minister for Health when a decision will issue on an application for a medical card in respect of a person (details supplied) in County Tipperary; and if he will make a statement on the matter. [12221/12]

**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.

507. **Deputy Mattie McGrath** asked the Minister for Health when a decision will issue on an application for a medical card in respect of a person (details supplied) in County Tipperary; and if he will make a statement on the matter. [12223/12]

**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 Insurance

508. **Deputy Alex White** asked the Minister for Health if his attention has been drawn to the practice of the VHI in charging an insured couple seeking to cancel their policy 11 months from renewal a fee of €634.40 in lieu of the Government health levy for 2012; if he plans to address the issue; and if he will make a statement on the matter. [12225/12]

**Minister for Health (Deputy James Reilly):** While insurers provide a facility to consumers to pay premiums over the policy year, rather than at the start of the policy, this does not change the twelve month nature of contracts. Health insurance contracts are normally written for a

term of one year. Like any contract, if a policyholder wishes to cancel their health insurance contract, the cancellation is subject to the relevant terms in the policy contract, provided the contract allows for mid term cancellation. If the policy contract does not allow cancellation during the term of the year, an insurer can seek to enforce the contract under contract law and demand the balance of the year's premium. All open market insurers give a 14 day cooling off period where they will cancel the contract and give a full premium refund. It is important to note that customers are free to cancel and change their policy at their renewal date without difficulty.

In respect of policies renewing or commencing in 2012, the current Scheme of Age-Related Tax Credits and Community Rating Levy provides for the payment by insurers of a levy of €285 per adult. It should be noted that, where customers leave before the twelve month insurance period expires, the insurer incurs a loss in relation to the levy paid as the levy may only be collected once. If a policy is cancelled mid policy year, insurers cannot reclaim a proportion of the levy. Where a policy holder switches to an alternative insurer, the second insurer does not have to pay the levy in respect of the replacement policy, if the two policies commence in the same accounting period. In this regard, accounting periods are normally the twelve month period starting on 1 August and finishing on 31 July.

I am informed by the VHI that the amount the couple are required to pay is based on a pro rata calculation of the levy for two adults and two children, which the VHI are required to pay in respect of the policy concerned. Where the policy is cancelled mid policy term, VHI were still required to pay the levy and therefore would otherwise be at a loss. VHI must ensure that they take in enough premium income in a given year to cover the costs of their customers' healthcare needs in that year. This would not be possible if the terms of cover on policies were constantly changing outside of the agreed contract period.

There is also a €50 administration charge which I understand is imposed by VHI to cover the cost of the administration involved in the cancellation of a policy post-breach of the contract (it should be noted this is per policy rather than per person — the average VHI policy involves two people). The administration charge only arises if a breach of contract occurs.

### **Medical Cards**

509. **Deputy Billy Kelleher** asked the Minister for Health in view of an article in a newspaper (details supplied), if he will clarify the comments attributed to him and his Department in relation to the reactivation of medical cards when applications are pending, in view of the fact that no information is available from his own site or that of Health update; and if he will make a statement on the matter. [12227/12]

510. **Deputy Billy Kelleher** asked the Minister for Health in relation to the reactivation of pending medical card applications, if the announcement (details supplied) is correct, can he tell us how soon applicants or general practitioners can check the status of cards on-line; and if he will make a statement on the matter. [12228/12]

511. **Deputy Billy Kelleher** asked the Minister for Health in relation to the reactivation of pending medical card applications and if this announcement is correct, does this mean holders of expired cards can go to their pharmacies today to fill prescriptions; and if he will make a statement on the matter. [12229/12]

512. **Deputy Billy Kelleher** asked the Minister for Health in relation to the reactivation of pending medical card applications and if this announcement is correct, can he inform this Deputy in cases in which applicants are ultimately successful will the Health Service Executive

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compensate them for medical expenses incurred while a decision was pending; and if he will make a statement on the matter. [12230/12]

513. **Deputy Billy Kelleher** asked the Minister for Health in relation to the reactivation of pending medical card applications and if this announcement is correct, will there be a public information campaign to inform persons that they now no longer have to go without the medication they could not afford to buy; and if he will make a statement on the matter. [12231/12]

514. **Deputy Billy Kelleher** asked the Minister for Health in relation to the reactivation of pending medical card applications and if this announcement is correct, if he will clarify the situation for those who did make an application but were asked again to submit further applications if they too are covered by this announcement; and if he will make a statement on the matter. [12232/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** I propose to take Questions Nos. 509 to 514, inclusive, together.

Under a new procedure, a medical card will remain valid, irrespective of the expiry date shown on the card, once the medical card holder is genuinely engaging with the HSE review process. The medical card status of an individual can be confirmed by any doctor or pharmacist in their practice or pharmacy, or by the medical card holders themselves either on-line at *www.medicalcard.ie* or through their GP's practice system. I have spoken to the HSE about the need for a public information campaign and the HSE will be taking steps in this regard very shortly.

515. **Deputy Pearse Doherty** asked the Minister for Health if he will provide an explanation for the delay in the processing of a medical card application appeal in respect of a person (details supplied) in Dublin 22; and when the individual concerned can expect a decision [12240/12]

**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.

516. **Deputy Pearse Doherty** asked the Minister for Health if he will provide an explanation for the delay in the processing of a medical card application in respect of a person (details supplied) in Dublin 22; and when the individual concerned can expect a decision. [12241/12]

**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.

517. **Deputy John O'Mahony** asked the Minister for Health when a person (details supplied) in County Mayo will receive their medical card following their successful appeal; and if he will make a statement on the matter. [12248/12]

**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.

#### Health Service Staff

518. **Deputy John Lyons** asked the Minister for Health if he will provide, in tabular form,

details of annual expenditure and whole-time equivalent posts for all years from 2007 to date in 2012, under the following headings (details supplied). [12251/12]

**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.

519. **Deputy John Lyons** asked the Minister for Health if he will provide, in tabular form, details of annual expenditure and whole-time equivalent posts for all years from 2007 to date 2012, under the headings (details supplied) for children with special educational needs; and if he will make a statement on the matter. [12252/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As the Deputy's question relates to service matters, I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

### Health Services

520. **Deputy Pearse Doherty** asked the Minister for Health the reason support services, motor skills, speech therapy and paediatric services for a person (details supplied) in Dublin 22 are not being provided; when the individual concerned can expect these services to be provided; and if he will make a statement on the matter. [12255/12]

**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.

### Departmental Funding

521. **Deputy Gerry Adams** asked the Minister for Health the level of funds from his Department that go to fund the work of Rehab; if any of that money contributes towards the salary of the chief executive of the Rehab Group; and if he will make a statement on the matter. [12258/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The Rehab Group is an independent company with many subsidiaries operating in the not for profit and commercial sectors in several jurisdictions. The Rehab Group is funded by the Health Service Executive. The Department has requested the HSE to provide the Deputy with details of the funding the Executive provides to the Rehab Group.

In response to an enquiry by the Minister for Health in 2011, the Chairman of the Rehab Group pointed out that the salaries of the Chief Executive Officer and other senior members of the group management team come from their commercial activities and are not financed from public funds or fundraising.

### Medical Cards

522. **Deputy John O'Mahony** asked the Minister for Health when a person (details supplied) in County Mayo will receive their medical card; and if he will make a statement on the matter. [12264/12]

**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.

523. **Deputy Sandra McLellan** asked the Minister for Health the reason medical card and general practitioner cards are being withdrawn from applicants who have been deemed by the medical card office to not have proof of income while awaiting the outcome of social welfare claims, currently the income is zero in respect of a person (details supplied). [12267/12]

**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.

### Medicinal Products

524. **Deputy Simon Harris** asked the Minister for Health if he will outline the restrictions and guidelines that he operates regarding the provision of homoeopathy services and practitioners' rights to make claims about the medical efficacy of their services; and if he will make a statement on the matter. [12274/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** Under the Medicinal Products (Control of Placing on the Market) Regulations 2007, the Irish Medicines Board operates a registration scheme for homoeopathic medicines to ensure the quality and safety of homoeopathic medicinal products placed on the market in Ireland. Advertising of medicinal products is regulated by the Medicinal Products (Control of Advertising) Regulations 2007 and these Regulations prohibit the use of certain materials in advertisements of homoeopathic medicinal products including:

- material which suggests that the effects of taking the medicinal product are guaranteed, are unaccompanied by adverse reactions or are better than, or equivalent to, those of another treatment or medicinal product; material which suggests that the health of the subject could be enhanced by taking the medicinal product;
- material which refers to a recommendation by scientists, health professionals or persons who are neither of the foregoing but who, because of their celebrity status, could encourage the consumption of medicinal products;
- material which suggests that the safety or efficacy of the medicinal product is due to the fact that it is natural;
- material which refers in improper, alarming or misleading terms to claims of recovery.

### Health Services

525. **Deputy Thomas P. Broughan** asked the Minister for Health if he will urgently request the Health Service Executive to bring in an independent child care expert to assess the needs and make recommendations for a person (details supplied) in Dublin 5 in terms of their urgent health, mental health and welfare needs in view of the crisis situation that they currently find themselves in; and if he will make a statement on the matter. [12283/12]

526. **Deputy Thomas P. Broughan** asked the Minister for Health if she will urgently request the Health Service Executive to bring in an independent child care expert to assess the needs and make recommendations for a young person (details supplied) in Dublin 5 in terms of their urgent educational, health, mental health and welfare needs in view of the crisis situation that the person currently finds themselves in; and if he will make a statement on the matter. [12284/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I propose to take Questions Nos. 525 and 526 together.

As this is a service matter the question has been referred to the HSE for direct reply.

#### **Health Service Staff**

527. **Deputy Dan Neville** asked the Minister for Health the international comparison of the ratio of the number of child and adolescent psychiatrists to the child and adolescent population in countries (details supplied). [12298/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The Medical Council reported that there were 131 physicians with a specialty of Child and Adolescent Psychiatry as at 31st December, 2011. Given a CSO estimated 2011 population under the age of 18 of 1.142 million, this equates to approximately 11.4 Child and Adolescent Psychiatrists per 100,000 children aged under 18 for Ireland. My Department does not collect this information for the other countries referred to by the Deputy.

#### **Mental Health Services**

528. **Deputy Dan Neville** asked the Minister for Health the number of multidisciplinary outpatient child and adolescent teams at present. [12299/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** There are currently 61 child and adolescent mental health teams nationally. Of these 61 teams, 56 are community based, 2 are Day Hospital teams and 3 are Hospital Liaison teams.

#### **Medical Cards**

529. **Deputy Emmet Stagg** asked the Minister for Health the reason a medical card awarded on appeal in June 2011 has not to date issued to a person (details supplied) in County Kildare. [12310/12]

**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.

530. **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); the reason the process is taking so long in view of the fact that the application and all of the further information requested was submitted on 7 July 2011, 5 August 2011, 17 November 2011, 20 November 2011 and 14 December 2011; if the letter of complaint of 18 December 2011 will be processed; and if he will make a statement on the matter. [12316/12]

**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.

#### **Health Services**

531. **Deputy Patrick O'Donovan** asked the Minister for Health if he will review the policy of families of patients suffering from Duchenne muscular dystrophy having to fill in a new E112 form every time they travel to the UK for treatment, in view of the financial, emotional and physical stress that completing these applications has on the patients and families; and if he will make a statement on the matter. [12324/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### Health Centres

532. **Deputy Joan Collins** asked the Minister for Health the Health Service Executive's plans for the building in which the current health centre is located in Ballyfermot, Dublin 10. [12325/12]

**Minister for Health (Deputy James Reilly):** Management of the Health Service Executive property portfolio is a service matter. Therefore your question has been referred to the Executive for direct reply.

### National Treatment Purchase Fund

533. **Deputy Billy Kelleher** asked the Minister for Health the position regarding the treatment abroad scheme application (details supplied) in Dublin 24; and if he will make a statement on the matter. [12327/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### Medical Cards

534. **Deputy Tom Fleming** asked the Minister for Health when a decision will issue on a medical card application in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [12329/12]

**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.

535. **Deputy John O'Mahony** asked the Minister for Health when a person (details supplied) in County Mayo will receive a decision on their medical card application; and if he will make a statement on the matter. [12330/12]

**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.

536. **Deputy Sandra McLellan** asked the Minister for Health when a medical card claim will be processed in respect of a person (details supplied) in County Cork. [12341/12]

**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.

537. **Deputy Jack Wall** asked the Minister for Health the position regarding an appeal against the decision to refuse an application for a full medical card in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [12356/12]

**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

538. **Deputy Dominic Hannigan** asked the Minister for Health his plans to deal with the four-year waiting lists for dental services in Our Lady's Hospital in Navan, County Meath; if

there will be a possibility to hire new staff for the centre if there is a need for extra staff to deal with the waiting list; if there is any possibility to redeploy staff from a different centre to deal with the backlog; and if he will make a statement on the matter. [12358/12]

**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.

### Health Services

539. **Deputy Dominic Hannigan** asked the Minister for Health the reason a person (details supplied) in County Meath had their home help hours cut by 50%; and if he will make a statement on the matter. [12361/12]

**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.

### Proposed Legislation

540. **Deputy Dominic Hannigan** asked the Minister for Health when he expects to bring the health (amendment) Bill to Dáil Éireann for Second Stage debate; and if he will make a statement on the matter. [12375/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** Work is underway in my Department to develop legislation to extend free GP cover to persons with defined long-term illnesses who are in receipt of drugs and medicines under the Long Term Illness Scheme. It is not possible at this stage to say when the second stage debate will take place but it is hoped to produce the legislation by this summer.

### Medical Cards

541. **Deputy John O'Mahony** asked the Minister for Health when a person (details supplied) in County Mayo will receive a decision on their medical card application; and if he will make a statement on the matter. [12378/12]

**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.

### Medicinal Products

542. **Deputy Olivia Mitchell** asked the Minister for Health the reason a company (details supplied) is being prohibited by the Irish Medicines Board from introducing its cheaper product for sale in the Republic when this product is for sale at half the price across the Border; and if he will inquire the reason at the same time the Irish Medicines Board is requiring a renewal of the company's warehouse licence while prohibiting it from importing its product. [12380/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The procedures to be followed for authorisation of medicinal products are set out in EU legislation. While no details have been provided by the Deputy on the product in question, I have been advised by the Irish Medicines Board that the company has made two applications to the Irish Medicines Board to market products in Ireland and these are currently under assessment by the Board. An earlier application for authorisation of a particular product was made under the incorrect procedure.

[Deputy Róisín Shortall.]

Under EU legislation, an application to market a medicinal product in a member state other than that in which it was first authorised must be made under the mutual recognition procedure. This procedure is based on the principle of the mutual recognition by EU member states of their respective national marketing authorisations. The Irish Medicines Board is unaware of any engagement with the named company regarding a wholesaler's authorisation.

### Medical Cards

543. **Deputy Pearse Doherty** asked the Minister for Health if he will provide an explanation for the delay in the processing of a medical card application in respect of a person (details supplied) in Dublin 22; and when the individual concerned can expect a decision. [12381/12]

**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.

544. **Deputy Tom Fleming** asked the Minister for Health when a decision will issue on a medical card application in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [12388/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### Health Service Staff

545. **Deputy Michelle Mulherin** asked the Minister for Health if he will direct the public appointments commission to expedite the approval of a director of nursing for St. Augustine's community nursing home, Ballina, County Mayo, in order that a new director of nursing is confirmed before the current director of nursing has retired to assure a smooth transition for the operation of the home; and if he will make a statement on the matter. [12406/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

### Medical Cards

546. **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. [12418/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### EU Directives

547. **Deputy Finian McGrath** asked the Minister for Health when directive 2011/24/EU on the application of patients' rights in cross-border health care will be transposed into legislation and the transition arrangements will be put in place to ensure the effective transposition of the directive; and if he will make a statement on the matter. [12429/12]

**Minister for Health (Deputy James Reilly):** The Directive on the Application of Patients' Rights in Cross Border Healthcare was published in the EU Official Journal on 4 April 2011 and the transposition period of 30 months commenced on 24 April 2011. Member States have until October 2013 to implement the Directive.

The purpose of this patient-focussed Directive is to establish a clear legal framework to facilitate cross border health care with a focus on patient rights, information for patients on entitlements and patient choice. This will require all Member States to put in place processes to allow for the exchange of information on treatments, and their cost, to citizens across the EU. Member States will also have to facilitate the exchange of patient information following treatment and put in place mechanisms to refund patients up to the amount the treatment would have cost them to have received the same procedure in their own Member State. Given the complexity of the issues to be considered, both nationally and between Member States, it is envisaged that the transposition of the Directive into Irish law will be completed within the transposition time frame of October 2013.

### Health Services

548. **Deputy Paul J. Connaughton** asked the Minister for Health when a person (details supplied) in County Galway will receive their primary medical certificate; and if he will make a statement on the matter. [12431/12]

**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

549. **Deputy John McGuinness** asked the Minister for Health if a medical card application submitted in November 2011 will be expedited and approved in respect of a person (details supplied) in County Kilkenny. [12433/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### Health Service Staff

550. **Deputy Robert Troy** asked the Minister for Health if he is satisfied that all front-line vacancies which have been approved for replacement will be filled from 1 March despite the fact that advertisements have yet to be placed; and if he will confirm that standard HR procedures will be relaxed to ensure all necessary front-line positions will be filled without any delay. [12448/12]

**Minister for Health (Deputy James Reilly):** Approximately 4,400 health service staff retired between September 2011 and February 2012. Planning for the impact of the end of the pensions "grace period" began last autumn. Contingency plans have been developed locally for hospital and community services, reflecting risk assessments undertaken by each hospital/community manager. These have been reviewed at regional and national levels to ensure appropriate measures are in place across all services. The focus is on protecting and maintaining critical front-line services such as Emergency Department, maternity, critical care and neonatal services.

In order to achieve this, it is essential that changes in work practices and in how services are organised are pursued in the first instance. These include staff redeployment, streamlining of management structures, changing business processes and integrating services, as well as rostering and skill-mix changes. Some recruitment of new staff is also taking place, to ensure that key specialist services are maintained. Such recruitment will be conducted in line with normal public service practice, including competitive selection procedures. However I must

[Deputy James Reilly.]

emphasise that, given the need to reduce the size and cost of the public service, recruitment will occur only where issues cannot be addressed through other measures.

Where permanent appointments are to be made, interim arrangements have where necessary been put in place at local level. These include obtaining agreement of part-time staff to work extra hours, postponement of leave and the short-term employment of recent graduates in some disciplines.

### Health Services

551. **Deputy Joe McHugh** asked the Minister for Health if he will consider a proposal related to spina bifida care here (details supplied); and if he will make a statement on the matter. [12455/12]

**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

552. **Deputy Tom Fleming** asked the Minister for Health when a decision will issue on a medical card renewal application in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [12459/12]

**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

553. **Deputy James Bannon** asked the Minister for Health the reason Dublin taxis are parking in the disability bays outside the Mater Hospital, Dublin, sited between construction site and the main entrance to the hospital and abusing people who come up from the country to attend clinics at the hospital; and if he will make a statement on the matter. [12462/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

554. **Deputy Joe Higgins** asked the Minister for Health the reason the Genesis centre, the only psychotherapy and family centre in Dublin 15 has been hit with cuts of 10% in funding from the Health Service Executive when it provides an essential service in a budget. [12466/12]

555. **Deputy Joe Higgins** asked the Minister for Health the reason services in greater Blanchardstown, Dublin, are being severely affected by cuts and relocation. [12467/12]

556. **Deputy Joe Higgins** asked the Minister for Health the reason adolescent and child psychiatric services were summarily removed from Warrenstown and Blanchardstown; and the reason now the Genesis Psychotherapy and Family Therapy Services is suffering combined HSE/FSA cuts of 22%. [12468/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I propose to take Questions Nos. 554 to 556, inclusive, together.

As this is a service matter the question has been referred to the HSE for direct reply.

### Health Insurance

557. **Deputy Willie O’Dea** asked the Minister for Health if his attention has been drawn to the fact that the VHI operates a policy whereby anybody who wishes to change to a lower plan during the course of the year, is not allowed to do so; if he will engage with the management of VHI to change this policy; if his further attention has been drawn to the fact that if someone wishes to change from the VHI, that they incur very heavy penalties; his views that this is being anti-consumer and bad for business; and if he will also engage with the management of VHI to change this policy. [12470/12]

**Minister for Health (Deputy James Reilly):** While insurers provide a facility to consumers to pay premiums over the policy year, rather than at the start of the policy, this does not change the twelve month nature of contracts. Health insurance contracts are normally written for a term of one year. Like any contract, a customer wishing to cancel is subject to the terms of that contract. If the policy contract does not allow cancellation during the term of the year, an insurer can seek to enforce the contract under contract law and demand the balance of the year’s premium.

All open market insurers give a 14 day cooling off period where they will cancel the contract and give a full premium refund. It is important to note that customers are free to cancel and change their policy at their renewal date without difficulty.

In respect of policies renewing or commencing in 2012, the current Scheme of Age-Related Tax Credits and Community Rating Levy provides for the payment by insurers of a levy of €285 per adult. It should be noted that, where customers leave before the twelve month insurance period expires, the insurer incurs a loss in relation to the levy paid as the levy may only be collected once. If a policy is cancelled mid policy year, insurers cannot reclaim a proportion of the levy. Where a policy holder switches to an alternative insurer, the second insurer does not have to pay the levy in respect of the replacement policy, provided the two policies commence in the same accounting period (normally the twelve month period starting on 1 August and finishing on 31 July).

I understand that, where customers cancel their cover mid-policy (and pay the normal penalties for breaking their contract), VHI treats them as if they were a new customer, with waiting periods applying if they take out another VHI policy immediately afterwards. This measure is being taken as, where a policy is cancelled mid policy term, VHI are still required to pay the levy and therefore would otherwise be at a loss. VHI must ensure that they take in enough premium income in a given year to cover the costs of their customers’ healthcare needs in that year. This would not be possible if the terms of cover on policies were constantly changing outside of the agreed contract period.

Section 8(5) of the Health Insurance Act 1994 (as amended in 2001) refers to the cessation of a contract with an insurer and the subsequent effecting of a contract with a different insurer. This section of the Acts does not cover circumstances of switching policies within the same insurer and does not prohibit an insurance provider from applying penalties to customers who cancel their cover mid-policy and wish to take out another, less expensive policy with the same insurer immediately afterwards.

The Health Insurance Authority (HIA) is the independent regulator of the private health insurance market in Ireland and provides information to consumers regarding their rights and health insurance plans and benefits. My Department will examine this issue further, in conjunction with the HIA, as part of the overall strategy to address issues in the private health insurance market, leading in to the introduction of Universal Health Insurance.

### Medical Cards

558. **Deputy Emmet Stagg** asked the Minister for Health the reason a medical card has not issued to a successful applicant when the decision was made over a month ago [12474/12]

**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.

### Health Services

559. **Deputy Denis Naughten** asked the Minister for Health the total funding provided to Westdoc and each of its bases in 2011; the corresponding figure for 2012; the number of patient contacts in 2011 at each base and the projected figures for 2012; the way the Health Service Executive intends to make budget savings on the scheme this year; and if he will make a statement on the matter. [12495/12]

**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.

560. **Deputy Denis Naughten** asked the Minister for Health the total funding provided to Nowdoc and each of its bases in 2011; the corresponding figure for 2012; the number of patient contacts in 2011 at each base and the projected figures for 2012; the way the Health Service Executive intends to make budget savings on the scheme this year; and if he will make a statement on the matter. [12496/12]

**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.

561. **Deputy Brendan Griffin** asked the Minister for Health if he will provide funding for a health organisation (details supplied) in County Kerry; and if he will make a statement on the matter. [12500/12]

**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.

562. **Deputy Finian McGrath** asked the Minister for Health if he will review a matter (details supplied) regarding a service. [12514/12]

**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

563. **Deputy John McGuinness** asked the Minister for Health if a medical card will be issued to a person (details supplied) in County Kilkenny; if he will expedite the matter. [12575/12]

**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.

564. **Deputy John O'Mahony** asked the Minister for Health when a person (details supplied) in County Mayo will receive a decision on their medical card application; and if he will make a statement on the matter. [12588/12]

**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

565. **Deputy Paschal Donohoe** asked the Minister for Health if he will provide an update on the Health Service Executive plans to redevelop an area (details supplied) in Dublin 7; and if he will make a statement on the matter. [12608/12]

**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

566. **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 renewal of a medical card; and if he will make a statement on the matter. [12644/12]

**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

567. **Deputy Dan Neville** asked the Minister for Health his plans for the palliative care services and community hospitals. [12651/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** Government policy on Palliative Care is based on the *Report of the National Advisory Committee on Palliative Care (2001)* and the *Palliative Care Services — Five Year/Medium Term Development Framework (2009-13)*. The health service is facing many challenges for 2012, and beyond. The recently agreed Health Service Executive Service Plan 2012 indicates services priorities for this year, including an overall provision of €78 million for Palliative Care. Every effort has been made to develop Palliative Care services, including advancing improved evidence based performance measures to benefit the sector in the future. The Plan commits, for example, to develop Palliative Care in both the Hospital, and Community based, settings. The Department of Health and the HSE will continue to work closely with all relevant stakeholders to improve these services for patients and their families, in line with overall resource availability.

#### Departmental Strategy Statements

568. **Deputy Dan Neville** asked the Minister for Health when the national positive ageing strategy will be published. [12654/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The Programme for Government published in March 2011 has committed to completing and implementing the National Positive Ageing Strategy so that older people are recognised, supported and enabled to live independent full lives. It is not the intention that the Strategy will propose new service developments. Rather it will set the strategic direction for future policies, programmes and services for older people in Ireland.

[Deputy Kathleen Lynch.]

The Strategy will set out a common framework for the development of operational plans by Government Departments. These operational plans will clearly set out each Department's objectives relating to older people. Mechanisms designed to monitor the implementation of measures contained in operational plans will also be developed in consultation with Departments.

In recognition that a wide range of policies, programmes and services impact directly on the lives of older people, development of the Strategy is being assisted by a Cross-Departmental Group (CDG), comprised of officials from 11 Government Departments, the Central Statistics Office and An Garda Síochána.

In 2009, an NGO Liaison Group comprising representatives of twelve national level non-governmental organisations working with and for older people was established under an independent Chair. The role of this Group is to facilitate the exchange of information and views between the organisations, their members and the Cross Departmental Group during the development of the National Positive Ageing Strategy. To date, this Group has met with Government officials on six occasions. In addition, given that the National Positive Ageing Strategy will have a wider focus than any previous strategy relating to older people, it was important to hear the views and opinions of older people themselves in addition to the views of representative organisations, non-governmental organisations, services providers and other interested parties.

To this end, a wide ranging public consultation process between Government and older people in Ireland was concluded in November 2010. This process comprised a public call for written submissions, of which 190 were received; a series of public regional consultation meetings, which were attended by over 1,100 older people, representative organisations and service providers; and face to face meetings between Government officials and groups representing vulnerable and marginalised older people. The report of the consultations was published on 22 November 2010, and is available on this Department's website on the following link, [www.dohc.ie/issues/national—positive—ageing/](http://www.dohc.ie/issues/national—positive—ageing/).

Work on developing the Strategy is on-going and taking place within the constraints posed by the present fiscal situation. It is a priority for this Government and it is our intention to complete and publish the Strategy as soon as possible within the above constraints.

### **Medical Cards**

569. **Deputy John O'Mahony** asked the Minister for Health when a person (details supplied) will receive a decision on their medical card application; and if he will make a statement on the matter. [12661/12]

**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.

### **Data Protection**

570. **Deputy Simon Harris** asked the Minister for Health the contact his office has had with the Health Service Executive and the Data Protection Commissioner regarding the retention and storage of Guthrie cards; and if he will make a statement on the matter. [12672/12]

571. **Deputy Simon Harris** asked the Minister for Health if he will explore ways of overcoming any data protection issues in relation to existing Guthrie cards in order that the valuable medical and genetic data on these cards can be retained with the consent of the appropriate

persons; if he will consider examining governance structure which could be put in place to make this possible; and if he will make a statement on the matter. [12673/12]

572. **Deputy Simon Harris** asked the Minister for Health if he will discuss with his counterparts in Australia, New Zealand and the state of California ways of putting governance structures in place to ensure the retention of existing Guthrie cards which contain important genetic and medical data for many families here; and if he will make a statement on the matter. [12674/12]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 570 to 572, inclusive, together.

Following receipt of a complaint regarding the retention of Newborn Screening Cards (NSCs) to the Data Protection Commissioner, the Commissioner decreed that NSCs should not be retained indefinitely as this constituted a breach of the Data Protection Acts 1998 and 2003. Subsequently, a number of meetings were held with the Deputy Data Protection Commissioner and representatives of the Department of Health, Health Service Executive and relevant hospital personnel. A policy was agreed in conjunction with the Data Protection Commissioner to address both the legislative and ethical requirements of the National Newborn Screening Programme, which included disposal of archived NSC's older than ten years.

As I was aware of the concern regarding the proposed destruction of archived Newborn Screening Cards, soon after I was appointed Minister I requested the HSE to conduct a review of this decision. The review examined both the legal and ethical basis for retention of NSCs and the potential use of the existing cards for research purposes. It is my understanding that the review group examined the governance arrangements for the retention and use of NSCs in a variety of jurisdictions including New Zealand, Australia and the U.S.A. As the Deputy may be aware, legal uncertainties over access to and use of NSCs has led to the destruction of cards in Western Australia, Texas and The Netherlands.

The report and recommendations of the review group were submitted to my office in January 2012. Having carefully considered the issue, I have accepted the recommendation of the review group that in order to meet our legal and ethical responsibilities, newborn screening cards over ten years old will be destroyed. However, I fully recognise the value of this material for research purposes, which was why the review group was tasked with exploring ways which the material could be made available to the research community in a way which were compatible with our ethical and legal obligations. The international consensus clearly favours seeking explicit consent from an individual and/or their parent/guardian for use of their previously collected biological material for research purposes.

Therefore, in the interests of facilitating research, the HSE will mount an information campaign offering members of the public the opportunity to have their screening card returned to them, prior to any destruction of the cards taking place. This will ensure that anyone who wishes to donate their or their child's NSC to research will be afforded the opportunity to do so. The proposed course of action seeks to ensure public trust and a continued willingness to participate in the National Newborn Screening Programme which is a vital public health measure for children and their families.

### **Departmental Funding**

573. **Deputy Paschal Donohoe** asked the Minister for Health the position regarding when funding will be transferred to an organisation (details supplied); and if he will make a statement on the matter. [12679/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** Funding will be paid to the organisation referred to by the Deputy when the accountability arrangements for 2012 have been finalised with the Channel of Funding concerned.

### Medical Cards

574. **Deputy Bernard J. Durkan** asked the Minister for Health the grounds on which a medical card was refused in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [12683/12]

**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 Acquired Infections

575. **Deputy Ciara Conway** asked the Minister for Health if he has plans to put on a statutory footing the 1995 guidelines for the control of MRSA published by his Department; when this will happen; the reason for the delay in implementing these guidelines; and if he will make a statement on the matter. [12685/12]

**Minister for Health (Deputy James Reilly):** The prevention and control of MRSA is a global challenge and important in the control of healthcare associated infections. In 1995 the Department of Health published Guidelines for the control of methicillin resistant *Staphylococcus aureus* (MRSA) in acute hospital wards, including specialist units.

However, in the period following publication of the guidelines many significant new challenges, including the increasing rate of resistance to antibiotics, arose. In 2005, the Infection Control Committee of the Strategy for the Control of Antimicrobial Resistance in Ireland (SARI) reviewed the literature on MRSA and revised the 1995 Irish guidelines. The Subcommittee utilised guidelines produced in other countries, including the United Kingdom, the United States of America, New Zealand and the Netherlands.

Implementation of guidelines is now within the context of the National Standards for the Prevention and Control of Healthcare Associated Infections, which were published by the Health Information and Quality Authority in 2009. These standards were designed to promote an environment that maximises safety, quality and accountability in health and social care services and to drive a culture of responsibility and accountability among all staff involved in the management and delivery of health and social care services. These National Standards are the key component in maximising patient safety and improving the quality of health and social care in Ireland.

The HSE/Royal College of Physicians in Ireland (RCPI) Clinical Advisory Group on HCAs has submitted the latest guidelines on the Control and Prevention of MRSA to the National Clinical Effectiveness Committee (NCEC) for consideration to become part of the national suite of clinical guidelines. The NCEC has received 16 submissions and is currently undertaking a prioritisation exercise to identify which submissions will proceed to the next stage of the process.

I am satisfied that appropriate steps are being taken by the HSE to address the issue of HCAs, including MRSA, and to treat them promptly when they occur. The HSE's performance indicators at national level continue to demonstrate encouraging improvements in the area of infection prevention and control with the reported incidence of MRSA dropping by 43% in the number of MRSA cases reported between 2007 and 2010.

576. **Deputy Ciara Conway** asked the Minister for Health when the next hospital hygiene audit is due to be published; if representatives from patient groups will be allowed to accompany auditors during this process; and if he will make a statement on the matter. [12686/12]

**Minister for Health (Deputy James Reilly):** The control of Healthcare Associated Infections (HCAIs) continues to be a policy priority for the Department of Health and the Health Service Executive (HSE). Maintaining hospital hygiene practice is an essential component of the drive to reduce HCAs.

Under Section 8 of the Health Act 2007, the Health Information and Quality Authority (HIQA) has statutory power to set standards on safety and quality in relation to services provided by the HSE and service providers in accordance with specified Acts. The Authority is also charged with monitoring compliance with such standards. However, it is a matter for the Authority to determine how it can most effectively deliver on its responsibilities having regard to competing priorities and available resources.

HIQA's National Infection Prevention and Control Standards were published in May 2009. The Authority carried out a national hygiene audit in late 2009 and undertook hygiene audits of hospitals during 2010. It is the intention of the Authority to undertake a number of unannounced inspections this year to monitor compliance with the National Standards. Furthermore, when the National Standards for Better Safer Healthcare are mandated, the Authority also intends to assess the management of HCAs as part of the monitoring of these Standards. Previously, the Authority has included laypersons on a number of inspection teams and as part of every investigation team. The Authority is favourably disposed to having lay people joining its inspection teams and is looking at the feasibility of enabling this.

It should also be noted that the HSE undertook two self-assessment units in acute facilities against HIQA's national standards in 2009 and 2011. The results of these assessments showed a significant improvement in the national score. The Internal Audit Service of the HSE has also undertaken a review in a small number of facilities of some of the standards.

### **Nursing Homes Support Scheme**

577. **Deputy Seamus Kirk** asked the Minister for Health the amount paid out on the fair deal scheme for 2010 and 2011; the number of successful applicants that qualified for the fair deal scheme in 2010 and 2011; the average cost per qualified applicant for 2010 and 2011; and if he will make a statement on the matter. [12698/12]

**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**

578. **Deputy Gerry Adams** asked the Minister for Health the average waiting time for patients on trolleys in accident and emergency in Beaumont Hospital, Dublin, before admittance to a bed in the hospital in each month since September 2011. [12700/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for direct reply.

579. **Deputy Gerald Nash** asked the Minister for Health the reasons for the delay in commissioning diabetes pumps at Our Lady of Lourdes Hospital, Drogheda, County Louth; when

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the pumps and the necessary staff will be deployed to operate the service required by children with diabetes; and if he will make a statement on the matter. [12707/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

### **Vaccination Programme**

580. **Deputy John Halligan** asked the Minister for Health if he has been notified of any such side effects resulting from a swine flu vaccine (details supplied); if so, the number of cases there are thought to be in the country; and the steps, if any, that have been taken to date to investigate this matter. [12710/12]

**Minister for Health (Deputy James Reilly):** Any possible adverse reaction to a medication should be reported to the Irish Medicines Board. To date, the IMB has received 33 reports relating to the vaccine which the Deputy is referring to which included reactions affecting the eyes or vision. These were mainly transient reactions such as swelling of the eye and blurred vision.

During the 2009/10 H1N1 Pandemic, the European Medicines Agency specifically reviewed reports of eye related disorders and concluded that there was no evidence of any direct adverse effect on the eyes or vision in relation to the H1N1 vaccines. If the Deputy's constituent is still concerned then they should seek the advice of their General Practitioner who may liaise further with the Irish Medicines Board, if necessary.

### **Freedom of Information**

581. **Deputy Gerry Adams** asked the Minister for Health if he will provide a breakdown of the total fees received in his Department for freedom of information requests and the number of individual requests in each of the years 2002 to 2011, inclusive. [12728/12]

582. **Deputy Gerry Adams** asked the Minister for Health if he will provide a breakdown of the number of freedom of information requests submitted in the years 2002 to 2011, inclusive, to his Department; the total amount of fees charged and fees received in each year; the number and amount of initial search fees paid and the number and amount of search and retrieval fees paid. [12744/12]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 581 and 582 together.

A table is attached detailing the number of Freedom of Information requests received for each year between 2002 and 2011, the amount of "up-front" fees received and the amount of search and retrieval fees received. Over the time period involved the Department would not have details of search and retrieval fees charged but not paid.

The Deputy might note that the high volume of FOI requests received between 2002 and 2005 reflected requests received by the Department in relation to children who were in institutional care. A significant number of these requests were dealt with outside the Freedom of Information Act through the Access to Institutional and Related Records project that was undertaken between 2004 and 2006.

Another point that is worth noting is that while numbers appear to have reduced over recent years a practice has evolved whereby multiple requests for records are now included in one

submission thus only paying one up-front fee and being treated under FOI legislation as a single request.

Year	FOI Requests	Up-front	Search and Retrieval
	Received	Fees	Fees
2002	997		€335
2003	834		€2,240
2004	446	€1,720	€887
2005	392	€2,145	€1,120
2006	217	€1,245	€847
2007	147	€1,325	€1,171
2008	227	€1,875	€1,097
2009	199	€2,260	€1,662
2010	176	€2,065	€259
2011	150	€1,885	€3,051
Totals	3,785	€14,520	€12,668

### Hospital Services

583. **Deputy James Bannon** asked the Minister for Health the position regarding an appointment for an operation in respect of a person (details supplied) in County Longford; and if he will make a statement on the matter. [12777/12]

**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

584. **Deputy James Bannon** asked the Minister for Health the position regarding an application for a medical card in respect of a person (details supplied) in County Westmeath which was applied for in 2008; and if he will make a statement on the matter. [12781/12]

**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.

### Animal Welfare

585. **Deputy Maureen O'Sullivan** asked the Minister for Health if, regarding the EU directive

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on the protection of animals, he has identified the body to evaluate animal research proposals and the steps he is taking to ensure that this body is independent. [12789/12]

**Minister for Health (Deputy James Reilly):** Directive (2010/63/EU) on the protection of animals used for scientific purposes will strengthen the protection of animals still needed for research and safety testing. The Directive places an obligation on Member States to designate one or more competent authorities responsible for its implementation including the evaluation of projects. It also provides that the project evaluation process must be transparent and the competent authority carrying out the project evaluations must consider, *inter alia*, reduction, replacement and refinement matters as well as animal husbandry and care considerations. Proposals relating to the designation of competent authority functions are currently being considered by my Department to ensure that the Directive will be fully implemented. Any such Authority will be independent as regards performance of the tasks.

### Medical Cards

586. **Deputy Jack Wall** asked the Minister for Health the position regarding medical cards in respect of persons (details supplied); and if he will make a statement on the matter. [12796/12]

**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

587. **Deputy Dan Neville** asked the Minister for Health the position regarding the See Change campaign; the State investment to date in the campaign; and the evaluation of the progress of the initiative to date. [12798/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** *See Change* -the National Stigma Reduction Campaign, which was launched in 2010, is working to change attitudes about mental health, create a greater understanding and acceptance of people with mental health problems and end stigma. The reduction of stigma requires a targeted, multifaceted, community-led approach. The campaign’s activities and messages are tailored to specific audiences, identified through baseline attitudinal research as being key audiences for stigma reduction. A network of over 50 national and local organisations across the country are working in partnership with *See Change* and are carrying the anti-stigma message through local broadcasts, local print media and a range of other activities.

Details of State funding provided to date are set out:

Year	Organisation	€
2009	Department of HealthNational Lottery Funding	75,000
2010	Department of HealthNational Lottery Funding	85,000
2010	National Office for Suicide Prevention	22,750
2011	Department of HealthNational Lottery Funding	145,000

The *See Change* Campaign is committed to transparent and public evaluation every two years and in that regard the overall evaluation of the campaign will take place later this year.

### Medical Cards

588. **Deputy John McGuinness** asked the Minister for Health if a medical card will be issued

to a person (details supplied) in County Kilkenny; and if he will expedite a positive response. [12831/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### EU Directives

589. **Deputy Seán Kyne** asked the Minister for Health if he will consider, within the context of the transposition of EU Directive 2010/63/EU, introducing an obligation to use the new non-animal alternatives (details supplied) for the testing of chemicals, for which the EU granted approval last month. [12834/12]

**Minister for Health (Deputy James Reilly):** Directive (2010/63/EU) on the protection of animals used for scientific purposes will strengthen the protection of animals still needed for research and safety testing. The Directive will also play a significant role in minimising the number of animals used and require alternatives to be used where possible, whilst ensuring a level playing field for EU industry and enhancing the quality of research conducted in the EU. The “Three Rs” principle of replacing, reducing, and refining animal testing is firmly anchored in the new legislation and this is something that I strongly support.

I am pleased to be able to inform the Deputy that the IMB has advised the Department that a new non-animal cell-based test method has been approved for the testing of Botox. The test replaces the animal-based LD50 assay for testing of botulinum neurotoxins, an assay method which has been the standard up to now. They further advise that the new test has been validated for use to determine the potency of product for release onto the market and in stability studies and it will result in a significant reduction in the use of animals in testing of Botox. The change in test methods is in line with the overall ‘3Rs’ principles of replacement, refinement and reduction in the use of animals in research testing which is enshrined in the Directive

### Public Service Agreements

590. **Deputy Liam Twomey** asked the Minister for Health the position regarding the implementation of the Croke Park agreement as it pertains to the health services; the way this will impact on health service delivery after 29 February 2012; and if he will make a statement on the matter. [11206/12]

**Minister for Health (Deputy James Reilly):** The Public Service Agreement (PSA) is an essential enabler for the health sector to allow it to respond to the healthcare needs of the population in an appropriate and sustainable manner, against a backdrop of very significant reductions in both financial and staff resources. Particular reforms to date include:

- the agreements to provide for an extended working day for medical laboratory and radiographer staff;
- significant redeployment within the health sector; and
- the first major cross-sectoral redeployment of over 1,000 Community Welfare Staff from the HSE to the Department of Social Protection.

Detailed progress reports on implementation of the Agreement in the Health Sector are available at [www.implementationbody.ie](http://www.implementationbody.ie).

I want to acknowledge and welcome the improvements in productivity that are being delivered by staff at local level through the Public Service Agreement in relation, for example, to

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staff redeployment, streamlining of management structures including clinical management roles, changes in skill mix and more cost effective rosters.

With regard to the delivery of services after 29th February, 2012, I am satisfied that suitable arrangements are in place at national, regional and service specific levels to proactively manage the impact of staff exits on front line services. The focus is on protecting and maintaining critical front line services such as Emergency Department, maternity, critical care and neonatal services. I believe there is a particular onus on all of us working in the health services to be as innovative and flexible as possible in order to mitigate the impact on services of reduced budgets and staffing.

The health sector's revised action plan for implementation of the Agreement in 2012 has recently been submitted to the Implementation Body and is currently under consideration by that Body. The plan is particularly focused on meeting the commitments in the HSE National Service Plan 2012 and facilitating the implementation of the Government's reform plans for the health sector. It takes account of the impact of the "grace period" retirements and requires an acceleration of changes to ensure that all essential services are protected.

### **Appointments to State Boards**

591. **Deputy Gerry Adams** asked the Minister for Health if the chief executive officer of Rehab (details supplied) is a member of any State board; and the remuneration, expenses or other payments they receive for such membership. [13246/12]

**Minister for Health (Deputy James Reilly):** The Chief Executive of Rehab is on the Board of the Health Information and Quality Authority. The annual remuneration for an Ordinary member of the Board is €11,970. It is open to this person to claim expenses, however no expenses have been claimed by this Board member.

### **National Roads Authority**

592. **Deputy Dan Neville** asked the Minister for Transport, Tourism and Sport the budget allocation to the National Roads Authority for 2012. [12300/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** My Department's funding allocation to the NRA for 2012 is €734.611 million, including €605 million for capital projects and €42.26 million for maintenance of national roads. The balance relates to contract payments to PPP companies and the cost of running the Authority.

### **Road Network**

593. **Deputy Dara Calleary** asked the Minister for Transport, Tourism and Sport if lands that were subject to a compulsory purchase order on a road scheme (details supplied) in County Mayo will be made available again to the landowners, as a result of the fact that the original proposed route of the scheme has been turned down by An Bord Pleanála; if these landowners will be notified of changes to the proposed new route; and if he will make a statement on the matter. [12306/12]

**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 maintenance of individual national primary and secondary 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 do not receive a reply within 10 working days.

### **Sale of State Assets**

594. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport if in the report of the review group on State assets and liabilities, recommendation 40, the McCarthy group recommended the disposal of CIE Tours International, the reason that he has not followed these recommendations; and if he will make a statement on the matter. [12389/12]

595. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport if in the report of the review group on State assets and liabilities, recommendation 40, the McCarthy group recommended the disposal of Expressway and other bus businesses competing directly with private operators, the reason that he has not followed these recommendations; and if he will make a statement on the matter. [12390/12]

597. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport if his attention has been drawn to the fact that the State owned coach touring company CIE Tours International is registered outside the State and does not publish annual accounts; if he will agree to publishing accounts for CIE Tours International; his views on the company's future in view of the fact that it was earmarked for sale in the most recent report of the review group on State assets and liabilities; and if he will make a statement on the matter. [12393/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I propose to take Questions Nos. 594, 595 and 597 together.

The Government has agreed the shape and scale of the asset disposal programme to be pursued as a commitment under the EU/IMF Programme, and as provided for in the Programme for Government. CIÉ and its three operating subsidiary companies are important State assets. However, it must be recognised that they are unique semi-state companies, in that they are in receipt of significant amount of Exchequer funding from the National Transport Authority for the provision of non-commercial public service obligation services. Even after these payments for PSO services, they still recorded a loss of €53.6m in 2010. Furthermore, there is a significant pension deficit within the Group.

In this regard, I would concur with the Report of the Review Group on State Assets and Liabilities, which stated that “having regard to the unavoidable losses inherent in maintaining a nationwide railway and uneconomic urban and rural bus services, disposal or part-disposal of the main CIE companies is not a realistic short-term option.” Having considered the matter I do not consider the disposal of Expressway as a realistic short term option.

CIÉ Tours International, Inc. is a wholly owned subsidiary of Córas Iompair Éireann and is registered in the United States of America where most of their customers reside and its main offices are located. The main business of CIÉ Tours International, Inc. is to retail coach tour packages on behalf of CIÉ Tours. I have asked the Chair of CIE to examine the future role of CIE Tours within the CIE Group.

Following a request from me, I have received the financial statements for CIÉ Tours International, Inc. for the years ended March 31, 2011 and 2010. It is my intention, subject to legal considerations, to ensure a copy of the financial statements is laid before each House of the Oireachtas following submission to Government of the 2011 CIÉ accounts.

### **Tourism Revenue**

596. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport his views

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on the fact that the State-owned coach touring company CIE Tours International often hires coaches from outside this jurisdiction for tours inside this jurisdiction and thereby deprives this Exchequer of much needed tax revenue; and if he will make a statement on the matter.

[12391/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The issue raised is a matter for CIE. I have referred the Deputy's question to the company for direct reply. Please inform my private office if you do not receive a reply within ten working days.

*Question No. 597 answered with Question No. 594.*

### **Traffic Management**

598. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport his views on the chronic lack of parking spaces in Dublin city for coaches and that Dublin Bus takes up more parking spaces along the city's streets despite having several depots nearby; the number of kerbside parking spaces allocated to Dublin Bus in Dublin city; the number allocated to Bus Éireann and the number allocated to private bus companies; and if he will make a statement on the matter. [12397/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The Road Traffic Act 1994, and the Regulations made under it, considerably extended the role and discretion of the local authorities in relation to the management of traffic. The Act assigned full responsibility to local authorities, subject only to consultation with the Garda Síochána and/or the National Roads Authority (in relation to national roads), for the implementation of a broad range of traffic management measures, including the provision of parking spaces for coaches and buses. The designation of such spaces in Dublin City therefore, is entirely the responsibility of Dublin City Council and I do not have any role in the matter.

### **Public Transport**

599. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport in view of the fact that in December 2011 and January 2012, Dublin Bus tendered on tenders for 150 new double deck buses and ten new single deck buses, an investment of about €150 million, if he will confirm the source of the funding; and if he will make a statement on the matter.

[12399/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As Minister for Transport, Tourism and Sport I have responsibility for policy and overall funding in relation to public transport. Following the establishment of the National Transport Authority (NTA) in December 2009, the provision of public transport infrastructure in the Greater Dublin Area (GDA), such as the renewal of the bus fleet, comes under the remit of the NTA.

Funding for public transport infrastructure in the GDA is provided to the NTA from the Exchequer for allocation to projects and programmes. I understand that for 2012 in the GDA, work will progress on completing or further developing existing projects such as bus refurbishment and replacement. However in light of the NTA's responsibility in the matter, I have referred the Deputy's question to the Authority for direct reply in relation to the specific queries raised. Please advise my private office if you do not receive a reply within 10 working days.

600. **Deputy Kevin Humphreys** asked the Minister for Transport, Tourism and Sport if he will ask Irish Rail to introduce a school child fare on DART services for school going children between the ages of 16 and 18, as is offered on Dublin Bus and Luas services; if he will ask for a similar scheme to be offered on the LEAP card for DART fares; and if he will make a statement on the matter. [12401/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The issue of fares on DART services is a matter for Iarnród Éireann in conjunction with the National Transport Authority. I have referred the Deputy's question to the company for direct reply. Please inform my private office if you do not receive a reply within ten working days.

### Freedom of Information

601. **Deputy Gerry Adams** asked the Minister for Transport, Tourism and Sport if he will provide a breakdown of the total fees received in his Department for freedom of information requests and the number of individual requests in each of the years 2002 to 2011, inclusive. [12733/12]

602. **Deputy Gerry Adams** asked the Minister for Transport, Tourism and Sport if he will provide a breakdown of the number of freedom of information requests submitted in the years 2002 to 2011, inclusive, to his Department; the total amount of fees charged and fees received in each year; the number and amount of initial search fees paid and the number and amount of search and retrieval fees paid. [12749/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I propose to take Questions Nos. 601 and 602 together.

The data available to me relates to the Department of Transport, from its formation in 2002, and the Department of Transport, Tourism and Sport, from its formation in 2011. The following table summarises the details that the Deputy seeks. However, the Department does not have available statistics of the number of requests received for search and retrieval, so only the monetary amount of fees received is given.

Year	Total Number of Requests Received	Total Amount of Application Fees Received €	Total Number of Internal Review Requests Received	Total Amount of Internal Review Fees received €	Total Amount of Search and Retrieval Fees Received €
2002	128	0	6	0	0
2003	156	255.00	16	124.14	49.70
2004	43	445.00	5	140.00	0.00
2005	78	995.00	1	687.30	150
2006	92	1,120.00	10	690.00	337.29
2007	91	870.00	12	675.00	671.60
2008	138	1,380.00	18	675.00	1,894.95
2009	117	1,410.00	6	225.00	606.13
2010	114	1,550.00	8	525.00	1,815.88
2011	86	1,085.00	5	150.00	869.34

### Rural Transport Services

603. **Deputy Tony McLoughlin** asked the Minister for Transport, Tourism and Sport when he will be in a position to roll out the rural transport programme which will involve the regis-

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tration of local hackney drivers who will service designated rural areas; where and when such applicants may apply; and if he will make a statement on the matter. [12775/12]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):**

The local area hackney licence is one of a range of actions proposed in the Taxi Regulation Review Report, which was approved by Government and published in January. This proposal aims to facilitate low cost entry to the hackney market for transport provision in rural areas that, otherwise, would be unlikely to have such services. The local area hackney licence was proposed as a medium-term measure, one which requires further development this year with a view to implementation subsequent to 2012.

The National Transport Authority (NTA) has responsibility for the regulation of the taxi industry under the Taxi Regulation Act 2003 and is also the lead agency with responsibility for implementation of the recommendations of the Taxi Regulation Review Report. The NTA has commenced the scoping work required for the further development of the proposal for a local area hackney licence.

**National Roads Authority**

604. **Deputy Paschal Donohoe** asked the Minister for Transport, Tourism and Sport if his attention has been drawn to the total level of debt liabilities for the National Roads Authority; if he will detail the amount outstanding for each public private partnership project; and if he will make a statement on the matter. [12793/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As regards the contracts for the Public Private Partnership schemes, these are commercial agreements between the NRA and the PPP concessionaires concerned. The NRA has published information on its forward commitments in the Authority's 2010 Annual Accounts, copies of which have been laid before the Houses of the Oireachtas and hence are available from both the Dáil and Seanad libraries.

**Road Safety**

605. **Deputy Dara Murphy** asked the Minister for Transport, Tourism and Sport if there are proposals to allow a fast track for motor dealerships when using the national car test and the procedures in place for completing an NCT for a motor dealership that does not insure the vehicle; and if he will make a statement on the matter. [12795/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) the Road Safety Authority has responsibility for the delivery of the National Car Test. The RSA has overall responsibility for the operation, oversight, development, quality assurance and delivery of vehicle testing arrangements. The testing function is carried out by Applus, since January 2010, under a contractual arrangement with the RSA. I have requested the RSA to respond to the specific aspect of the Deputy's question. I would ask the Deputy to contact my office if a reply has not been received within ten working days.