Dé Máirt, 13 Márta 2012.
Tuesday, 13 March 2012.

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

Paidir.

Prayer.

Ceisteanna — Questions

Priority Questions

Crime Statistics

60. **Deputy Dara Calleary** asked the Minister for Justice and Equality the preliminary crime statistics in respect of 2011, broken down by category; his views on the number of burglaries and his plans for dealing with this specific issue during 2012; and if he will make a statement on the matter. [14028/12]

63. **Deputy Dara Calleary** asked the Minister for Justice and Equality the number of aggravated assaults in 2011 and to date in 2012; the legislative plans he has for this area; his views that the Gardaí have sufficient resources to deal with this issue; and if he will make a statement on the matter. [14029/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 60 and 63 together.

Beginning with the Deputy’s crime statistics queries, I am informed by the Central Statistics Office, which has the statutory responsibility for the production of crime statistics, that the...
recorded crime statistics for 2011 are expected to be published at the end of this month. This reflects a new publication layout and schedule, as a result of which future releases will be published three months after the end of the relevant quarter. Accordingly, the CSO recorded crime statistics for the third quarter of 2011 are the most recent available official figures. These showed a welcome decrease in 12 of 14 crime groups, compared with the same quarter in 2010, as well as a decrease on an annualised basis in 11 of these 14 categories. This included reductions in homicide offences, sexual assaults, controlled-drug offences and public order offences.

In so far as the Deputy’s two specific queries are concerned, the number of burglaries increased by 3.2% on an annualised basis to the end of quarter three in 2011, while assault offences were reduced by 7.4% over the same period. These and other crime trends are monitored closely by Garda management, with intelligence-led initiatives put in place to target burglary and other criminality. Special intelligence-led operations are also in place to tackle serious and organised criminal activity.

The national crime prevention unit, NCPU, and crime prevention officers at divisional level provide advice, information and support to organisations, businesses and individuals aimed at reducing burglary crime and the opportunity to commit burglary. These specially trained officers are skilled at identifying environmental design risks and advise on what mitigating action can be taken to reduce opportunities to commit burglary and other property crime.

The national crime prevention unit has designed a number of crime prevention advice leaflets, including advice on home security and burglary prevention, by means of a step-by-step checklist of requirements to reduce opportunistic burglary crime. These leaflets and the checklist are available on the Garda website. During 2012, the national Garda supporting safer communities campaign will continue to highlight key issues, in particular burglary prevention. The primary objective of this Garda community safety campaign is to engage with and raise awareness within communities of initiatives aimed at preventing crime, reducing the fear of crime and promoting community safety. The first campaign will take place in early May and the second will take place in September.

The “Crime Call” television programme, broadcast once a month to an average audience of 400,000 viewers, is often utilised to target specifically the issue of burglary prevention. Practical crime prevention advice will continue to be given to the public to highlight the most common means of entry along with effective security measures the householder can take to deter the burglar.

More broadly, the 2012 policing plan of An Garda Síochána sets out the continued commitment of An Garda Síochána to proactively target groups and individuals engaged in criminal activity, including organised criminal activities. Local Garda management closely monitors mobile and other patrols, together with other operational strategies in place, in conjunction with crime trends and policing needs of the community to ensure optimum use is made of Garda resources and the best possible Garda service is provided to the public.

Garda management is satisfied that a comprehensive policing service is being delivered and that current structures meet the requirements for delivery of an effective and efficient policing service. For the Government’s part, we will do everything we can to support the gardaí in their work, to provide resources as public finances permit, and to respond to any legislative needs that are identified.

**Deputy Dara Calleary:** I thank the Minister for his reply and welcome the trend he identified. I wish to focus on a couple of areas, and in particular aggravated assaults. There were two very
high profile incidents at Christmas and last month and we sympathise with the families of Andrew Dolan and James Tynan.

There is a difficulty in our urban centres, in particular at weekends, where drug or alcohol related incidents occur. The Minister spoke about the safer communities campaign but there is a fear of being in many urban centres at weekends after a certain hour. Is there a specific strategy in place either in the Department or the Garda to address that issue, in particular in light of the completely unwarranted and aggravated assaults which I mentioned and which take place every weekend, although we do not hear about them?

We will probably get the chance to debate the crime figures next month but, last week, we saw a very serious spike in the number of gangland attacks and crimes. Is the Minister concerned about that spike or is it under control? Has he discussed last week’s incidents? We had the incident in Tallaght where an innocent bystander, Melanie McCarthy-McNamara, was killed. Has the Minister had any discussions with the Garda Commissioner or the Garda authorities in regard to that issue?

**Deputy Alan Shatter:** To take the first question first, the Garda is very conscious of the reality that more incidents tend to occur at weekends than during the week. I expect the new Garda roster will be of considerable assistance in this context and it is expected that it will start to operate from 1 April. That will allow for the organisation of gardaí in order to focus a concentration of gardaí in urban areas at weekends. That is a very important change which took some considerable time to bring about. I welcome the assistance and co-operation of the Garda bodies in discussing and negotiating these changes. That will be of additional help to the gardaí in regard to assaults which have taken place.

It is a continuing concern that young people drink alcohol to access at weekends and that what might be minor disagreements end up being violent incidents and that tragedies occur such as those described by the Deputy. I know he will understand if, as Minister, I do not address a specific incident as I do not want to prejudice any investigation or possible prosecution that might take place.

In regard to gangland issues and the barbaric shootings, unfortunately, we have within the community numbers of individuals engaged in drug gangs who have no respect of any nature for human life and who behave in a manner which is completely beyond the Pale and is unacceptable to the overall community. There have been incidents, of which Deputies are aware, in the past number of days. Indeed, only yesterday I had a meeting with the Garda Commissioner to discuss generally, as we do on a regular basis, issues of concern and steps being taken by An Garda Síochána. Gardaí are very much engaged in investigating the events that have taken place. They have a clear focus on those who have been engaged in some of these events. Again, I must be careful about what I say in the Dáil about these matters.

Unfortunately, we have drug gangs which are at war with each other. There are individuals in these gangs who develop grudges for a series of reasons and resort to a barbaric form of violence, willing to take life without any forethought.

I assure the Deputy and the House the Garda is specifically focusing on those gangs which need to be targeted. They are doing everything possible to bring an end to these incidents——

**Deputy Finian McGrath:** Prevention is the word.

**Deputy Alan Shatter:** ——and I believe they will be successful in bringing to justice those responsible.

**Deputy Finian McGrath:** It is out of control.
**Deputy Dara Calleary:** If we could cut out what happened last week it might not be repeated. The Minister stated, “Lawlessness cannot be allowed to prevail and the gang lords cannot be left to mete out their own version of street justice as they see fit”. Speaking about the then Minister, Dermot Ahern, he also stated, “The Minister is not living up to his most basic responsibility of making sure the people feel safe on the streets of the nation’s capital. Innocent bystanders have been murdered before and if the killing is allowed to continue at this rate it won’t be long before such a tragedy happens again”. What is the Minister doing to ensure innocent people will not be killed in the coming weeks in Dublin?

**Deputy Alan Shatter:** Recent legislation is being fully used by the Garda to target these gangs. Gardaí are applying all appropriate resources to bring to justice those who are responsible for the deaths that have occurred. I do not believe it is acceptable that we have gangs who believe they can take life with no accountability or responsibility. I have absolute faith in the work gardaí are doing to bring to justice those who have engaged in this conduct. The Garda has my full support in its continuing investigations into the events that have taken place. I am sure in the fullness of time the professionalism of gardaí in addressing these issues will become evident to the Deputy in the context of those who are brought before the courts.

**Criminal Prosecutions**

61. **Deputy Jonathan O’Brien** asked the Minister for Justice and Equality if his attention has been drawn to the fact that the UN fundamental human rights instruments to which this State has signed up make it clear that fundamental rights protections may be derogated from only in times of emergency that no such emergency exists that could possibly warrant the measures contained in the Offences Against the State Act; his plans for this legislation in view of the recent Supreme Court ruling. [14330/12]

**Deputy Alan Shatter:** The Government is very well aware of its obligations under the UN instruments to which it is a party and which have as their core the protection of fundamental human rights. Those rights are also guaranteed by Bunreacht na hÉireann. Nevertheless the Constitution recognises there are circumstances in which the functioning of the justice system may be undermined unless strong measures are taken to prevent this. Accordingly, the Constitution makes provision for special courts to be established by law in cases where it is determined that the ordinary courts are inadequate to secure the effective administration of justice or the preservation of public peace and order.

The Deputy is well aware the Offences against the State Act 1939 provides for the Special Criminal Court to try certain offences. However, the justice system may be undermined not only by terrorist groups but also by organised criminal groups such as those to which reference was made earlier. The 1939 Act permits the Director of Public Prosecutions to direct that certain cases be sent for trial in the Special Criminal Court. The Criminal Justice (Amendment) Act 2009 has put in place legislative measures to combat organised crime when the effective administration of justice could not otherwise be achieved. Among the measures are those contained in section 8, which provide that certain organised crime offences under Part 7 of the Criminal Justice Act 2006, as amended, are deemed to be scheduled offences under the 1939 Act. In effect, this means the offences in question shall be tried in the Special Criminal Court unless the DPP directs that a person not be send forward for trial by that court.

The Government considers there remains a substantial threat from terrorist activity, in particular from so-called dissident paramilitary groups. In addition, as we have seen from the events of last week, with the murder of four men, organised criminal gangs have a contemptuous disregard for the rule of law and are prepared to take any measures to subvert it. It is against such a background that the provisions of the legislation are maintained. Although it is so far
the case that no cases under section 8 have fallen to be tried in the Special Criminal Court, that does not invalidate the reasoning for having such a provision on the Statute Book.

The Deputy also asked about the response to the recent Supreme Court judgment concerning section 29(1) of the Act. I intend to bring proposals to Cabinet shortly to provide for a search power which is in conformity with the decision of the court. Pending that legislation, the Garda Síochána can avail of other statutory powers which allow applications for search warrants to be made to District Court judges in the first instance. My Department is making arrangements to brief the Opposition spokespersons on my proposals in this regard. This is expected to take place tomorrow.

Deputy Jonathan O’Brien: I spoke to the Minister about this last week. This question was scheduled for last Thursday; however, I was unable to attend and it has been rescheduled. Sinn Féin has long said that the Offences Against the State Act should be repealed and there is a growing call for its repeal. Various organisations describe it as draconian. The Minister referred to section 8 of the Criminal Justice (Amendment) Act 2009 and Part 5 of the Offences Against the State Act. We have yet to see anyone prosecuted under that provision. The Offences Against the State (Amendment) Act of 1998 contains a number of sections that have not been used while others have been used on rare occasions. There is a great difference between the number of people arrested under the legislation and the number of people who end up in court and are convicted.

An Leas-Cheann Comhairle: Can we have a question please?

Deputy Jonathan O’Brien: The report laid before the House last year showed 764 people arrested under the provisions of section 30, yet only 38 convictions were secured. The legislation needs to be repealed because it is not working. A recent court decision referred to section 29. Can the Minister comment on the number of cases pending on which the court decision will have an effect?

Deputy Alan Shatter: I have no intention of seeking to repeal the Offences Against the State Act. The Deputy knows the remaining and continuing threat from what are sometimes referred to as dissident organisations. I regard them as urban terrorists intent on destroying the peace process in Northern Ireland and on the whole island of Ireland. This State needs to have available to it the mechanism of the Offences Against State Act to deal with those intent on murder and mayhem for their perceived political reasons on the island of Ireland. We also need it for gangland crime. Deputy Calleary was correct to raise the events of the past few days, when we saw horrific and barbaric murders in the context of those engaged in organised crime, primarily in the drug area. We need to ensure that the Garda Síochána has all legislative backup required to address this area. On occasions, prosecutions are brought where it is not necessary to utilise the provisions of the Offences Against the State Act. I presume the Deputy welcomes this. The manner in which the legislation has been amended and extended, to apply not only to our recalcitrant militant terrorists but also organised crime, is an important backup in the armoury available to the Garda Síochána and the facility to enable certain cases to be held in the Special Criminal Court. This is important in circumstances where a jury could be otherwise intimidated and justice may not result when appropriate prosecutions are taken.

Deputy Jonathan O’Brien: The Minister mentioned dissident republicans.

An Leas-Cheann Comhairle: A question please.

Deputy Jonathan O’Brien: When we discussed the retention of certain sections of the Offences Against the State Act last year, everyone in the House renewed the call on these
groups to cease their activities. We will renew it again. The Minister referred to section 8, which has not yet been used. In considering the entirety of the Offences Against the State Act, aspects of it do not work and are now being used for unintended purposes. We need to consider repealing this legislation. Elements of it are draconian and inappropriate for their purpose.

**Deputy Alan Shatter:** The Deputy cannot have it every which way. He cannot want to bring an end to the violence continuing to be perpetrated in Northern Ireland, particularly by recalcitrant terrorists, and bring an end to gun crime as engaged in by organised crime in the Republic. The Deputy cannot want all of that and at the same time want to repeal the Offences Against the State Act because it is part of the essential legal army available to the Garda Síochána and to the State to protect the law abiding citizens of this State. The Deputy cannot look in two different directions simultaneously.

In every piece of legislation enacted in the criminal law area there are certain parts of the legislation that are more regularly utilized than others and there are some parts of legislation enacted so as to provide additional protection should it be required. In the context of criminal investigations and prosecutions, in a number of instances there are alternative pieces of legislation that may be utilised depending on the overall background circumstances but this legislation has been part and parcel of a protective legislative architecture for the State and for the wider community for very many years and, as Minister for Justice and Equality, I will not be repealing it. If it requires amendment in some areas to make it more effective, that will happen. Over the years Governments of different political persuasions have brought forward appropriate amendments as circumstances have changed.

**Deputy Jonathan O’Brien:** Is that something the Minister can examine?

**Magdalene Laundries**

62. **Deputy Maureen O’Sullivan** asked the Minister for Justice and Equality the position regarding the ongoing investigation into the Magdalene Laundry; in particular, if he will report to Dáil Éireann on the progress made to date on the Ministerial track of the investigation, item 2 as described in the Government’s statement; and if he will offer a commitment that the twin-tracks of the Government’s investigation are ongoing simultaneously, that he does not envisage them as consecutive that is the Ministerial track absolutely dependent on the conclusion of the Inter-Departmental Committee’s work. [14048/12]

**Deputy Alan Shatter:** The Government considered the circumstances of women and girls who resided in the laundries at its meeting on 14 June 2011 and decided that it was essential as a first step to fully establish the true facts and circumstances relating to the Magdalene laundries. A number of actions were agreed.

This included the setting up of an inter-departmental committee to establish the facts of State involvement with the Magdalene laundries, to clarify any State interaction, and to produce a narrative detailing such interaction. The committee, under the independent chairmanship of Senator Martin McAleese, has submitted an interim progress report and its final report is expected in the middle of this year.

In addition, the Government also decided that I and the Minister of State with responsibility for disability, equality, mental health and older people, Deputy Kathleen Lynch, should meet with the religious congregations and groups representing former residents of the Magdalene laundries to discuss among other things the question of availability of records, those still in the care of the religious congregations, and facilitating a restorative and reconciliation process.
I am pleased to say that meetings with all concerned took place some time ago. Progress has been made on the various issues including the question of a restorative and reconciliation process between individuals who had been in such institutions and the orders which ran the institutions in question. Matters have not yet been finalised but I hope to be in a position to make an announcement in the near future.

While some issues can and are being progressed, there are other issues which are dependent on the outcome of the work of the inter-departmental committee. I am conscious of the need to progress matters as quickly as possible. However, it is important to emphasise that we are in a process which is seeking to fully establish the facts and it is still too early at this stage to predict what the outcomes might be.

I look forward to receiving the committee’s report when the very important work in which it is engaged has been concluded.

**Deputy Maureen O’Sullivan:** I thank the Minister for that reply. It sounds as if progress is being made but the Minister would have to agree that justice has been delayed far too long for these ladies. The Irish Human Rights Commission and the United Nations Committee Against Torture recommended an apology, redress and that a start would be made to facilitate restorative justice and nothing has happened on any of those recommendations. There has not been even an apology from the State, the Church, religious orders, families or society. Time is of the essence because of the age of these ladies. The Minister was horrified when I suggested previously there could have been a delaying tactic around this issue, and I was glad to hear that expressed. As soon as that report is available mid-year, will the Minister then be ready to commence the implementation of the apology, the redress and the restorative justice process?

**Deputy Alan Shatter:** I remind the Deputy that in November 2010 the Irish Human Rights Commission in its assessment of human rights issues arising in regard to the Magdalene Laundries stated:

. . . a statutory mechanism be established to investigate the matters advanced by the JFM, Justice For Magdalenes, and in appropriate cases to grant redress where warranted.

Such a mechanism should first examine the extent of the State’s involvement in and responsibility for:

a) The girls and women entering the laundries

b) The conditions in the laundries

c) The manner in which girls and women left the laundries and

d) End-of life issues for those who remained.

In the event of State involvement and/or responsibility being established, that the statutory mechanism then advance to conducting a larger-scale review of what occurred.

The approach being taken by the interdepartmental committee is consistent with the recommendations of the Human Rights Commission.

As to the observations of the UN Committee Against Torture in May and June 2011, it recommended that there should be “thorough investigations into all allegations of torture and other cruel, inhuman or degrading treatment or punishment that were allegedly committed in the Magdalene laundries and in appropriate cases prosecute and punish the perpetrators” and victims should have “an enforceable right to compensation”.

Persons seeking an investigation with a view to a criminal prosecution should and can make a complaint to An Garda Síochána. As far as I know, no such complaint has been made. Under our legal system, the right to compensation for a tort is enforceable through civil proceedings in the courts. As far as I know, no such proceedings have been taken. It is of considerable importance that the work undertaken by Senator McAleese proceeds so that we get a full and clear narrative.

With regard to the Deputy’s complaint about delays in dealing with this matter, the issue of the Magdalene laundries, the concerns surrounding those who resided within them and the manner in which they were treated have been in the public forum for many years and nothing was done about it. Within a short few weeks of being in government in June of last year, this matter was fully addressed by the Cabinet. Proposals were adopted and by July the interdepartmental committee was established. It has been doing very substantial work.

Together with my colleague, the Minister of State, Deputy Kathleen Lynch, I have met the religious orders, representative groups and others who are concerned about those who lived in the laundries. Some were there for a short few weeks, some for one or two years and others for many years. Many of the women who ended up being resident in the laundries in their late teens or early 20s came from all sorts of different places. Some were left there by their families in circumstances in which the State had no involvement of any description. This is not a simple issue but we are doing our best to address it in a thorough, comprehensive and sensitive way and we are engaging with all sides which are concerned about it.

Deputy Maureen O’Sullivan: I accept more has been done in the past year than previously. Many of the ladies concerned were deprived of dignity in their lives and are also being deprived of dignity in their deaths. The names on the gravestone in Glasnevin do not correlate to those given to the Department. The memorial in Bohermore in Galway has no names on it. The cross in the Mecklenburgh Magdalene laundry has the word “Penitent” on it. As soon as the report is available, will the Minister be in a position to start the process of redress and apology?

Deputy Alan Shatter: I am not going to prejudge what is in the report.

Deputy Maureen O’Sullivan: I presume there will be suggestions.

Deputy Alan Shatter: The reason that work is being done is so that there is a full and accurate narrative which people can rely on as being truthful and correct. The issues the Deputy raises are not issues directly derived from the conduct of the State. There are particular issues in the context of the religious orders.

A number of women who entered Magdalene laundries and remained there throughout their lives are now elderly and are being cared for by the religious orders in circumstances in which there are no family members caring for them. This is a very complicated background. It is not a simple, straightforward situation.

There are, of course, women who feel they were very badly treated and believe that their lives have been substantially blighted by that treatment. The report of the interdepartmental committee will provide us with the additional information we need. It will be published, considered by Government and appropriate decisions will be made arising out of it.

Question No. 63 taken with Question No. 60.

Proposed Legislation

64. Deputy Jonathan O’Brien asked the Minister for Justice and Equality his plans to update
and consolidate legislation regarding crimes that are racially or ethnically motivated; and the steps he has taken to combat racism here. [14331/12]

**Deputy Alan Shatter:** Under our criminal law, it is an offence, *inter alia*, to use words, to publish or distribute written material, or to broadcast any visual images or sounds that are threatening, abusive or insulting and are intended or, having regard to all the circumstances, are likely to stir up hatred. The word “hatred” is defined as “hatred against a group of persons in the State or elsewhere on account of their race, colour, nationality, religion, ethnic or national origins, membership of the travelling community or sexual orientation”. All of these offences are contained in a single enactment, the Prohibition of Incitement to Hatred Act 1989. The State’s prosecutorial authorities have not brought to my notice any difficulties in bringing prosecutions under the 1989 Act.

Where criminal offences such as assault, criminal damage or public order offences are committed with a racist motive, they are prosecuted as generic offences through the wider criminal law. The trial judge can take aggravating factors, including racial motivation, into account at sentencing. In all the circumstances, I do not believe there is a need for consolidation of legislation or any other legislative initiatives in this area.

With regard to combating racism through other means, many of the initiatives which were instigated through the National Action Plan against Racism 2005-2008 continue to be developed and progressed through the support and work of the Office for the Promotion of Migrant Integration. For example, an arts and culture strategy and an intercultural education strategy were launched in September 2010, and a workplace diversity strategy is ongoing. The focus now is on implementation of sectoral strategies. The Office for the Promotion of Migrant Integration continues to work with many sectors, for example, An Garda Síochána, local authorities, sports bodies, Departments, the social partners and broader civil society, including cultural and ethnic minorities, to further progress the integration and diversity management agenda.

Additional information not given on the floor of the House

Let me pick just a few examples of recent anti-racism initiatives. Substantial funding has been provided to local authorities around the country. The funding supports local programmes that educate the public on issues such as immigration, integration and anti-racism. For instance, Dublin City Council ran an anti-racism campaign on the Dublin transport system in 2010 and 2011 using funding provided by the Office for the Promotion of Migrant Integration. Similarly, that office funded a non-governmental organisation called Show Racism the Red Card to run a creative competition for school children in 2010 and 2011. Funding has been also provided to the Holocaust Educational Trust for educational initiatives that teach children the dangers of racism and the importance of integration and tolerance.

The criminal law, on its own, is not sufficient to address racism. Other interventions are equally, if not more, important. The non-legislative actions I have mentioned represent substantial investment in social and educational measures and have the potential to reap greater dividends than criminal law measures.

**Deputy Jonathan O’Brien:** The Minister stated judges can take aggravating factors, including racial motivation, into account when sentencing. However, one of the issues that arises is that they do not have to do so. This needs to be resolved. Leaving it to the discretion of the judge is a mistake.
Do we know the number of people who have been prosecuted under the Prohibition of Incitement to Hatred Act 1989 and the number of racially motivated crimes reported to the Office for the Promotion of Migrant Integration?

Deputy Alan Shatter: The Deputy is correct that judges have discretion but, in determining sentencing with regard to any crime once there is a conviction, a judge should take into account the overall background circumstances. Certainly, where there are aggravating circumstances, be they related to a racist motive, incitement to hatred or other matters, one would expect the Judiciary to take them into account. However, the Judiciary is independent and exercises a discretion based on the overall circumstances of the case as to what type of sentence to impose.

It would be particularly difficult in legislation to delineate one particular matter — racism — as an aggravating factor and not to delineate a broad range of others. I am sure Deputy O’Brien could, in a few moments, think of a number of other aggravating circumstances in the perpetration of a crime. Therefore, unless we are going to enact legislation that tries, in a Schedule, to delineate every possible combination and permutation of aggravating circumstances, there is a difficulty.

I have detailed statistics and will furnish a copy of them to the Deputy in writing. I will give him a flavour of them by outlining the numbers of reported racist crimes in each year in the period 2003 to 2010: 2003, 64; 2004, 68; 2005, 100; 2006, 173; 2007, 214; 2008, 172; 2009, 128; and 2010, 122. I have statistics on what I would describe as racist incidents broken down into various categories for each of these years, covering everything from minor assault to assault causing harm and offences under the Prohibition of Incitement to Hatred Act. I will make those statistics available to the Deputy.

Deputy Jonathan O’Brien: I thank the Minister for his reply. I understand what he said about aggravating circumstances and taking that into account. He used words in his reply such as “should”, “expect” and “can”. When it comes to racism, however, there can be no exceptions. It needs to be one of the factors taken into account in sentencing. The State’s response to the UPR, universal periodic review, recommendations stated it would be unconstitutional to introduce sentencing guidelines for racially motivated crimes. Was this on the advice of the Attorney General?

Deputy Alan Shatter: The response was based on the appropriate response for the Government to make in consultation with various Departments. I want to make it absolutely clear that there is no acceptance of racism, nor should there be, by any of us in this State, the Government or on the Opposition side. We do not want racism in our country and neither do we want people engaging in it. The very essence of the citizenship ceremony is a public indication of the extent to which we as a society want to embrace as part of our Irish community those who have come to this country from other countries.

This Government will not tolerate racism. If it is the view that some legislation is required to strengthen our laws in this area, legislation will be enacted. One of the most effective measures to counter racism is education and engagement in the very heart of those communities in which there are people from various backgrounds and nationalities living. The simple continued enactment of more criminal law is not the solution. The armoury is there in our criminal legislation to prosecute those who engage in incitement to hatred.

An Leas-Cheann Comhairle: Thank you, Minister.

Deputy Alan Shatter: Other legislation can be utilised, for example, as detailed in the reply, in circumstances of assault.
There will be no tolerance of racism. Both the Minister of State, Deputy Kathleen Lynch, and I will continue to do what we can do within our remit to ensure racism, so far as it can be stamped out, is stamped out. Other Departments and various civil society bodies have an important role to play in educating people to recognise the value and importance of cultural diversity. Much of that is already happening in our school system. Good work is being done at both primary and secondary level in those areas.

Other Questions

Proposed Legislation

65. **Deputy Charlie McConalogue** asked the Minister for Justice and Equality if he will bring forward legislation to create a civil court of appeal in view of the backlog of civil cases in the superior courts; and if he will make a statement on the matter. [13904/12]

**Deputy Alan Shatter:** The working group on a court of appeal recommended in 2008 that a court of appeal be established by way of constitutional amendment. While the Court of Criminal Appeal has existed under legislation since 1961, the group strongly recommended a combined appellate court, encompassing both criminal and civil cases, should be established under the Constitution. There is a commitment in the programme for Government to establish a court of appeal and the group’s recommendations are being examined in that context. The current Chief Justice, Mrs. Justice Denham, chaired the working group and I note and welcome her recent comments on this subject. It is my intention to bring forward recommendations to the Government in this regard as soon as possible.

The Deputy will appreciate that in the current economic climate I have an obligation to ensure an approach to implementation which will minimise the net additional costs, having regard to the economic and financial benefit of a more timely conclusion of litigation. The objective is to bring forward a more streamlined and less costly solution rather than the simple provision of another judicial layer. It is my intention to finalise examination of the detail and to progress the matter at the earliest opportunity.

A decision remains to be taken by the Government as to when such a referendum will take place in the context of other referenda. However, I do not anticipate the holding of a referendum on a court of appeal will arise before 2013, not least because more public engagement and debate will be essential and two referenda are already scheduled for this year.

Regarding Supreme Court delays, as the Deputy will be aware, the allocation of court business is a matter for the Judiciary. I understand, however, that the Chief Justice has taken a number of measures to address the waiting time for appeals in the Supreme Court, which currently stands at 36 months for ordinary cases. I am informed that the list is under constant review and actively managed by the Chief Justice to prioritise those appeals that necessitate expedited hearings. The court has on occasion sat in two Benches to deal with cost-related appeals as well as short appeals. The Deputy will appreciate a careful balance is needed between time allocated to court sittings compared with producing judgments and I am advised that a recent review of the reserved judgments list is also proving effective.

The Government moved quickly to fill the vacancies arising from recent retirements from the Supreme Court and the nominees will be formally appointed by the President later this week. It should also be noted that sanction has recently been granted by the Department of Public Expenditure and Reform for four new judicial fellow posts attached to the Supreme Court.
[Deputy Alan Shatter.]
Court and Court of Criminal Appeal, who will provide list management and research functions in order to speed up the courts’ throughput further.

**Deputy Dara Calleary:** I thank the Minister. I welcome the nomination of Mr. Justice Frank Clarke and Mr. Justice John MacMenamin, two fine servants of the State who will bring great experience to the Supreme Court. I wish them well.

What is the timeline? We will not have a referendum in 2012, but does the Minister wish to take steps, for example, public consultation or public discussion, during 2012 with a view towards preparing the ground for a referendum on this issue in 2013?

Regarding delays in the courts system generally, if the Minister has the information with him, how many judges retired at the end of February? What plans are in place to replace those retirees?

**Deputy Alan Shatter:** Today, the Government made decisions regarding appointments to the Circuit and District Courts. There were seven vacancies based on retirements and the untimely death of a member of the District Court some months ago. There were seven appointments made today to the Circuit Court to fill all vacancies therein. There were five appointments made today to fill five vacancies in the District Court. One of those appointed to the Circuit Court today was promoted from the District Court, Judge David Riordan, who was sitting in the Cork District Court. As a result of his appointment, there are three further vacancies to be filled in the District Court. There have to be formal assignments of the newly appointed District Court judges so as to facilitate legislatively the appointments to fill the three vacancies. I anticipate that those vacancies will be filled within the next two to three weeks. The new judges have to be sworn in and formally assigned. For technical reasons, we can then make the three appointments. Clearly, we cannot make the appointment to replace District Court Judge Riordan until he is in the Circuit Court. We are trying to ensure that we appoint the remaining three at the same time within the next two to three weeks.

**Garda Operations**

66. **Deputy Éamon Ó Cuív** asked the Minister for Justice and Equality the budget allocation for the Garda Mounted Unit for the year 2012. [13912/12]

**Deputy Alan Shatter:** I apologise. Occasionally, the humour of something gets to me. I did not realise that Deputy Ó Cuív had a particular interest in the Garda mounted unit. I congratulate Deputy Calleary on nominating this question on his behalf. I have a vision of Deputy Ó Cuív riding into the twilight carrying a piece of turf on his shoulder.

The allocation of Garda financial resources, including for the Garda mounted unit, is a matter for the Garda Commissioner. I am advised by the Garda authorities that the total anticipated expenditure on the unit, including the cost of salaries, is approximately €1.2 million in 2012. I hope that Deputy Ó Cuív is happy with that.

**Deputy Dara Calleary:** I assure the Minister that Deputy Ó Cuív will not be riding into the twilight any time soon. I received information at the weekend to which the Minister may not at present be able to respond. The mounted police unit is used to promote the Garda and its activities, as well as provide security duties. In the past several weeks, the Garda has begun to issue bills for providing policing. I am aware of one town which has been issued a bill for €2,000 for the provision of policing for its St. Patrick’s Day parade. I have no difficulty with the Garda charging for commercial events such as concerts but is it a new policy to issue bills for community events and celebrations? The mounted unit has done a successful job in recent years in
attending shows all over the country to promote the Garda. Will these activities also be subject to a levy?

**Deputy Alan Shatter:** As the Deputy will be aware, many of the services the Defence Forces and the Garda provided in years gone by did not involve policing matters. They were not required for security or investigative reasons. The services were often provided at the request of communities in circumstances where the State was not in major financial difficulty. In respect of certain events where communities request the presence of members of the armed forces with a vehicle or gardaí to engage in something for decorative reasons but not to do with security, charges are now being levied to cover the expense of attending the events and the salary implications of those events. Where these are matters that I would describe as decorative as opposed to pertaining to everyday policing duties, it is for communities to decide the extent to which they wish to pay for those engagements.

Unfortunately, at times when resources are scarce — the Deputy would criticise me if matters were otherwise — we have to ensure the funding we have received is used by the Garda for important operational reasons.

It is important that the Garda engages with local communities. Careful consideration is given to these matters and the Garda will engage with certain events that do not give rise to expenses and may involve young people. The Garda role might be of a supportive nature in the context of dealing with juveniles or people in communities in which there are troubles and difficulties.

I do not have up-to-date information with regard to the specific event the Deputy mentioned but I will certainly find out the background and communicate with him on it.

**Deputy Jonathan O’Brien:** Who sets the rate? Is it left to each individual division or chief superintendent to decide or is it set by Garda headquarters?

**Deputy Alan Shatter:** As I do not want to mislead the House or the Deputy, I will revert to the Deputy on the question. I assume it is something that is determined at the higher levels of An Garda Síochána with regard to the particular event that arises. I will communicate with the Deputy on the matter. I do not want to give him an inaccurate reply.

**Proposed Legislation**

67. **Deputy Billy Kelleher** asked the Minister for Justice and Equality his plans for enacting legislation allowing for same sex marriage within the term of this Government. [13898/12]

**Deputy Alan Shatter:** Legislation providing for same-sex marriage cannot be enacted without an amendment to the Constitution following a “Yes” vote in a referendum on the matter. This is something of which I have no doubt the Deputy is aware because it was for this very reason that my predecessor, Dermot Ahern, introduced legislation to provide for civil partnership. In this regard, the programme for Government includes a commitment to establish a constitutional convention to consider constitutional reform on a number of issues, including provision for same-sex marriage.

The Government has recently approved the establishment of the convention and has agreed in principle to arrangements for its structure, operation and topics to be considered. The Taoiseach is consulting on these matters with the leaders of the Opposition parties at present.

**Deputy Dara Calleary:** I am aware of the barriers that exist in the Constitution. Everybody agrees that the civil partnership legislation introduced by the former Minister for Justice, Equality and Law Reform, Dermot Ahern, was ground-breaking.
It appears the convention will deal with a substantial number of justice issues. Has the Minister been given extra resources to deal with the pressure this will place on the Department, which is already under considerable pressure in terms of legislation to deal with the demands of the convention? Second, what is the Minister’s understanding of the timescale of the convention? I know the Taoiseach is consulting at present and that he has taken control of the convention within his Department. Has he given the Minister any idea when such issues can be addressed? Third, if the convention agrees or recommends a proposal in regard to same-sex marriage, how long will the process then take? Will there be a referendum in 2013 or 2014 or has that been decided yet?

Deputy Alan Shatter: As the Deputy rightly said, the arrangements relating to the convention are being dealt with through the Office of the Taoiseach. When we discussed these matters last in Cabinet, the decision was made that there would be a consultative process with the Opposition leaders. I am not up to date on where that stands at present.

I presume the issues the Deputy has raised will form part of the consultative process. There is the issue of the appointment of individual members to the convention, the engagement of the general public with it and the topics to be addressed. The subject matter of the Deputy’s question is one of the topics to be addressed. I cannot pre-empt what the outcome or the recommendations of the convention will be on this or any other issue. If I was to do that or to prejudge it, there would be little point in having the convention.

The idea is to have a facility for a number of issues to be discussed openly and for submissions to be made. As I understand it, if need be, the convention would want to hold some form of oral hearings. When it publishes its report, that report will obviously be a matter to be considered by Government. Should there then be issues on which the Government determines there should be a referendum, clearly it will be a matter for the Government to decide in regard to a date and the likely constitutional amendment. However, on neither this nor any other issue to go to the convention is it appropriate that I pre-empt what the outcome of the discussion may be of those who participate in it.

Asylum Support Services

68. Deputy Caoimhghín Ó Caoláin asked the Minister for Justice and Equality if he intends to conduct a value for money review of expenditure on direct provision accommodation; and if he will make a statement on the matter. [13848/12]

69. Deputy Martin Ferris asked the Minister for Justice and Equality if he will carry out an audit of policy of direct provision and dispersal to ensure it meets human rights standards in Irish law and in international human rights treaties that Ireland has ratified. [13854/12]

Deputy Alan Shatter: I propose to take Questions Nos. 68 and 69 together.

I am satisfied that the system of direct provision system and dispersal, which was established in 1999, is in compliance with human rights obligations placed on the State by domestic and international law. I do not believe an audit as suggested in the question is warranted.

Over the years, the direct provision system has been open to scrutiny by many international bodies. Centres have been visited by various UN bodies, including the UNHCR, the Council of Europe Human Rights Commissioner and, in recent weeks, the European Commission against Racism and Intolerance of the Council of Europe. Further, as Members know, on 6 October 2011 in Geneva, I appeared before the UN Human Rights Committee in connection with its scrutiny of Ireland under the universal periodic review, UPR, process. No recommend-
ation was made in regard to the direct provision system in the committee’s subsequent UPR report on Ireland.

All accommodation centres under contract to the Reception and Integration Agency, RIA, of my Department are obliged to ensure that their premises comply with and operate in accordance with all relevant statutory requirements of local authorities in regard to planning, building, by-laws, bedroom capacity, food, food hygiene, water supply, sewage disposal, fire precautions and general safety. The system of direct provision and dispersal is one of the central features of the State’s asylum system. I am satisfied that the treatment of asylum seekers in this country is at least on a par with any other country and that the direct provision system delivers a high standard of service and value for money to the taxpayer through co-ordinated service delivery to asylum seekers.

A comprehensive review on the operation of the asylum seeker accommodation programme was carried out, and the subsequent report, “Value for Money and Policy Review — Asylum Seeker Accommodation Programme”, was published in May 2010. The report considered the following alternatives to the existing direct provision structures: allow asylum seekers to claim social welfare and rent supplement; provide self-catering accommodation; and local authority housing. The review found that these options would be significantly more expensive than direct provision and concluded that using direct provision has proven to be the correct choice in providing for the accommodation needs of asylum seekers. The report is available on the RIA’s website, www.ria.gov.ie, and on my Department’s website, www.justice.ie. Copies are also available in the Oireachtas Library.

The report found that the primary objective of providing accommodation and ancillary services to asylum seekers has been met since the inception of the direct provision system but went on to make a number of recommendations for greater efficiency. These recommendations included a reduction of operational spare capacity from 15% to less than 10%, the introduction of a mix of “contracts for capacity” and “contracts for availability and occupancy”, as well as a “more open” tendering system.

The RIA has reported to me that it has made considerable progress on reducing operational spare capacity in line with the recommendations in the value for money report and, currently, the overall occupancy rate is 89.06%. In the area of the contracts mix, the RIA reports that it is systematically implementing this recommendation when contracts arise and where it is appropriate to do so. Currently, eight out of the 38 existing centres operate on more flexible contracts that achieve the objective of the recommendation.

The RIA is currently in the final stages of an open EU tender competition for the management of the seven State-owned RIA accommodation centres in the county. When this is completed, work will begin on the preparation of a “more open” tender competition for the commercially-owned and operated centres in the RIA portfolio.

Deputy Jonathan O’Brien: The first question deals with the value for money review on expenditure. There are approximately 39 accommodation centres State-wide and we are dealing with close to 5,500 people. It is my understanding that the Reception and Integration Agency does not actually lease the premises but instead leases services, such as accommodation, housekeeping and facilities. The Minister has said in the past that it is not the interests of the taxpayer that details of individual contracts are made known to the public because individuals may be in future negotiations with the RIA in regard to provision centres. Nonetheless, we need to know whether we are getting value for money and we do not know that.

We need to examine this issue given the whole system has come in for a lot of criticism. The Minister himself said it is not the ideal system to deal with asylum seekers and that it would be considered in the context of the upcoming immigration Bill, which I welcome.
[Deputy Jonathan O’Brien.]

On the other issue concerning the centres, the Minister referred to the UNHCR, which has expressed concern around the effects of long stays within these centres. The figures available suggest that 40% of current residents have lived in such centres for three or more years. The effect this has on the individual was summed up in a paper produced by the European Anti-Poverty Network Ireland, which states:

This system directly creates poverty and social exclusion as well as isolation and widespread depression and mental illness. The explicit exclusion of asylum seekers from integration policies stores up social problems for the future. Many people who receive refugee status or leave to remain in Ireland have been de-skilled and have become socially isolated, wasting a potential resource of new skills, ideas and energy which could be available to the Irish economy and society.

It is clear that the whole system of direct provision must be examined and we must address it.

Deputy Alan Shatter: The Deputy and I agree that the current system does not work well in the sense that when someone seeks to be granted political asylum, an initial decision is made as part of an appellate system which people are entitled to appeal. Then a series of further applications can be made. This draws out something that should produce a decision within a six month period. However, in most cases it can go on for many years not only because of the facility to appeal the initial decision, but because of the facility to make a series of further applications to seek permission to remain in the State.

The Deputy stated that people are in direct provision for too long and I agree. It is a product of legislation which has developed piecemeal over the years and which has not ensured that all relevant decisions on an individual who seeks to remain in the State can be made on the initial application with one appellate system. Instead, myriad approaches can be taken. Those in direct provision chose to take these approaches. In circumstances in which an application is made for asylum and where it is not granted and where the refusal is upheld on appeal, an individual is free to leave the State and go elsewhere. There are several individuals who properly and correctly apply for political asylum and are allowed to remain here. Others use other formats to seek permission to remain and they are allowed to remain as well. However, there are a substantial number of people who seek political asylum and who at the end of the process have no basis to remain in Ireland or are not allowed to remain in Ireland and in respect of whom a request is made to leave and for whom a deportation order must be made. The system at the moment does not work efficiently.

This is why we need the new legislation which will be dealt with as I informed the Deputy when we met at the Oireachtas Joint Committee on Justice, Defence and Equality. I hope to publish a new Bill rather than table 300 amendments to the old Bill. I hope we will finally get to progress this in the autumn. It will result in decisions being made more quickly and it will result in people in direct provision remaining there for a far shorter period. However, as things stand direct provision is economically the most efficient way of dealing with matters for the State.

The experience of the State in years gone by when it purchased premises to provide accommodation for asylum seekers has involved the creation of all sorts of difficulties. Expense was incurred and on occasion certain premises could not be utilised for the purpose for which they were acquired. There were difficulties in the planning process. Objections were lodged by local communities. In the context of where our legislation stands at present, the current system is the least worst alternative. In the context of some of the reviews undertaken, direct provision
works as well as it could given the background difficulties that remain to be addressed and
given the need for the State to ensure that expenditure is kept within reasonable limits.

Deputy Jonathan O’Brien: Is it fair to say from the Minister’s response that he is in favour
of a different system and this is something he will examine in light of the upcoming immigration
Bill? The Minister may not have the figures before him and if not, I understand. What is the
average time for processing applications? If the Minister does not have this information, I
would appreciate it if he would forward it to me.

Deputy Alan Shatter: I do not have the answer to that. The Deputy should remember that
in the context of processing applications the duration people stay in direct provision and the
difficulties they experience are not solely the issue of the legislation. An extraordinary number
of applications are made by way of judicial review to the High Court when applications are
turned down. Then, rather than my Department engaging in a decision making process or those
dealing with asylum applications dealing with these cases, the matter falls into the courts. By
the time they wind their way from the High Court to the Supreme Court, judicial review
applications can add three years on to a process. A range of issues arise. I hope that by ensuring
we have more——

Deputy Jonathan O’Brien: Humane?

Deputy Alan Shatter: ——comprehensive legislation which allows decisions to be made on
all aspects of the issues that arise and that by developing a single decision making process
matters will be dealt with more speedily. If this becomes the case, people will not be in direct
provision for as long.

An interesting issue arises once the new legislation is enacted in respect of whether there
should be some timeframe within which certain steps must be taken by the State and, if not,
whether people may live in circumstances other than direct provision. The State is not in a
position to fund expensive accommodation for those seeking to remain here who have arrived
here without appropriate visas and who are making claims for asylum or claims that they should
be given leave to remain here. The State is not in a position to spend an open-ended pot of
money on providing alternative accommodation for individuals.

Even after the enactment of new legislation direct provision will be with us, but I hope that
we will have more efficient systems to ensure that applicants have their cases progressed a
great deal more speedily and that the provisions will substantially delimit the circumstances in
which it is appropriate to take judicial review applications with the resultant expense to the
State of cases of applicants being dealt with through a court system.

70. Deputy Aengus Ó Snodaigh asked the Minister for Justice and Equality if he will intro-
duce guidelines for his Department to ensure that when they are making a decision to relocate
a person in direct provision accommodation, they will take account of their physical or mental
health, cultural, religious backgrounds and the potential for conflict within another centre
because of their ethnicity. [13856/12]

Deputy Alan Shatter: The Reception and Integration Agency, RIA, of my Department is
responsible for the accommodation of asylum seekers in accordance with the Government
policy of direct provision and dispersal. RIA currently provides accommodation to approxi-
mately 5,300 persons throughout 38 accommodation centres.

When asylum seekers make their initial asylum applications, they are referred to RIA for
accommodation within the direct provision system. First, they are temporarily accommodated
in a reception centre in Dublin where they are offered medical screening and linked in with
community welfare services. Access is also provided to GPs, public health nurses and psychological services. After two weeks, these asylum seekers are scheduled for dispersal to accommodation centres throughout the country, subject to clearance by the HSE health centre in the reception centre. If there are particular health concerns, a person may be retained for a period at the reception centre or may be dispersed to specified accommodation centres with access to particular health services. Even after dispersal further health needs may present and RIA’s internal administrative health unit and the local health services will review any particular health need. The RIA has access to an independent medical referee to assist in the assessment of particular health needs in such cases.

The RIA will always consult management in accommodation centres who have knowledge of local services and their resident profile in respect of religious, cultural and ethnic backgrounds. This feeds in to decisions on where an individual asylum seeker will be sent. Generally, persons of similar ethnic background are accommodated together within a centre. Centres also provide facilities such as places of worship and will assist residents in linking with religious, cultural and ethnic groups and communities near their accommodation centre.

Accommodation placement is a logistical operation for RIA and each case is considered individually. The RIA works to match asylum seekers to suitable accommodation in respect of family profile and aspects such as access to school places, health, social and community services and accommodation availability. Nevertheless, the system must operate within the inevitable constraint that RIA can only accommodate persons in centres where suitable vacancies exist. Where an asylum seeker wishes to transfer from one centre to another, they can write to RIA stating the grounds for requesting a transfer. RIA must manage the accommodation portfolio as a whole, taking into account the needs of those already in accommodation, the needs of newly arrived persons and the needs arising from changes of circumstance, such as newborn babies, health issues, etc.

Deputy Jonathan O’Brien: In that regard, will the Minister look again at the EU directive on minimum standards for the reception of asylum seekers — it may be directive 2039 — which deals with many of the issues he has just outlined? It also deals with an issue raised in the previous question, that if the State does not make a decision within a certain timeframe, certain steps will be taken to deal with that. Many of the issues are dealt with in the directive and I urge the Minister and the Department to look at it again because we have not opted into it yet.

Deputy Alan Shatter: I am always happy to look at anything that may contribute to how we should properly deal with these matters within the resources I have available to me and to ensure that people are treated correctly and properly and that if difficulties arise, be they health or other difficulties, they are fully and properly addressed.

Residency Permits

71. Deputy Seán Crowe asked the Minister for Justice and Equality if he will ensure protection for migrant women from domestic violence by introducing formal immigration rules for the granting of independent residence permits; and if he will make a statement on the matter. [13863/12]

82. Deputy David Stanton asked the Minister for Justice and Equality if he has given any consideration to allowing for the granting of independent residence permits to migrant women whose residency entitlement is dependent on their husbands or partners and who are forced to leave their husbands or partners as a result of domestic violence; and if he will make a statement on the matter. [13945/12]
**Deputy Alan Shatter:** I propose to take Questions Nos. 71 and 82 together.

The Irish Naturalisation and Immigration Service, INIS, of my Department operates a flexible, pragmatic and humane approach to the status of non-EEA nationals, both men and women, who are in situations of domestic violence. Any person in such a situation can approach the INIS directly or through An Garda Síochána or a non-governmental organisation and their case will be examined with sensitivity. All cases are addressed on an individual basis and independent status is granted where the known circumstances of the case warrant it. In considering the circumstances of each such application every effort is made to ensure that the most appropriate permission stamp is granted consistent with overall public policy and the requirement to ensure that the integrity of the immigration system is upheld.

I am advised that very few non-EEA nationals who have experienced domestic violence have applied to my Department for independent status. There have been no more than a dozen such permissions granted. I would point out that not every victim of domestic violence will require a new residence permission. It is possible that a victim might be resident with their own independent status. However, where applications were made and the persons concerned were able to substantiate their claim with appropriate reports, an immigration status was granted which allowed them to access the labour force and to apply for State aid where required.

An Garda Síochána and non-governmental organisations working in the immigration area and those who offer services to victims of domestic violence are fully aware of the process and have acknowledged that the INIS will deal sensitively with domestic violence issues. I am satisfied that this system addresses the immigration requirements of non-EEA nationals who find themselves in such a terrible situation.

The primary concern for victims of domestic violence, whether they are Irish citizens or foreign nationals, is their physical safety. This concern is a primary focus of Cosc, the national office for the prevention of domestic, sexual and gender-based violence.

**Deputy Jonathan O’Brien:** I recognise there is some flexibility. However, one of the issues — I am sure Deputy Stanton, as Chairman of the Oireachtas Joint Committee on Justice, Defence and Equality, will support this — is that people are unaware of the criteria on which decisions are based with regard to this flexibility. The Minister spoke about the low numbers who requested independent status. One of the reasons the numbers are so low is that people do not know this service is available. I have spoken to a number of groups who find it difficult to get a grasp of the criteria and the guidelines which apply in circumstances such as these. This is something the Minister should look at again.

**Deputy David Stanton:** Is the Minister aware of recent changes in the UK legislation to deal with this issue? Is he prepared to investigate and look into those changes with a view to bringing forward similar changes here?

**Deputy Alan Shatter:** I am very anxious to ensure that if any individuals are a victim of domestic violence or are threatened with domestic violence, they will know this flexibility exists and that appropriate arrangements can be made. I have no difficulty with looking at the legislation mentioned by Deputy Stanton. If a person in the State, whether a citizen or here on a visa, is a victim of domestic violence, the domestic violence legislation that exists here can be used to seek a protection order, a safety order or a barring order against the spouse or cohabitee who engages in or threatens violence or who threatens the safety or welfare of your children. I have heard it suggested that this legislation is confined to citizens of the State, but it is not. It is legislation that can be utilised by any victim of domestic violence to seek protection. Where someone is a victim of domestic violence and has obtained a protection, a safety or a barring order from the courts, this is clear evidence to provide to the INIS, if that person
Leaders’ Questions

Deputy Micheál Martin: Everyone in this House agrees that public service broadcasting is a central part of a democratic society and RTÉ has served Ireland well over the 50 years since its foundation. However, a conclusion of the Broadcasting Authority of Ireland last week has raised serious questions on the performance of our public service broadcaster with regard to the conduct of the presidential election. Unfortunately, this conclusion comes very soon after the recent court ruling on the “Prime Time” programme on Fr. Reynolds, which also raised questions about standards. We await the outcome of the investigation into that issue. The concerns and doubts that have been raised need to be addressed so that people can be assured of the highest standards.

In that regard, will the Taoiseach comment on the role of the public service broadcaster in upholding the highest standards, notwithstanding a more competitive broadcasting environment? Others have sought to broaden this debate. The Minister for Transport, Deputy Varadkar, has said that RTÉ has a bias towards centre left parties and liberal views and has said there should be a review of the organisation. The Minister for Communications, Energy and Natural Resources, Deputy Rabbitte, seemed a bit confused, perhaps understandably, about what might sound liberal and left wing to the Minister, Deputy Varadkar, but he claimed that those who object to what happened are trying to create an Irish Fox News, which is a somewhat bizarre assertion also.

An Ceann Comhairle: May we have a question from the Deputy please.

Deputy Micheál Martin: He seemed to offer the view that there was no need for any review. Clearly, there are differences between the approach of the Government parties to the issue. Putting those competing views to one side, does the Taoiseach agree that objectivity on the part of the public service broadcaster is paramount? What is the Government going to do to ensure the public service broadcaster will operate to the highest standards in its coverage of current affairs and other issues? Will the Taoiseach outline to the House the outcome of the discussion at this morning’s Cabinet meeting? Both the Minister for Education and Skills, Deputy Quinn, and the Minister of State at the Department of Foreign Affairs, Deputy Creighton, said the issue would be discussed at the Cabinet meeting this morning. Was there such a discussion and what was the outcome of it?

The Taoiseach: Yes, the Minister for Communications, Energy and Natural Resources updated the Cabinet in respect of developments in this matter. I share the Deputy’s view, as do all others, of the critical importance of objectivity in so far as the national broadcaster is concerned with regard to public life in Ireland, to life in general in Ireland and to our democratic institutions.

Deputy Martin is aware of what happened in this case. This, now infamous, tweet has been the subject of an investigation by the independent Broadcasting Authority of Ireland, BAI, which has statutory responsibility for the regulation of broadcasting in Ireland. The finding of that investigation was that the broadcasting of the unverified tweet was unfair to Mr. Gallagher

[Deputy Alan Shatter.]
at the time, but the authority found no evidence that either the broadcaster, the presenter or
the production team deliberately concealed information or constructed the programme in a
manner that lacked either objectivity or impartiality. Deputy Martin will be aware of comments
made over the weekend about this.

RTE has announced an internal investigation led by an outside and independent person. I
note comments from Deputy Martin’s party in that regard.

**Deputy Finian McGrath:** Bring in Leo.

**The Taoiseach:** This investigation will be into the nature of the editorial process on the
evening of the debate. The compliance committee of the Broadcasting Authority of Ireland
which met this morning is likely to have sought further clarification from RTE in the matter.
The chairman of the Joint Committee on Communications, Natural Resources and Agriculture,
Deputy Andrew Doyle, has announced that RTE management will be called before the joint
committee to respond to the outcome of the BAI compliance committee investigation. This is
likely to take place in a matter of weeks.

The Minister for Communications, Energy and Natural Resources informed the Cabinet that
he was in receipt of a letter from Mr. Gallagher, who is the subject of the matter. The Minister
replied to Mr. Gallagher yesterday, noting the critical importance of the trustworthiness, impartiality
and objectivity of the national broadcaster to our democratic institutions. The Minister
also informed the Cabinet that he was aware of the specifics of the media report and comments
thereon, both by people from RTE and others. In his reply to Mr. Gallagher, he pointed out
that everyone is aware that the Broadcasting Authority of Ireland is the independent body
with statutory responsibility for the regulation of broadcasting in the country. He informed Mr.
Gallagher that if new evidence emerged impinging on findings made in relation to the com-
plaint, referencing Mr. Gallagher’s correspondence, the Broadcasting Authority of Ireland,
through its compliance committee, would ensure it is dealt with expeditiously and comprehen-
sively. The Minister informed the Cabinet that he had sent on Mr. Gallagher’s letter to the
Broadcasting Authority of Ireland.

Deputy Martin has many years experience of taking part in current affairs and topical prog-
grammes in RTE studios where the matter of questions being asked in a concise and realistic
fashion was always an issue before programmes began. In the case of the comment made by a
member of the audience at this particular debate, there appears to be an allegation that RTE
in some way attempted to gun down Mr. Gallagher. This appears to be the source of an alle-
gation which is disputed, obviously, by RTE.

Deputy Martin will be also aware of the pending report arising from the very serious case
of Fr. Kevin Reynolds which has come forth. In that case, RTE itself has commissioned an
internal inquiry with an outside person.

BAI investigated and analysed the tweet and regarded it as unfair to Mr. Gallagher. The
Minister for Communications, Energy and Natural Resources has responded to a letter from
Mr. Gallagher regarding the statutory and independent responsibility of the Broadcasting
Authority of Ireland and its compliance committee and has pointed out that if there is evidence,
that committee is the proper place to deal with it expeditiously and comprehensively. In
addition, Deputy Andrew Doyle will call the board of RTE before the Joint Committee on
Communications, Natural Resources and Agriculture in a short time to have further discussions
about this.

**Deputy Micheál Martin:** I thank the Taoiseach for his reply. My basic and abiding interest is
the preservation of the principle of public sector broadcasting as a central tenet of our democ-
Deputy Pat Rabbitte: I know how much Deputy Martin cherished it in the past.

Deputy Micheál Martin: With respect to the Minister, Deputy Rabbitte, his political history has a long tradition of cherishing that principle.

Can the Taoiseach outline his views on this matter? I am not saying the Oireachtas is the ideal forum for this inquiry, because of the natural tensions between the Oireachtas and the fourth estate which should be always there. It is Ministers who have broadened the debate. I do not accept the premise put forward by the Minister, Deputy Varadkar, but he has broadened the debate.

RTE itself has decided to develop an internal investigation, albeit with external personnel, into its editorial practices and risks to the broadcaster. The BAI, while initially finding fault with the utilisation and provenance of the tweet, did not follow on with a further investigation or see the need for it. There is an element of unfinished business and matters have been left hanging.

Is the Taoiseach satisfied that the steps that have been taken to date are sufficient to restore public confidence in the broadcaster, which is the central issue? The central objective of everything that should happen now is to restore public confidence in our public service broadcaster. Is the Taoiseach satisfied that what is now being done will be sufficient to achieve that objective?

The Taoiseach: I hope it will. I hope it can be.

Deputy Mattie McGrath: I hope he will tell us.

The Taoiseach: I share the views of Deputy Martin, as does everyone else here, that the national broadcaster should be absolutely impartial, fair and objective in carrying out its statutory functions under the Act that established it. Deputy Martin is aware that the Broadcasting Authority of Ireland has completely independent and statutory responsibility for the regulation of broadcasting in the country. Its compliance committee has its independent functions in that regard.

It is important to note that when it investigated the release of the tweet, the compliance committee said the broadcast of the tweet incorrectly attributed to the official Martin McGuinness twitter account was unfair, in the context of the requirements of the Act. The arguments made by RTE did not, in the view of the committee, validate the inclusion of what amounted to unverified information in the debate from a source that was wrongly accredited by the programme presenter. There were no apparent efforts to verify the source or accuracy of the content of the tweet. Furthermore, the committee felt the presenter did not take the opportunity to verify the content with Mr. McGuinness. Failure to provide clarification on the provenance of the tweet was unfair.

Deputy Mattie McGrath: We know all this already.

The Taoiseach: The committee did not believe the subsequent truth or otherwise of the content removed the basic responsibility of the broadcaster to verify its content and its provenance. The committee found no evidence that the broadcaster, presenter or production team deliberately concealed information or constructed the programme in a manner that lacked objectivity or impartiality.
Deputy Michael Healy-Rae: What about the question?

The Taoiseach: The complaints process is governed by section 48 of the Broadcasting Act 2009. It is entirely independent and independently regulated.

Deputy Niall Collins: The Taoiseach has the clock well talked down by now.

The Taoiseach: Following the Minister’s transmission to the Broadcasting Authority of Ireland of his letter from Mr. Gallagher, I hope that if, in the view of the BAI, there is anything new that warrants further comprehensive detailed analysis by the compliance committee, it will happen expeditiously.

Deputy Mattie McGrath: This is a hot potato. The Taoiseach does not want to handle it.

The Taoiseach: I share Deputy Martin’s view that it is of critical importance, for the good of the country and of civil life in the country that the national broadcaster adhere to the strict requirements of the Act that set it up, which is that our democratic institutions can be assured of fairness, objectivity and impartiality in respect of dealings with the national broadcaster.

Deputy Gerry Adams: Last night, eurozone Finance Ministers indicated that Spain will be given flexibility in its budget deficit targets in 2012. This follows from the Spanish Prime Minister’s rejection of the austerity and deficit targets set by the EU. The Taoiseach has an entirely different approach. At every opportunity, he and his partners in the Labour Party have kowtowed to their masters in the EU and assured them that they will not seek any write-off of the totally unfair, unsustainable and unacceptable debt that has been foisted on our people by the Government, and by the previous Government of which Deputy Martin was a member.

The second of the annual €3.1 billion promissory notes is due in a little over two weeks. Depending on which Minister is talking, people have a sense that the Government is, or is not, in negotiation at this time. There is very little clarity from the Government about this. What is clear is that the Government is committed to paying the full amount. If he is negotiating, it would seem the Taoiseach is negotiating the interest rate and the timeframe so the people will still have to pay for the greed of Anglo. This is not acceptable. Will the Taoiseach follow the lead of the Spanish Government, stand up for the interests of Irish citizens and refuse to pay this promissory note?

The Taoiseach: I cannot do that.


The Taoiseach: The Deputy forgets, and perhaps deliberately, that this country is in a bailout programme while Spain is not. The money to pay the salaries of the gardaí, the teachers, the nurses and everyone else, comes from Europe. Spain is not in a bailout situation. It has excessive deficit and future challenges with which it must deal. However, it must reduce its deficit level to 3% by the end of 2013 while Ireland in a programme must reduce its debt levels to 3% by 2015. There is a big difference between the two situations. Spain is a big country with a huge economy and is in a very different position from Ireland. The incoming Spanish Government under Prime Minister Rajoy examined the situation and found it to be worse than what was originally envisaged. The Spanish Government sought to re-negotiate its own deficit target when it came into office which sets out that its target will be maintained, although there will be more severe cuts next year.

As the Deputy is well aware, Ireland is funded until 2013 in a programme. The difference is that while we would like to be out of this programme as quickly as possible, the fact is we are
still in a programme. The salaries of the public servants, the ATM machines and everything else are funded from Europe by means of that programme. Spain is not in a programme. It has excessive debt and it faces severe challenges, but it has set a target to be down to 3% by the end of 2013. The Prime Minister and his government expect to meet that target. The two situations are very different.

Deputy Gerry Adams: The Taoiseach says he cannot. It is rather odd he has no problem. He is able to introduce stealth taxes, cuts and austerity measures, but when it comes to paying €3.1 billion of citizens’ money into a zombie bank, his answer is, “I cannot”. What sort of leadership is that?

Deputy Pat Rabbitte: He did not say that.

The Taoiseach: That is not the question the Deputy asked.

Deputy Gerry Adams: Enda Kenny, Eamon Gilmore——

The Taoiseach: Deputy Gerry Adams did not ask that question.

Deputy Gerry Adams: —— and Micheál Martin, are famously becoming the three “Yes” men of Europe.

An Ceann Comhairle: A question, please.

Deputy Gerry Adams: The Taoiseach might get some relief but really he is kicking a ball down the road. Our great-great grandchildren will have to pay this debt as opposed to our grandchildren and our great-grandchildren. Does the Spanish Government’s unilateral decision and the Finance Minister’s compromise not make a nonsense of this austerity treaty? Is it not clear from this one example that the deficit demands being made in the treaty are impractical? If, as he says, a big country with lots of collateral, cannot pay, then how can a small State like this pay, considering the difficulties we face? How can the Taoiseach expect to make this a constitutional imperative on the citizens of this State?

The Taoiseach: Deputy Adams deliberately twists the words. There is a very big difference between Spain as a country with a huge economy not being in a programme and Ireland which has a much smaller economy being in a programme until the end of 2013. The Deputy is also aware of the individual country-specific requirement in each case; Greece is in a very different situation from Ireland, Portugal is a different situation——

Deputy Peadar Tóibín: No way.

The Taoiseach: —— and Ireland’s situation is very different from that of Spain.

Deputy Peadar Tóibín: That is stating the obvious.

The Taoiseach: When the Deputy refers to the €3.1 billion in respect of the promissory notes, I have already made it perfectly clear that we are not going to raise any undue expectations. A series of difficult, technical and complex negotiations are being held at the initiative of the troika in order to produce a flexibility paper so that this country’s particular economic circumstances could be eased by having the flexibility now available to ESM and EFSF that were not applicable when more than €60 billion was borrowed in respect of the promissory note in the first instance.
Deputy Gerry Adams: Do not pay it.

The Taoiseach: Those negotiations and discussions are ongoing. I would guess that Deputy Adams was probably the most disappointed person in the country when the Tánaiste and I came in here to inform the House and the country that on the advice of the Attorney General, we would be having a referendum. I could see that the Deputy’s jaw dropped——

Deputy Pádraig Mac Lochlainn: The despair on the faces of the Cabinet members was unreal.

The Taoiseach: I know he had his legal squires ready down at the steps of the court. I am not going to raise any expectations——

Deputy Micheál Martin: It was the members of the Cabinet who were overjoyed.

Deputy Gerry Adams: Keep the expectations low.

The Taoiseach: The Deputy and I know the benefit of these discussions and I hope they will be concluded. As the Minister for Finance, Deputy Noonan, pointed out, these are matters in the medium term in any event. They are technical and very complex issues. However, from Ireland’s perspective, the troika recognises that Ireland’s economic position could be eased somewhat by having lower interest rates over a longer period which would make it easier to deal with our deficit and the repayments of our debt.

Deputy Gerry Adams: We will still pay money to the bad bank.

The Taoiseach: I hate to disappoint the Deputy again.

(Interruptions).

Deputy Joe Higgins: I refer to the Sunday Independent of last Sunday. In case the Taoiseach does not know, his Minister for Transport, Tourism and Sport, Deputy Varadkar, will tell him it is not a left-leaning or socialist news-sheet. In a thorough survey the Sunday Independent found that the 300 super-richest people in this country increased their wealth between March last year and March this year, from an incredible €57 billion to €62 billion, in round figures——

Deputy Timmy Dooley: The Deputy must be in there with his €40,000.

Deputy Joe Higgins:——which is an increase of €5 billion. That year coincides exactly with the lifetime of this Government. In this impressive survey, I have to say, Nick Webb, the business editor, points out that the rich list total nearly matches——

Deputy Phil Hogan: Well done, Deputy Shane Ross.

Deputy Joe Higgins:——our bailout. He further mentions new yachts, magnificent palaces in the sun, stupendous art works, football clubs and concludes that it was a good year for the super-rich. However, it was not a good year for people with a disability because the Taoiseach maintained the cuts in the pensions for the blind, he cut the fuel allowance for elderly people and he attacked the precarious economic situation of one-parent families. These people are clinging for economic survival to the edge, along with the millions of ordinary people, low and middle income workers, who are suffering from his austerity.

An Ceann Comhairle: A question, please.
**Deputy Joe Higgins:** How does the Taoiseach justify refusing to impose a progressive taxation on this super-wealth when the increase of €5 billion in one year dwarfs the €3.7 billion he is imposing in cuts this year to pay off bankers and bondholders, with devastating consequences for our society, tearing strips from the health service and compromising education? These cuts are causing significant suffering. What is the moral and economic argument? The United Left Alliance has estimated that €5 billion to €10 billion could be raised in taxes on the super wealthy and this survey confirms it. Is it any wonder that decent, ordinary taxpayers are in revolt all over this country, with well over one million householders refusing to pay the household tax?

**An Ceann Comhairle:** The Deputy is over time.

**Deputy Joe Higgins:** Since he can inflict cuts with no compunction at a week’s notice, will he now bring in an emergency budget to provide for an emergency tax on wealth to alleviate the cuts and the tax burdens on ordinary people and, for a change, to make the super wealthy pay?

**The Taoiseach:** I did not see all the details of Deputy Ross’s survey in the newspaper. I do not know whether he gave Deputy Higgins the details as to whom he is referring. This is a difficult and challenging year for a great number of people.

**Deputy Shane Ross:** Not for the super-rich.

**The Taoiseach:** I recall being a member of a local authority back in the 1970s when everybody paid rates in respect of services provided. We moved away from all of that in the intervening 30 years and it is very difficult to get people to understand the necessity of spreading the burden as equitably and as fairly as possible.

Changes were made to the taxation system in the budget. As the Deputy will be aware, there were no reductions in the basic social protection rates and the impact of Government decisions in respect of the universal social charge and the minimum wage will protect those on the lower end of the scale and will take significant numbers out of the net in terms of the requirement to pay those levies. The Minister for the Environment, Community and Local Government has already made it clear there are extensive waivers in respect of the household charge.

One person in this country, who is reputedly quite wealthy, said to me that wealth was being returned from his account to Irish banks. In a gesture of practical patriotism, there is an issue there in respect of confidence in our country. Changes have been brought about by the Minister for Finance in respect of the taxation of the higher paid in the country and there has been no reduction in the basic rates of social protection. Although this year is very challenging, people understand that the problem we have will not go away unless we deal with it and the way we must deal with it is for everybody to make a contribution. We hope that contribution is fair, equitable and affordable. Where that does not apply, exemptions and waivers will help to get people through this particularly challenging period ahead.

**Deputy Joe Higgins:** I asked the Taoiseach what is the argument, moral or economic, against the imposition of a levy on the super wealthy in our society in view of a very comprehensive survey which, incidentally, was not done by Deputy Ross but by a series of editors, sub-editors and researchers. To show how comprehensive it was, the business editor said some of the super-rich even got in touch to make sure nothing was left out in what was being reported on them.

**An Ceann Comhairle:** Could I have your supplementary question?

**Deputy Joe Higgins:** Warren Buffett——
An Ceann Comhairle: A copy of the *Sunday Independent* is available in the Library.

Deputy Richard Boyd Barrett: We are still trying to get an answer to the question.

Deputy Joe Higgins: As the Taoiseach knows, Warren Buffett has been one of the leading capitalists for decades. Put it in the Irish context, but some time ago he said: “While the poor and middle class fight for us in Afghanistan, and while most Americans struggle to make ends meet,—

An Ceann Comhairle: Deputy, would you please ask a supplementary question?

Deputy Joe Higgins: ——we mega-rich continue to get our extraordinary tax breaks.” He went on to say:

My friends and I have been coddled long enough by billionaire-friendly Congress. It’s time for our government to get serious about shared sacrifice.

When will the Taoiseach get serious about requiring not sacrifice, in view of the massive wealth they have, but a lot more from these wealthiest sections of our society which have been untouched by this crisis and whose system has caused it in the racketeering and profiteering that went on? Why will the Government not bring in an emergency levy that would bring in billions which would alleviate the suffering——

An Ceann Comhairle: Would you adhere to the Chair please?

Deputy Joe Higgins: ——and which would provide the basis for public investment——

An Ceann Comhairle: Would please resume your seat? I do not know what your question is.

Deputy Joe Higgins: ——which would create jobs? Why will the Taoiseach not bring in a wealth tax?

The Taoiseach: The Minister for Finance introduced changes here in respect of the higher paid and wealthy people. Changes were also introduced in respect of those who deem themselves to be tax exiles, which is a relatively small number. I made the point about repatriation. The point was made to me by one such person in that category who has put substantial funding back into the country.

I will not comment on the detail of the survey carried out in the newspaper the Deputy mentioned. That is obviously a matter for the business editor and the editors who carried out that survey but I would make the following point to the Deputy.

Deputy Joe Higgins: It is a matter for the Taoiseach.

The Taoiseach: When one hears the Minister for Education and Skills announce a €1.5 billion programme for the construction of more than 250 new schools, which will provide employment and opportunities for substantial numbers of people and places for children——

Deputy Mattie McGrath: Some of them are built.

An Ceann Comhairle: Would you stay quiet?

The Taoiseach: He would not even recognise that. I would say something else to the Deputy.

(*Interruptions*)
The Taoiseach: He should look beyond the shores of the country sometimes.

(Interruptions).

An Ceann Comhairle: Would Deputy Mattie McGrath stay quiet? He is not a leader yet.

The Taoiseach: Deputy Higgins should look beyond the shores of the country sometimes because the Warren Buffetts — I could never claim to be at his level — of the world and economists, business and politics internationally now look at this country as being in a very different position than it was 12 months. There is confidence with deposits coming back into the banks and investment in our country. In some cases, our exports are running at double digit figures and the impact of Government——

Deputy Richard Boyd Barrett: Just answer the question.

The Taoiseach: ——decision is in the area of the indigenous economy in small and medium enterprises. We have deliberately and consciously set out to protect the lower paid in this area with exemptions, the removal from the universal social charge, the restoration of the minimum wage and by giving facilities and incentives to employers to take on new employees and to make it easier for them to do their business by keeping on their current employees.

Ceisteanna — Questions (Resumed)

Cabinet Sub-committee Meetings

1. Deputy Gerry Adams asked the Taoiseach the number of times the Cabinet sub Committee on Health has met since the beginning of January 2012. [7940/12]

2. Deputy Joe Higgins asked the Taoiseach the number of times the Cabinet sub Committee on Health has met since the beginning of this year. [12201/12]

3. Deputy Joe Higgins asked the Taoiseach the number of times the Cabinet sub Committee on Health has met since the beginning of 2012. [12522/12]

4. Deputy Micheál Martin asked the Taoiseach if the Cabinet Committee on Social Protection has met recently. [13654/12]

The Taoiseach: I propose to take Questions Nos. 1 to 4, inclusive, together.

The Cabinet sub-committee on health has met on three occasions to date in 2012 — on Thursday, 2 February, Tuesday, 14 February, and Thursday, 8 March. The next meeting of the Cabinet sub-committee on social policy is scheduled for Thursday, 24 May. It has met three times since its establishment last year — on Thursday, 9 June, Wednesday, 21 September and Thursday, 24 November, 2011.

The Deputy will be aware that, in line with Cabinet confidentiality and long-standing precedent, I do not propose to talk about specific issues discussed at Cabinet committee meetings.

Deputy Gerry Adams: The Taoiseach said he would not talk about issues discussed at Cabinet or Cabinet sub-committee meetings but last week he distinguished between the economic management council and meetings between the council and groups. In that spirit, has the Cabinet sub-committee on health met any groups or organisations since the beginning of January? For example, has it met the development board of the new children’s hospital or are
there plans for such a meeting? The absolutely priority — his Government has spelled this out — should be that the long promised new children’s hospital should be built. There is the totally unacceptable situation of children on trolleys waiting for up to 12 hours. Will the Taoiseach give us any sense of any meetings with the HSE or the development board to deal with this crisis?

**An Ceann Comhairle:** Before the Taoiseach replies, I wish to put it on the record that questions relating to the activities of Cabinet committees are subject to Cabinet confidentiality.

**The Taoiseach:** I can say for Deputy Adams’s information that there is a slight difference between a meeting of the economic management council and a meeting between the economic management council and the banks. He is aware of the difference there. As he is aware, the pillar banks and Ulster Bank were before the economic management council on two occasions.

The people who are entitled to attend the Cabinet sub-committee on health are the Tánaiste, the Minister for Health, the Minister for Public Expenditure and Reform, the Minister for Children and Youth Affairs, the Minister of State with responsibility for primary care and the Minister of State with responsibility for disability, equality, mental health and older people. As is required, people attend from different sectors of the Departments where there is cross activity involved.

In regard to the children’s hospital, we have not met the group involved in it. The Cabinet approved terms of reference for that group and gave it 56 days to respond to the decision of An Bord Pleanála in regard to the proposal to build the national children’s hospital on the site at the Mater hospital. That group has been set up and will report in respect of issues arising from that proposal and other options. A whole range of health issues has passed through and been decided on, both by Government and the Minister for Health. These range from the setting up of a universal health insurance implementation group tasked with drafting a White Paper on universal health insurance by the end of 2012 to the approval of proposals for a permanent risk equalisation scheme. Legislation is in train to make that valid from 2013.

The Deputy will know the special delivery unit, SDU, which has made such an impact on hospital waiting lists, was set up in September 2011. It looked at the question by visiting each individual hospital. There is a range of activities as a consequence of the discussions at the Cabinet sub-committee and the decisions of Government and the Minister arose from that.

**Deputy Joe Higgins:** Does the Taoiseach see a role for the Cabinet sub-committee on health in regard to the health service meeting the challenge of the approximately 4,000 employees of the health services who have retired, roughly half of whom are nurses? Does the Taoiseach recognise this cannot happen without front line services being heavily and detrimentally affected, with enormous consequences for the health service providers, including extra pressure for both them and for patients? What role does the Cabinet sub-committee on health have in advising, for example, the HSE on the consequences of the Government’s disastrous austerity policies as they impact on the health service?

**The Taoiseach:** The value of the Cabinet sub-committee, whether in health or any other area, is to be able to draw the relevant personnel together in order to focus on the decisions that need to be made. The Deputy raised a fundamental and important point. As so many people have left the health service of their own accord because of the redundancy package, I am happy to tell the Deputy this matter was the focus of some discussion. I am also glad to tell him that for the first time I saw real evidence of full flexibility and full co-operation being applied under the Croke Park agreement. It is only fair to thank all those, whether front line staff, in nursing trade unions or clinical and medical teams, who actually looked at the situation and, because there was not an endless pit of money, asked themselves how they would implement and deal
with the changes arising from the reduction in personnel. Even though there were predictions of catastrophic situations everywhere in the transition period, each hospital manager and local and regional manager signed off on their contingency plans for normal working weeks and weekends and for dealing with rosters and situations that occur from time to time due to unforeseen circumstances. It is only right to recognise the extent of real application by so many people to make that happen in the context of providing the very best care for patients in hospitals.

If the sub-committee has any value, therefore, it is in being able to draw together the decision makers and, in a strict timeline, focus attention on making the decisions that can bring about a situation where front line care staff and others can apply their exceptional qualities to patients in our hospitals. That is not something for which one can make a decision and then park it. It evolves all the time. In respect of full co-operation and full flexibility, it was a test of the Croke Park agreement and in that regard staff and everybody concerned measured up to the challenge in a very strong fashion.

Deputy Joe Higgins: There was too much pressure.

Deputy Micheál Martin: According to the Minister for Health, Deputy Reilly, an enormous programme of profound change is under way in the health service. Would the Taoiseach not agree that, if that was the case, the Cabinet sub-committee would meet much more often than it does? From the meetings outlined by the Taoiseach, of which there were three last year, I get the sense that what we are witnessing is a kind of care and maintenance approach by the sub-committee on health towards the health service in general. The general outside view is that the service is directionless and going nowhere in a hurry in regard to the Minister’s plans, which nobody can really ascertain in any case. No detailed proposals on universal health insurance have been put either to officials or through the system. The board of the HSE was abolished without anything being put in its place and this has created a genuinely serious legal and governance limbo within the health service which is unsatisfactory in terms of accountability and governance.

I was gobsmacked by the Taoiseach’s assertion——

An Ceann Comhairle: A question, please.

Deputy Micheál Martin:——that the special delivery unit has somehow had a dramatic impact on waiting times. The SDU subsumed the €80 million that had been allocated to the National Treatment Purchase Fund, which was essentially abolished or subsumed into this arrangement, with disastrous results for waiting lists, given the increase already of approximately 40% in numbers of those waiting between three and 12 months. It is extraordinary the Taoiseach should state the opposite has been the case. The actual figures, as published by the HSE, indicate there are thousands more on the waiting lists in the past 12 months, with a sharp deterioration. Would the Taoiseach agree the Cabinet and the sub-committee do not appear to be getting to grips with the enormity of the issues facing the health service, or bringing any sense of urgency to the Government structure that is to emerge for the health service?

On Question No. 4, which related to the Cabinet committee on social protection and which I tabled, I did not hear in the Taoiseach’s response regarding the number of times that committee has met. One of the core roles of that committee is supposed to be the overseeing of the impact on poverty of Government decisions, taking into account independent statistics about the Government’s policies. The Taoiseach will be aware that last month the ESRI completed its analysis of the most recent budget and showed how it was, by far, the most socially regressive
and inequitable budget of recent years, with its financial impact falling most on those who had the least in our society. That is the complete opposite of what the Taoiseach had been claiming in respect of that budget. What was the response of the Cabinet committee on social protection to the ESRI’s commentary on the budget?

**The Taoiseach:** The next meeting of that committee is on 24 May. It has met three times: Thursday, 9 June, Wednesday, 21 September and Thursday, 24 November. I do not at all agree with the Deputy——

**Deputy Micheál Martin:** It has not met since the budget.

**The Taoiseach:** No, not since the budget. I do not agree with the Deputy that the process of Cabinet sub-committees is not effective. It is probably the most effective process I have seen in my time in the House in that it brings under the imprimatur of the Department of the Taoiseach the requirement for decisions to be made and timelined. This is very important within the whole process of setting up transition teams to deal with the consequences of people retiring under the public service embargo from a range of areas, be they health, justice, education, or whatever. It includes, in regard to the issues in the health service, for example, redeployment, consolidation of clinical management roles, reorganisation of services, changing of staff rosters and finding a more appropriate skill mix. Being a former Minister for Health, the Deputy is well aware that all these areas present complications, depending on the specialist nature involved, the location or the teams to be set up. People have changed rosters, moved locations, postponed leave and worked additional hours for time off in the context of their personal agreements under the Croke Park agreement.

In regard to the committee on social policy, a number of issues have been dealt with.

These include the launch of the report of the national substance misuse strategy steering group, with an expected completion date of the summer. Preparation of the care strategy, which has been around for a long time, is well advanced. The Minister of State, Deputy Kathleen Lynch, expects to bring it to the Cabinet before too long. Tackling homelessness and taking the approach that money follows the client for the delivery of services to those experiencing homelessness was announced last November. That project is proceeding. The value for money review of the disability services is due for completion in the first half of 2012, which is relevant to the questions asked already. The report of the expert reference group on disability policy will be submitted to the Government within the same timeframe. Preparation for the children’s rights referendum is on target and the free school year has been maintained. An allocation of additional funding of €1 million was made this year to address the needs of children with autism and a further €1 million will follow in each of the next two years. The forum on patronage and pluralism in the primary sector was launched in April 2011 and will be before the Cabinet shortly. This morning, the Government noted the report from the ESRI and the sub-committee will deal with it at its next meeting. I cannot yet confirm the agenda. Agreement was reached with NAMA to make available 2,000 properties for the purpose of social housing through leasing arrangements. The taskforce on the child and family support agency was established. These are important issues that were dealt with and considered through the Cabinet sub-committee on social policy. These topics cover a broad spectrum.

**Deputy Gerry Adams:** The Taoiseach said that the Cabinet sub-committee on health met with the special delivery unit. Three weeks ago, the Irish Association for Emergency Medicine exposed the disgraceful situation in emergency units of children’s hospitals, with some children waiting for 12 hours on trolleys. I wonder if the Taoiseach had the opportunity to discuss the
topic with the special delivery unit. A very useful briefing by the special delivery unit representatives took place last week. I pointed out that when they were first introduced to Our Lady of Lourdes Hospital, Drogheda, when an ongoing crisis came to a head before Christmas, the number of citizens on trolleys was 45 or 46. Last week it was back to 45 or 46 and the special delivery unit representatives acknowledged a capacity issue. The Taoiseach described the special delivery unit as having made a very positive impact on hospital services but that very unit is now saying a capacity issue is causing a crisis in this particular hospital. The unit representatives also made revealing remarks about the hospital and health services in that region.

Did the Taoiseach have the opportunity to discuss with the special delivery unit representatives the totally unacceptable situation where children are on trolleys for up to 12 hours and the fact that capacity is a problem in terms of 46 or 47 adult citizens ending up on trolleys?

The Taoiseach: I did not meet with the special delivery unit or have the discussion Deputy Adams had the opportunity to have at the committee meeting. I do not have the details of the evidence given to the Deputy at that meeting. Suffice it to say, the Minister for Health indicated that last week, for the first time ever, there was no count of those waiting for trolleys in Galway, which is an exceptionally busy hospital. The escalation alarm in the Mater Hospital was put in train on 8 March because 17 patients were waiting on trolleys. By 4 p.m. that day, during a very busy week, that figure had reduced to four. I have been in many hospitals over the years and it is very unnerving and intrusive for people to be lying on trolleys in hospital corridors while others are passing up and down. Sometimes people are in areas where there is a lack of privacy and people can rightly be put out by this. We need to get to where we implement a strategy of having strong primary care teams and a much stronger community health system where people can remain in their location for as long as possible.

Deputy Gerry Adams: The Taoiseach is cutting the home help hours by 5 million

The Taoiseach: Serious numbers left the health service of their own accord because of the redundancy package. I pay compliment to those who remain, who have changed rosters, moved location and travelled distances, worked longer hours and, with clinical and medical teams and nursing staff, have sat down to determine how to provide the best care for patients in the hospital given that they will not have the endless stream of money that people had assumed would be available. This is a challenging situation and those involved as patients have a right to expect the very best level of treatment. When we get the full implementation of the structure envisaged by the Minister for Health at the end of this period of Government, with universal health insurance, we will be in a position to have a really efficient, competent, professional, caring health service. I do not suggest that those who work in the service have any lack of a caring attitude but the pressure on space is always an issue. The Deputy is always aware of how there can be an increase because of flu or viruses. From time to time, hospital numbers can rise rapidly in a short time and that can put pressure points on the delivery of service.

With regard to the Cabinet sub-committee dealing with each of these entities, we have not met with the special delivery unit and had detailed discussions with it. Deputy Adams probably got more information directly from the special delivery unit and he probably had the right to ask any questions, as I am sure he did when he and other Deputies met with the special delivery unit last week.

An Ceann Comhairle: I remind Deputies that this question is about the number of times the sub-committee met. We have spent 20 minutes on this group of questions and other Deputies in the Chamber have questions to ask. I ask Deputies to be conscious of time.
Deputy Joe Higgins: The Taoiseach will not be here next week.

Deputy Micheál Martin: Arising from the Taoiseach’s response to my question, No. 4, on the Cabinet sub-committee on social policy, I am struck by the fact the committee has not met since the budget. Perhaps, if the committee had met during the budgetary time and after it, and had proofed the budget in terms of its impact on low income families, we might have had a different approach and a different outcome. What is the point in a carer’s strategy if, for example, one of the decisions in the budget is to include carer’s allowance as calculable income for the purposes of the family income supplement? In many families, the mothers are——

An Ceann Comhairle: We cannot stray into a different area of policy.

Deputy Micheál Martin: This is to do with social protection, the role of the sub-committee and the fact that it has not met.

An Ceann Comhairle: The question concerns the number of times the sub-committee has met.

Deputy Micheál Martin: Deputy Adams went on at liberty about other issues.

An Ceann Comhairle: I am trying to be fair and Deputy Martin also has a number of other questions.

Deputy Micheál Martin: I will not detain the House too long.

An Ceann Comhairle: We cannot stray into policy on a question about the number of times the sub-committee met.

Deputy Micheál Martin: I was talking about the fact that the sub-committee had not met since the budget, which has all the signs of it. The carer’s allowance of mothers who care for those with special needs was, for the first time, taken on board in terms of calculating entitlement to family income supplement. Families on the lowest income rung of the ladder were hit by as much as €100. How can any Cabinet sub-committee on social policy stand over that?

An Ceann Comhairle: What is Deputy Martin’s question?

Deputy Micheál Martin: The Taoiseach referred to autism in his reply. Children with autism and their parents are being denied access to domiciliary care allowance.

An Ceann Comhairle: We cannot go into that, Deputy Martin.

Deputy Micheál Martin: The letters parents of children with autism are receiving is disgraceful. The letters refer to the children not needing additional care over and above their peers.

An Ceann Comhairle: Will Deputy Martin table a separate question?

Deputy Micheál Martin: This is the most ridiculous, absurd and insulting reply from officials in the Department of Social Protection. Will the Taoiseach ensure the sub-committee meets more often, becomes more assertive in terms of proofing Government policy in so far as it has an impact on the lowest income earners in our society and those who need help and support? I mentioned two cases involving autistic children and domiciliary care allowance and, in terms of carers, the family income supplement, but there are many others. The DEIS issue should not have happened. It happened because the committee must have been asleep at the wheel in terms of watching these issues. The change in eligibility rules for women, for example, has
hit women to the tune of €70 and €80 and the Taoiseach comes in here and makes the proud boast that social welfare payments were not hit. Many people were hit but he did it by stealth, and the devil was in the detail.

An Ceann Comhairle: I ask the Taoiseach to keep to the question on the number of times the committee met.

The Taoiseach: I have told the Deputy that the committee met three times. The reason the carers’ strategy has been taken on by the Minister of State, Deputy Lynch, is that for years no Minister, Department or collection of Departments would deal with it. We are now dealing with it, and the Minister of State is putting together all of that strategy——

Deputy Micheál Martin: Carers were hit savagely in the budget.

The Taoiseach: ——to have a carers strategy that will set out policy.

Deputy Micheál Martin: There is no action.

The Taoiseach: Action is exactly the point because for donkey’s years——

Deputy Micheál Martin: There is no action. It is the opposite.

The Taoiseach: ——nobody in this House bothered their barney to put together——

Deputy Micheál Martin: You are wrong.

An Ceann Comhairle: Please, Deputy.

The Taoiseach: ——the threads of a carers’ strategy, and it is being dealt with now.

Deputy Micheál Martin: That is not true.

The Taoiseach: I made the point to the Deputy that an extra €1 million is allocated for autistic children this year, again next year and the year after that. Neither the Deputy nor I decides on the basis of an analysis of an application for domiciliary care allowance, nor am I qualified to give a verdict in regard to those issues.

Deputy Micheál Martin: With the greatest respect to the Taoiseach, there is a pattern, and many professional opinions have been given.

The Taoiseach: The Deputy would like me to sit in the Taoiseach’s Department all day every day meeting with Cabinet sub-committees——

Deputy Micheál Martin: No.

The Taoiseach: ——and not deal with the essence of politics, which is about people.

Deputy Micheál Martin: It is not even meeting.

The Taoiseach: We have, Deputy. We try to deal with these meetings as reasonably as possible, give them a programme of work to do and ask them to report progress. I hope they will do that.

Deputy Micheál Martin: It has not met since the budget.
The Taoiseach: I will report back to the Deputy on 24 May.

Deputy Richard Boyd Barrett: Will the Taoiseach indicate if there is joined-up thinking between Cabinet sub-committees such as the Cabinet Committee on Social Protection and the Cabinet sub-committee on jobs, the body which his Government has given priority to create jobs? I ask that question because it has become clear that many of the measures introduced in the budget will act to drive loan parents in particular out of——

An Ceann Comhairle: Sorry, Deputy, that is an entirely separate issue.

Deputy Richard Boyd Barrett: It is about how these two committees connect.

An Ceann Comhairle: No, it is not.

Deputy Richard Boyd Barrett: It is, honestly.

An Ceann Comhairle: It is not, honestly. It is entirely separate.

Deputy Richard Boyd Barrett: Many of the measures will drive loan parents out of work——

An Ceann Comhairle: Will the Deputy please resume his seat?

Deputy Richard Boyd Barrett: ——particularly because lone parents payments will be withdrawn after a child has reached the age of seven. Loan parents are asking a simple question.

An Ceann Comhairle: That has nothing to do with the question.

Deputy Richard Boyd Barrett: If the Government wants them to work, who is supposed to look after the children——

An Ceann Comhairle: Put down a parliamentary question on the issue and we will debate it.

Deputy Richard Boyd Barrett: ——after the age of seven? Has that issue been discussed at the Cabinet sub-committee?

An Ceann Comhairle: The Deputy cannot ask what was discussed at the Cabinet. I am moving on to Question No. 5.

Deputy Richard Boyd Barrett: I can ask, a Cheann Comhairle.

An Ceann Comhairle: We have spent 27 minutes on four questions——

Deputy Richard Boyd Barrett: Others have asked it, and they got an answer.

An Ceann Comhairle: ——of the same ilk as to the number of times sub-committees met.

IFSC Clearing House Group

5. Deputy Micheál Martin asked the Taoiseach the number of times in the past year that the IFSC Clearing House Group has met; the issues that were discussed; the actions that have been taken as a result; and if he will make a statement on the matter. [9367/12]

6. Deputy Joe Higgins asked the Taoiseach the number of times in the past year that the IFSC Clearing House Group has met; if he will give details of the matters that were discussed; the actions taken as a result; and if he will make a statement on the matter. [12523/12]
7. **Deputy Gerry Adams** asked the Taoiseach the number of times the International Financial Service Centre Clearing House Group has met since the beginning of January 2012; and if he will make a statement on the matter. [13920/12]

**The Taoiseach:** I propose to take Questions Nos. 5 to 7, inclusive, together.

The IFSC Clearing House Group, CHG, has met on six occasions in the past year and is due to meet next on 3 April. Its associated working groups in banking and treasury, insurance, funds, asset management and pension funds meet regularly, typically on a monthly or bi-monthly basis.

My Department has supported the international financial services industry in Ireland since the establishment of the IFSC in 1987 by providing a forum for the exchange of views and the co-ordination of effort through the mechanism of the IFSC Clearing House Group and the related working groups. During this period, the IFSC has grown to employ 33,000 people and to contribute more than €1billion annually through corporation tax and payroll taxes.

The Clearing House Group itself is chaired by the Secretary General of the Department of the Taoiseach and its membership includes public and private sector representatives. This includes the leading industry figures including both firms and industry associations. The chairs of each working group are also members of the group and facilitate communication between working groups and the Clearing House Group. There are also representatives from my Department, the Department of Finance, the Department of Jobs, Enterprise and Innovation, the Central Bank, IDA Ireland, Enterprise Ireland and the Revenue Commissioners.

The spread of membership of the group and the working groups enables discussion to take place in an open way which reflects a wide range of experience and expertise so that opportunities to develop sustainable business and employment in the various sectors of the international financial services industry can be achieved.

The groups are mandated to identify and consider issues of importance to the long-term development of the international financial services industry in Ireland. These issues include the strategic development of new business areas and opportunities, the progress of relevant legislation and it identifies, from time to time, the need for responsibility to be assigned for overseeing and reporting to the Government on any appropriate initiatives in this area.

The programme for Government states that the Government “supports the future development of the IFSC as a source of future employment growth, subject to appropriate regulation” and commits to the development of the financial services sector to maximise employment opportunities. The IFSC Clearing House Group shares my conviction that there is scope for development and employment growth on a significant scale. In 2011, the group developed a strategy framed on the basis of an objective to create more than 10,000 net new jobs, to protect existing employment and business, and to consolidate the sector as a key driver of the Irish economy over the next five years.

I launched the strategy for the International Financial Services Industry in Ireland 2011-2016 in July of last year. That strategy was developed on the basis of extensive analysis and consultation carried out across the full range of international financial services. It reflects market trends and the business opportunities to which they give rise, as well as the established strengths and capacities for development of the industry, its advisory and supporting networks, and in the broader labour force available in Ireland. It is a strategy which recognises and fully supports the critical importance of a credible, responsible and proportionate regulatory system whose own capacity and reputation provides, in itself, a source of competitive advantage for this jurisdiction attracting reputable, responsible and sustainable financial services activity. The strategy forms the basis for the agenda and discussion at the Clearing House Group and it is
being monitored by the group for specific implementation measures across all of its working
groups.

Among other opportunities for growth, the strategy commits to developing Ireland as a
centre of excellence in green finance and carbon management through the Green IFSC initia-
tive which is being co-ordinated by my Department through the Clearing House Group and in
conjunction with industry.

The core concept of the Green IFSC involves positioning the IFSC to take advantage of
growth in the global green economy and green finance sectors. It envisages a cluster of financial
and support services for the domestic and international green tech, renewable energy and
carbon sectors.

Other issues considered by the Clearing House Group over the past year include the market-
ing and messaging of the international financial services industry and recommendations made
by the group and the working groups resulting in measures being included in the Finance
Bill to enhance and support the competitive position of the international financial services
sector here.

The mandate of the Clearing House Group in the coming years will be to drive and monitor
the implementation of the strategy, and the achievement of its goal of creating 10,000 new jobs.
Doing so will require action across the seven drivers identified in the strategy. These drivers
are a transparent and competitive direct and indirect tax framework; a credible, responsible
and proportionate regulatory regime; the development of new business lines; co-ordinated
international engagement and marketing; integrated support for investment and growth; tar-
geted development of appropriate skills; and sustained control of business costs.

A key aspect of the success of the IFSC and the Clearing House Group has been Ireland’s
responsiveness to trends and opportunities, built on an effective relationship between the public
sector and industry. The Clearing House Group is an essential part of this relationship, and I
believe it will play an important role in delivering the jobs target this Government has set.

Deputy Micheál Martin: I thank the Taoiseach for his comprehensive reply. The concept and
development of the IFSC is a testament to the vision of Governments in earlier generations,
particularly in the late 1980s and early 1990s. We now have 33,000 people employed in what is
an important sector in Ireland in terms of its global impact and number of jobs created.

Has the Clearing House Group discussed or undertaken any analysis of the impact of a
potential transaction tax on the IFSC? It has been mooted by the French President and in a
number of other states and has created tensions across the European Union. I am not referring
to such a tax in London. What would the impact on Dublin be if Europe agreed one and the
rest of the world did not?

The Taoiseach referred to the green IFSC. Can he give any examples of any concrete steps
that have been taken to develop the concept? It has been around for about two or three years.
Has the Clearing House Group agreed any specific steps to take to advance the concept into
concrete, realisable and tangible outcomes?

Having sharia compliant funds been discussed recently by the Clearing House Group? A recent
PricewaterhouseCoopers report outlined the potential return from such funds and the possi-
bility of Dublin acting as a hub for them. I understand other locations like Edinburgh are
competing for that kind of business.

The Taoiseach: I recognise, as does the Deputy, that the original concept of the IFSC came
from a very important businessman and was implemented by a former Taoiseach, Charles
Haughey, who set up the IFSC in the 1980s. It now employs 33,000 people which is a testament
to its evolution over a number of Governments and is a very important entity in terms of corporation and payroll taxes.

I cannot answer the question on whether the Clearing House Group has discussed sharia finance. It was a central part of a launch I attended last year. I will give the Deputy an up to date response on the situation.

On green finance, as the Deputy knows it refers to capital investment in banking, treasury and insurance businesses that supports the development and promotion of a low carbon economy. It includes the funding of renewable energy generation, energy efficiency measures and carbon credits trading. In a wider context it embraces issues like the environment, water, waste and weather.

Recent related green tax changes include the inclusion of carbon offsets within the existing structured finance tax regime, including the Finance Bill 2012 amendments to explicitly include forest carbon credits; relief from stamp duty on transfers of greenhouse gas emissions allowances; the extension of corporation tax relief for investments made in renewable energy projects; and the inclusion of companies involved in the production of energy from renewable sources within the income tax relief scheme for investment of corporate trades. There have also been a range of educational and other developments under the green IFSC initiative.

Since the third quarter of 2011 the Green IFSC, in partnership with Summit Finuas which is under the remit of Financial Services Ireland, FSI, has earmarked €600,000 for sustainable finance educational projects to ensure Ireland has the talent base needed to grow green finance business and attract companies to Ireland that operate in that sector.

September 2011 saw Ireland’s first postgraduate course in sustainable finance launched at DCU. In January this year Ireland, through UCD, launched the world’s first of its kind master’s degree in energy and environmental finance. In the same month, the Institute of Bankers announced a new graduate diploma in green energy management and finance. FSI, a constituent body within IBEC which represents financial services companies, is conducting an indepth report into the education needs of new and existing businesses to ensure Ireland is at the forefront of producing professionals with the skills needed to grow sustainable businesses in the sector.

All green IFSC-assisted courses have emerged from collaboration with industry leaders, public sector representatives and academics who have come together to ensure Ireland is a global centre for green finance. Green IFSC projects are all of that nature. I will send the Deputy an up to date response in respect of the current position on sharia finance.

Deputy Micheál Martin: What about a transaction tax?

The Taoiseach: I do not know whether the Clearing House Group discussed it. The Government is opposed to it.

Deputy Micheál Martin: It is a very important issue. The Taoiseach has representatives on the Clearing House Group. He might ask whether an analysis was undertaken of the potential impact of such a tax.

The Taoiseach: I do not know whether the Clearing House Group discussed it. The Government has made it perfectly clear it is opposed to it. I note President Sarkozy’s wish to introduce one on his own or in collaboration with some other countries. Countries are entitled to do that. The Clearing House Group is chaired by the Secretary General of my Department. I will let
Deputy Martin know whether there have been any discussions at the Clearing House Group in regard to a financial transaction tax.

Deputy Joe Higgins: Does the Taoiseach have any concept of how incredible it sounds to ordinary people that he boldly stated the Government is opposed to a transaction tax? There are tens of billions of euro swirling around the IFSC and financial centres of Europe in all kinds of speculative ventures which are ongoing despite the crash. It resulted from the total deregulation of the financial markets and the type of speculative and casino-like activities that took place in the pursuit of private corporate profit at a huge cost to society.

The Taoiseach is opposed to a tax——

An Ceann Comhairle: Deputy, we are not discussing a transaction tax.

Deputy Joe Higgins: ———that might bring in desperately needed revenue for the hard-pressed people of Europe for investment, etc.

An Ceann Comhairle: That is a separate question. Stick to your question.

Deputy Joe Higgins: In his reply the Taoiseach begged a supplementary question. His predecessor, Brian Cowen, said in May 2010, “The IFSC Clearing House Group identifies and considers issues of major concern to the long-term development of the national financial services industry in Ireland and also lists consideration of regulatory issues.”

To the knowledge of the Taoiseach has it analysed and reported on the events leading up to the financial crash in 2007 and 2008? Has it drawn any lessons from it or provided the Government with any lessons? Has it made any self-criticism? Has there been any clearing out of the Clearing House Group in terms of its absolute failure to call a halt to the type of obscene speculation that was going on around Europe in the lead up to 2008?

Industry members who have served or are serving on the Clearing House Group and related subgroups include a who’s who of the biggest finance companies in Europe and the world.

They include Merrill Lynch, AIB Capital Markets and Citigroup. Does the Government seriously believe it will get views from them that are in the interest of ordinary people in this country considering how the financial markets have brought Europe to the crux it is in? Has the Government learned anything?

The Taoiseach: The Deputy is deliberately mixing up retail banking transactions and those that take place in the IFSC. If we were to follow the Deputy’s advice, we would close down the country completely.

Deputy Dinny McGinley: That is what he wants.

The Taoiseach: If the Deputy’s socialist policies were implemented, bearing in mind he is the only socialist I know in the whole of Europe who is opposed to any kind of property tax, the country would close down completely.

Deputy Richard Boyd Barrett: Tax the hedge funds.

The Taoiseach: The Deputy has not raised the role and responsibility of the banking and treasury working group, nor has he raised the role of the IFSC funds, insurance, pensions or asset management working groups.

Regarding the retail banking sector, I agree with the Deputy on what happened when Ireland decided to run its affairs on the basis of windfall taxes from property speculation and that the
Ceisteanna—

[The Taoiseach.]
greed of the banking sector resulted in extraordinary incentives and more pay for those who lent more, but that is a very different proposition from that associated with the IFSC. The Deputy wants to lump them all together and close down the country entirely.

**Deputy Joe Higgins:** Who gave the loans?

**The Taoiseach:** Deputy Martin asked a valid question about a transaction tax. We have pointed out on many occasions that one cannot have one set of circumstances in Dublin and another in London, Amsterdam or Frankfurt. Theoretically, if there is to be a transaction tax in a global situation, everybody would like to see it happen. As I stated previously, I would like to see the law in Ireland dealing with those who should be dealt with. Clearly, while there are independent authorities in the country over which I have no control, the people want to see somebody pay some price for the activity that dragged our country over the edge, driven by the incentive mechanism in retail banking and greed in respect of developers.

**Deputy Richard Boyd Barrett:** What about hedge funds?

**The Taoiseach:** The Deputy is mixing these matters up completely.

**An Ceann Comhairle:** I ask Deputy Boyd Barrett to stay quiet.

**The Taoiseach:** Deputy Higgins believes the IFSC is like the local manager incentivised to throw out more money to the local developer to build houses for which people could not pay.

**Deputy Richard Boyd Barrett:** Who lent the Irish banks the money?

**The Taoiseach:** There are 33,000 people working in the IFSC.

**An Ceann Comhairle:** This is not Deputy Boyd Barrett’s question. I ask him to desist.

**The Taoiseach:** The companies pay very large amounts in corporation and payroll taxes. The Deputy wants to reduce the numbers in the IFSC and close it down.

**Deputy Gerry Adams:** I thank the Taoiseach for his preliminary detailed answer. He might have covered the point I am going to ask about. If so, mea culpa. When I last asked about the Green IFSC, the Taoiseach reported that a marketing and business plan, including the proposed establishment of a Government-supported carbon market initiative, was being reviewed by an independent, cross-departmental evaluation group. Does it report to the clearing house group? If so, how often?

The Taoiseach quite rightly reminded us that last July the IFSC set out a plan, which he launched, to create 10,000 new jobs in the finance sector over the next five years. Unfortunately, we heard about 2,500 jobs being lost in Allied Irish Banks. There is speculation about further job losses in the Bank of Ireland, and Ulster Bank has announced 950 losses. Cá bhfuil na pleannanna atá curtha le chéile ag an Rialtas chun jabanna eile a chur ar fáil do na daoine a chaill a bpostanna? Tá a fhois ag an Taoiseach go bhfuil daoine óga i gcéist agus go minic biónn morgáistí móra acu. An bhfuil aon phhealan ag an Rialtas chun jabanna a chur ar fáil?

**The Taoiseach:** I am sure the Deputy has noted the announcement that 2,500 redundancies are to be made by Allied Irish Banks over the next 12 to 18 months. The bank is in consultation with the IBOA in respect of the package for the personnel who will be leaving the bank. Deputy Adams is aware that, because of the downsizing and deleveraging of AIB and other banks, banks’ requirements are much smaller. Inevitably, this will result in people leaving the
banking sector. I hope that some of those who will leave the sector but who have IT training and skills will have an opportunity to take up some of the 10,000 jobs announced as part of the programme under the IFSC. In so far as the Government can assist those who can up-skill and retrain in a different direction, it will do so.

From 1999 to 2011, the number of jobs in the IFSC increased from 8,500 to 33,000. Notwithstanding the difficult international conditions, the IFSC’s number of employees has continued to grow. Opportunities are highlighted in the strategy across different sectors, including shared services provision, green financial services, the location of EU hubs, payments and transaction processing, private equity and IP centralisation.

I regularly meet people from the IFSC, including some very major players who come here occasionally to meet their staff. There is a competitive and challenging environment internationally and the business is a very mobile business. It is important for the clearing house group and Ireland to stay at the forefront of new products and opportunities that evolve. I made this point on many occasions to chief executives, who have said they are very pleased with the quality of the talent coming through in Ireland, particularly younger people who display extraordinary passion for the work they do.

While the environment is very challenging for the time ahead, the IFSC report clearly indicates the capacity and potential to create 10,000 net new jobs over the period ahead. I hope the people who have decided to leave AIB and other companies can take up some of those new jobs.

With regard to the future of the green carbon finance area, as raised by Deputy Martin, the Green IFSC is currently researching and measuring the number of jobs and the companies that currently operate in the sector here. It is considering where the trend is likely to lead. There is an existing cluster of green carbon financial services activity across funds — front, middle and back office, as they say — insurance, carbon management and project finance within Ireland. Recent research highlights that environmentally related investments under management in Ireland are growing very rapidly. According to figures from December 2011 from Thomson Reuters, green investment funds managed out of Ireland have more than doubled in the past two years to €2.3 billion from just over €1 billion in 2009. The company identifies 24 firms that manage 36 funds from Ireland.

Financial Services Ireland has commissioned a study on the market and skills needs associated with green finance growth, and this is currently under way. This study gives a conservative projection over the period 2012 to 2017 of an additional green finance requirement of a minimum of 1,400 jobs. There is much activity on identifying sectors where jobs can be created. It is in Ireland’s interest that it maintain a very high level of activity in this regard so as to be at the forefront in attracting those who decide to invest in the first place. That is why the IFSC continues to be a vibrant, energetic and attractive location for continued investment and we want to keep it that way.

Deputy Gerry Adams: It is not clear from the Taoiseach’s reply if the independent cross-departmental evaluation group which was to examine the marketing and business plan is in place. Does it report back to the IFSC Clearing House Group? If so, how often?

The Taoiseach: I will have to give the Deputy an up-to-date report on the group’s activities. I will send it on to him later.

Deputy Micheál Martin: One of the significant issues for the financial services sector is increased competition from other financial centres across Europe and the world. There is a sense that for the strategic direction of the IFSC, the nature of its activities will have to change
over time. More higher end functions and activities will have to be attracted. There is also a certain vulnerability in the job content at the centre, particularly the number of back office operations which could move elsewhere given the competition. Strategically looking ahead, our objective must be to attract higher end activities into the sector, just as we did in the life sciences, technology and ICT.

Will the Taoiseach comment on this and indicate any concerted outcomes of the recent meetings in driving that agenda forward?

**The Taoiseach:** The programme we launched with the IFSC has a target of creating 10,000 net new jobs over the next several years. Obviously, this is not a situation that will stay static because, as the Deputy knows, it is the most mobile of all employments. That is why it is necessary that there be constant vigilance about keeping the IFSC very attractive, which it is anyway and has a high rating from serious players across the world.

This year’s Finance Bill contained 13 sections introducing 21 individual measures to support the IFSC and meet the target of helping to create those 10,000 jobs over the next few years. Measures include reduced double taxation in the corporate treasury and the aircraft leasing sectors, providing clarity around the tax treatment of complex financial transactions, particularly with stamp duty, addressing tax issues arising for investment funds due to the undertakings for collective investment in transferable securities, UCITS as they are called which was directive 4 and was implemented on 1 July 2011, and a further easing of the administrative burden on non-resident investors in Irish investment funds.

In so far as the recommendations for the IFSC come through the meetings of the different working groups of the clearing house group and through the clearing house group itself, I get reports on these matters from the Secretary General as is required. Some of the responses and initiatives have been reflected in the Government’s and the Minister for Finance’s decisions in the Finance Bill. These are to keep the centre vibrant and attractive for continued investment. Over the next decade, we will see a whole range of new financial products being made available. It is for Ireland to continue to be at the forefront of that change which will lead to achieving the target of 10,000 new jobs in the next five years.

**Deputy Joe Higgins:** The Taoiseach rubbed the idea of a transaction tax on the billions of euro swishing around in the European financial markets with reference to London and Britain not having one. Judging from the reports about yesterday’s meeting the Taoiseach had with the UK Prime Minister, David Cameron, the chemistry was massive with people thinking they were seeing a remake of “Band of Brothers”. Did the Taoiseach discuss the issue of a transaction tax with his new best friend? It is an issue which has to come to the fore when the UK Prime Minister has made pronouncements on it. Did the Taoiseach raise it with him and lead the discussion by stating it would be a social progressive measure to take?

**An Ceann Comhairle:** We are straying, Deputy.

**Deputy Joe Higgins:** The Taoiseach went on at considerable length about the greening of the IFSC and various related policies. Does he not see that anyone with any concern for the environment knows it is a bad joke to rely on the financial markets to drive a greening policy when they have turned greening issues, including swapping and speculating on carbon credits, into another source of speculation and profit?

**The Taoiseach:** The British Government, for which I do not speak, is opposed to a financial transaction tax. The Irish Government has made its position clear on this.
I do not share Deputy Higgins’s view that the greening issue is a bad joke. I actually believe investment in green and renewable energy, such as pumped-storage hydroelectricity and wind-generated electricity, are worthwhile and achievable targets. Deputy Higgins is aware this country imports over €6 billion worth of fossil fuels every year. We have the best water and wind resources of any country in Europe yet we have not harnessed them to the extent we should.

There is potential for the direct export of electricity from our country to Britain. The Minister for Communications, Energy and Natural Resources has had several meetings with his British opposite number, Charles Hendry. The British Government is concluding its internal analysis of Britain’s energy needs for the years ahead. I know the Minister, Deputy Rabbitte, will be anxious to pursue, if at all possible, and to conclude an intergovernmental agreement in this area which would be in Ireland’s and Britain’s interests as well as Europe’s. If there is a significant potential for investment and job creation in clean, green, renewable energy, I would not refer to it as a bad joke and neither should Deputy Higgins.

Written Answers follow Adjournment.

Order of Business

The Taoiseach: It is proposed to take Nos. 7 to 12, inclusive, motions re 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. 1077/2011; and No. 19, Finance Bill 2012 — Order for Report, Report and Final Stages. It is proposed, notwithstanding anything in Standing Orders, that Nos. 7, 8, 9, 10, 11 and 12 shall be taken immediately on the conclusion of the Order of Business and shall be moved together and decided without debate by one question which shall be put from the Chair; the proceedings on Report and Final Stages of No. 19 shall, if not previously concluded be brought to a conclusion at 6.30 p.m. tomorrow, by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Finance. Private Members’ business shall be No. 47, motion re lending rates and arrangements.

An Ceann Comhairle: There are two proposals to put to the House. Is the proposal for dealing with Nos. 7 to 12, inclusive, agreed to? Agreed. Is the proposal for dealing with No. 19 agreed to? Agreed.

Deputy Micheál Martin: Will the Taoiseach outline when the credit registry Bill is expected before the House? This is a long-awaited Bill and the lack of a centralised source of credit data has been identified as one of the main culprits in the banks having such extensive loan books. There was an expectation that the legislation would be ready by the end of February. It is an important Bill. Will the Taoiseach indicate why there is a delay in its publication and when can we expect it?

The Taoiseach: Which Bill was it again?

Deputy Micheál Martin: The credit registry Bill.

The Taoiseach: I cannot give the Deputy a date. I will have to come back to him on it.

Deputy Micheál Martin: The Governor of the Central Bank has spoken on it.

The Taoiseach: I am aware of that. I will give the Deputy the up-to-date position. I do not have them all here.

Deputy Micheál Martin: The Taoiseach would want to get on top of it.
**The Taoiseach:** There are so many of them.

**Deputy Gerry Adams:** Iarraidh go gcuirfím am ar leataobh chun dóispóireacht a dhéanamh ar dháábhhar. I would like the Taoiseach to allow time for debates on two pressing issues and instruct the Whips accordingly. The first would be on the promissory note, which we discussed earlier. Given the level of public concern over the billions of euro being paid to Anglo Irish Bank, will the Taoiseach set aside time for this important issue to be debated in the House?

The second is on yesterday’s joint declaration by the Taoiseach and the British Prime Minister, tá mé ag iarraidh go mbéadh dóispóireacht air sin fosta. Such a debate would give the Taoiseach an opportunity to report to the House on his progress in respect of a range of issues, including whether the British Prime Minister responded to the Oireachtas’s demand for an inquiry into the Dublin-Monaghan bombings, the Ballymurphy massacre and the killing of Pat Finucane.

**An Ceann Comhairle:** Requesting time for debates is a matter for the Whips. With respect, I ask the Deputy to raise this issue with them. It is not a matter for the Order of Business unless a debate has been promised. We deal only with——

**Deputy Gerry Adams:** Fair enough. Given the Taoiseach’s meeting, I believed——

**An Ceann Comhairle:** I have allowed the Taoiseach to hear what the Deputy had to say. I assume that the Deputy will now go through the Whips.

**Deputy Gerry Adams:** I thank the Ceann Comhairle for his indulgence.

**Deputy Joe Higgins:** Will the Taoiseach outline for the House the agenda in respect of the major Bills relating to the fiscal compact or, as we on the left call it, the austerity treaty? It is said that the Government favours the end of May for the referendum on the austerity treaty. Will he confirm this so that we might have a timescale within which to work?

Am I correct in understanding that the Treaty Establishing the European Stability Mechanism Bill and the European Communities Act 1972 (amendment) Bill are fundamental and must be taken before the referendum? Keeping in mind all of this, what is the legislative agenda? This substantial body of legislation is critical to the future of our people and we want enough time to debate it properly in Dáil Éireann.

**The Taoiseach:** In respect of the fiscal compact — the stability treaty — clearly a referendum is to be held here. Do not mind what “they” say, Deputy. “They” always say things and “they” are always right. That is what “they” say.

**Deputy Gerry Adams:** Is that a confession?

**Deputy Richard Boyd Barrett:** That is what the Taoiseach thinks about the troika, namely, they who must be obeyed.

**The Taoiseach:** When one talks about anything in the country, that is what “they” say.

**Deputy Timmy Dooley:** “They” used to be the Taoiseach.
made known the decision to the people. We will do so as well when the Government actually decides to have the referendum.

I can confirm to Deputy Higgins that the Government intends to publish the fiscal responsibility Bill, which will give legal effect to the details of what is contained in the fiscal stability treaty. I can confirm to him that the Government this morning approved for preparation the heads of the referendum Bill. The Government will consider that Bill at its next meeting. The Government will have to follow that, once it is approved, with the setting up of a referendum commission, as we indicated we would. These decisions will be communicated to the House and the people immediately after they are made.

The intention is to publish the fiscal responsibility Bill, to produce and approve the referendum Bill, to produce and put in place the referendum commission and an appropriate person to chair that——

Deputy Joe Higgins: What of the other two Bills?

The Taoiseach: ——and to get on with the business of dealing with the conditions of public procurement and so on. The Government will make its decision in regard to that at its next meeting.

Deputy Joe Higgins: What of the Treaty Establishing the European Stability Mechanism Bill and the European Communities Act 1972 (amendment) Bill?

Deputy Ruairí Quinn: That is optional.

The Taoiseach: That is not necessary. This fiscal compact is not an EU treaty. It is an intergovernmental treaty dealing with the stability of the fiscal compact, as the Deputy is aware. I have outlined for the Deputy the process that was approved this morning. The next stage of that will be to consider the referendum Bill, set up the referendum commission and deal with the conditions of public procurement. Following its next meeting, the Government will advise further on that.

An Ceann Comhairle: I call Deputy Boyd Barrett.

Deputy Joe Higgins: I am sorry, but this point is pertinent. For clarity, must the Treaty Establishing the European Stability Mechanism Bill be passed by Dáil Éireann before the referendum? Surely this is the case, given that the treaty contains the blackmail clause that will be central to some of the discussions in the referendum debate.

The Taoiseach: There is a procedure to be followed for the holding of a referendum. The Government is committed to that and we will follow the process that we have to put in place to comply with the conditions of holding a referendum. Clearly, the ratification of the stability treaty means countries that do not ratify the stability treaty will not in any eventuality be able to draw funding from the ESM. This is of particular importance to this country in the eventuality that, at some future time, funds might be required. It is an insurance policy for our children and for the future of our country. In due course, when the Government makes its decision on the proposed date to hold a referendum, that will be announced immediately.

Deputy Richard Boyd Barrett: I am seeking clarification on the same issue. Will the European Stability Mechanism, ESM, be debated in the Dáil before or after the referendum on the fiscal treaty? As the Taoiseach seems to be indicating, the reason this is a critical question is that, if the Dáil passes the ESM legislation, we will pass the clause that denies us access to the
ESM in the event that we oppose the treaty. We will be committing money to an ESM from which we might not be able to benefit if we do not pass the fiscal treaty. The sequence is critical.

**The Taoiseach:** We have not decided on the date for a vote in respect of the fiscal stability treaty. The position is that it is clear in the fiscal treaty that private sector involvement was taken out because it was deemed by the European Council that the situation in Greece was unique to Greece. It is also clear from the stability treaty that countries that fail to ratify the treaty will not be able to draw any funding from the ESM. It is also clear, as the Deputy is well aware from his weekly rantings, that this country is in a programme——

**Deputy Richard Boyd Barrett:** We rant and the Government obfuscates.

**The Taoiseach:** ——and will continue to draw funding from that programme until 2013, when we hope to be able to emerge from it, retrieve our economic sovereignty and fly on our own.

**Deputy Joe Higgins:** We can refuse to ratify.

**The Taoiseach:** As we make decisions at Government, they will be communicated to the House immediately so that everybody will be very clear on the process, timescale and opportunity——

**Deputy Richard Boyd Barrett:** To blackmail ourselves.

**Deputy Micheál Martin:** The Taoiseach has brought great clarity.

**The Taoiseach:** ——for everybody to have a full and comprehensive debate in the Houses of the Oireachtas.

**Deputy Richard Boyd Barrett:** We will put a gun to our own head.

**Deputy Timmy Dooley:** In light of the decision of the Minister for Education and Skills to circulate information on the schools building programme on Sunday evening to Government Deputies and Senators only——

**An Ceann Comhairle:** Hold on one second. We are discussing promised legislation.

*(Interruptions).*

**Deputy Timmy Dooley:** The question I am asking the Taoiseach is——

**An Ceann Comhairle:** This is about promised legislation. Cut out the preamble please.

**Deputy Timmy Dooley:** Will the Taoiseach agree this action compromised the impartiality of the Civil Service and, as such——

**An Ceann Comhairle:** About what legislation is the Deputy speaking?

**Deputy Timmy Dooley:** The Ministers and Secretaries Acts.

**An Ceann Comhairle:** Is legislation promised in respect of the Ministers and Secretaries Acts?

**The Taoiseach:** No.

**Deputy Ruairí Quinn:** That is good news.
Deputy Sean Sherlock: Deputy Dooley will have to get up a bit earlier in the morning.

Deputy Timmy Dooley: I am asking the Taoiseach if he intends to amend the Ministers and Secretaries Acts. He has an opportunity to ask the Minister for Education and Skills, who is sitting beside him.

An Ceann Comhairle: The Deputy can put down a parliamentary question.

Deputy Sean Sherlock: He had his opportunity.

Deputy Tom Hayes: He wants to tell us about another school in Clare.

Deputy Timmy Dooley: I want Deputy Tom Hayes to point out the ones that were pulled off the list. How many were pulled off the list that Deputy Mattie McGrath got put on?

An Ceann Comhairle: I call Deputy Niall Collins.

Deputy Timmy Dooley: On a point of order——

An Ceann Comhairle: Sit down, please. I have called Deputy Niall Collins.

Deputy Timmy Dooley: The rules of the House have gone out the window. We are operating to a completely different agenda.

Deputy Niall Collins: The Minister for Education and Skills has confirmed to the ICMSA that the capital value of farmland is to be incorporated into a new means testing criteria for sons and daughters of farmers who seek third level grants. Can the Taoiseach tell us——

An Ceann Comhairle: No, he cannot tell us if it is not legislation.

Deputy Niall Collins: Is there legislation or when will the legislation be published in relation to that issue?

An Ceann Comhairle: Is legislation promised?

The Taoiseach: No legislation is promised in that area.

An Ceann Comhairle: There we go.

Deputy Niall Collins: There is, sorry.

The Taoiseach: I do not know about what Deputy Niall Collins is speaking.

Deputy Micheál Martin: There is legislation.

The Taoiseach: In respect of Deputy Dooley, it is a long time since I met a Fianna Fáil Deputy travelling with three concrete blocks in the boot of the car to start the school long before it was announced.

Deputy Mattie McGrath: The Taoiseach is a good learner.

An Ceann Comhairle: About what legislation is the Deputy speaking?

Deputy Niall Collins: I am asking the Taoiseach——
An Ceann Comhairle: We are dealing with promised legislation. Has legislation been promised?

Deputy Niall Collins: He has confirmed to the ICMSA——

Deputy Micheál Martin: It has been confirmed to the ICMSA that a capital test is going to be applied.

Deputy Niall Collins: ——that a change in the grant testing criteria——

The Taoiseach: I can confirm that legislation has been promised but no decision has been taken.

Deputy Niall Collins: ——for farmers will apply. It involves a capital asset test for farmers.

Deputy Micheál Martin: It has been confirmed.

Deputy Niall Collins: The Taoiseach confirmed that legislation will be required. When will the legislation be published?

The Taoiseach: The Deputy is correct. This is part of the programme for Government. No decision has been taken in regard to this or any measure attached to it.

Deputy Micheál Martin: It is in a letter to the ICMSA.

An Ceann Comhairle: I call Deputy Kelleher.

Deputy Micheál Martin: Hold on a second.

An Ceann Comhairle: You hold on a second.

Deputy Micheál Martin: The Taoiseach cannot keep saying black is white.

An Ceann Comhairle: Resume your seat and do not get excited.

Deputy Micheál Martin: It is ridiculous.

An Ceann Comhairle: St. Patrick’s Day is coming. Cool yourself.

Deputy Micheál Martin: The Taoiseach said white is black and black is white. It is in black and white in that letter.

An Ceann Comhairle: I call Deputy Kelleher. Does the Deputy hear me?

Deputy Pat Rabbitte: I suffered it for 14 years. I know how Deputy Martin feels.

Deputy Micheál Martin: He has learned very quickly.

An Ceann Comhairle: Deputy Kelleher does not wish to speak. I call Deputy Healy-Rae.

Deputy Billy Kelleher: I want to speak.

An Ceann Comhairle: When I called the Deputy he would not speak.

Deputy Micheál Martin: Ask the ICMSA.

Deputy Micheál Martin: Will farmland be used in the capital means test?
The Taoiseach: Who is the letter from?

Deputy Micheál Martin: It is from the Minister to the ICMSA.

An Ceann Comhairle: Show some manners in the Chamber.

Deputy Micheál Martin: I am very mannerly.

Deputy Niall Collins: That works both ways.

An Ceann Comhairle: This is not a schoolboys’ outing, for goodness sake. I call Deputy Healy-Rae.

Deputy Micheál Martin: This is a serious issue.

An Ceann Comhairle: Deputy Healy-Rae, please.

Deputy Michael Healy-Rae: The Taoiseach is talking. I have to get his attention.

An Ceann Comhairle: Please go ahead.

Deputy Michael Healy-Rae: When I have his attention I will go ahead.

Deputy Mattie McGrath: Good man.

Deputy Michael Healy-Rae: With regard to the land aggregation scheme, is legislation in place or promised to ensure that when lands are taken over from local authorities——

An Ceann Comhairle: Hold on a second.

Deputy Michael Healy-Rae: I have to finish what I am saying.

An Ceann Comhairle: About what promised legislation is the Deputy speaking?

Deputy Michael Healy-Rae: If the Ceann Comhairle will give me a chance——

An Ceann Comhairle: No, I will not give you a chance because——

Deputy Michael Healy-Rae: Give me the same chance as you give to everyone else.

An Ceann Comhairle: ——you are not coming here every single day and making statements.

Deputy Michael Healy-Rae: I am asking——

An Ceann Comhairle: Ask about the legislation.

Deputy Michael Healy-Rae: I will ask a question if the Ceann Comhairle gives me the opportunity.

An Ceann Comhairle: About what legislation is the Deputy asking?

Deputy Michael Healy-Rae: If the Ceann Comhairle will give me the chance I will ask my question. I have to be given the same chance as everybody else.

An Ceann Comhairle: I hope the Deputy is in order because it will be the last time he is called.
Deputy Tom Hayes: The Minister, Deputy Burton, is not around. He is all right.

An Ceann Comhairle: What legislation?

Deputy Michael Healy-Rae: May I continue? I could have asked my question ten times if the Ceann Comhairle had left me alone. In that scheme, lands are going to be taken from local authorities.

An Ceann Comhairle: That is not promised legislation.

Deputy Michael Healy-Rae: Can I finish?

An Ceann Comhairle: No, you cannot finish. You are not making statements every day.

Deputy Michael Healy-Rae: I am not making a statement. I am asking about the legislation that was promised in the programme for Government. Will the Taoiseach ensure, by means of promised legislation, that private developers will not get their hands on this land——

An Ceann Comhairle: Is legislation promised?

Deputy Michael Healy-Rae: ——and sell it back to local authorities at an exorbitant price?

An Ceann Comhairle: Stop abusing the freedom of the House.

Deputy Timmy Dooley: There is no freedom if one is on this side of the House.

Deputy Pat Deering: Do not cry, Deputy Dooley.

An Ceann Comhairle: Is there promised legislation?

The Taoiseach: To what legislation in the programme for Government is the Deputy referring?

An Ceann Comhairle: I do not know.

Deputy Michael Healy-Rae: The Taoiseach knows about what I am speaking. I refer to the land aggregation scheme. When that scheme was drafted, was legislation built into it to ensure——

An Ceann Comhairle: Is legislation promised?

Deputy Michael Healy-Rae: That is what I am asking.

The Taoiseach: There is no legislation, as far as I am aware. Tá tú ag breathnú go háláinn leis an léine nua.

An Ceann Comhairle: Excuse me Deputies, this is about promised legislation. If Deputies have queries they should use parliamentary questions or the Topical Issues debate and we will try to facilitate them. Day in, day out I have to interrupt people because they are abusing the rules of the House. I am adhering to the rules of the House in the interest of everybody. An important item of legislation called the Finance Bill 2012 will be debated later and the debate on it is limited in time. I ask Deputies to observe the rules on promised legislation.

Deputy Billy Kelleher: In Cork University Hospital a CAT scanner worth €3.8 million is lying idle. The Taoiseach has promised a debate on the HSE plan and legislation aimed at changing corporate governance in the HSE. When will these debates take place given the
seriousness of the issues arising? Hundreds of people are being forced to travel to Dublin to access facilities because there are no staff to service the scanner in Cork. When will we have the debate? This issue is discommoding a large number of vulnerable and ill people.

The Taoiseach: The Deputy should raise the matter at a Whips’ meeting. I do not have any objection to this. It may be necessary to bring the Dáil back early after Easter to deal with all these requirements for debates.

Deputy Billy Kelleher: I will gladly accommodate that as long as it is not on a false Friday.

The Taoiseach: I look forward to accommodating the Deputy. He will get his debate.

Deputy Robert Troy: Has the Government made plans to bring forward amendments to the criminal justice legislation on mandatory sentencing in light of the sentences laid down in recent weeks?

An Ceann Comhairle: Is the legislation promised?

Deputy Robert Troy: A person convicted of importing garlic received the same prison sentence as a father who raped his daughter and a women who mowed down her neighbour. They each received six years. There is a lot of anxiety among the public.

An Ceann Comhairle: What legislation is the Deputy speaking about?

Deputy Robert Troy: I refer to the court services Bill. Will it be amended to provide for mandatory sentencing?

The Taoiseach: The Deputy is entitled to table amendments on Committee Stage or Report Stage to any Bill. If he has a particular feeling for any legislation, it is his perfect right to do that.

Deputy Timmy Dooley: The Taoiseach is aware that the Government dictates the state of play on these matters.

Deputy Bernard J. Durkan: In view of the huge number of people left on local authority housing lists by the previous Administration, I ask the Taoiseach to introduce the housing Bill at the earliest opportunity. Perhaps he will also indicate the extent to which the Bill has been discussed in the Cabinet. Have the heads of the Bill been drafted?

The Taoiseach: The heads of the Bill have not yet come before the Government. We expect to publish the Bill this year but I cannot provided detailed information as to when the heads will come before the Government for approval. I will revert to the Deputy on the matter.

Deputy Bernard J. Durkan: On another issue relating to promised legislation, the sale of alcohol Bill has been promised.

An Ceann Comhairle: When is the sale of alcohol Bill due?

Deputy Bernard J. Durkan: An early debate on the Bill would be socially desirable.

The Taoiseach: The Deputy will be aware that the Minister of State at the Department of Health, Deputy Shortall, is dealing with an element of this.

Deputy Timmy Dooley: On her own.

The Taoiseach: The sale of alcohol Bill is expected by the middle of the year.
Deputy Peadar Tóibín: An féidir leis an Taoiseach insint dúinn cathair a thiocfaidh an construction contracts Bill os comhair na Dala?

The Taoiseach: Tá an Bille réidh le teacht go dtí an Teach. Is dóigh liom go dtiocfaidh sé anseo go luath — taobh istigh de choicís, sílim.

Deputy Charlie McConalogue: In respect of the legislation required in advance of the children’s referendum, can the Taoiseach indicate the month in which it will be introduced? Given that his Government has committed to holding the referendum this year, it would be appropriate to at least indicate the month in which the legislation will be published. He has advised me on several occasions that it is complex legislation but we ought to be given a timeline for publication.

The Taoiseach: We are not going to do this unless everything is in order to do it properly. We have not fixed a timeframe for the referendum. There is the matter of the Children First requirements and the legislation the Minister has to introduce. In regard to the referendum for the protection of children, I will not name a timeframe for that until the legislative process and the indications on the children’s rights issues are dealt with.

Deputy Charlie McConalogue: Does that mean it will not happen this year?

The Taoiseach: No, it does not mean that. I want to have the process right. This is far too sensitive to just fix a projected time with which we might not be able to comply. We have to get this right for everybody.

Deputy Charlie McConalogue: Therefore, it may not happen this year.

Deputy Pat Rabbitte: He did not say that.

Deputy Billy Timmins: Periodically, after viewing documentaries on massacres in Rwanda or the Sudan, we express outrage in this House. In the context of No. 18 on today’s Order Paper, what can we do about the massacre in Syria which has been ongoing for several months? There seems to be a silence of collaboration at EU level on this whole affair.

An Ceann Comhairle: Will the Deputy tell us what is No. 18?

Deputy Billy Timmins: It is on the Order Paper.

An Ceann Comhairle: I know that. I had hoped to save time but I will look it up myself.

Deputy Billy Timmins: The Taoiseach is familiar with the issue and was about to respond. No. 18 on the Order Paper concerns the laying before the House of the report on the Defence Forces involvement with the United Nations. It is in the context of our commitment to UNSAS, the United Nations Standby Arrangements System.

The Taoiseach: I can inform Deputy Timmins, an esteemed and honoured member of the Defence Forces of former years, that there was detailed discussion on this at the Heads of Government meeting in Brussels, where a detailed report was given by High Representative Ashton. There was full support for the sanctions that were imposed, both from a European perspective and from a United Nations perspective. I note that former Secretary General of the United Nations, Mr. Kofi Annan, was in Syria and has had two meetings with the President there. The Tánaiste and Minister for Foreign Affairs attended in Tunis as part of the meeting of the Ministers for Foreign Affairs.
With regard to Europe, let me assure Deputy Timmins that Europe is very concerned about the massacre that is taking place and about the horrendous happenings in Syria, and is fully focused on dealing with this. Quite a number of countries have withdrawn their embassies and ambassadors from Syria. The sanctions are tight and will continue to be so until there is a resolution to this situation.

**Deputy Mattie McGrath:** Ba mhaith liom ceist a chur ar an Taoiseach faoin saghas reachtaíocht a thugadh os comhair na Dála chun stop a chur leis an taisteal go léir atá dhéanamh ag na hAirí agus Airí Stát a tógát atá ag dul trasna an domhain le haghaidh Là Fhéile Pádraig agus leis na costais a bhaineann leis na turais sin. Dúirt sé——

**An Ceann Comhairle:** It has nothing to do with the Order of Business who is travelling where. We are talking about promised legislation.

**Deputy Mattie McGrath:** It is the cost of this.

**An Ceann Comhairle:** I call Deputy Heydon.

**Deputy Mattie McGrath:** I am not a killjoy. I want people to travel and represent the country. It is the sheer amount——

**An Ceann Comhairle:** Will you switch off the microphone, please?

**Deputy Mattie McGrath:** We were ridiculed when we were on the other side.

**An Ceann Comhairle:** Will the Deputy sit down, please?

**Deputy Martin Heydon:** In light of the need for the wards of court system to be replaced with a modern statutory framework governing decision making on behalf of the adults who lack capacity, when does the Taoiseach expect the proposed mental capacity Bill to come before the House?

**The Taoiseach:** The heads of the Bill have been approved and I expect it will be this session.

**Deputy Micheál Martin:** Yesterday, I saw slipped into one of the newspapers, in some inspired act by some representative of the Government, that the Seanad referendum will not take place this year. The Taoiseach had given earlier indications to the House that it definitely would take place. Will he confirm when he expects the legislation leading to a referendum on the abolition of the Seanad to come before the House?

**The Taoiseach:** That report is complete speculation. As I have said before in the House, we need to consider, as a Parliament, the process by which we hold referenda in view of the fact two referenda were held together with the presidential election on the last occasion. When it is held, the referendum in respect of the fiscal stability treaty will be held on its own. Obviously, the Government is very clear that we have to hold two other referenda outside the framework of the constitutional convention, that is, the referendum on child protection and the referendum on the abolition of the Seanad. In respect of the latter, I will bring a memorandum to Government in due course. As I said, I have not fixed a timeframe for either the Seanad referendum or the referendum on child protection. Both of these are matters we have to get right. I will let the House know when Government will deal with the memorandum in respect of the proposal to ask the people for the abolition of the Seanad.

**Deputy Micheál Martin:** The Taoiseach was definite all along that it would be held this year. Do I take it from his reply that it will not be held this year?
The Taoiseach: That is not gone from my mind.

Deputy Mattie McGrath: It is only his mind.

Deputy Micheál Martin: But, Taoiseach——

An Ceann Comhairle: The Deputy asked the question. Let us get the answer.

The Taoiseach: When Deputy Martin addressed these questions before, there was clearly a 12-month period in front of us where one was not required to have a referendum. We have had formal legal advice from the Attorney General to have a referendum on what is a fundamentally important issue for the future of this country, and that will be dealt with on its own. Thereafter, the process in respect of both the child protection referendum and the Seanad will take their place. I will not lock into timeframes. We have a very important consideration for the future of Ireland to deal with. The people have a right to deal with that on its own, in the full knowledge that this is important for the future of our children and our country in the years ahead.

An Ceann Comhairle: That completes the Order of Business.

Deputy Micheál Martin: The Taoiseach needs to be far more up-front with the Dáil. The situation is reaching farcical proportions. There is complete uncertainty.

The Taoiseach: I had a good meeting with representatives of all the parties, including the Deputy’s, on the constitutional convention, although Deputy Martin was not able to attend. Some of them have written back and we are to have a second meeting on that. I assure the Deputy we will be very up-front with him. We will deal with this in due course.

Deputy Pat Rabbitte: Deputy Martin has certainly changed his position.

Deputy Micheál Martin: At least I have a position. It is difficult to know what is the Minister’s.

**EU Regulations: Motions**

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Sean Sherlock): I move the following motions:

That Dáil Éireann approves 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 measure:

- 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.

That Dáil Éireann approves 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 measure:
EU Regulations: 13 March 2012. Motions

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.

That Dáil Éireann approves 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 measure:

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 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.

That Dáil Éireann approves 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.

That Dáil Éireann approves 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 accept the following measure, 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.

That Dáil Éireann approves 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 measure:
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.

Questions put and agreed to.

**Topical Issue Matters**

**Acting Chairman (Deputy Olivia Mitchell):** 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 Thomas Pringle — the shortage of one and two bedroom apartments for rent in rural areas; (2) Deputy Michael Healy-Rae — the establishment of the Irish water board; (3) Deputy Michael McCarthy — the need to ensure that the outbreak of a new animal disease in England will not spread here; (4) Deputy Patrick Nulty — the decision to close 21 beds at James Connolly Hospital, Blanchardstown, Dublin; (5) Deputy Éamon Ó Cuív — the need to ensure the inclusion of a new school building for Clifden community school, Galway in a five year building programme; (6) Deputy Derek Keating — the problem of receiving social welfare payments through Lucan Post Office, Dublin; (7) Deputy Jonathan O’Brien — Ireland’s response to the UN UPR process and human rights recommendations; (8) Deputy Thomas P. Broughan — waste disposal services in Dublin city; (9) Deputy Martin Heydon — the need for a new school for St. Laurence’s national school, Crookstown, Athy, County Kildare; (10) Deputy Sean Fleming — the exclusion of Ballyroan schools amalgamation and Kolbe Special School, County Laois from the school building programme for 2012-2016; (11) Deputy Peter Mathews — the need for the Central Bank Governor, Mr. Honohan, to raise the need for a write-off of the emergency liquidity assistance provided by the Central Bank of Ireland to IBRC with the ECB; (12) Deputy Jerry Buttimer — the importance of rolling out a diabetic retinopathy screening programme to help prevent the onset of diabetes-related blindness; (13) Deputy Denis Naughten — the non-inclusion of Cloonakilla NS, County Roscommon in the recently announced multi-annual building programme; (14) Deputy John O’Mahony — the proposed closure of the post office in Knockmore, County Mayo; (15) Deputy Robert Dowds — the industrial dispute at Eddie Stobart hauliers; (16) Deputy Mattie McGrath — the threatened closure of St. Anthony’s long-stay and respite unit, Clonmel, County Tipperary; (17) Deputy Brendan Griffin — the need to safeguard the future of Valentia Community Hospital, County Kerry; (18) Deputy Patrick O’Donovan — the future participation of Irish citizens who are overseas in referendums and elections; (19) Deputy Jack Wall — provision of funding for women’s refuge centres; (20) Deputy Michael McGrath — the planned withdrawal of four SNA posts from Sonas special junior primary school, Carrigaline, County Cork; (21) Deputy Charles Flanagan — the need to recognise the culturally distinctive communities served by minority faith schools throughout the country; (22) Deputy Pádraig Mac Lochlainn — the strategy for addressing the emigration crisis and the devastating impact on so many of our rural communities; (23) Deputy Dara Calleary — the number of schools listed in the school building programme for 2012-2016 which are in fact new and which have not already been in planning process and the expected amount to be spent on the school building programme in 2012; (24) Deputy Mary Lou McDonald — the impact in the cut in rent allowances and the increase in the minimum contribution paid by tenants; (25) Deputy Clare Daly — the report of the Inspector of Prisons on Limerick Prison; (26) Deputy Dessie Ellis — funding for the completion of the Ballymun regeneration project, Dublin; and (27) Deputy Richard Boyd
Barrett — the proposal to transfer 2,000 residential units from NAMA to local authorities for leasing.

The matters raised by Deputies Michael McGrath, Robert Dowds, Derek Keating and Jonathan O’Brien have been selected for discussion.

Topical Issue Debate

Special Educational Needs

Deputy Michael McGrath: I thank the Office of the Ceann Comhairle for selecting this important issue for debate. I am pleased the Minister will attend.

Sonas special junior primary school in Carrigaline, County Cork, caters for autistic children between three and six years of age. Late last week, the teachers, parents and everyone associated with the school were devastated when they received the news that the school was going to lose four SNA posts from the beginning of the next school year in September 2012. The school currently has 16 SNA posts and, therefore, the proposal is that it will lose one quarter of its SNA allocation in one fell swoop.

It is important to put on record that this school carries out tremendous work dealing with children who have the most need, including children on the ASD spectrum. Yesterday I met the mother of a five-year old girl attending the school who is non-verbal and not toilet trained. However, along with the 23 other pupils attending the Sonas school, she is now at risk of losing her special needs assistant. The National Council for Special Education, NCSE, conducted the review of the special needs assistant, SNA, provision at Sonas and concluded that the school could do with four fewer SNA posts than the current number. This is an outrageous decision. It is an all-out attack on the most vulnerable children in our society. Of the 24 pupils in the school at present, some 14 will leave shortly. Some will progress to mainstream schools and others to special classes in autumn this year. A further 14 children will take their place in Sonas. For children with autism the transition in moving to a new school or starting in a school such as Sonas poses considerable challenges. It is a difficult transition.

The high turnover of pupils in any given year poses huge challenges for the staff who carry out such excellent work in the school. They have made the point to me passionately, as have the parents, that they need the supports and the SNA posts currently allocated. I would have thought that children with the needs those attending Sonas have would all have SNA posts but this is not the position. Typically, the classes comprise six pupils with four SNAs and one teacher. It is proposed that four of the 16 SNA posts will be lost. I understand the financial situation and the situation regarding capping. However, these children have the greatest need and I do not understand how with the stroke of a pen it can be decided that the school can get by with a reduction of one quarter of the SNA support posts currently in place.

Minister of State at the Department of Education and Skills (Deputy Sean Sherlock): I thank Deputy Michael McGrath for raising this issue. As the Deputy is aware 10,575 special needs assistant posts are available for allocation to schools for the 2012-13 school year. This is the same number of posts available for allocation in the current school year. Therefore, there has been no reduction in the overall number of SNA posts available for allocation in the coming school year. The Government has maintained funding for special education and for SNA support at a time when there has been a requirement to make expenditure savings in range of areas. With equitable and careful management and distribution of these resources it is con-
[Deputy Sean Sherlock.]
sidered that there will be sufficient posts to provide access to SNA support for all children who require such care and support to attend school in accordance with departmental criteria.

Through its network of local special educational needs organisers, SENOs, the National Council for Special Education is responsible for allocating special needs assistants to schools to support children with special educational needs. The NCSE operates within my Department’s criteria in allocating such support and this includes a requirement for it to have regard to the overall cap on numbers. In the context of the overall limit on the number of SNA posts available, it is necessary for the NCSE to prioritise applications and to distribute SNA resources equitably and efficiently throughout all schools. One of the priority criteria applied in the allocation of SNA posts is to ensure that the minimum SNA to special class ratio is maintained in special schools and special classes.

In the case of the school referred to by the Deputy, a special school for children with autism, I understand it has an enrolment of 24 pupils at present with staffing of one principal and five mainstream class teachers as well as 16 SNAs. This is a total of 22 staff catering for the needs of 24 pupils and equates to an SNA to pupil ratio of 1:1.5 and an overall adult to pupil ratio of 1:1.1. This is an exceptionally high level of support and is considerably in excess of the current recommended SNA ratio for special class groups, including children with autism spectrum disorder, as outlined in the Department of Education and Skills circular 0038/10, that is to say, a ratio of two SNAs per special class group of six children.

The NCSE has advised all schools, including the school referred to by the Deputy, of their SNA allocation for the current school year, taking into account the care needs of qualifying pupils attending each school. Schools have been advised to make applications to the NCSE for SNA support for the 2012-13 school year by 16 March 2012. They will be advised of their allocation for the 2012-13 school year by late May or early June 2012 based on the number of valid applications received by 16 March. Therefore, no final SNA allocation for 2012-13 has been made for this school yet. Whereas the NCSE has indicated to the school that based on its current pupil numbers it has four surplus SNA posts, until any applications for potential new entrants for the 2012-13 school year are considered no final determination will be made. I understand the NCSE is due to meet representatives of the school shortly to discuss staffing requirements for the coming school year. The NCSE will advise the school by late May or early June of its SNA allocation for the 2012-13 school year.

Deputy Michael McGrath: I thank the Minister of State for setting out the Department’s position on this issue. This was a callous decision and one which should be revisited. I welcome the confirmation from the Minister of State that the final allocation for 2012-13 has not been made yet. However, parents are frightened that their children will lose the SNA support currently in place. The Minister of State referred to an exceptionally high level of support in the school. This is true but these are exceptional children and their needs are extraordinary. I know the school and I have visited it on several occasions. I know of the challenges faced by the SNAs and the mainstream teachers working there. Like any parent, these parents simply want the best for their children. The research clearly proves that the outcomes will be affected if the supports are not put in place early.

I realise the Minister is working within an overall cap in the number of posts. However, I cannot understand how a school such as Sonas, which has extraordinary requirements, will lose one quarter of its SNA allocation under the arrangements put in place by the NCSE given that the overall numbers will not change. I plead with the Minister of State and his colleagues to revisit this decision and to avail of the opportunity to take a second look at this issue, to allow
the children attending Sonas to be given the same opportunity that every other child has and to allow the school to retain the current SNA provision.

**Deputy Sean Sherlock:** I thoroughly respect the fact that the Deputy must advocate for the school in his constituency and I do not doubt the veracity of the case made by him in respect of the school and the good work it carries out. However, the Deputy has admitted an overall cap is in place. A process is under way in respect of SNA allocation and we should have regard to this fact. The Deputy’s claim that this a callous decision must be tackled in the sense that the overall budget within the Department of Education and Skills has been reduced and we must ask ourselves why we have come to this stage. I take the point made by the Deputy but given that it is a special junior primary school I am hopeful that the National Council for Special Education will have regard to this fact and a process is under way.

The allocation of SNAs to schools changes over time and we should acknowledge this. Children may have diminishing care needs over time. Some children leave school at the end of each school year and the pupil population of a school may change over time. It is important to note that the SNA allocation process for the 2012-13 school year is still under way. Schools have been advised to make applications by 16 March and they will be advised of their SNA allocation by late May. The case is well made by the Deputy and I hope the NCSE will have regard to this during its deliberations.

**Industrial Disputes**

**Deputy Robert Dowds:** I raise this issue about the dispute at Eddie Stobart Limited because of two major concerns. First, the conditions under which the truck drivers work and, second, the safety of the drivers and the general public.

With regard to conditions, I am seriously concerned that work practices for Stobart Ireland drivers are making such high demands on them that their driving could become unsafe. It must be remembered that much of the work they do is done at night time. For example, a night driver with Monday and Tuesday as his rostered days off might finish on Monday morning at approximately 10 a.m. or 11 a.m. He then goes home to bed, having been driving all night. This is his first rest day. He gets up on Tuesday and must ring the company by 12 noon to find out his next start time. The company position is that it can start him at any time after midnight. Therefore, if he is required to work at midnight, he needs to get some more sleep as he will be driving all night. He will have no further time off until the following Monday morning when the cycle commences again.

Another important issue is that rest time is interrupted by having to phone in for start times and the driver may need to make several calls during the day. In the case of long-haul truck drivers, this should be a matter of concern, as their safety on the road is endangered if they do not get enough rest. The practice at Stobart Ireland is that start times are continually changed with the result that drivers develop no sleeping pattern. Start times can be 1 a.m., 5 a.m., 10 a.m. or 6 p.m. There is no manageable routine for drivers so that fatigue and the risk of falling asleep are serious issues. Procedures at Stobart Ireland include a non-rolling roster, which is highly unusual in the industry. This means that those who are rostered off on Tuesdays and Wednesdays will never be off any weekend or any other time.

I urge the Minister to look at the Organisation of Working Time Act, in particular section 17, with regard to this issue. This section provides for 24-hour notice for start times in circumstances such as this. I call on Stobart Ireland to sit down and address the issues with the drivers. Otherwise, the fatigue issue may lead to accidents. This is a nightmare waiting to happen. Not alone are drivers’ lives at risk, but if such huge trucks go out of control, other car drivers,
pedestrians and cyclists face significant danger. Stobart Ireland trucks carry a great deal of
tesco foodstuffs around the country and given those close links, I would urge Tesco to use its
influence to try to sort out this issue. It would be greatly appreciated if it applied that kind of
pressure on Stobart Ireland.

This issue ought to be of huge public interest and I appeal to the media to cover the issue
more thoroughly than it has done so far. A light needs to be shone on the issue in order to
ensure both the safety of drivers and of the public.

**Deputy Sean Sherlock:** I thank Deputy Dowds for raising this matter and for the opportunity
to respond.

Stobart Ireland is part of the Stobart Group which, I understand, operates from over 40 sites
across the UK and Europe. Stobart Ireland began operating in 2008 winning the transport
services contract with Tesco in 2010 to distribute all of the products it keeps at depots at
Ballymun and Donabate in Dublin. On 15 February last, SIPTU announced that following a
ballot of its members, Stobart drivers had voted to strike over concerns about their working
conditions and served notice of industrial action. Stobart Ireland drivers subsequently carried
out a 36-hour work stoppage on Thursday and Friday, 23 and 24 February. I understand that
a picket by drivers was held at the company’s main Irish depot in Ballymun, Dublin on Thurs-
day from 6.00 p.m. until 11.30 p.m.

Rest time, rosters and general working conditions have been identified by SIPTU as the
factors that led to the decision to strike. SIPTU maintains that these grievances had been put
before the company for some time but the company failed to address the issues. It appears that
Stobart Ireland responded to the threat of industrial action by taking the unusual step of
initiating its own ballot of drivers. The company claimed that its ballot showed that only a
minority backed industrial action. It claimed that the outcome demonstrated a lack of support
for the planned strike and called on the union to cease its industrial action. SIPTU described
the company ballot as a coercive tactic and denied that the outcome of the company ballot
could be deemed to articulate the clear voice of the majority of workers in the driver
category.

I understand that Stobart Ireland had initially welcomed the suggestion to attend the Labour
Relations Commission on the eve of the industrial action. The company requested that the
threat of strike action be lifted as a condition of its willingness to engage with the industrial
relations dispute services. However, as the industrial action proceeded as planned, the company
deployed in conciliation talks. According to reports, the company had flown in 40
agency drivers from the UK to replace the striking workers. SIPTU has claimed that the drivers
flown in were not informed of the background to the dispute in Dublin before they arrived. It
appears that the company did not proceed, however, to deploy the replacement drivers.

I understand that the Labour Relations Commission is maintaining contact with both parties
to the dispute and will continue to remain available to assist in trying to resolve the issues in
dispute. I would urge the parties to agree to avail of the services of the State’s industrial
relations machinery and to engage fully in the process. I urge them to put their difficulties and
differences behind them and approach the process in good faith and with a view to accepting
the outcome of the process.

Ireland’s system of industrial relations is essentially voluntary in nature and responsibility for
the resolution of industrial disputes between employers and workers, whether in redundancy or
other collective disputes, rests with the employer, the workers and their representatives.

[Deputy Robert Dowds.]
State provides the industrial relations dispute settlement machinery to support parties in their efforts to resolve their differences. The Labour Relations Commission has extensive experience in assisting parties to resolve issues of rest time, rosters and other general working conditions and in achieving a high rate of mutually acceptable settlements on such issues. Even what often appears to be the most intractable of disputes is capable of resolution where both sides engage constructively and in good faith in this voluntary process. I would urge the parties involved in this dispute to work together to break the current impasse by utilising the established machinery for dispute resolution, who are available to assist at short notice.

Stobart Ireland is an extremely big company with a large footprint across Ireland. I am aware of it from personal experience on the roads between Cork and Dublin where I have noticed an exceptionally high presence of Stobart trucks. I contend that we have a highly evolved labour relations infrastructure in this country and we would ask companies to engage in corporate social responsibility and come a bit of the road towards meeting needs that will ensure drivers can operate safely. We would urge all companies that win contracts in Ireland to engage constructively with the State machinery set up for dispute resolution. If we can achieve that, I am hopeful some compromise can be hammered out through the labour relations machinery that exists in this country.

**Deputy Robert Dowds:** I agree with the comments in the Minister of State’s detailed statement. Like him, I would urge Stobart Ireland to engage properly with the drivers to achieve a proper resolution of the issues. I do not know to what extent the Minister of State is free to write to such companies to urge them to become actively involved. It would be useful if he could do this. Furthermore, it would be useful if he could urge Tesco to put pressure on Stobart Ireland to deal with the issues. This is a serious concern and if a fatal accident occurred, we would wonder why it happened and why nothing was done about the situation. It is not that Stobart does not have experience of running lorries. Long before Stobart Ireland was established, I saw Stobart trucks on the motorways of Britain and I understand the workers there have better terms than workers here. It is in everybody’s interest for this issue to be sorted out. If the Minister of State can make a direct approach to Stobart Ireland, I would appreciate that.

**Deputy Sean Sherlock:** I take the Deputy’s point. To be fair, however, if we can engage both sides through the industrial relations machinery, that would be the first and best course of action. As Deputy Dowds said, the Stobart group are the high kings of the transport and haulage business in the United Kingdom and now have a significant footprint in Ireland.

We want to ensure that all operators across the island are operating with a degree of corporate social responsibility and, where disputes arise, that we can work towards solutions, always using the machinery. I do not negate the right of a company to take its own ballot privately within its own structures.

**Deputy Robert Dowds:** It was largely boycotted by the workers.

**Deputy Sean Sherlock:** I take the Deputy’s point. In response, I contend that the legitimacy of the Labour Relations Commission, which has opened its doors to facilitate a process, is one the State, Irish workers and most employers buy into. That is the right way to proceed on this issue. I hope the Stobart organisation will have due regard to that process.

**Deputy Robert Dowds:** If it does not, what happens?
Deputy Sean Sherlock: Deputy Dowds is more schooled on that. There is legislation to protect every worker’s rights and in respect of dispute resolution. It is voluntary by nature, but we must be fair and balanced in how we approach the issue and I would hope any reasonable company, or any entity, would use the voluntary mechanism that is available. That is the way to proceed. If that fails, we will cross that bridge when we come to it.

Social Welfare Payments

Deputy Derek Keating: Is the Minister for Social Protection not available?

Acting Chairman (Deputy Olivia Mitchell): The matter is being taken by the Minister of State, Deputy Perry.

Deputy Derek Keating: I draw the attention of the Minister and the House to a growing and serious problem in the payment and collection of social welfare payments, for example, in my own community in Lucan village.

The number of people collecting welfare payments in Lucan village amounts to approximately 1,200 every week. The current arrangement is that payments are collected by this large number of people on a couple of days every week. Lucan post office, which is well run and efficient with friendly staff who conduct their business in a well run way, is ideally located to suit the needs of local residents and businesses in the heart of Lucan village. Its business includes the services of collecting pensions, allowances and social welfare payments. The nearest social welfare office, commonly known as the employment exchange, is in Clondalkin which is 6 km away and there is not a good bus service between the two communities.

A number of issues have arisen in both communities in recent times. At times, the queue of people collecting payments stretches out onto the street and around the corner in Lucan village in all sorts of weather. I am sure the Minister of State appreciates the fact that in these times when an increasing number of people are dependent on social welfare payments, this is a far from ideal way to protect people’s dignity and avoid embarrassment, particularly if the weather is inclement.

I ask the Minister to give consideration to the following suggestion that payments be spread over a number of days. This would help the service to be run in a more efficient way and would not require embarrassment or loss of dignity on the part of people. There have even been occasions when the support of gardaí was needed to manage the queues.

The current situation is having a depressing effect on people who are already personally challenged by having to sign on to receive social welfare payments. Having to spend up to an hour queueing, often out in the street in inclement weather, could be avoided with careful management and due consideration. I understand there is a similar problem in the post office in the Mill Centre in Clondalkin, where people often have to queue on the street.

This is a problem in my constituency. I ask the Minister to take account of the remedy I am suggesting and which I believe will help to deal with the problem. I have discussed the situation with some business proprietors, informally with the gardaí and with local residents who are discommoded by the problem. I also ask the Minister to consider establishing a permanent, or even a temporary, social welfare office in the greater Lucan area. I am sure the Minister of State is aware, given the economic circumstances affecting the retail industry, that many outlets are available and could be used, even in the short term, to help prevent this great imposition on people.

The thrust of my representation is to ask the Minister to give serious consideration to finding a remedy whereby social welfare payments to the 1,200 hundred people in Lucan village can be spread over five days, with an overflow on Saturday morning, rather than being confined to two days.
Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Perry):

I am happy to take this important matter on behalf of the Minister for Social Protection and I thank Deputy Keating for raising it.

The quality of customer service that people receive at post offices is important to the Department and to An Post, which has responsibility for that service. The Deputy referred to the high numbers of customers collecting welfare payments at Lucan post office on Thursdays and Fridays. The Department is aware that there are instances of queuing at Lucan post office on Fridays, but An Post has advised that there is no abnormal or extensive queuing on Thursdays.

An Post and the Department have taken a number of measures to address the problems evident on Fridays. Lucan post office now opens at 8 am on Fridays. The Department is also examining the scope for moving some payments to alternative collection days in an effort to alleviate the situation. Some 240 customers who normally receive payments at Lucan post office on a Friday payday have been moved to a Tuesday payday. The process of changing payment days is complex and must be managed closely to ensure customer service is not interrupted. On foot of work over the past number of weeks, this change took effect today. The impact of this change will be monitored by the Department in consultation with An Post. The Department will continue to liaise with An Post to monitor the effectiveness of these remedies and what further scope for improvement is available.

We have been advised by An Post that there have been no queuing incidents whereby a Garda presence was requested or required at Lucan post office. The Department was made aware of delays at the post office on Friday, 23 December when longer queues developed at Lucan post office. The Deputy will appreciate that this is one of the busiest days of the year for all businesses and commercial bodies, including An Post. Given that all banking and financial institutions were closing for the Christmas period of up to five days, the queues experienced at post offices and throughout other financial institutions were exceptional.

While An Post has advised the Department of Social Protection that on Friday, 23 December no Garda presence was requested or required to manage queues, we understand gardaí were in the vicinity as part of their own operational deployment that day. The gardaí advised people waiting for service in the post office that pickpockets were active in the locality and of the need to be vigilant. An Post has advised that they do not consider there were any health and safety implications on the day.

With regard to the availability of funds at the post office, An Post has confirmed that the post office in Lucan did not run out of money on 23 December 2011. However, the Department has been advised by An Post that, due to an unusually heavy volume of business and demand for cheque encashment, Lucan post office experienced a greater than expected demand for cash late on Friday evening, 2 September. As a consequence, the postmaster was concerned that he might not be able to deal with all customers, including welfare customers, pending a further cash delivery from An Post. He, therefore, asked a small number of customers, believed to be in the order of ten or 12 social welfare customers, if they would agree to delaying the collection of their entitlements. It should be noted that the payment to customers was not refused. Additional cash was made available by An Post to Lucan post office on Saturday, 3 September and again on Monday, 5 September to deal with the higher number of transactions. An Post has advised that the ten or 12 social welfare customers who were not dealt with on the Friday or Saturday had their payments effected by the following Monday.

As the Deputy will appreciate, it is important for security reasons to ensure that excess cash is not unnecessarily held in its offices. It is also important that An Post offices have at all times adequate cash to meet the needs of its customers. This involves ongoing active management of cash at its offices. The Department of Social Protection has engaged with An Post to ensure
that all its customers will be paid on their due date. An Post has given assurances that measures have been put in place to ensure that this will not happen again.

I would like to assure the Deputy that the Department will continue to work closely with An Post to ensure that together, we provide a high quality service to our customers.

**Acting Chairman (Deputy Olivia Mitchell):** That is some good news for Deputy Keating.

**Deputy Derek Keating:** I thank the Minister of State for his comprehensive reply to a number of issues I have raised. I take some comfort from the fact that An Post has given assurances that measures have been put in place to ensure that certain events will not happen again. However, this will need to be monitored. The Minister of State referred to the Garda Síochána warning customers to be vigilant to the presence of pickpockets. I had also included this in my report. If the activity taking place is leading to potential pickpocketing then this is further recognition of the problem.

The thrust of my representations on this issue is to have the payments for those 1,200 spread over five days rather than two. The Minister of State in his reply states that some 240 customers who normally receive payments at Lucan post office on Fridays, have now been moved to Tuesday pay day. I am not sure this will remedy the problem because notwithstanding some of the issues I have raised which have been contested in the report, anybody can go to Lucan post office any Thursday and Friday and see the queues out the door. This situation will not change with 240 customers being moved to a Tuesday pay day. The situation requires a more comprehensive adjustment and I ask why this cannot be made. I am willing to wait to see the impact of the 240 customers moving to a Tuesday pay day beginning this week but I ask the Minister of State to keep this under review and I would be happy to discuss it with him or the Minister.

**Deputy John Perry:** An Post currently has a network of 1,153 post offices and a further 173 postal agencies through which 50% of the Department's customer payments are issued. The Department of Social Protection accounts for a large volume of retail customers in individual post offices, the post offices provide agency services for a number of other entities, including a front line banking service, payment of utility bills, etc. An Post has assured the Department that it makes all reasonable efforts to minimise queuing for our customers and for its other customers during pressure periods. An Post has assured the Department of its capability to deliver social welfare payments to our customers and it constantly reviews its service throughout the network to ensure delivery. If An Post considers further post offices are warranted or sustainable in any area, plans will be put in place to advertise a contract for the provision of those services.

**Deputy Derek Keating:** If I may make a final point in conclusion. I appreciate the final comments of the Minister of State regarding An Post’s willingness to consider additional post offices where necessary as well as to considering the adjustments to which I referred. This is a critical factor, particularly in the age in which we live with the growing dependency on social welfare payments. I know it is this Government’s priority to reverse this dependency within the lifetime of the Government.

**Human Rights Issues**

**Deputy Jonathan O’Brien:** I am glad to hear Deputy Keating’s concluding remarks to the previous matter because I thought job creation is the best way of moving people off those queues.

I thank the Minister of State for dealing with the Topical Issue Matters. It looks like he is a one-man Cabinet today dealing with topics such as small business, social protection, justice,
defence, equality. I presume this is because of the week it is, when people are away for St. Patrick’s Day.

I welcome Ireland’s participation in the UN universal periodic review process which is an important process in which to be involved. This gives UN member states the opportunity to voice their opinions and make recommendations on this State’s obligation to human rights and whether it is to accept, partially accept or reject them.

The response to the latest report was made public last Friday and I wish to comment briefly on some of the aspects of that response. One of the responses to the optional protocol and the rights of persons with disability is that Ireland is committed to ratifying that UN convention.

The legislative and administrative procedures must be put in place to enable the State to ratify the convention but I have not noticed any haste to do so. This Government has made some progress as regards the legislation on mental capacity the heads of that Bill being currently before the justice committee. There is a concern that what is being proposed in that legislation will not satisfy the criteria for meeting the ratification of the UN convention. It is very important that this legislation meets the requirements for ratification of that convention. I ask for some form of commitment from the Government that this will be the case and that any legislation introduced in this area will meet those commitments.

I do not wish to use the word, “laughable”, but I refer to the State’s response contained in 107.49 regarding the issue of our obligations on human rights. The Government has claimed that the human rights of all residents are already comprehensively protected by the Constitution of Ireland which, in effect, constitutes a bill of rights for this State. I regard this type of statement to be warped. The Constitution states that a woman’s role is in the home; that children have no rights outside of the family unit; and it defines the legal family unit as being based on marriage. It refers to the right to own property but it does not refer to the right to a home, to a roof over one’s head, the right to a job, nor does it refer to the right of access to medical care. These are all rights which, in my opinion——

Acting Chairman (Deputy Olivia Mitchell): Deputy, the four minutes speaking time is concluded.

Deputy Jonathan O’Brien: ——should form part of any bill of rights. I find that statement to be offensive and the Government needs to address it.

Deputy John Perry: I thank Deputy O’Brien for raising this important matter. The universal periodic review

UPR, process was initiated in 2008 by the UN Human Rights Council, HRC, and is a process whereby the domestic human rights records of all 192 UN member states are reviewed every four years. The process is important in raising awareness of standards with regard to human rights on a global level. This is Ireland’s first review under the UPR mechanism and it has been a very useful and constructive exercise which provided the opportunity to examine the overall situation of human rights in Ireland. Early in 2011, we sought submissions from civil society and members of the public and in May and June, we held a series of public consultation meetings around the country to give individuals and groups the opportunity to raise human rights issues of concern to them. The issues highlighted informed the drafting of Ireland’s first national report which was prepared with the assistance of an interdepartmental committee, on which all relevant Departments were consulted, and which was submitted to the UN Human Rights Council on 4 July 2011.
My colleague, the Minister, Deputy Shatter, represented Ireland at the interactive UPR dialogue in Geneva on 6 October 2011, at which delegations from 49 UN member states made comments. Of the 127 recommendations made to Ireland by other member states, we accepted 62 and rejected 15 at the formal adoption of Ireland’s national report on Monday, 10 October. Ireland undertook to give careful consideration to a further 50 recommendations and provide a response by 29 February 2012.

The final stage in this round of the UPR process for Ireland is the adoption by the Human Rights Council of a report on the review of Ireland during the October session. This report is prepared by a working group of the Human Rights Council. In addition to the responses by Ireland to those recommendations which were addressed in October, the report will contain as an addendum Ireland’s response to the remaining 50 recommendations mentioned earlier. This final report will then be adopted at the 19th session of the HRC in Geneva on Thursday, 15 March 2012.

I am pleased to inform the Deputy that of the 50 outstanding recommendations, Ireland fully accepts 29, partially accepts a further 17 and is unable to support only four. The format of the addendum allows us to include a concise explanation as to our response to each individual recommendation. Anybody who wishes to view the recommendations and Ireland’s responses can access the addendum in the reports section of our UPR website, www.upr.ie. The adoption of the report on Ireland will be webcast live from Geneva on Thursday from 10.30 a.m. and will be available on the UN’s website at www.unmultimedia.org.

Deputy Jonathan O’Brien: I thank the Minister of State for his response. There is a difference between accepting the recommendations and putting in place the procedures to allow us to move forward. The issue of human rights cannot be held back by resources or finance. It is very important this Government is focused on human rights and on its obligations.

In some of the responses, it is a case of wait and see whether we are actually committed. One of the recommendations put to us was to strengthen the legal framework for the protection of the rights of children and other vulnerable groups, such as women, the elderly, people with disabilities and the Traveller community. In our response, we said we were strengthening the framework we had in place by amalgamating the Equality Authority and the Human Rights Commission. To say that is very premature because we have not seen the Bill on the amalgamation of both of those organisations. We do not know what is contained in it, so we cannot say for certain whether we will strengthen the framework or weaken it. That is important.

There is a wait and see approach in regard to some of them but I commend the Government on the issues which it has accepted. We must place a greater focus on and do a lot more work on this. I do not believe anyone in this House would oppose putting in the proper resources to enable us to meet our obligations.

Deputy John Perry: I thank the Deputy for raising this very important issue. Those recommendations we were unable to accept, either at the original session in October or in terms of the addendum to the report which will be discussed on 15 March, raise serious issues where different rights and different issues of public policy need to be balanced. Ireland is committed to meeting the highest standards of human rights but, as the Deputy will appreciate, it takes time to deal with difficult issues, in particular those with resource implications. Where there are competing rights, there may be no simple answer and, on this side of the House, our responsibility is to solve problems in a sustainable way and at time to balance competing rights and interests in a way that is fair to all and complies with our constitutional obligations.
We are very grateful to everybody whose participation helped to make the process so meaningful and constructive. Civil society and NGOs engaged thoroughly with us to raise awareness of the UPR mechanism in general and we are keen to maintain the excellent working relationship established during this first UPR cycle — the Deputy’s points have been taken on board by the Minister, Deputy Shatter — which will be a most positive and constructive element as we all work towards our common goal of striving to improve human rights in Ireland.

The most important phase of this entire process is the implementation of the commitments we have made. That is the most important thing.

Deputy Jonathan O’Brien: Resources cannot be an excuse for not——

Deputy John Perry: That is the balance. The Minister is very determined.

We consider some recommendations to have already been implemented while other areas of implementation are underway, as indicated by the Minister, Deputy Shatter, at our review in October. As we are all aware, the protection and promotion of human rights require continuous review and updating. As society evolves, so must our response to the challenges and dangers to fundamental rights and freedoms. It is particularly important to us that in the years leading up to our next review, the momentum which we and all stakeholders set in train for the first UPR cycle is not lost and we will continue to work on making Ireland a fairer place in which to live.

Finance Bill 2012: Order for Report Stage


Question put and agreed to.

Finance Bill 2012: Report and Final Stages

Acting Chairman (Deputy Olivia Mitchell): I understand Deputies Mac Lochlainn and McDonald have been authorised to move amendments in the name of Deputy Doherty, who cannot be with us today. The first amendment in the name of Deputy Doherty arises out of committee proceedings.

Deputy Pádraig Mac Lochlainn: I move amendment No. 1:

In page 11, between lines 18 and 19, to insert the following:

“2.—The Minister shall within six months from the passing of this Act prepare and lay before Dáil Éireann a report detailing the financial impact of all measures contained in this Act on the general population by income group broken down by decile including all categories of earners including PAYE, self-employed and social welfare recipients and by household income type broken down by decile based on gross household income.”.

The Economic and Social Research Institute produced a study on the distributional impact of this budget on all income groups. The report published on 24 February makes for very sobering reading. The conclusion stated that budget 2012 involved greater proportionate losses for those on low incomes, reductions of about 2% to 2.5% for those on the lowest incomes as against losses of about 0.75% for those on the highest incomes. Indeed, the report compared the impact of the budget on low income households with that of the previous Government’s from 2008 and also concluded that the budget was more regressive.

Given the fact that this budget will have a disproportionate impact on lower income groups, in particular the additional charges and taxes, including the VAT increase, the purpose of this
amendment is to provide for a detailed impact assessment of these measures on all income groups so that we get a full picture of the extent to which the Minister is seeking to punish low and middle income groups while regarding the better off in society.

**Deputy Michael McGrath:** I welcome the commencement of Report Stage. The only point I would make on amendment No. 1 in the name of Deputy Doherty is that if one is conducting an analysis of the impact of the budget — I assume that is the spirit in which this amendment has been tabled — then the Finance Bill does not represent the totality of those measures. If one is looking at the impact on every income group, then one would also need to take into account the changes in the social welfare code announced on budget day, the household charge, motor taxation increases and so forth.

While I support the spirit of the amendment, my concern is that it does not represent the totality of the budget package as it affects ordinary citizens. If we are to put the Minister and his officials to the trouble of doing a report, then it should take account of the entire picture and all of the impacts of the various elements of the budget on incomes groups.

Deputy Mac Lochlainn is correct in the overall point he made about the regressive nature of the budget which was a claim we made on budget day and which was subsequently supported by the ESRI and others. As was pointed out by the Minister of State, Deputy Brian Hayes, on Committee Stage, when one takes all the budgets since the fiscal retrenchment process commenced back in 2008, then they have been highly progressive but this particular one was not and that has been established.

**Deputy Richard Boyd Barrett:** This amendment is correct in its intent and is the very least we can do. There is significant dispute about how the Government’s response to the economic crisis impacts on different sectors of society. Some of us on this side of the House have repeatedly made the point that all the pain and punishment is inflicted on the least well off in our society when other sectors could far better afford it and could, more justifiably, be taxed and have cuts imposed on their incomes. The Government ignores those points or tries to rubbish or dismiss them. Would it not be entirely reasonable to be a little objective and scientific about this and do a proper and full assessment of how the measures in this Bill impact on the different sectors of our society so that we can establish the truth as to who is really taking the pain in the austerity programme? I fully support the amendment.

**Deputy Michael Noonan:** I thank the Deputies for their contribution. I will read the speaking note first, to give the official view, and will then comment on the case the Deputies make.

As Deputies will be aware, in every annual budget, the budget book includes tables demonstrating the effects of budget changes in respect of income tax, PRSI and the universal social charge, USC, on single, married — with and without children, PAYE and self-employed income earners over a wide distribution of income levels. The tables in the budget book also demonstrate the effect of changes to some payments from the Department of Social Protection, such as family income support and child benefit. Furthermore, every budget book contains a section which outlines the effect of budget changes on illustrative cases. These illustrative cases examine the effect of budget changes on various categories of income earners, including single, married, lone parents and elderly in a variety of different occupations and with varying income levels.

In budgets where there have been changes to income tax or PRSI, the budget book contains a poverty impact assessment based on the guidelines set out by the Office of Social Inclusion and using the ESRI SWITCH model. The poverty impact assessment is normally in Annex B...
of the budget book. I remind Deputies that, in line with the commitment in the programme for Government, there were no increases in income tax or PRSI in budget 2012.

In regard to changes to payments made by the Department of Social Protection in budget 2012, I am aware that the Department undertook an analysis of the distributive and poverty impact of the welfare measures on individuals and families in advance of Budget 2012. It is my understanding that this analysis will be published shortly.

As I am sure Deputies are aware, the ESRI usually publishes an analysis of the budget. Most recently it published a study on the distributional impact of tax, welfare and public pay policies from 2009 to 2012. Therefore, given the amount of analysis already available in this area and the information published annually in the budget book, I cannot accept this amendment as I believe it would duplicate the work already being undertaken on the various reports and publications I have mentioned. Deputy McGrath pointed out that even if one argues that the effects of this budget in its totality were regressive, the effects of the fiscal correction over the years since it commenced were highly progressive. There is no doubt that those most in a position to pay have paid — in drastic amounts. As the correction is part of the one programme it is unfair to pick any particular year and not take the programme in its totality.

Much has been made in debate, in particular in the media, about ESRI studies, especially those on VAT increases and how they impact on different levels of income. It is true that much of the comment centred on the 2% increase in the standard rate of VAT, from 21% to 23%. It is true to state, as the ESRI showed, this impacts more on low income families than on high income families. The reason was also pointed out in the ESRI report but that has been left out of the debate. It is, essentially, that low income families spend a greater proportion of their income on tobacco, alcohol and public transport than they do in other areas. Therefore, a combination of VAT and excise increases plus carbon tax increases will hit lower income families. That bit of the argument is left out when the issue is being debated yet that is what was in the original ESRI assessment on the impact of VAT. I believe people should be allowed to spend their money on alcohol, cigarettes or public transport if that is what they want to do but it weakens the case about a budget being regressive when it is those incidents of spending that are subject to the hardest impact.

My main point is that what Deputy Doherty seeks in his amendment is really unnecessary because most of this information is already provided in the documents which accompany the budget. The impact of the changes in social welfare will be in the document that will be published shortly by the Department of Social Protection. The ESRI is carrying out ongoing work in this area and all that information is made public and is available to Deputies.

As a consequence, I will not accept this amendment.

Amendment put and declared lost.

**Acting Chairman (Deputy Olivia Mitchell):** Amendments Nos. 2 to 4, inclusive, are out of order.

Amendments Nos. 2 to 4, inclusive, not moved.

**Acting Chairman (Deputy Olivia Mitchell):** Amendment No. 5 arises from committee proceedings.

**Deputy Michael McGrath:** I move amendment No. 5:

In page 11, between lines 18 and 19, to insert the following:
“2.—The Minister shall within 12 months from the passing of this Act prepare and lay before Dáil Éireann a report on a cost-benefit analysis of tax expenditures provided for by this Act, setting out the costs of tax foregone, and the benefits in terms of job creation or otherwise.”

The Acting Chairman is correct to state I tabled this amendment on Committee Stage. At the time I acknowledged that this amendment seems to be one that Opposition parties always table and Governments always reject. Perhaps we need to look at the reasons for that. When one looks back over the transcripts of previous debates on budgets, in particular on tax expenditures or reliefs, it is important to consider the outcome of the investment of tax expenditures in particular areas and to measure the effectiveness of such expenditure in an appropriate way, given the whole purpose of having various tax reliefs in place is to generate additional economic activity in certain sectors and generally assist in the economic recovery.

There are a number of new measures in the Finance Bill we may discuss in more detail when we come to the various sections, one of which relates to capital gains tax relief on the purchase of land or buildings before the end of December 2013. There is the special assignee relief programme or SARP, the foreign earnings deduction proposal which was put forward in the Finance Bill, and the expansion of research and development tax credits. The key point is how the Minister will measure the effectiveness of these, given the stated purpose of introducing them is to provide assistance in targeted areas where the Minister believes an intervention is warranted. They are quite targeted and we can discuss them in more detail when we come to the relevant sections but what mechanism or procedure will be in place to ensure they will serve the purpose for which they were established? How will the Minister measure the effectiveness of the various tax expenditures set out in this Bill?

**Deputy Pádraig Mac Lochlainn:** I support Deputy McGrath’s proposed amendments. The information would be useful, not only to Deputies but to the wider public and it is on that basis we support this amendment.

**Deputy Richard Boyd Barrett:** The value of this amendment is obvious in assessing whether this budget will help or hinder our progress towards economic recovery. There are a number of very controversial proposals in this Bill, most obviously, the increase in VAT. Some Members and many people in the wider public believe this will be very damaging to consumer demand and the ability of many SMEs to survive. There must be an assessment of whether that arises.

Similarly, there is outrage at the fact that the Government is planning to give tax breaks to corporate high fliers while everyone else is being hammered by austerity measures, cuts and new charges. Given the controversial nature of such proposals, the least the Government could do is assess whether new jobs will be created or we lose tax revenue as well as annoy huge numbers of people suffering under the impact of austerity. There are several measures in the budget that, at the least, require analysis further down the line to see whether they are beneficial or damaging to this country’s prospects of economic recovery. On that basis, I support the amendment.

**Deputy Michael Noonan:** I do not propose to accept the amendment. However, I fully support the principal of *ex ante* and *ex post* economic impact assessments — including cost benefit analysis — in formulating and evaluating tax policy. I am opposing the amendment on a number of grounds. The main reason is the underlying principle of proportionality in cost benefit analysis. The level of resources invested in carrying out the analysis should be commensurate with
the scale of the expenditure involved. For instance, the 2005 capital appraisal guidelines recommends full CBA analysis only for projects exceeding €30 million. Four measures contained in the budget exceed this threshold — the review of universal social charge, legacy property reliefs, mortgage interest relief and stamp duty measures. The review of the universal social charge and the legacy property reliefs were subject to a full economic impact assessment. The reports of both have been published. The economic impact assessment of the legacy property reliefs involved a full public consultation so as to take the views of all interested parties, as well as the publication of two reports, including an interim consultation report, an economic model and substantial data and analysis. This was a transparent and comprehensive process in line with best international practice for policy evaluation.

Each year, as part of the tax strategy group process, a paper on tax expenditures outlining any major changes is produced, discussed and subsequently published. The stamp duty measure was also considered as part of a tax strategy group paper on property tax. Mortgage interest relief was examined by my officials in the wider context of mortgage debt generally.

Every year, the costings for all policy changes are set out in section 1 of the summary of budget measures. The taxation annexes to the summary provide examples of the changes on different categories of income earners in substantial detail. While the costs associated with the legacy property reliefs and review of universal social charge certainly justified a major economic impact assessment, many of the tax expenditures in the Bill are not of sufficient significance in terms of cost to make the completion of such studies cost effective. Therefore, it would not be of benefit to commit time and scarce resources on such an exercise.

Amendment put and declared lost.

**Deputy Pádraig Mac Lochlainn:** I move amendment No. 6:

In page 12, line 29, to delete “€10,036” and substitute “€17,000”.

The purpose of this amendment is to remove all those earning the minimum wage from the universal social charge. When the Minister announced the removal of 300,000 low-paid workers from the USC net last December, Sinn Féin welcomed the move but called on the Minister to go further and to remove the 500,000 workers earning the minimum wage or less from this regressive tax. The arguments for doing so are compelling, the first of which is that it is the right thing to do. Equally importantly, it will benefit the economy overall because it will provide a significant boost to consumer spending. There are plenty of better ways to raise the same amount of revenue, such as raising the marginal rate of tax to 40% for very high earners. Doing so would have less of a negative impact on the economy than leaving up to 200,000 low-paid workers in the USC tax net.

**Deputy Michael McGrath:** What is the cost of this proposal and where does it stand in the context of the efforts over recent years for the burden of taxation to be spread? Some 5% of income earners pay approximately half of the income tax take and 40% of income earners were outside the tax net. The universal social charge made inroads into that because it brought people on very low incomes within the net, which comes at great cost to the people concerned.

While we would like to see the exemption thresholds increased significantly, does the Minister intend to revisit the review of the universal social charge on an annual basis when preparing the budget? Does the change in the Finance Bill, which is welcome, represent the entirety of the Government’s proposed changes to the universal social charge on foot of the review?

**Deputy Richard Boyd Barrett:** I support the amendment. On a moral level, it is unacceptable that the universal social charge was imposed on people earning the minimum wage or lower.
The Government acknowledged the injustice at some level of hitting low-income earners by exempting the lowest income earners from the universal social charge but leaving people on the minimum wage and lower paying this punitive austerity tax is unacceptable. The universal social charge on low and middle income earners should go completely because it is damaging and unfair in the extreme. It is one of the major contributory factors to depressing consumer demand and its damaging consequences.

I do not understand why the Government refuses to look elsewhere, at high income earners, and impose higher taxes on them. We never get a straight answer. United Left Alliance proposed that people earning over €100,000 would pay 50% tax, those earning over €150,000 would pay 60% tax and those earning over €200,000 would pay 70% tax. In answer to a parliamentary question, the Minister acknowledged this would raise €1.1 billion. Is it not fair to do that and to impose higher taxes on those who can afford it? Would it not be economically far more sensible? If one earns in excess of €100,000, unless one lives a very lavish lifestyle, one does not spend it all. People can save it and in our case it is not going to the economy. We all accept the need to increase spending rather than the amount of money sitting on deposit. I do not see the rationale for not giving significant relief to people who have been hit with austerity taxes at the low and middle end while resolutely refusing to impose higher taxes on those who can afford them.

Deputy Michael Noonan: The amendment was tabled by Deputy Doherty on Committee Stage. The Bill already provides for an increase in the exemption threshold from €4,004 to €10,036. This will cost approximately €47 million for a full year and will remove nearly 330,000 people from the charge. While this is a significant cost I do not expect it to result in a reduced yield for the Exchequer because of the switch to an accumulative basis of deduction and payment by the Revenue Commissioners. From 1 January 2012 they will save a similar amount by avoiding the occurrence of underpayments of the universal social charge.

If the cost of Deputy Doherty’s amendment, which is what was requested by Deputy McGrath, were to be implemented it would be in the region of an additional €117 million for a full tax year and would remove an additional 273,000 people from the charge. This is a significant net cost, particularly in the context of the current budget balance. Moreover, a figure of €17,000 would bring the exemption threshold for the universal social charge above the current entry point to income tax of €16.50 for a single person.

To accept this amendment would be to seriously undermine the rationale for the introduction of the universal social charge. This was to broaden the tax base from its narrow, unsustainable level with a relatively small proportion of income earners responsible for a disproportionate amount of the overall income tax yield and to ensure that most people will make some contribution, however small, to the provision of services and towards assisting in the correction of the public finances. The removal of an additional 273,000 people from the charge would effectively reverse the base broadening already achieved by the decisions made by my predecessor. I oppose the amendment.

Deputy Michael McGrath: Can the Minister clarify whether his consideration of the review of the universal social charge has been completed and that the change he has proposed in the Finance Bill arises from that review or is it something he intends to revisit on an ongoing basis? In terms of the issue with the way it was structured, and over time its structure will have to be examined, if the Minister increases the threshold and somebody tips over that threshold all of their income will become subject to the USC rather than it being on an incremental basis. What is the position on the review?
Deputy Michael Noonan: The review, in so far as it arose from the programme for Government, is now completed. Any Government can review any charge or tax on an ongoing basis but the review to which a commitment was made is now completed.

Question put: “That the figure proposed to be deleted stand.”

The Dáil divided: Tá, 95; Níl, 23.

Tá

Breen, Pat.
Broughan, Thomas P.
Browne, John.
Buttimer, Jerry.
Byrne, Catherine.
Byrne, Eric.
Calleary, Dara.
Carey, Joe.
Coffey, Paudie.
Collins, Niall.
Conlan, Seán.
Connaughton, Paul J.
Conway, Ciara.
Corcoran Kennedy, Marcella.
Costello, Joe.
Coveney, Simon.
Creed, Michael.
Daly, Jim.
Deering, Pat.
Doherty, Regina.
Donohoe, Paschal.
Dooley, Timmy.
Dowds, Robert.
Doyle, Andrew.
Durkan, Bernard J.
English, Damien.
Farrell, Alan.
Feighan, Frank.
Ferris, Anne.
Flanagan, Dara.
Flanagan, Eamonn T.
Griffin, Brendan.
Griffin, John.
Hansen, Richard.
Harrington, Noel.
Harris, Simon.
Hayes, Brian.
Hayes, Tom.
Heydon, Martin.
Humphreys, Heather.
Keating, Derek.
Keaveney, Colm.
Kelleher, Billy.
Kelly, Alan.
Kenny, Seán.
Kitt, Michael P.
Kyne, Seán.
Lawlor, Anthony.

Níl

Adams, Gerry.
Boyd Barrett, Richard.
Collins, Joa.
Colreavy, Michael.
Crowe, Seán.
Donnelly, Stephen S.
Lynch, Ciarán.
Lynch, Kathleen.
Maloney, Eamonn.
Mathews, Peter.
McCarthy, Michael.
McEntee, Shane.
McGrath, Michael.
McHugh, Joe.
McLoughlin, Tony.
McNamara, Michael.
Mitchell, Olivia.
Mitchell O’Connor, Mary.
Mulherin, Michelle.
Murphy, Darren.
Murphy, Eoghan.
Nash, Gerald.
Neville, Dan.
Nolan, Derek.
Noonan, Michael.
O’Cuiv, Eamon.
O’Fearghaile, Seán.
O’Riordáin, Aodháin.
O’Donnell, Kieran.
O’Donovan, Patrick.
O’Dowd, Fergus.
O’Mahony, John.
O’Sullivan, Jan.
Perry, John.
Phelan, Ann.
Phelan, John Paul.
Rabbitte, Pat.
Reilly, James.
Ryan, Brendan.
Sherlock, Sean.
Shortall, Roisín.
Smith, Brendan.
Spring, Arthur.
Stagg, Emmet.
Stanton, David.
Timmings, Billy.
Troy, Robert.
Tuffy, Joanne.
Twomey, Liam.
Wall, Jack.
Walsh, Brian.
White, Alex.

Ferris, Martin.
Halligan, John.
Healy, Seamus.
Healy-Rae, Michael.
Higgins, Joe.
Mac Lochlainn, Pádraig.
McDonald, Mary Lou.
McGrath, Mattie.
McLellan, Sandra.
Murphy, Catherine.
Nulty, Patrick.
Ó Caoláin, Caoimhghín.

Ó Snodaigh, Aengus.
O’Brien, Jonathan.
O’Sullivan, Maureen.
Pringle, Thomas.
Stanley, Brian.

Tellers: Tá, Deputies Emmet Stagg and Joe Carey; Níl, Deputies Aengus Ó Snodaigh and Richard Boyd Barrett.

Question declared carried.

Amendment declared lost.

**Acting Chairman (Deputy Thomas P. Broughan):** Amendment No. 7 is out of order as it is declaratory in nature. Amendment No. 8 is out of order as there would be a charge on the Revenue. Amendment No. 9 is out of order as it is declaratory in nature.

Amendments Nos. 7 to 9, inclusive, not moved.

**Deputy Pádraig Mac Lochlainn:** I move amendment No. 10:

In page 26, between lines 30 and 31, to insert the following:

“(4) The Minister shall, within one year of the passing of this act, prepare and lay before Dáil Éireann a report detailing the volume of relief sought and secured under this section and the increased volume of trade in the relevant states secured during the period of time for which the relief was claimed.”.

This relief is one of a number of tax reliefs the Minister introduced, claiming that they will lead to job creation. Amendments Nos. 10 and 11 seek to ensure this is the effect of the tax reliefs. Previous Governments were very fond of introducing tax reliefs to enrich small groups of people, while claiming that they would be good for the economy as a whole. As a result, the Exchequer lost billions in revenue foregone every year with little, if any, social or economic gain to the State.

While we are not suggesting that this is the Minister’s intention with respect to this section of the Bill, it is only right that those seeking to avail of this relief should do more to demonstrate they are deserving of the substantial tax windfalls they will secure. Failure to do this will lead many people to conclude that the Government is simply following in the same footsteps of its predecessors by placing the majority of the tax burden on low and middle income earners while reducing the tax burden on those already very well rewarded for their employment.

**Deputy Michael Noonan:** The Deputy tabled amendments Nos. 10 and 11 on Committee Stage and my response remains the same. The focus behind the provision of the relief in question is to assist in the development of new markets for Irish exports in the BRIC states. The Deputy seems to be proposing that where an employer is either unable to demonstrate an increase in the volume of trade with the relevant state or where there has been no increase in the volume of such trade, the relief should not be granted to employees who work abroad seeking to generate new business or market share. Apart from my being conscious of the practical difficulties the proposed requirement would impose on claimants, I am conscious that preparatory and substantive work in the relevant states would not always yield measurable
results. I do not propose to accept the amendments. It would be wholly unreasonable and impractical to impose such requirements on employees or employers.

Given that I do not propose to accept amendment No. 11, it would not be possible to provide the detail suggested in a report for Dáil Éireann as proposed in amendment No. 10. However, information regarding the volume of relief claimed under the section will be available through the usual channels.

Amendment put and declared lost.

**Deputy Pádraig Mac Lochlainn:** I move amendment No. 11:

In page 26, line 43, to delete “income, profits or gains.”, and substitute the following:

“income, profits or gains.

(6) As part of the assessment for eligibility for the relief outlined in this section the authorised officer shall request evidence that the period of time for which the relief is claimed resulted in a clear and demonstrable increase in the volume of trade in the relevant state. The Minister shall set out by ministerial order the basis on which the authorised officer shall request and assess this evidence before making a determination on the claim for relief.”.

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

Amendment declared lost.

**Acting Chairman (Deputy Thomas P. Broughan):** Amendments Nos. 12 and 13, in the name of Deputy Pearse Doherty, are out of order because of a potential charge on the people. Amendments Nos. 14 and 15, in the name of Deputy Pearse Doherty, are also out of order because of a potential charge on the Revenue. Amendment No. 16, in the name of Deputy Pearse Doherty, is out of order because of a potential charge on the people.

Amendments Nos. 17 and 18, in the name of Deputy Pearse Doherty, are related and are to be discussed together.

**Deputy Pádraig Mac Lochlainn:** I move amendment No. 17:

In page 171, to delete line 22.

On Committee Stage, my colleague Deputy Doherty was broadly supportive of the proposed changes to VRT, specifically the proposal to allow individuals to claim back a portion of tax on vehicles brought into the State and sold outside the State. Deputy Doherty is very keen that the proposed €500 charge for the facility be removed as there is clearly no logical or fair basis for the charge. This is what the amendments to the relevant section aim to achieve.

**Deputy Michael Noonan:** The proposed administration charge of €500 is necessary to defray the costs of development and ongoing administration required for the efficient operation of the export refund scheme. The fee will enable development costs to be recouped as quickly as possible to minimise the burden on the taxpayer. In other countries, such as Denmark, where a similar scheme exists, an administrative charge of 15% of the value of the vehicle is charged. The administration fee also protects the State from individuals who might use the export refund scheme for cash-flow purposes.
[Deputy Michael Noonan.]

It will not be possible to have the scheme up and running from 1 April 2012 as a significant amount of preparatory work is required within Revenue, including the development of a new IT system. Procedural and operational changes will need to be addressed, not just within Revenue but also among other stakeholders such as NCTS and those responsible for the national driver and vehicle file at Shannon. Consequently, I oppose amendments Nos. 17 and 18.

Question put: “That the words proposed to be deleted stand.”

The Dáil divided: Tá, 83; Níl, 31.

Tá

Breen, Pat.
Broughan, Thomas P..
Buttimer, Jerry.
Byrne, Catherine.
Byrne, Eric.
Carey, Joe.
Coffey, Paudie.
Conlan, Séan.
Connaughton, Paul J..
Conway, Ciara.
Corcoran Kennedy, Marcella.
Costello, Joe.
Coveney, Simon.
Creed, Michael.
Daly, Jim.
Deering, Pat.
Doherty, Regina.
Donohoe, Paschal.
Dowds, Robert.
Doyle, Andrew.
Durkan, Bernard J..
English, Damien.
Farrell, Alan.
Feighan, Frank.
Ferris, Anne.
Flanagan, Charles.
Flanagan, Terence.
Griffin, Brendan.
Hannigan, Dominic.
Harrington, Noel.
Harris, Simon.
Hayes, Tom.
Heydon, Martin.
Humphreys, Heather.
Keating, Derek.
Keaveney, Colm.
Kelly, Alan.
Kenny, Séán.
Kyne, Séán.
Lawlor, Anthony.
Lynch, Ciarán.
Lynch, Kathleen.

Níl

Adams, Gerry.
Boyd Barrett, Richard.
Browne, John.
Calleary, Dara.
Collins, Niall.
Colreavy, Michael.

Maloney, Eamonn.
Mathews, Peter.
McCarthy, Michael.
McEntee, Shane.
McGinley, Dinny.
McHugh, Joe.
McLoughlin, Tony.
McNamara, Michael.
Mitchell, Olivia.
Mitchell O’Connor, Mary.
Mulherin, Michelle.
Murphy, Daragh.
Murphy, Eoghan.
Nash, Gerald.
Neville, Don.
Nolan, Derek.
Noonan, Michael.
Nulty, Patrick.
O Riordáin, Aodhán.
O’Donnell, Kieran.
O’Donovan, Patrick.
O’Dowd, Fergal.
O’Mahony, John.
O’Sullivan, Jan.
Perry, John.
Phelan, Anne.
Phelan, John Paul.
Quinn, Ruairí.
Rabbitte, Pat.
Ryan, Brendan.
Sherlock, Sean.
Shortall, Róisín.
Spring, Arthurl.
Stagg, Emmet.
Stanton, David.
Timmings, Billy.
Tuffy, Joanna.
Twomey, Liam.
Wall, Jack.
Walsh, Brian.
White, Alex.

Crowe, Séán.
Dooley, Timmy.
Ferris, Martin.
Fleming, Sean.
Halligan, John.
Healy, Seamus.
Deputy Pádraig Mac Lochlainn: I move amendment No. 18:

In page 171, line 48, after “order” to insert “but no later than 1 April 2012”.

Amendment put and declared lost.

Deputy Michael McGrath: I move amendment No. 20:

In page 221, between lines 30 and 31, to insert the following:

“137.—The Minister shall within 12 month from the passing of this Act prepare and lay before Dáil Éireann a report on the contribution made to the Exchequer by the domicile levy and in particular the contribution in that regard as a result of the measures introduced in this section by the Finance Act 2012.”.

As the Minister knows, the former Minister for Finance, the late Brian Lenihan, introduced the domicile levy. It is fair to say that the yield from it has been disappointing, to say the least, with only €1.5 million collected on foot of the levy last year, paid by just ten individuals. I welcome the change to the operation of the levy as proposed by the Minister in the Finance Bill. He is undertaking an overall review of how the levy operates and how the Exchequer can get a fairer contribution from the wealthiest in our society. I welcome the review and look forward to participating in it.

The purpose of my amendment is to seek a report on the operation of the domicile levy. In particular, it seeks to measure the effectiveness of the Minister’s proposed changes in the Bill in respect of the tax residency requirement. I support the overall review and the Minister might like to take this opportunity to provide the House with an overview of it.

Deputy Michael Noonan: The Deputy’s amendment proposes to introduce a new section in the Bill. This new section would require the Minister for Finance, within three months from the passing of the Finance Act, to prepare a report on the contribution made to the Exchequer,
in particular the contribution as a result of the measures introduced by the Finance Act 2012, and to lay that report before Dáil Éireann.

The basic reason I cannot accept the Deputy’s amendment is that the impact of the domicile levy changes in this Bill will not be known until next year. As such, it will not be possible to report on this matter within the next three months. Before I get into the details, there is much misunderstanding as regards the tax treatment of tax exiles.

The taxation of individuals in the State is broadly in line with that prevailing in most other OECD jurisdictions. In general terms, individuals who are resident in the State for tax purposes are taxable in Ireland on their worldwide income and gains, and individuals who are not resident in the State for tax purposes pay tax in Ireland only on income arising in the State, income derived from working here and from certain assets in the State or from certain assets that derive their value from certain assets in the State. Also, not all non-resident individuals who file tax returns in Ireland are tax exiles. This includes, for example, “ordinary” Irish nationals who have moved abroad for work reasons but who prudently retain their homes in Ireland. Their tax returns are generally only in respect of rental income on their family homes in the State. This also includes foreign nationals who never resided in the State but who have investments, including property, here and foreign nationals who worked here for a period and who may not have acquired Irish tax residency for that period during a relevant tax year, for example, individuals who worked here on a temporary assignment.

In an Irish context, the discussion on what is termed “tax exiles” generally focuses on individuals of Irish origin who are perceived to be largely based in Ireland, but who arrange their affairs so that they are not tax resident in the State and, hence, pay less tax than they would if they were Irish tax resident. As the House may be aware, I stated in my Budget speech that I intended to keep the contentious issue of the tax treatment of tax exiles under constant review. Contained within the taxation measures for introduction in 2012 accompanying the budget is a commitment to publish in early 2012 a set of proposed amendments to the current tax regime as it applies to non-residents and to put out such proposed amendments to public consultation to inform preparation for further changes in 2013. The Deputy has sought a wider statement from me on this matter.

Reverting to the amendment, section 136 of the Bill gives effect to the proposal announced in the Budget Statement that citizenship be removed as a requirement for payment of the domicile levy. This means that, regardless of citizenship, the domicile levy will be payable by Irish-domiciled individuals whose Irish assets exceed €5 million, whose worldwide income exceeds €1 million and whose liabilities to Irish income tax for the relevant year is less than €200,000.

The amendment applies to the domicile levy chargeable for the year 2012 and subsequent years. It should be noted that payment of domicile levy for a particular year can be made at any time up to and including 31 October in the year immediately following the year in which the levy was chargeable. This means that payment of the levy for 2012 can be made up to and including 31 October 2013. As the impact of the changes made to the domicile levy by the Finance Bill will not be known until after 31 October 2013, I regret I cannot accept the Deputy’s amendment.

There was much comment on Committee Stage about the small number of individuals who paid the domicile levy and the low yield from the tax. It should be noted that, if an individual pays more than €200,000 in income tax in a particular year, he or she does not need to pay the levy as well. Given that the levy sets a minimum level of tax payable in such cases, it should not be relied on as an indicator of the actual amount of tax paid by “tax exiles”.

Deputy Michael McGrath: I accept in good faith the Minister’s comments. I welcome the fact that the report to which he alluded will be published. Most reasonably minded people
want to see fairness in our taxation system. At times, this issue attracts more debate than is warranted. Various efforts have been made by Revenue to extract as much of a return from these individuals as possible. This process should continue.

The Minister should avail of the best taxation advice available to develop a revised scheme that people cannot circumvent. Those people will be certainly availing of the best professional taxation expertise at their disposal in an effort to minimise the amount of tax they pay in Ireland. We should avail of similar advice to ensure the Exchequer receives its fair share and that the burden of the adjustment we are going through is spread fairly.

Amendment, by leave, withdrawn.

**Acting Chairman (Deputy Thomas P. Broughan):** We have reached the end of the amendments. I understand the Minister would like to make a short announcement.

**Deputy Michael Noonan:** Yes, with the Acting Chairman’s permission. My note is addressed to the Ceann Comhairle but, before we conclude today’s proceedings, I would be obliged if, in accordance with Standing Order 140, the Acting Chairman would direct the Clerk to make the following minor drafting corrections to the text of the Bill. On page 50, lines 22 and 26, to change the lower case Roman numerals to upper case Roman numerals. On page 60, line 39, to change the reference from subparagraph (i) to subparagraph (ii). On page 121, line 15, to remove the words “available for surrender”. On page 121, line 21, to insert “of the Principal Act” after “section 4(6)”. On page 165, line 40, to insert “of subsection (1)” after “Paragraphs (s), (v) and (y)”. On page 206, line 17, to substitute “within” for “with”. These changes are being made in the interests of textual clarity and do not affect any substantive amendment.

**Acting Chairman (Deputy Thomas P. Broughan):** Is that agreed? Agreed.

Bill received for final consideration.

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

**Deputy Michael McGrath:** I thank the Minister for Finance, the Minister of State at the Department of Finance, Deputy Brian Hayes, and their officials for the work they have done on this Bill. This has been my first opportunity to deal with a Finance Bill as Opposition spokesperson.

We have been debating the budget since it was announced in the first week of December but it is now time to get on with it. We have our political differences but the country has a good chance of meeting its fiscal targets for 2012 without further adjustment. While I sincerely hope that will be the case, it is more important to measure how our people are doing and how our domestic economy is performing. Given the weak start made in retail sales and other measures, I am concerned about the performance of the domestic economy in 2012. Many of the measures contained in the Bill are designed to support the export industry, including the foreign earnings deduction and the SARP proposal, but this is a challenging time for our people. I hope the Bill will give hope to the Irish people, help to make inroads into the unacceptable unemployment situation and, ultimately, bring about economic recovery. We will continue to engage positively with individual aspects of that recovery and bring forward our own proposals on an ongoing basis.

**Deputy Pádraig Mac Lochlainn:** On behalf of my colleague, Deputy Doherty, who has been absented from the House in recent days, I thank the people who worked on this Bill as it progressed through the House.
The approach this Government has taken followed the same path as its predecessor. This Bill reflects its insistence on austerity without a real strategy for jobs and growth. How can we achieve growth when we are taking billions of euro from the real economy every year? The Minister is as wise as anybody in this House and I am sure he is hearing the same complaints as the rest of us from his constituents, small businesses and people with vision and energy who want to create jobs. At some point there will have to be space and air for our people to breathe.

The Government is at present negotiating with the ECB on the €3.1 billion due on the promissory notes at the end of the month. That is €668 for every man, woman and child in this State every year until 2023. How can we successfully implement any strategy in that framework? If the Minister were having a private pint with somebody I believe he would admit the answer is beyond him.

Our country is struggling. The people with vision and energy, our entrepreneurs and small business and those who desperately want to return to the labour market are being failed by the framework the Government is implementing. At some point there will have to be a radical redirection of policy.

Deputy Richard Boyd Barrett: I pay tribute to the officials who have had to wade through the tax codes while preparing the Bill. This is my first time to study the tax codes but from what I understand of them they cross-reference legislation all over the place. It is an impressive achievement for anyone to apprehend this level of detail.

As regards the substance of the Finance Bill, most of it is irrelevant to the situation the country currently faces. The framework in which this Bill has been prepared results from the decision to allow the EU, IMF and ECB to determine the economic and social future of our country. The interests of the bankers, bondholders and financial markets who wrecked the European economy are to be protected while the cost is imposed on working people, the unemployed and the vulnerable sectors of society. The last Government signed up to the agreement and this Government has decided to adhere to that utterly unfair and economically suicidal approach.

Much of the Bill merely shifts the deck chairs on the Titanic. The ship is sinking because of austerity and the people are drowning. I am amazed to hear people claim that austerity is working when people are leaving the country in their tens of thousands. The only reason the unemployment figures are not higher is that of the despicable valve of forced emigration. This catastrophe has been inflicted on the economy to protect bankers and bondholders. It is beyond me how anyone can suggest the situation is getting better when the least vulnerable are suffering so appallingly.

Much of this Bill is simply decoration because policy has been already determined by the decision to pay off bondholders and adhere to this disastrous austerity strategy. In so far as it has anything of substance, it reveals that the Government has the same flawed mindset as the EU, ECB and IMF in giving further opportunities to the corporate elites who caused the mess in the first place. Even if the money is not huge compared to the overall public finances, it is nauseating that the Government is giving tax breaks to corporate high fliers on already large salaries.

Where is the incentive for public sector workers or for low and middle income workers? Why are they not given incentives? Instead, they are hatcheted while, at the same time, we have to give incentives to the corporate high flyers. What about the plan to incentivise carbon trading, which is about turning our environment into the same sort of casino into which the financial system was turned and which had such disastrous consequences, or to give further
breaks in corporate tax by extending out the ridiculously low level of corporate tax to other companies that did not benefit from it and which are trading outside the EU?

It will not make much difference because the Government has signed away the country’s future for austerity and bank bailouts. In so far as there is any substance, it all points in the wrong direction. Most importantly, the Government resolutely refuses to tax the wealthy in our society, who, as The Sunday Times rich list shows, got richer by €6 billion last year and have vast billions. The Government refuses to tax those people. Instead, it keeps hitting low and middle income earners and small and medium enterprises and it keeps protecting the rich. As long as it continues in that vein, there is no way out of the economic mess this country faces. I will certainly oppose the Bill.

Question put.

The Dáil divided: Tá, 80; Nil, 33.

Tá

Breen, Pat.
Buttimer, Jerry.
Byrne, Catherine.
Byrne, Eric.
Carey, Joe.
Coffey, Paudie.
Conlan, Séan.
Connaughton, Paul J.
Conway, Ciara.
Corcoran Kennedy, Marcella.
Costello, Joe.
Coveney, Simon.
Creed, Michael.
Daly, Jim.
Deering, Pat.
Doherty, Regina.
Donohoe, Paschal.
Dowds, Robert.
Doyle, Andrew.
Durkan, Bernard J.
English, Damien.
Farrell, Alan.
Feighan, Frank.
Ferris, Anne.
Flanagan, Charles.
Griffin, Brendan.
Hannigan, Dominic.
Harrington, Noel.
Harris, Simon.
Hayes, Brian.
Hayes, Tom.
Heydon, Martin.
Humphreys, Heather.
Keating, Derek.
Keaveney, Colm.
Kelly, Alan.
Kenny, Seán.
Kyne, Seán.
Lalor, Anthony.
Lynch, Ciarán.

Nil

Adams, Gerry.
Boyd Barrett, Richard.
Broughan, Thomas P.

McCarthy, Michael.
McEntee, Shane.
McGinley, Dinny.
McHugh, Joe.
McLoughlin, Tony.
McNamara, Michael.
Maloney, Eamonn.
Mathews, Peter.
Mitchell, Olivia.
Mitchell O'Connor, Mary.
Mulherin, Michelle.
Murphy, Dara.
Murphy, Eoghan.
Nash, Gerald.
Neville, Dun.
Nolan, Derek.
Noonan, Michael.
O Ríordáin, Aodhán.
O'Donnell, Kieran.
O'Donovan, Patrick.
O'Dowd, Fergus.
O'Mahony, John.
O'Sullivan, Jan.
Perry, John.
Phelan, Ann.
Phelan, John Paul.
Quinn, Ruairí.
Rabbitte, Pat.
Ryan, Brendan.
Sherlock, Sean.
Shortall, Róisín.
Spring, Arthur.
Stagg, Emmet.
Stanton, David.
Timmings, Billy.
Tuffy, Joanna.
Twomey, Liam.
Wall, Jack.
Walsh, Brian.
White, Alex.

Browne, John.
Calleary, Dara.
Collins, Niall.
Deputy Michael McGrath: I move:

That Dáil Éireann:

notes that:

— the level of mortgage repayments, negative equity and mortgage arrears is imposing a significant burden on many thousands of Irish families;

— the latest mortgage arrears statistics from the Central Bank show that the level of arrears is increasing at an accelerating rate;

— the standard variable interest rate for residential mortgages charged by State-owned Permanent TSB is substantially out of line with that charged by other mortgage providers in receipt of State support and is placing unacceptable financial pressure on the bank’s variable rate customers;

— normal competitive forces which would allow customers with high mortgage costs to switch to an alternative provider are not currently present in the marketplace, effectively trapping customers with high standard variable rate mortgages;

— the Government put AIB under considerable public pressure to reduce its standard variable interest rate in line with the ECB rate reduction in November 2011 but is applying a “hands off” approach in relation to Permanent TSB;

— the lack of credit for small and medium enterprises, SMEs, is having a detrimental impact on economic activity, is impeding the country’s economic recovery and is costing jobs;
— the Governor of the Central Bank has recently commented that credit conditions are tougher in Ireland for SMEs than in any other country in Europe both in terms of costs and availability;

— certain financial institutions are attaching unreasonable terms and conditions to offers of new lending to many businesses and are often making unilateral changes to the lending arrangements in place with businesses; and

— the lending performance of the banks is currently being measured by the amount of new credit sanctioned rather than the amount actually drawn down and put into circulation in the economy; and

calls on the Government:

— as the controlling shareholder in Irish Life and Permanent, to use all means possible to bring about a reduction in the standard variable interest rate being charged by Permanent TSB on its residential customers in order to bring it into line with rates being charged by other mortgage lenders in the market;

— to measure the new lending performance of the banks by the amount of credit actually drawn down and circulated in the economy rather than by loan approvals or repackaging of existing loan facilities; and

— to set out its overall implementation strategy in respect of the inter-departmental mortgage arrears working group, known as the Keane Report, and to detail all other steps it plans to take to address the escalating mortgage arrears crisis.

I propose that the time we lost at the beginning of the debate will be added at the end of this evening’s proceedings.

**An Leas-Cheann Comhairle:** I am advised that it will be adjusted on the Order of Business tomorrow. It will be a three hour debate at all costs. That is the main thing. I am advised that we cannot go beyond 9 p.m. We must discuss it on the Order of Business tomorrow.

**Deputy Mattie McGrath:** We should go backwards.

**Deputy Michael McGrath:** I propose to share my time with Deputies Sean Fleming, Dara Calleary, John Browne and Éamon Ó Cuív, with five minutes for each of the first three Deputies and ten minutes for Deputy Ó Cuív.

The motion covers three main issues: first, the unjustifiably high standard variable interest rate being charged by State-owned Permanent TSB on residential mortgages; second, the ongoing lack of credit for small and medium enterprises and the manner in which the lending performance of the banks is being measured by the Government; and, third, the escalating problem of mortgage arrears. These are fundamental issues affecting ordinary mortgage holders and small and medium-sized businesses throughout the country. I intend to focus my comments on the Permanent TSB standard variable interest rate. My colleagues will cover other issues including the lack of credit for small and medium-sized businesses and the issue of mortgage arrears, although I will touch on these issues as well.

The purpose of raising the issue of the standard variable rate being charged by Permanent TSB on up to 80,000 residential mortgages is to seek to have a blatant anomaly in the mortgage market addressed, an anomaly that affects the daily lives of up to 80,000 of the bank’s customers who are currently on the standard variable rate.
[Deputy Michael McGrath.]

We should remember that Permanent TSB is a bank that the people rescued through the State guarantee and subsequently through the recapitalisation of the institution. Thus far, some €2.7 billion of taxpayers’ money has gone into the bank to keep it afloat. Given the failure to sell the Irish Life business, it appears inevitable that a further €1.3 billion must go into the bank, resulting in a total of €4 billion of taxpayers’ money injected into Permanent TSB.

The standard variable rate charged by Permanent TSB on residential mortgages today is 5.19%. The European Central Bank has reduced the base rate by 3% since June 2007 but Permanent TSB has reduced its standard variable rate by only 0.25% during the same period.

The bank’s margin over the ECB rate has gone from 1.44% in June 2007 to 4.19% today. PTSB’s rate of 5.19% is 2.15% more than what AIB, another State-owned bank — a pillar bank— currently charges its variable rate customers. In pure financial terms, this discrepancy imposes a massive additional burden on already hard pressed families. Take as an example a person with a mortgage of €250,000, not an exceptional amount in today’s terms, over a 25-year period. The interest rate differential between AIB and PTSB gives rise to an additional monthly payment of €300 when compared on a like-for-like basis and using the correct amortization method of calculating mortgage repayments. Over the lifetime of the mortgage, the PTSB customer will repay an additional €90,000 above and beyond what a comparable customer with AIB will pay. When we examine this in the round and in the context of the household charge, the VAT increase, the increases in various other Government taxes and charges, such as motor tax and so on, we see the difference this makes for people already struggling to get by. Every Deputies has received e-mails and telephone calls from customers of PTSB who are adversely affected by the level of the standard variable rate they are currently being charged. We could recount many stories here setting out in painful terms what it means for people to be trapped in a mortgage charging an interest rate of that nature.

I accept there will never be a situation where all banks charge the same interest rate, nor would that be desirable in a competitive market. That is not what we propose. In an attempt to ascertain the thinking behind PTSB’s pricing policy, I wrote to the former chief executive of the bank, David Guinane, in January this year. In his response, he highlighted the increased cost of running the bank in recent years and referred to the higher cost of funding and the provisions for lending arrears. He cited all of these as justifications for the extraordinarily high rate being charged on standard variable rate customers.

When we examine this in more detail, particularly in the context of the recent report by the Central Bank on variable mortgage rate pricing in Ireland, some important findings should be noted in this House. The report stated that it appears some lenders are charging higher variable rates to compensate for the losses they are making on their tracker loans. It also noted that one bank’s variable rates are significantly lower, while another bank’s variable rates are significantly higher than those of its peers, taking account of funding costs, arrears rates and other factors. This clearly nails the idea that PTSB can justify its standard variable rate based purely on the cost of funds argument. In any event, how is it that PTSB can afford to offer new customers getting a standard variable rate a rate of 3.7%, while existing customers are being charged 5.19%? This highlights clearly that the issue is not the cost of funds.

It also should be remembered that the long-term re-financing operation undertaken by the European Central Bank has given financial institutions the opportunity to borrow considerable sums of money for three years at a rate of 1%. While we do not have an exact breakdown of what each bank has taken up, we know Irish banks have availed of considerable amounts of cheap funding through that operation. This should reduce the cost of funding for the banks by a significant amount, thereby potentially eliminating some of the losses they are incurring under
track mortgages. Even if the banks are making losses on their tracker mortgages, that is no reason for standard variable rate customers to subsidise these rates through the predatory rates on standard variable loans. The same arguments can be made against AIB and the EBS. The standard variable rate customers are not subsidising tracker mortgages to the same extent in those banks as in PTSB.

It is difficult to get an exact figure of the number of PTSB customers on the standard variable rate, but based on a press release issued by the bank in February 2011, it is estimated that up to 80,000 standard variable rate customers are affected. Fixed rate customers are also potentially impacted, because when their fixed rate ends, they will go onto the prevailing variable rate at the time. I have seen a number of examples of cases where this has occurred. When people’s term on the fixed rate was expired, they were offered exorbitant fixed rates of 7% or 8% by the bank or the alternative standard variable rate of 5.19%. Not only does this issue affect existing standard variable rate customers, it also affects people on fixed rate mortgages with PTSB and they should take an interest in the issue because it will affect them.

It is important to highlight that what PTSB is doing by charging such a high level of interest on standard variable mortgages may well be self-defeating, as it is driving more and more people into arrears which will ultimately increase the bank’s need for recapitalisation, a process that is still ongoing at its parent institution Irish Life and Permanent. The Central Bank has affirmed that high standard variable rates are counter-productive. In its 2011 annual accounts, PTSB’s provisions for loan losses are now expected to be approximately €1.4 billion, compared to €420 million in 2010, with almost all of the expected increase attributable to the Irish residential mortgage loan book, due to a number of factors including, a significant increase in the number of PTSB mortgage loan accounts greater than 90 days in arrears at the end of December 2011, at 11.5% of total cases. This compares with an industry average of 9.2%. Therefore, we know for sure the level of arrears being experienced by PTSB customers is higher than the industry average arrears experienced by customers of other banks. I have no doubt the rate being charged by the bank to its standard variable rate customers is a contributory factor in accounting for why more of its customers are experiencing difficulty than those of other banks. In other words, what PTSB is doing is not just putting a huge financial burden on families, its approach may well be counterproductive for the company in that it serves to drive up the level of arrears for which it must account and provide in its annual statements.

The obvious question an outsider might ask is: Why do PTSB customers not move their business elsewhere? If only it was that simple. Unfortunately, the mortgage market in Ireland is dysfunctional and there is a lack of competition. In preparation for this motion, I wrote to all of the banks, Irish and foreign and asked them what their policy was in respect of people seeking to switch their mortgage from another bank to their bank. The responses were lukewarm to say the least. Very few of the institutions concerned said they were open to accepting mortgages switching from another bank. Banks simply do not want to hear of it and that is the evidence on the ground from customers. When they seek to transfer their mortgage from PTSB to another bank to avail of cheaper interest rates, they are not accommodated. This is the harsh reality.

This begs the question as to the response of Government and the Central Bank. Both are certainly aware of the issue. The Central Bank, while it did not name PTSB in a statement on 11 February, was in my view referring to it when it said it was engaging with specific lenders who appear to have standard variable rates set disproportionately high compared with the cost of funds through the Central Bank’s existing powers of suasion. While it does not seek additional legislative powers at this time, it is trying to use softer powers such as influencing the bank to bring about a reduction in the rate being charged. To date, that has not worked
and the customers of PTSB are paying the price through the level of mortgage repayments they must meet.

I have raised this issue with the Minister for Finance, Deputy Noonan, on countless occasions through parliamentary questions and on the floor of the Dáil. The Minister confirmed to me in a reply in the Dáil in January that he did not raise with the PTSB the issue of the standard variable rate being charged.

We got the stock answer, repeated in an utterly disappointing amendment from the Government which washes its hands of responsibility for this issue and says it has no role in the matter. I might have been able to accept that argument were it not for the fact that last November, when the ECB reduced its base rate by 0.25% the Government, very publicly, hauled AIB, Bank of Ireland and Ulster Bank before the Economic Management Council and insisted that the ECB rate reduction be passed on to the banks’ standard variable rate customers. At that time, the Minister of State, Deputy Hayes, said on the media that it was pathetic that the banks were not prepared to pass on the ECB rate reduction. The Government, effectively, pressured banks to pass on a rate reduction. Those banks were already charging considerably less than Permanent TSB for standard variable rate mortgages. The real issue, which we highlighted at the time, was the spread of mortgage rates being charged in the market by all of the banks concerned.

It is not good enough for the Government to say it has no role in this matter. It took on a role last November when AIB was, very publicly, forced to back down and pass on the standard variable rate, which it did, bringing its rate down to 3.04%. That is in marked contrast to the approach the Government is taking in respect of Permanent TSB which is charging more than 2% higher while the Government is taking a hand-off approach and is not being proactive or raising the issue with management, despite the fact that we know the rate being charged is contributing to a higher level of mortgage arrears in that bank.

I do not understand the reluctance of Government to say what it believes should happen, even if it does not have the legislative power to make it happen. What does the Government think about the fact that the bank is charging such a high level of interest? Why abandon the customers of Permanent TSB? Why is there one rule for the customers of AIB and another for the customers of Permanent TSB? Is it because AIB is part of the Government’s two pillar banks strategy and Permanent TSB is not?

I welcome the comments of a spokesperson for Permanent TSB reported on this evening’s news. The spokesperson said the bank is in intensive discussions with the Department of Finance about the future of the bank and that the outcome of those discussions may be a reduction in the interest rate being charged. I welcome that. I have no doubt the timing of the statement is the result of pressure brought to bear on the issue by this motion. I welcome that.

I also highlight the issue facing customers of EBS who have contacted Members to make the point that although they are now part of a merged institution with AIB they are being charged 4.33% while AIB customers are being charged 3.04%. The Minister, in a press release welcoming the merger, made the point that the two pillar bank strategy would standardise the arrangements in respect of the new AIB-EBS, yet we have an enormous differential.

My colleagues will cover other points and I will revert to them tomorrow evening. In the meantime I call on the Minister and his colleagues to intervene and bring pressure to bear, whether publicly or privately, on the senior management of Permanent TSB to ease the enormous burden imposed on its standard variable rate customers who are being crucified by the
mortality interest rate of 5.19% currently being charged by the bank. I hope the Minister will reply in a constructive way.

Deputy Sean Fleming: I welcome the opportunity to contribute to this debate. Everyone in the country is aware of the major problem of the level of mortgage repayments, negative equity and mortgage arrears that is imposing a significant burden on thousands of Irish families. It is, generally, people under the age of 50 who are experiencing severe difficulties because they, by and large, are the people who have big mortgages and are raising families. If one partner in a household has lost his or her job or if the family income has been reduced, the first priority of people who are in financial difficult is to make sure the mortgage is paid and that the family keeps a roof over its head. Even those who are keeping mortgage payments up to date are incurring enormous financial difficulty and hardship in order to achieve that. The cost of food, transport and household bills such as heating and gas, is becoming increasingly difficult for most families. Raising young children and sending them to school is a major cost. A family may also be faced with repayments on a credit card or car loan. People are in severe difficulty and the mortgage repayment is the one they do their level best to maintain.

The motion deals specifically with the State owned Permanent TSB bank, whose variable mortgage interest rate is substantially out of line with other banks. Approximately 80,000 Permanent TSB customers throughout the country are suffering as a result of this excessive interest rate, which is more than sub-prime lenders were charging in recent years. I am a Permanent TSB variable rate customer, so I will desist from speaking too much on this topic. I say this merely to highlight the fact that the bank’s customers are spread far and wide across the country.

I will deal with the lack of credit for small and medium sized enterprises, which is causing a major impediment to job retention and job creation. The Governor of the Central Bank, Professor Patrick Honohan, recently commented that credit conditions in Ireland are by far the worst in the European Union. It is important to stress that when we are asking for credit to be made available to small businesses we are talking about viable businesses. No one is suggesting that businesses that are not credit worthy and are not in a position to repay their loans should be given taxpayers’ money. Most of the banks are majority owned by the State. We are saying there are many viable businesses that have cash-flow difficulties at different times of the year, depending on the cycle of their business. They are viable in the short term and long term and they need to be supported.

The majority of people I know in my constituency work in small companies with fewer than ten employees. Almost half the private sector workforce work in small businesses. These are the people who are keeping the country going. They are not getting high wages. Their incomes have been cut. Yet, their businesses are being threatened by the severe credit policy of the banks. I was struck by Professor Honohan saying credit conditions in Ireland were tougher than anywhere else in the euro area, in terms of interest rates and the possibility of getting a loan. However, Professor Honohan has a responsibility in this area because he is responsible for the overall banking situation in the country. It is not enough for Europe to advance funding to Irish banks to make sure they are solvent. A functioning bank is one that assesses loans, gives out loans, takes in deposits and makes a profit in that way. Most of the Irish banks are availing of credit from the European Central Bank and taking the easy option of investing that money in government bonds at a safe interest rate, in Germany France or even Ireland, and not passing the credit on to small businesses. This is causing a major restriction on small businesses and on their owners’ ability to continue in business. If a small business person is about to get a new contract or to start a new job and
must pay people but will not be paid for the work for a couple of months, he or she should be facilitated with a loan or overdraft. However, the banks are very restrictive in this regard. Public representatives are meeting examples of this every day in our clinics and in our daily lives. I hope the motion will persuade the Government to ensure that small viable businesses that are in a position to repay loans receive funding to create economic activity in their own areas. That would be the best stimulus the economy could get in terms of job retention and job creation. That is the main call I make on the Government this evening. It must be ensured that the credit drawn down on a quarterly basis by the small business customers is not an artificial figure.

**Deputy Dara Calleary:** I thank Deputy Michael McGrath for tabling this motion which gives the House the opportunity to focus on the difficulties in Permanent TSB and the EBS mortgage market and the SME, small and medium business sector. I will continue the points made by Deputy Fleming.

The Government amendment to the motion with regard to the small and medium business sector is disappointing because it does not reflect what I know to be the views of Ministers and Government Deputies. The amendment states that the pillar banks have met their lending targets for 2011. They have met their targets by issuing financing such as loans to clear out overdrafts, by converting long-term working capital facilities into loans and by depriving SMEs of access to any kind of working capital facility to allow them to continue in business. The Credit Review Office maintains that the credit targets are being met but its calculations are based on credit approvals rather than on actual credit drawdowns. The banks may be sanctioning funding at ridiculous terms of interest rate or of personal guarantees with demands being placed on the borrower’s personal assets. A loan may be sanctioned but it would be very interesting to see the figures for the period for drawing down the loan. The hurdles which are being put in the way of drawing down sanctioned loans are getting bigger every day, once again depriving the SME sector of necessary working capital.

The Central Bank has reported that in the first nine months of 2011, a total of €1.6 billion in new loans were issued to small and medium businesses. This may seem a very impressive figure but when it is balanced against the fact that in the period, banks removed €2.4 billion in credit by closing down facilities. This is the credit gap which we have to deal with every day in our constituency offices. Lending to SMEs is dysfunctional. In every announcement about job creation and a jobs initiative budget, reference was made to the credit guarantee scheme and we are no further on with regard to the roll-out of that scheme. There has traditionally been a reluctance within the Department of Finance for such a scheme but perhaps it is time for a declaration that this cannot be done if it is not going to happen. It is time for the Department to explain why it is opposed to the scheme. This scheme has been on the books for two years and it has been blocked by the Department. We need this scheme to maintain jobs. I know the Minister of State, Deputy Brian Hayes, is committed to the scheme but there is a blockage within his Department and as a result, all the talk of jobs initiatives is a waste of time.

**Deputy John Browne:** I thank Deputy Michael McGrath for tabling this motion on behalf of this side of the House. This is a motion on which the House could agree. In my view, a strong agreed motion in this House would give a message to the banks and the lending institutions to show we are not happy with the current situation. Such a motion would also strengthen the Minister of State’s hand. I heard the Minister of State speaking recently on the radio and he seemed to be frustrated with the lack of action by the banks and the difficulties for the Govern-
ment in that area. Business people up and down the country are finding it practically impossible to access loans or proper credit facilities to enable them to protect their businesses and existing jobs and to create new jobs. The absence of credit is causing businesses to reduce their workforce or even to close down in some instances. In my 30 years as a Deputy I have never seen so many business people coming to my clinic. They are very concerned about their business and about the lack of finance available from the banks. In many cases, they have told me that overdrafts are being withdrawn and the banks are asking clients to convert the overdraft into a short-term or long-term loan. This is causing severe problems for business people who are trying to survive. A total of 750,000 people are employed in the small and medium business sector and many of them employ up to ten employees. Printing works and small businesses in my area were doing reasonably well in the past are now finding it very difficult to survive because of a lack of credit.

Every town in Ireland has businesses and shops which are closing down. The lack of Government policies means there is less money to spend. However, the two main reasons for these closures are at the door of the banks and the local authorities. The banks are not lending and the local authorities are certainly acting like highway bandits squeezing the life out of business by charging exorbitant rates for water, refuse and rates. These two reasons are causing severe difficulties for business people.

Last year, the McCarthy report stated that savings of half a billion euro could be made by cutting out waste in local authorities and yet this Government has not seen fit to bring about those savings. If the local authorities could make those savings this revenue could be passed on as savings in commercial rates. The combination of rate charges and the lack of funding available from the banks is putting severe pressure on business people up and down the country. These are the existing businesses while those wishing to develop new businesses are wasting their time going to the banks as no loans are available.

The decision-making for lending has been taken away from the local bank manager and the regional bank manager and decisions are now being made in Dublin by people sitting behind computers or an iPad who do not have a clue about the acumen or the credit-worthiness of a local business person. The local bank manager has the local knowledge about the local business people yet the decisions are being made in Dublin.

I concur with the view that the greatest rip-off merchant in the banking industry is the Permanent TSB. It is charging ordinary householders exorbitant interest rates in order to pay for the mistakes made in other areas of its loan allocations. This cannot be allowed to continue. The Government must intervene to bring about a reduction and I understand talks are under way. More than talk is needed at this time; we need action. For example, a customer with a loan of €300,000 from AIB over 30 years will pay €1,264 per month while a PTSB customer will pay €1,666 per month, a difference of €402 per month. This is not acceptable, it cannot be allowed to continue and it is putting severe pressure on those with loans from Permanent TSB. I ask the Minister of State to continue to fight the battle with the Permanent TSB to ensure that the interest rates are reduced in line with other banks in this country.

This is a very important motion for a reduction in interest on loans from PTSB to small and medium businesses. I hope the House will unite on this motion to send a loud and clear message to the banks that we are unhappy, that a change is required and that even more business people will go out of business if this change is not brought about quickly.

Deputy Éamon Ó Cuív: I am delighted to have an opportunity to speak on this motion. I compliment Deputy Michael McGrath on tabling the motion. I raised this issue some time ago
[Deputy Éamon Ó Cuiv.]  

during Leaders’ Questions and the Government has taken no action on this issue. It is fair to say that despite all the promises made this time last year, the Government has significantly failed to do anything practical for people finding it difficult to pay mortgages and loans. I have always been of the belief that what we need is simple action rather than more reports and complicated plans. For people on low incomes who have significantly lost earning power, we need to change the way the mortgage interest supplement works, which we proposed before we left Government. We need to make one very simple change to the rule that one cannot get mortgage interest supplement even if one fulfils the financial criteria for it because one works more than a fixed number of hours per week. It is a nonsense and it is an arbitrary rule which we suggested in a report I left for my successor in the Department be abolished. It was meant to be abolished in the spring of 2011 but it has not been yet.

The effect is quite simple. In many cases, a couple was working — one was in a relatively high paid job and the other was in a low paid job. The high paid job disappeared and the couple is now trying to live on say a clerical officer or executive officer salary. If one stacked up the figures, the couple would be entitled to mortgage interest supplement but for the fact one is in a job. This Government always said it would get rid of poverty traps. This is a simple one, so will it do that?

The second suggestion I have is a very relevant one. It is particularly important to protect the family home where children are involved. If one takes a family home from children, one is talking about moving schools and a huge upset, which will last a lifetime. A very simple way to help families which are working would be say that the cost of the mortgage interest was an allowable deduction when doing the calculations for the family income supplement. Currently, when one applies for family income supplement, one’s PRSI, tax and so on is taken off. What I suggest, and what we suggested last Christmas, is that one would take off mortgage interest supplement and when one got down to the core income, one would then compare that to the target income and pay 60% of the difference. In that way, it would particularly target support at families where there are children and irrespective of the make up of the family. This would eliminate another poverty trap because it would make it worth one’s while working and it would mean that the minute one started to work, one’s mortgage interest supplement would not disappear. It would require a very simple change to social welfare law and it would be of no cost to the Department of Finance, which I will explain in a minute.

How do we make sure we get good value for money? It would be very simple for the Government to say to the banks that it will amend the law — again, we proposed this before we left Government — so that mortgage interest supplement and mortgage interest relief would not be payable unless the banks brought their interest down to a certain maximum limit set by Government by negotiation. Any reasonable bank will know that half a loaf is better than no bread. It would know that if it did not come down to the interest rate pre-agreed and if there was no mortgage interest relief, no payments would be made. One could, therefore, force its hand and one would have the support of the public. We would not implement this until one had literally put it on warning that if it did not move down, one would take action.

The advantage of all of the moves about which I am talking is that first one is only paying mortgage interest supplement. We had proposed last year that we would only pay on the base rate and not on any inflated rate and that one would only pay one’s mortgage interest relief on a low rate. That would mean one would save money because one would be giving less relief or less payment. One could use that saving to improve the terms of the mortgage interest supplement and the mortgage interest relief. As well as that, one would ensure more people
paid the banks and since we own the banks, there would be much better compliance and in that way, the bad debts of the banks would be less than they are currently. It is, therefore, important that this Government does practical things.

If one brings somebody’s weekly payment on a €200,000 mortgage down from €200 per week in interest to €150 in interest by coming half way down to the AIB rate or €112 if one comes the whole way down, do not tell me that is not the difference in many households between viability and non-viability.

I wish to refer briefly to business. I have never seen such a rush to receivership by banks than I have seen in the past few weeks. Every second small business is being put into receivership. The banks, which were so fluirseach with the money a few years ago, are squeezing the life blood out of business. Viable business are starved of cash. I have seen cases of very viable business where small print clauses have been used, that is, the type of clauses where if one nitpicked about it when one was taking the loan, the bank manager said not to worry about it and that it would never be employed. Those kinds of clauses are now being invoked by the banks to try to increase their profits. As has been said by other colleagues, the banks are great at approving the loan but when one tries to draw it down, one gets a dris chasán or a total bramble path in one’s way.

The reality is that there is no money out there to do business. As long as there is no money out there, the Exchequer will lose money because there is no business, more people are on the dole and PAYE, PRSI and self-employed tax are not being paid. We are in a vortex currently and the Government seems totally paralysed in terms of doing anything practical about this. It boasted about the pillar banks. These are pillars of salt and they will collapse.

**Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes):** I move amendment No. 1:

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

“recognises that the Government inherited a severe banking, fiscal and economic environment this time last year caused by the economic and financial policies of previous Governments;

— acknowledges that, during its first year in office, the Government has taken a number of significant steps to stabilise the banking and wider fiscal and economic situation;

— recognises that the Government is aware of the increasing financial stress that some households are facing arising from difficulty in meeting their mortgage commitments;

— acknowledges that, in response to this situation, the Economic Management Council established the Inter-Departmental Mortgage Arrears Working Group and that the group subsequently produced its report in September 2011;

notes that:

— the working group’s report indicated that the mortgage arrears problem is complex and that a range of measures such as personal insolvency reform, mortgage to rent, the provision of independent mortgage advice, direct engagement by banks and the development of sustainable options by banks for their customers who are experiencing mortgage difficulty will need to be advanced to address the problem; and
[Deputy Brian Hayes.]

— the Government has put in place a cross-Government high level group of officials to implement these recommendations;

— notes and welcomes the fact that this implementation process on mortgage arrears will now be overseen and driven by a Cabinet committee, chaired by the Taoiseach;

— encourages the Government to press ahead with this mortgage arrears implementation process to best support the mortgage holders, who cannot pay the mortgage on their home, in the most appropriate way having regard to the best interests of the taxpayer and society at large;

notes that:

— neither the Central Bank nor the Department of Finance has a statutory function in relation to interest rate decisions made by individual lending institutions at any particular time; and

— Permanent TSB did pass on, in full, the European Central Bank rate reductions in late 2011 to customers holding standard variable rate (SVR) mortgages and reduced further their loan-to-value standard variable rates to align them with the SVR;

— acknowledges that the pricing of financial products, including standard variable mortgage interest rates, is a commercial decision for the management team and Board of each bank, having due regard to their customers and the impact on profitability, particularly where the cost of funding to each bank, including deposit pricing, is under pressure;

— notes that the Central Bank has not requested the power to have regulatory control over the setting of retail interest rates and rather proposes that, within its existing powers and through the use of suasion, it will engage with specific lenders which appear to have standard variable rates set disproportionate to their cost of funds;

— recognises that the Government has taken significant actions to ensure that credit is available to viable small and medium enterprises, SMEs, including the imposition of lending targets on the pillar banks which are more onerous than those imposed by the previous Government;

notes that:

— the pillar banks have met their lending targets for 2011;

— the Credit Review Office is available to ensure that viable businesses who are refused credit or offered it under overly onerous terms have a means of challenging the banks’ decisions;

— the Government increased the threshold for reviews to the Credit Review Office to €500,000 to permit more decisions to be reviewed;

— the public interest would not be served by granting credit to non-viable businesses;

and
— the Government has committed to the introduction of a temporary partial credit guarantee scheme and to the introduction of a micro finance fund; and

— calls on the Government to continue to ensure that policies implemented in relation to the SME sector provide that viable businesses can continue to access credit as appropriate.”

Fianna Fáil tabled a motion to admonish the Government on commitments in a programme of assistance to which it signed this county up in the first instance. One of the core elements of the programme of assistance was that the State owned banks must be run on a commercial arms length basis. This has been explicit from the troika’s very first involvement in the Irish programme. It has consistently stated that the pricing of loans and deposits had to be commercial decisions for the banks. The Opposition knows this and pretending otherwise is an act of gamesmanship to the public and to those hard-pressed mortgage holders.

Despite the programme necessity to separate the banks from the State, the Government is fully aware of the increasing stress that householders face arising from difficulties in meeting their mortgage commitments and obligations. The problem of mortgage arrears is an issue of the utmost importance for the Government and is being treated as such. We are continuing to introduce additional measures to support those who cannot pay their mortgages.

This Government has shown a robust and firm response to the banks since coming into office. We have used persuasion, hard talking and strong engagement with the banks on a daily basis through the new banking unit and the economic management council. That engagement will continue.

One of the important steps taken to protect mortgage holders experiencing difficulty in meeting their mortgage commitments is the code of conduct on mortgage arrears. This is now an important framework that governs the relationship between a borrower and a mortgage lender who is experiencing difficulty and provides a number of protections to the borrower. Forbearance is a very worthwhile and an appropriate response to most people experiencing mortgage difficulty. The approach set out in the code of conduct on mortgage arrears can provide a household experiencing temporary mortgage difficulty with necessary and important breathing space to enable that household get back on its feet and resume meetings its full mortgage commitments at a future time.

However, the Government also recognises that in certain circumstances, other approaches may be required. In view of this, the Government’s economic management council decided last summer to establish an interdepartmental group chaired by Mr. Declan Keane to consider what additional measures could be introduced to assist people dealing with more significant mortgage difficulties. Two main objectives were set out for the group. The first was a desire, where appropriate and possible, to assist people experiencing real difficulties with their mortgage commitments to remain in their homes. The second was to ensure incentives would not be created that would encourage people who can pay their mortgage to stop doing so.

Members, and Deputy McGrath in particular, will be familiar with the recommendations outlined in the report. The Government accepted the Keane report recommendations and has put in place an implementation framework to advance this work agenda. The Government attaches a very high importance to this work, as is evident from the fact that a high level steering group was established to oversee and drive the overall implementation of the report’s recommendations. This group is chaired by a very senior official in the Department of Finance and includes senior representation from other relevant Departments and from the Central
Banking Sector 13 March 2012. Regulation: Motion

[Deputy Brian Hayes.]

Bank. To reaffirm the high political priority assigned to this work, the Government has also established a temporary Cabinet committee to oversee the implementation, on a cross-departmental basis, of the Government’s overall response to this problem and to ensure that a high priority is assigned to the delivery of the implementation measures across relevant Departments and agencies. The committee will be chaired by the Taoiseach and will include all relevant Ministers and the Minister of State with responsibility for housing and planning.

Although I appreciate and understand the concerns Deputies will have regarding the speed of implementation of the various measures, it is necessary to acknowledge this is a complex problem for which there is no immediate or one size fits all solution. A number of different Departments and statutory bodies have roles in addressing particular aspects of the mortgage arrears problem. The individual banks also have a major contribution to make to the resolution of the problem which arises from the lending they initiated in the first instance. Nevertheless, it should also be recognised that significant progress has already been achieved in key areas of the mortgage arrears implementation strategy. The individual banks also have a major contribution to make to the resolution of the problem which arises from the lending they initiated in the first instance. Nevertheless, it should also be recognised that significant progress has already been achieved in key areas of the mortgage arrears implementation strategy. The Minister for Justice and Equality, Deputy Shatter, has published the draft heads of a personal insolvency Bill. This draft Bill was submitted to the Oireachtas Joint Committee for Justice, Defence and Equality, whose findings were published on 6 March 2012. Its views, and those of other interested parties, will be taken into consideration in the further drafting and finalisation of the Bill which is due before the end of April, in line with a troika commitment.

The Central Bank has now received mortgage arrears resolution strategies and implementation plans from all licensed mortgage lenders and has engaged with the banks on these initial plans. In his speech of 2 March, the Deputy Governor of the Central Bank, Mr. Matthew Elderfield, set out the current status of this work. Although much work has been done in this area, the Central Bank has indicated that further action is still required. From the Government’s perspective, more measured and progressive action is required to deal with households that are in an unsustainable situation. Work has advanced on the mortgage-to-rent scheme, with one such transaction agreed. In addition, a number of potential cases are now being developed in a pilot scheme that involves AIB and the Cluid housing association. The Department of Social Protection is examining issues relating to the establishment of the mortgage advisory function but must do so in the context of the role envisaged for personal insolvency trustees, as outlined in the heads of a personal insolvency Bill, to ensure that there is no duplication of services. We should not forget that the recent implementation of the programme for Government commitment to increase the rate of mortgage interest relief to 30% for first-time buyers who took out their first mortgage in the period 2004 to 2008 will also be of more general assistance to people who are most likely to have the greatest affordability challenge on their mortgage.

I turn to the issue of mortgage interest rates. Neither the Central Bank nor the Department of Finance has a statutory function in regard to interest rate decisions made by individual lending institutions at any particular time. Interest rates are determined by a broad range of factors including ECB base rates, deposit rates, market funding costs, the competitive environment and an institution's overall funding. Ultimately, the pricing of financial products, including standard variable mortgage interest rates, is a commercial decision for the management team and board of each bank, having due regard to its customers and the impact on profitability, particularly where the cost of funding to each bank, including deposit pricing, is under pressure.
The cost of wholesale funding for Irish banks, when available, remains elevated, as does the
cost of deposits. The competition between domestic and foreign banks for deposits has resulted
in deposit pricing increasing significantly in order for those institutions to retain or grow market
share. Although this competition is of benefit to consumers, it is resulting in increased cost of
funding for the banks and further pressure on margins. The Deputy Governor of the Central
Bank has stated to the Government that, within its existing powers and through the use of
suasion, the Central Bank will engage with specific lenders which appear to have standard
variable rates set disproportionate to their cost of funds.

Deputies will be aware that Permanent TSB passed on both the interest rate cut of 25 basis
points announced on 3 November and the 25 basis points cut announced on 8 December 2011
by the ECB to all mortgage customers. In addition, on 8 December 2011, the bank also reduced
the rates applying to a number of variable rate mortgages held by both residential and investor
customers by as much as 71 basis points, including the impact of the ECB’s reduction of 25 basis
points. The PTSB standard rate now applying to variable rate mortgages for owner occupiers is
5.19%. The majority of outstanding balances on Permanent TSB mortgages, some 65% of the
total, are tracker mortgages which, of course, are to the advantage of the borrower. The vast
majority of these tracker mortgages were issued during the boom years and, therefore, are at
competitive rates. Almost all the other mortgages are on variable rates and I understand the
average balance on each individual mortgages is under €90,000.

The Government is very conscious of the difficulties facing variable mortgage customers. I
understand Permanent TSB is in the process of reviewing its long-term strategy with a view to
agreeing a way forward with the authorities by the end of April 2012, as agreed with our
external partners in the latest memorandum of understanding, dated 10 February 2012. The
Government is fully engaged with this problem. This work is ongoing. As we have shown in
the past, we will use every means possible to ensure fairness for all mortgage customers. That
includes Permanent TSB mortgage customers. All of us recognise this problem is complex and
will not be solved by a single solution, or in a very short period of time. It will take a range of
responses from a number of different bodies and will also take time to implement fully and
take effect. However, the Government is committed to making the sustained effort that will be
necessary to address the mortgage arrears problem, including, I reiterate, the problems that
exist for customers of this bank.

I refer to the issue of credit for SMEs. The Government recognises the SME sector is a
linchpin in the recovery of the economy and it has directed a number of policy initiatives to
ensure an adequate supply of credit to the sector. The banking system restructuring plan creates
capacity for the two pillar banks, Bank of Ireland and AIB, to provide lending in excess of €30
billion in the coming three years. SME and new mortgage lending for these banks is expected
to be in the range of €16 billion to €20 billion over this period. This lending capacity is incorpor-
at into the banks’ deleveraging plans which allow for repayment of Central Bank funding
through asset run-off and disposals over the period to 2013.

With regard to the availability of credit for small and medium enterprises, the Government
has imposed lending targets on the two domestic pillar banks for the three calendar years, 2011
to 2013, inclusive. Both banks were required to sanction lending of at least €3 billion in 2011,
€3.5 billion this year and €4 billion in 2013 for new or increased credit facilities to SMEs. These
followed on the initiatives taken by the previous Minister for Finance, who first set lending
targets for the recapitalised banks. Both banks achieved their 2011 targets.

Targets are for approval of credit, targets have not been imposed for drawdown and I have
no plans to introduce such targets at this time. The drawdown of funding is at the discretion
of the borrower and many factors affect whether funding is drawn down, such as changes in market conditions or company restructuring. The Mazars survey of SME lending, conducted on behalf of the Department of Finance, found that the most frequently cited reason for not availing of approved credit was that it was not needed at the time.

In terms of the banks imposing strict conditions on loans, if a borrower believes a bank has attached terms and conditions to a loan such that it cannot be accepted, borrowers have the right to appeal through the bank’s internal loan appeals process, which is the first step that should be taken. If the appeal to the bank is unsuccessful, the Credit Review Office will review the decision and make an independent recommendation on the refusal. It is worth noting that, of the appeals made to the office, in approximately half of cases the CRO has recommended that the credit should be granted. I encourage SMEs that feel they have been unfairly treated to use the services of the CRO.

Regarding the comments of the Governor of the Central Bank on tough credit conditions in Ireland for SMEs, the European survey of Irish SMEs is based on a relatively small survey population — in the low hundreds depending on the question — and, in the case of the data on the successful application rates for bank loans, the sample size for SMEs surveyed appears to be 74. The overall EU survey confirms that the sample is representative for the four largest euro area states. Therefore firm conclusions should only be drawn in respect of the larger countries.

Deputy Anthony Lawlor: I welcome the Private Members’ motion tabled by Deputy Michael McGrath, which gives us an opportunity fully and frankly to debate mortgages and small businesses. Last week, when the Government was one year in office, there was a clamour from Fianna Fáil for this Government to take responsibility for its decisions. I will take responsibility for the decisions needed to get this economy going and I will stand over them in front of the people. However, I must remind people of what happened and how they were let down by Fianna Fáil. The Fianna Fáil Government allowed 100% mortgages, allowed no regulation of the banks and took a hands-off approach to the banking sector. As a result, we are dealing with problems with mortgages. I heard Deputy Ó Cuív make reference to the proposals he made before leaving office. He was in office for 14 years and it seems that all he did was make proposals and did nothing to deal with the issues before us.

Over the past number of weeks I spoke to local bank managers. I asked specific questions on whether they were generating money for new mortgages and whether they were lending to small businesses. I asked them questions in such a way that they could not only refer to changing loan arrangements with small businesses but had to reveal whether they were giving new business to small enterprises. Banks have now removed salespeople as key elements of the infrastructure. The salespeople gave out money freely but now we have lenders instead. Lenders were in place ten years ago and they used to analyse loan applications. When small businesses seek loans, they must have up-to-date accounts and viable business plans. That makes sense for any business. New businesses also have to put in capital, which was not happening during the boom. Money was given to anyone who looked for it.

Deputy Patrick O’Donovan: Like St. Paul going to Damascus, it is interesting to see Fianna Fáil going down the road of being in favour of regulation of banks, given that it landed the country and its mortgage holders where they are, with distressed mortgages, unemployed or on an emigration ship. I welcome the opportunity to speak on Private Members’ business. The three most important things the Government must focus on are jobs, mortgages and the banks.
One year in office, many positive things have been done but the thanks the Irish public is getting for keeping the doors of the banks open leaves a lot to be desired. Our banks are still acting within a bubble and I am glad the Cabinet has set up a sub-committee to deal specifically with this. There is a temptation for some banks to forget that, were it not for taxpayers, they would be closed.

I can cite three examples, the first of which is a businessman in south Limerick waiting for the sheriff to arrive in respect of an order of repossession on behalf of a bank based in Limerick city. The second concerns a young civil servant working for the Revenue Commissioners, with a gross income of €38,000, whose wife is a teacher earning €43,000. Both are permanent employees yet, until recently, they could not get a mortgage. The final example is in east Limerick and relates to the rates being charged, which vary between 5.19% at Permanent TSB and 3% at AIB. Both banks are being kept open courtesy of the taxpayer. We cannot interfere with the day-to-day operation of the banks because there must be a free market but the penny must drop in this country that, were it not for the damage foisted on people by the previous Government, we would not have this problem. Now that we are trying to fix it, the banks must take responsibility and engage with people. I welcome some of the initiatives of the Minister, including the backstop through local authorities to prevent repossessions. We do not want to see families on the side of the road. While progress has been made on the recommendations of the Keane report, much more must be done. Ministers acknowledge there is no quick fix solution to this problem. As an Administration, we have inherited the worst basketcase economy in western Europe. Rather than taking cheap shots at the Government, there is an opportunity to acknowledge that, were it not for ludicrous previous policies, we would not be in this situation. The Opposition should come in with constructive approaches on how the Government can get out of this on behalf of the people who elect us.

No one takes solace from the fact that we have in excess of 400,000 people unemployed and our banking sector is not lending to the extent it should be. Anecdotally, we hear in our constituency offices that small businesses think more must be done. The Minister for Jobs, Enterprise and Innovation and the Taoiseach were in Limerick last week and both listened attentively to the concerns raised by business people. Progress is being made but it is slow. The banks in this country are being kept open courtesy of the taxpayers and they should remember that.

An Leas-Cheann Comhairle: We lost 17 minutes at the beginning of the debate so we will adjust the time tomorrow. Deputy Stanley has three minutes before we finish the debate.

Deputy Colm Keaveney: I will try to be as brief as possible. On this issue, we should forgo the usual political point scoring and posturing, which is a feature of debates on Private Members’ motions. This issue affects far too many people in our society for us to engage in the type of bating we have witnessed in the past. Be they families burdened with large mortgage repayments or businesses struggling to access credit, they and the economy need a resolution to this issue.

There is much to commend in the motion from Fianna Fáil. The history of how we got to this point has little relevance for the families seeking a solution to this issue. Individuals and businesses trying to stay in business are struggling to keep their heads above water. The only thing that matters to the people affected is what the future holds and not what the past has delivered to us.

Every week worried parents struggling to keep their homes contact me. As the previous speaker stated, the banks, Permanent TSB in particular, which owe their very survival to the
actions of the Irish State and the Irish people, played a large role in bringing our people to the sorry state in which we now find ourselves. Necessity meant that the banking system had to be saved but the time for pay-back is soon approaching. Justice, and now necessity, demand that. Unfortunately, attempts to address these matters are not straightforward as in many cases they are interlocking arrangements and, in some ways, are contradictory in their aims. As the Minister, Deputy Noonan, indicated at the start of this week, negotiations are under way on the issue of the Anglo Irish Bank promissory notes. Along side that the Government is negotiating to move tracker mortgages from other banks to the Irish Bank Resolution Corporation, thereby taking some pressure off the margins of those banks that are playing havoc in the context of the mortgage situation.

As well as helping the banks with the sustainability of their debts, that would also give us an opportunity to put values back into the bank, which then could be realised at a later date through the sale of the State’s stakes in those banks. That could raise considerable moneys for the State and for the people of this country. That is the issue because we need banks to be profitable to ensure they no longer require aid from the State. We need them to be profitable to ensure the State can benefit from dividends and, perhaps later, from the sale of some or all of the stakes in the banks but that goal must be balanced by the need to ensure that ordinary families and individuals do not find themselves under undue and unjust financial pressure.

The gap of more than 2% between the variable mortgage rate and AIB and Permanent TSB is punitive, particularly given that normal market forces cannot operate because of, as the motion notes, the inability of people to move mortgages from one institution to another. As normal market forces are not currently present to act as a correction on the activities of Permanent TSB, there is a strong case for intervention by the State, either through regulation or political pressure.

Other aspects of the mortgage crisis, particularly when it comes to arrears, will be alleviated by the Personal Insolvency Bill. These have been partly addressed already by other initiatives from Government such as the mortgage to rent scheme announced by the Minister for housing, Deputy Jan O’Sullivan.

The second part of the motion dealing with the lending to business is a matter of importance also. Businesses need access to lending and the economy needs business to have access to credit to create job opportunities and ensure they can provide strategies for jobs growth into the future.

In recent weeks a constituent of mine came to see me. She is a retailer whose business is holding its own but is currently going through the normal seasonal dip. She requires short-term funding to get over the next two months but it is being denied by her bank. The bank had been given access to large amounts of funding at low rates from the European Central Bank and I understand from certain sources that much of that money is finding its way into commodities such as oil and coffee, which is driving up the costs for working people in society. That funding must be directed towards the real economy and not merely to the next nearest speculative bubble.

The banks contributed in no small part to the current calamity we are now facing. They now have a moral responsibility to aid the recovery of our society from the misery they helped bring about. They can do that voluntarily or through compulsion. The choice is theirs but they must choose quickly because the patience of the Irish people is rapidly running out with regard to this crisis.
**Deputy Marcella Corcoran Kennedy:** We know we are in a recession the like of which this State has never experienced previously due to poor governance in the past. The factors involved were lack of regulation and poor and lax policy, which saw the housing boom and bust wreck our economy, and we have yet to see what will be the far-reaching social consequences of that impact on our society.

In the three minutes available to me I will focus on the mortgages, which is an area that is at the forefront in my clinics and when I meet people generally. We all know very many of our people are in mortgage arrears and negative equity. Approximately 780,000 people have owner occupier mortgage accounts. The three types of mortgage difficulties identified by the Money Advice and Budgeting Service, MABS, are mortgages in short-term difficulty, the ones that are viable and in medium term difficulty, and the unviable mortgages. Those are a significant challenge but I am glad they have been prioritised by the Government from the first day we came into office.

I welcome the establishment of the Inter-Departmental Mortgage Arrears Working Group and look forward to the implementation of that group’s recommendations by the implementation teams. I was interested to read about some of the recommendations including the mortgage to rent scheme, the provision of the independent mortgages advice, and the development of sustainable options by the banks to prevent their customers slipping into delinquent mortgage situations.

I welcome the putting in place of the code of conduct on mortgage lending, which brings us back to basics in terms of giving loans to people who can afford them. It is a simple, basic rule that we were all taught by our parents but, unfortunately, it was lost when bank lending, driven by commission, brought us to where we are now. The consumers in this case are badly served. The type of responsible lending we depended on the banks to provide did not happen and I look forward to us returning to that. We must be able to ensure the people who borrow are able to repay their loans.

**An Leas-Cheann Comhairle:** I am afraid the Deputy must conclude.

**Deputy Marcella Corcoran Kennedy:** I am sorry about that because I had a good deal more to say on the issue.

**Deputy Brian Stanley:** I thank Fianna Fáil for introducing this motion but it must be said that it will be viewed by many householders with a healthy degree of cynicism, given that Fianna Fáil was in power for more than 13 years and is now attempting to protect home owners when it was wild west policies that got us into this position. I recognise that it is a fine mess we must try to solve but we must give credit in terms of the motion. It is well worded. It is a good motion and it puts it up to the Government to challenge the banking sector and not continue as if we are puppets of the banks.

The Government was elected on a platform which promised relief for those families struggling with their mortgages. That was a big issue for all of us during the election campaign and is an even bigger issue since the election. Since becoming a Deputy I have got an insight into the seriousness of the problem. As a councillor, people came to me with this problem but since I became a Deputy I have been swamped with people coming to me, and I am sure other Deputies on all sides of the House can identify with that.

Twelve months have passed since the election and this is one of the issues about which I am totally frustrated because very little has changed. We have had the Keane report and so on but nothing has changed for ordinary families struggling with mortgages. The taxpayers have
[Deputy Brian Stanley.]

recapitalised the banks, yet we continue to be strangled by the promissory notes, payment of which will come down the tracks in two weeks’ time. That is causing a great deal of hardship yet we continue to bail out Anglo Irish Bank, under its new name, a bank that is no longer functioning. Meanwhile, the ordinary home owners continue to struggle with payments and under all of the other burdens they are carrying. There appears to be no bailout for those ordinary law abiding, hard-working families but the bankers and the bond holders are getting the bailouts.

I want to highlight the plight of those households in distress with local authority loans. I have raised this issue many times but I ask the Minister of State to take it on board. The statistics are available for all to see. The statistics for those in distress with local authority loans are staggering. Four out of ten of those loans are in serious distress of 90 days or more. That is a total of 9,000 families facing an uncertain future. That compares with one in 12 within the private sector loans. In Dublin city alone, the largest council in the country, one in three are more than 90 days in arrears. That is appalling. That was confirmed this week in response to a question at a local council meeting.

Debate adjourned.

The Dáil adjourned at 9 p.m. until 10.30 a.m. on Wednesday, 14 March 2012.
The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].

Questions Nos. 1 to 7, inclusive, answered orally.

Questions Nos. 8 to 59, inclusive, resubmitted.

Questions Nos. 60 to 71, inclusive, answered orally.

Prison Committals

72. **Deputy Mary Lou McDonald** asked the Minister for Justice and Equality the steps he has taken to address the number of juveniles and young adults who spend prolonged periods of time on protection in St. Patrick’s Institution, Dublin; and if he will make a statement on the matter. [13858/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have been informed by the Irish Prison Service that 91 inmates were held on protection for their own safety out of a total population figure of 222 in St. Patrick’s Institution on 5th March, 2012. Included in the overall number of 222 were 41 boys in the 16 and 17 years of age category who are accommodated in a different accommodation block from those over the age of 18. Of this category, 9 offenders were on protection.

Protection prisoners are those who are considered to be under threat or at risk in the general population. This may arise as a result of a request from the prisoner or after consideration by Prison management. The number of prisoners on protection is regarded by the Irish Prison Service as an indicator of the steps taken in individual prisons to ensure in so far as possible the safety of the offenders. The fact that prisoners seeking protection are immediately separated from the general prison population or from specific prisoners identified as presenting a threat demonstrates prison management’s commitment to ensuring their safety and security.

It is at the committal stage that the majority of prisoners seek protection. External influences imported to the prison on committal can include gang rivalry, drug debts and perceived cooperation with the Gardaí etc. On committal, all prisoners are interviewed by the Governor and, based on the information available, a decision is made as to where a particular prisoner should be accommodated. In some instances, prisoners are transferred to other establishments.
However, the Deputy will appreciate that this provision is only applicable to prisoners over 18 years of age as other prisons cannot legally hold inmates aged 16 and 17 year olds.

All persons detained on protection in St Patrick’s Institution get at minimum 1 hour of exercise per day and leave their cells for various other activities throughout the day. Prisoners on protection avail of recreation with others also on protection to allow them as much out of cell time as possible. All protection prisoner’s cases are reviewed at regular intervals to assess if the prisoner still requires protection status and to ensure their safe and secure detention.

Garda Training

73. **Deputy Brendan Smith** asked the Minister for Justice and Equality the activities, if any, currently ongoing in the Garda College in Templemore, County Tipperary; and if he will make a statement on the matter. [13916/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Garda College is the main training centre for An Garda Síochána. Initial training for all new recruits takes place there. In addition, the Chief Superintendent in charge of the College and the members of the team there, develop, coordinate and direct all training interventions up to the most senior ranks. While there is currently no recruitment for full time members in An Garda Síochána, the Garda College in Templemore still provides in house training for all members. I would like to reassure the House and all those connected with the Garda College that it will continue to provide a centre of excellence for training for the Garda Síochána.

As an example of the range of activities undertaken in the College, the following programmes are currently scheduled for the period March to May 2012:

- Performance and Accountability Leadership Framework Training,
- BSc in Police Leadership,
- Sergeant Development Programmes,
- Inspectors Development Programmes,
- Forensic Collision Investigation Course,
- Training for Introduction of New Rosters,
- Promotion Examinations Sergeants and Inspectors,
- Garda Reserve Training,
- UN Pre-deployment Training,
- Inland Fisheries Training,
- Competency Based Driving Course,
- Motorcycle Training Course,
- UN Driving Assessments,
- Firearms Training.
EU Conventions

74. Deputy Caoimhghín Ó Caoláin asked the Minister for Justice and Equality the date on which Cosc will receive observations from the relevant Government Departments and State agencies on the potential policy and legislative implications of the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence; and if he will make a statement on the matter. [13847/12]

Minister for Justice and Equality (Deputy Alan Shatter): As I have previously stated in my responses to Questions Nos. 485 and 521 of Tuesday, 14th February, 2012, and 543 of Tuesday 28th of February, 2012, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence is a detailed Convention with a very broad scope across a number of policy areas.

Cosc, the National Office for the Prevention of Domestic, Sexual and Gender-based Violence, an executive office within my Department, actively contributed to all stages of the drafting process in relation to the Convention. That process took place over a period of almost two years. I am informed that 18 Council of Europe member states have signed the Convention but it has not yet entered into force.

In view of the complexity and scope of the Convention, and before embarking on the process of formal circulation of a Memo for Government for approval to sign the Convention, Cosc circulated all relevant Departments and State Bodies seeking observations on the final text of the Convention and Explanatory Memorandum. The deadline for receipt of observations from the Department and Divisions was Friday 9 March 2012. However, observations are still outstanding from some offices. In addition to contacting all remaining offices, Cosc is currently examining the responses received to date and has begun consideration of issues which need to be addressed prior to the signature of the Convention. The matter will then be submitted for decision as to the Government position on the issue of signature.

Sexual Offences

75. Deputy Denis Naughten asked the Minister for Justice and Equality, further to Parliamentary Question No. 587 of 12 January 2011, the progress made to date on the provision of information to parents; and if he will make a statement on the matter. [13477/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Deputy’s question concerns the disclosure, to parents, of information relating to persons on the sex offenders’ register.

In exceptional circumstances, the provision of appropriate information to the public is already possible. This includes the disclosure of such information to parents. Currently, this is done on an administrative basis but, subject to Government approval, I intend to put these arrangements on a statutory footing.

Our primary objective has to be to minimise the risk posed to the public. The High Level Group which produced and published a discussion document on sex offenders was of the view that, if the Garda has reason to believe a particular high risk sex offender poses a real and immediate danger, they should be free to tell individuals who need to know. Disclosure in such circumstances is perfectly reasonable.

However, giving the general public unrestricted access to names and addresses on the sex offenders’ register would be likely to be counter-productive. That kind of access would drive offenders underground and make it more difficult to monitor and supervise them. This was the universal view of those who responded to the discussion document and participated in the public forum on the management of sex offenders.
General access to the register would also raise issues concerning the rights of persons who have completed their sentences and pose no future threat to society.

My Department has been conducting a wide-ranging examination of the law on sexual offences. Arising from the review, I expect to seek Government approval for legislative proposals, including amendments to the Sex Offenders Act 2001 to provide a statutory basis for necessary disclosure, in the coming months.

**Prison Visiting Committees**

76. **Deputy Brian Stanley** asked the Minister for Justice and Equality the criteria he used to appoint members to prison visiting committees; and if he will make a statement on the matter. [13846/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** As previously stated, I have made 30 appointments to Prison Visiting Committees since 9 March, 2011 and I am still in the process of making further appointments. The current membership of the Visiting Committees now comprises a combination of old and new appointments. In determining appointments, consideration is given to a person’s suitability, appropriate qualifications and a genuine interest in prison issues.

I am on record as stating my intention to strengthen the independent oversight of our prisons. Under new legislation to be prepared, I intend to make Visiting Committees more effective while they continue their role of visiting prisons, meeting with prisoners, and liaising on their behalf with prison authorities. A link will be established between the Visiting Committees and the Inspector of Prisons. As part of these plans, it is intended to expand the Inspector of Prison’s role which I believe will greatly enhance his independent oversight of the prison system.

Under these proposed new arrangements, Visiting Committees will report regularly to the Inspector of Prisons on issues they may wish to bring to his attention. Any urgent or major issue may be reported to the Inspector at any time.

**Proposed Legislation**

77. **Deputy Gerry Adams** asked the Minister for Justice and Equality if he intends to amend the Family Law (Divorce) Act 1996 to introduce unilateral no-fault divorce; and if he will make a statement on the matter. [13851/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** As the law stands, fault is not ascribed to either spouse in divorce proceedings.

The law on divorce is set out in the Family Law (Divorce) Act 1996. Section 5 of the Act prescribes the conditions under which a court may grant a divorce. Those conditions are that the court must be satisfied that, at the date of the institution of the proceedings, the spouses have lived separately for an aggregate of four years out of the previous five, there must be no reasonable prospect of reconciliation, and proper provision must be made for each of the spouses and any dependent member of the family.

These are the conditions prescribed in Article 41.3.2 of the Constitution.

**Drugs in Prisons**

78. **Deputy Barry Cowen** asked the Minister for Justice and Equality the how he intends to ensure that our prison system becomes a drug-free system; and if he will make a statement on the matter. [13895/12]
Minister for Justice and Equality (Deputy Alan Shatter): The Irish Prison Service has introduced a number of security initiatives which have significantly reduced the availability of contraband in the prisons. These initiatives include tighter control and monitoring of prison visits, airport style security screening of all staff and visitors coming into the prison, x-ray scanners to scan all coats and bags/briefcases, the establishment of the Canine Unit, increased random searches of prisoner accommodation and its’ occupants and stricter searching of those committed to custody and of those returning to the prison after temporary release, court and after visits.

It is acknowledged that there is a high prevalence of drug use among prisoners. Dealing with this problem is, in my view, critical in terms of prisoner rehabilitation and reintegration. In this context, the Irish Prison Service continues to invest significant resources into dealing with the drugs problem, in terms of supply reduction, drug treatment, education and counselling. Drug rehabilitation programmes for prisoners involve a significant multidimensional input by a diverse range of general and specialist services provided both by the Prison Service and visiting statutory and non-statutory organisations. Prisoners who, on committal, are engaged in a methadone substitution programme in the community will, in the main, have their methadone substitution treatment continued while in custody. Methadone substitution treatment is available in 9 of the 14 prisons and places of detention (accommodating over 80% of the prison population).

While the two open centres, Loughan House and Shelton Abbey, and the Training Unit and Arbour Hill are drug free prisons, it is my intention to ensure that we will have drug free units in all our closed prisons. A new dedicated Drug Free Area will be operational in Mountjoy Prison by the end of this month. There are Drug Free Areas in both Wheatfield prison and St. Patrick’s Institution. The Prison Service intends that by the end of 2012 all closed prisons will have dedicated Drug Free Areas which will cater for prisoners who are drug free, have illicit drug free status and/or are stable on methadone.

I wish to reassure the Deputy that the Irish Prison Service will continue to implement supply and reduction measures and work in collaboration with statutory stakeholders to enhance drug treatment services across the prison system.

**Sexual Offences**

79. Deputy Dara Calleary asked the Minister for Justice and Equality if he has advanced his plans to tag convicted sex offenders as he outlined prior to the 2011 general election; and if he will make a statement on the matter.  [13889/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Programme for Government contains a commitment to introduce a series of post-imprisonment restraint orders for violent and sexual offenders to include electronic tagging and other restrictions, which may be imposed at the time of sentencing.

The Sex Offenders Act 2001 introduced the sex offenders’ register, post release supervision orders for sex offenders and civil orders restricting sex offenders in certain ways.

My Department has been conducting a wide-ranging examination of the law on sexual offences and a review of the Sex Offenders Act 2001 formed an integral part of that examination. Arising from the review, I expect to seek Government approval for legislative proposals, including a number of amendments to the 2001 Act, in the coming months. Legislative proposals being considered include measures for the electronic monitoring of sex offenders in specific circumstances and changes with regard to civil sex offender orders to make it easier to apply to a court for such an order.
Rights of People with Disabilities

80. **Deputy Mick Wallace** asked the Minister for Justice and Equality his views on the lack of consultation with local networks in advance of the removal of funding to People with Disabilities in Ireland; if he will provide a breakdown detailing where this funding has been reallocated to and for what purposes; his further views on whether funding to the local networks, rather than the head office, could be reinstated to allow them to continue their work at a local level in view of the fact that the Wexford network had a budget of only €15,000 in 2011 and was prepared to reduce this to €10,000 for 2012; and if he will make a statement on the matter. [13964/12]

**Minister of State at the Department of Justice and Equality (Deputy Kathleen Lynch):** There was no individual engagement with the Networks during the value for money review, as the information provided by the CEO of PwDI in response to a request from Department Officials, raised many queries in relation to how the overall budget of PWDI was being spent. While I accept that the networks were actively engaged with people with disabilities, the overall spending profile was too heavily concentrated on overheads and administrative expenses. To engage individually with the Networks would not have changed this profile.

As part of a review, I propose to present new structures for engagement with the disability sector to ensure that any perceived gap created by the withdrawal of funding from PWDI can be addressed. I am also looking at whether a small amount of funding could be channelled to the active local Networks.

It is my wish to ensure that people with disabilities directly benefit from any money allocated to this sector. With this in mind, I am currently overseeing the finalisation of a major Value for Money and Policy Review of Disability Services in the Department of Health to ensure that existing funding allocated for people with disabilities is spent to best effect. I am also interested to hear what people with disabilities have to say on issues affecting them. I have recently set up and chair a new Implementation Group to develop and progress the National Disability Strategy. This new group held its inaugural meeting on 30 November. It includes representation from a number of disability stakeholder organisations, individuals with expertise in the Disability area including a former PWDI Board member and also a number of people with disabilities who will be able to bring their lived experience directly to bear on the very important work of this high level group.

I have just recently announced the establishment of a new Disability forum which will be convened by the National Disability Authority. This forum will be developed along the lines of the Social Inclusion forum and will provide a very useful model for capturing the views and experiences of people with disabilities as service users. Furthermore it will facilitate a better consultation process and clearly establish the perspective of the end user and compliment the work of the main established disability organisations.

I consider it very important that we clearly hear the voice of people with disabilities in developing any policies or services that impact on their lives. I intend to ensure that in the development of policy and the delivery of services, that the voice of people with disabilities themselves is heard by me and my officials, and I am in no doubt that it will further compliment the work and perspective of other disability organizations involved in the process.

Garda Complaints Procedures

81. **Deputy Derek Keating** asked the Minister for Justice and Equality, following the Supreme Court finding in favour of a person (details supplied) which was described by the Chief Justice as unique and of considerable importance, his plans to set up an investigation into the action of some gardaí; if he plans to introduce new legislation; his plans to refer
this case to the Garda Ombudsman for investigation; and if he will make a statement on the matter. [13484/12]

Minister for Justice and Equality (Deputy Alan Shatter): As the Deputy will be aware, I have already commented publicly on these matters following the judgment of the Supreme Court in relation to Mr. Bailey’s appeal against the order of the High Court that he be surrendered to France. As the Deputy will appreciate, while this case was before the Supreme Court, I could not, in any way, as Minister for Justice and Equality, intervene or make any comment in the matter.

As I have already stated, I understand that the issues raised in documentation which emerged from the Office of the Director of Public Prosecutions, and which was referred to in a number of the Supreme Court Judgements, formed the basis of a complaint made on behalf of Mr. Bailey to the Garda Síochána Ombudsman Commission. I am advised that the Ombudsman Commission has admitted the complaint and initiated an investigation. I am of the view that it is desirable that these matters be investigated in the public interest and that the Ombudsman Commission is the appropriate body to do so. As the Deputy will appreciate, given the investigation now underway, it would not be appropriate for me to make any further comment on this matter.

I have also commented on the fact that this documentation only first emerged subsequent to the proceedings having been determined in the High Court and only shortly prior to the hearing of the Supreme Court appeal. The position remains that I am consulting with the Attorney General about this matter.

I will keep legislation in the area of extradition under review.

Question No. 82 answered with Question No. 71.

Family Reunification

83. Deputy Peadar Tóibín asked the Minister for Justice and Equality if his attention has been drawn to the fact that under the MIPEX index, Ireland has the least favourable family reunification policy of any country in Europe or North America; if he intends for Ireland to opt into Directive 2003/86/EC on the right to family reunification; and if he will make a statement on the matter. [13864/12]

Minister for Justice and Equality (Deputy Alan Shatter): Directive 2003/86/EC on the right to family reunification falls within the scope of Title V of the Treaty on the Functioning of the European Union. Ireland, like the UK, has not to date exercised its option to participate in the Directive. While the issue of Ireland’s participation in is kept under review, there are no current plans to change the position.

As I indicated in my press release in early January which set out my key priorities for 2012, I intend over the course of this year to put in place guidelines for family reunification. Clarity is important in that respect and it is also necessary to get the right balance between the aspirations of those seeking family reunification and the sometimes competing demands of the wider society, not least at a time of major economic difficulty.

As regards the Migration Integration Policy Index (MIPEX) I note the ranking referred to by the Deputy. However, without evaluating the methodology used and the accuracy and completeness of the information compiled in respect of Ireland I am not in a position to comment on its significance or relevance. I should also add that the Immigration Service of my Department does not appear to have been consulted by the publishers of the study in question.
Prison Building Programme

84. Deputy Jonathan O’Brien asked the Minister for Justice and Equality the date on which the Irish Prison Service will present to him plans for the development of Cork Prison within the existing 2012 to 2016 justice capital budget; the date on which a final decision will be made on those plans; and if he will make a statement on the matter. [13843/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Irish Prison Service that plans are currently in train for the development of a new Cork prison on the car park of the existing facility. Planning for the project is at a preliminary stage and it is not possible, at this juncture, to give any definite commitment on a time-line for delivery. My Department has already given sanction to the Irish Prison Service to proceed with detailed planning for the new prison. The Irish Prison Service currently envisages the submission of their detailed proposals to me by the end of June 2012.

Garda Training

85. Deputy Seán Crowe asked the Minister for Justice and Equality, further to Parliamentary Questions Nos. 164 and 165 of 25 January 2012, the details of firearms training provided for gardaí; the number of gardaí who have undertaken this training during each of the past seven years; the number of gardaí licensed to hold firearms; the number of gardaí who have received training in total; the amount of money paid to firearms instructors for Garda training during each of the past ten years; and if he will make a statement on the matter. [13870/12]

Minister for Justice and Equality (Deputy Alan Shatter): The information which was sought by Deputy on the 25 January 2012 is only recently to hand.

I have been informed by the Garda authorities that the basic Firearms Courses delivered by the Firearms Training Unit are as follows:

Course

- Basic Handgun course — One Week,
- Basic Submachine gun course — One Week,
- Refresher Live Fire — One day per member, twice a year,
- Refresher Fats — One day per member per year.

Members are required to attend two live fire and one refresher FATS (Firearm and Tactical System) per year.

The number of gardaí licensed to hold firearms over the last seven years and thus who have undergone training is as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>No of Authorised Firearms Holders</th>
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<tbody>
<tr>
<td>2005</td>
<td>3,633</td>
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<tr>
<td>2006</td>
<td>3,216</td>
</tr>
<tr>
<td>2007</td>
<td>3,379</td>
</tr>
<tr>
<td>2008</td>
<td>3,429</td>
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<tr>
<td>2009</td>
<td>3,540</td>
</tr>
<tr>
<td>2010</td>
<td>3,616</td>
</tr>
<tr>
<td>2011</td>
<td>3,616</td>
</tr>
</tbody>
</table>
Tasers were first introduced in 2007 and are only issued to members of the Emergency Response and Regional Support Units. In addition Garda Firearms Instructors are also trained in the use of Taser. For security and operational reasons it is not the practice to disclose the numbers attached to these Units. Each trained member must undergo refresher Taser training three times per year.

In relation to the amount of money paid to firearms instructors, I am informed that, in addition to their annual salary and normal allowances e.g. rent, uniform etc., the current allowances payable on an annual basis to Garda Firearms Instructors are shown below. Instructors may also claim overtime for any additional hours worked over the normal 8 hour tour of duty. In addition, travel and subsistence is paid if applicable. The total amount paid under these headings over the last ten years is not readily available and its calculation would require a disproportionate use of resources.

Instructor Allowance (Garda) €7,794.75,
Instructor Allowance (Sergeant) €7,794.75,
Instructor Allowance (Inspector) €8,506.30,
Instructor Allowance (Superintendent) €10,627.65.

Departmental Expenditure

86. **Deputy Michael Colreavy** asked the Minister for Justice and Equality if he has met with the Department of Public Expenditure and Reform and the Department of Finance with regard to reviewing the justice capital budget; and if he will make a statement on the matter. [13860/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** In common with all other Departments, the capital budget for the Justice Vote Group covering the period 2012 to 2016 was published last November.

There was considerable engagement at Departmental and Government level in relation to the budget prior to its publication. While, unfortunately, the fiscal environment within which we now operate allows very little latitude to increase the overall capital budget it is a matter which will be kept under review in the context of evolving priorities at Departmental and Government level. I will engage with the Department of Public Expenditure and Reform as appropriate in relation to these matters.

In this context, I wish to inform the Deputy that arising from a recent Government decision, there has been an increase of €1 million in the Courts Service capital budget in 2012 which is reflected in the recent Revised Estimates Volume.

This additional funding is required to develop existing ICT systems to facilitate the implementation of measures arising from the Fines Act 2010, including the payment of fines by instalment.

Gender Recognition

87. **Deputy Gerry Adams** asked the Minister for Justice and Equality if he has met with the Department of Social Protection on the issue of introducing gender recognition legislation for transgender persons. [13852/12]
Minister for Justice and Equality (Deputy Alan Shatter): I meet regularly with my colleagues in Government both collectively and on issues of bilateral interest. My Department was represented on the Gender Recognition Advisory Group established in May 2010 to advise on the question of legislation to give legal recognition to the acquired gender of transgender persons. The development of proposals in this regard is a matter for the Department of Social Protection.

Garda Reserve

88. Deputy Michael Moynihan asked the Minister for Justice and Equality the number of members of the public that have joined the Garda Reserve since March 2011. [13910/12]

Minister for Justice and Equality (Deputy Alan Shatter): I have been informed by the Garda authorities that on the 31 March 2011 there were 766 Reserve Gardaí, and as of the 29 February, 2012 the latest date for which figures are readily available, the strength of the Garda Reserve was 935.

The target strength of the Garda Reserve remains at 10% of the full time Force and I would like to assure the House that the Government are fully committed to the Garda Reserve and recruitment to it is ongoing. Members of the Garda Reserve make a valuable contribution to policing and are drawn from a variety of backgrounds, professions and include representatives of 26 other countries.

I would like to place on record my appreciation of the members of the reserve who give of their time on a voluntary basis and for their ongoing commitment to the Garda Síochána.

Irish Prison Service

89. Deputy Aodhán Ó Ríordáin asked the Minister for Justice and Equality how he intends to address the crisis of education provision within the Irish Prison Service; his plans regarding uptake of educational courses in prisons here considering the low national uptake of 35% and 14% for courses in Mountjoy Prison, Dublin; and if he will make a statement on the matter. [13482/12]

Minister for Justice and Equality (Deputy Alan Shatter): Educational services are available at all institutions and are provided in partnership with a range of educational agencies including notably the VECs and Public Library Services. The Department of Education and Skills provides an allocation of 220 whole-time teacher equivalents. Literacy, numeracy and general basic education provision is the priority and broad programmes of education are made available which generally follow an adult education approach. The figures cited by the Deputy are for 2010. An average of 38% of the prison population attended classes in 2011 an increase of 3% on the previous year and Mountjoy had an average uptake of 17.2% an increase of 3.2% on the previous year.

Prisoners are encouraged to participate in education activities and waiting lists where they occur are generally for the more popular educational programmes. Where there is a waiting list for a particular course prisoners can engage with other courses until a place becomes available. Education should not be seen in isolation. It is part of a wider holistic approach and many prisoners who are not engaged in education are attending vocational and other programmes.

The Inspector of Prisons recommended in his 2010 Annual Report that an independent audit be commissioned by the Irish Prison Service examining the type of education being provided in prisons, the relevance of such education, the numbers being educated and the value for money being provided. The reports for each of the 14 Prison Education Centres are currently
being finalised and will be sent to the Department of Education and Skills, the relevant VECs and the Inspector of Prisons for their consideration with a view to the early implementation of recommendations.

A significant expansion and development of vocational training programmes has taken place in recent years and there are now over 100 workshops in place in our prisons capable of catering for in excess of 800 prisoners each day. There was a significant increase in the number of prisoners who participated in accredited vocational training courses in 2011, when 1,219 prisoners attended such courses.

The Irish Prison Service provides a range of other rehabilitative programmes that include health care, psychiatric, psychological, counselling, welfare and spiritual services. These programmes are available in all prisons and all prisoners are eligible to use the services.

I can advise the Deputy that the Irish Prison Service is in the process of drafting a new Strategic Plan 2012-2014 which will be presented to me, by the Director General, in the first week of April. The development of prisoner education will form a central part of this Strategy.

Garda Stations

90. **Deputy Arthur Spring** asked the Minister for Justice and Equality if he will assign a population to Tarbert, County Kerry, using the same criteria as those used to assign a population to Moyvane and Ballylongford, County Kerry, in the fact sheet for closures of rural Garda stations released by him; and if he will make a statement on the matter. [13481/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** Population figures for Moyvane and Ballylongford were based on information ascertained from the 2006 Census. As Tarbert Garda Station was not a station which was identified for closure in the policing plan for 2012, the question of assessing the population covered by that station did not arise. The population of the Tarbert area is available from the Central Statistics Office website at [www.cso.ie](http://www.cso.ie).

Residency Permits

91. **Deputy Denis Naughten** asked the Minister for Justice and Equality his plans to recognise the residency of non-EEA nationals under the age of 16 years; if he is satisfied that the current situation is not open to legal challenge; and if he will make a statement on the matter. [13478/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am not clear as to what the Deputy means by “plans to recognise the residency of non-EEA nationals under the age of 16 years”. The question would suggest that the residency of the non-EEA nationals under the age of 16 years is not recognised at present. This is not the case. While non-EEA nationals under the age of 16 years of age are not required to register their residence in the State under the exemption provided for in section 9(6)(a) of the Immigration Act 2004, they are still required to have a permission to be in the State under section 5 of the Act of 2004. In the normal course, that permission would be derived from that of their parents. Other cases are dealt with as they arise. I would point out that the exemption from registration in the 2004 Act is not replicated in the Immigration, Residence and Protection Bill 2010. It is my intention that once that legislation has been enacted, all non-EEA nationals will be required to register, irrespective of their age.

Garda Stations

92. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality if he will report
on the significantly reduced opening hours of Garda stations on the north side of Dublin, including Howth and Malahide Garda stations; and if he will make a statement on the matter. [13480/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Commissioner’s Policing Plan for 2012, which I laid before both Houses of the Oireachtas on 5 December 2011, sets out the future opening hours of Malahide and Howth Garda Stations. These are to be reduced to 8:00 a.m. to 10:00 p.m., from the current 24-hour basis. This in turn will free up gardaí during these hours from indoor duties to outdoor operational duties. It is also important to remember that while the Garda stations in question will have reduced opening hours to the public, they will remain as functioning Garda stations on a 24-hour basis. A decision on the implementation date for the reduced hours has not been made.

With regard to the Dublin Metropolitan North Division, it must be noted that approximately 777 Gardaí are assigned to the Division of which 229 are assigned to the Coolock District and 183 are assigned to the Raheny District. Malahide Garda Station and Howth Garda Station form part of the Coolock and Raheny Districts respectively. These resources are augmented, when appropriate, by Gardaí from national units such as the Garda National Drug Unit and the National Bureau of Criminal Investigation.

The priority will remain, that an effective and professional policing service is provided to every part of the community, both rural and urban.

Asylum Support Services

93. Deputy Aengus Ó Snodaigh asked the Minister for Justice and Equality if he will introduce guidelines to compel his Department to operate the direct provision and dispersal system in a fair and transparent way; if he will allow residents within this system a voice in decisions made about them in an objective and fair hearing; and if he will make a statement on the matter. [13855/12]

Minister for Justice and Equality (Deputy Alan Shatter): I do not accept the premise of the question that the direct provision system does not operate in a fair and transparent way. I believe that it does.

In order to meet its international obligations in the area of asylum, the Government has allocated significant resources over the years to our asylum determination structures, to reception arrangements and to the provision of services to asylum seekers. Ireland is not unique in this respect. All countries which take their responsibilities in this area seriously are faced with similar calls on their financial resources. The direct provision and dispersal policy is a key element of the State’s immigration and asylum control system.

Direct provision is unique but, as a result of it, no asylum seeker has ever been left homeless. Asylum seekers receive nourishment on a par with, and in some cases superior to, that available to the general population. Asylum seekers receive a health service on the same basis as Irish citizens and it is, in many cases, far superior to what is available in their countries of origin. Children of asylum seekers are provided with primary and secondary education in the local community on the same basis as the children of Irish citizens.

The Reception and Integration Agency (RIA) of my Department is responsible for the accommodation of asylum seekers and has provided over 50,000 accommodation placements since the establishment of direct provision in 1999. RIA fulfils its mandate by allocating accommodation to those asylum seekers who require it having regard to family profile, access to
school places, health, social and community services and accommodation availability. Currently, RIA is providing accommodation for almost 5,300 persons in 38 centres throughout the State.

It is open to residents to query any decision made about them by RIA. A key decision made by RIA is where a person will be accommodated but it is open to residents to request a transfer to an alternative location. Each request is viewed on its own merits. Where transfers are requested for medical reasons, RIA has access to an independent medical referee who will make a recommendation on whether or not the transfer is necessary to deal with the person’s particular medical requirements.

The revised RIA House Rules and Procedures set out the entitlements and obligations placed on centre management and on residents and, in the event that these aren’t being met, complaints procedures to be invoked by either party. The Rules also set out in detail how a resident can go about requesting a transfer as well as the types and standard of service that an asylum seeker should receive while residing in direct provision.

These House Rules have been translated into twelve languages and are provided to all asylum seekers on arrival at their accommodation centre. This document and all translated versions are published on-line on the RIA website.

The rights of residents are also safeguarded though other means. RIA staff regularly hold ‘clinics’ in centres where residents can raise issues about management and service provision. Local support groups, other NGOs, non-RIA State providers, health professionals and so all have access to residents and issues of concern can be raised in that context too.

Human Trafficking

94. **Deputy David Stanton** asked the Minister for Justice and Equality if he has received a report from the Garda Commissioner on the issue of forced labour; if he is satisfied that current legislation, particularly the provisions of the Criminal Law (Human Trafficking) Act 2008, contains sufficient provisions to deal with forced labour; the number of allegations, prosecutions and convictions attained relating to forced labour each year respectively for the past three years; and if he will make a statement on the matter. [13946/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** At the request of my Department and with a view to establishing the exact nature of alleged abuses, the Garda Commissioner was asked to provide information in response to specific questions in relation to allegations of forced labour coming to the attention of An Garda Síochána. This has been received and officials in my Department have now completed an analysis of whether the Criminal Law (Human Trafficking) Act 2008 is sufficient to cover all circumstances in which forced labour could occur, which I am considering.

The Criminal Law (Human Trafficking) Act 2008 (which came into effect on 7 June, 2008) criminalises the trafficking of persons for the purposes of labour exploitation (including forced labour), sexual exploitation and exploitation consisting of the removal of a person’s organs. For the purposes of the Act, the term “trafficks” is broadly defined. For example, the commission of an offence does not require cross-border movement or illegal entry into the State. It includes recruitment, taking a person into one’s custody, care or charge, and providing the person with accommodation or employment.

Latest available information available indicates that between 7 June 2008 and 31 December 2011, a number of cases of alleged human trafficking for labour exploitation have been investigated by An Garda Síochána: 19 cases in 2009, 19 cases in 2010 and 13 cases in 2011.
To date, no proceedings for the offence of human trafficking for labour exploitation have been commenced in this jurisdiction. Three investigation files having been submitted to the Law Officers. Directions for no prosecution have been received in two of these cases. Additional information has been sought and provided in respect of the third investigation file. The decision in such matters rests with the Law Officers.

I want, as far as is possible, to establish all of the facts in relation to alleged abuses in order that a comprehensive strategy to deal with issues arising can be put in place, and consideration of the analysis which has now been completed will assist in that regard.

Prisoner Complaints Procedures

95. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality the date on which he will amend the Prison Rules 2007 to introduce an independent prisoner complaints mechanism; and if he will make a statement on the matter. [13861/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** There are procedures within the Irish Prison Service for the investigation of complaints by prisoners. However, I have stated previously that I am not satisfied that the existing Prison Service procedures are sufficiently robust and independent of the local staff to meet best practice for the investigation of serious complaints. My intention is to bring forward amendments to the Prison Rules 2007 which will introduce an independent element to the investigation. I have asked the Inspector of Prisons to give consideration to this matter and to advise me as to the most appropriate approach to be taken in an Irish context so as to ensure compliance with best international practice. The Inspector’s report is imminent and his views will be taken into account in relation to the framing of the amended Rules in this regard.

Citizenship Applications

96. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality the number of persons who have become naturalised citizens since November 2011; if he will detail the reason for the high fees of €950 for a citizenship certificate for those in certain categories; and if he will make a statement on the matter. [13862/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** Since November 2011, I have made a decision on over 5,000 applications. I expect to make a final decision on a further 4,000 cases over the coming weeks.

The prescribed fees to be paid by applicants on the issue of a certificate of naturalisation were last increased by the Irish Nationality and Citizenship (Fees) Regulations 2008, which came into effect on 1 August 2008. The standard certification fee is €950 while a reduced fee of €200 applies in the case of an application made on behalf of a minor or in certain circumstances when the application is made by a widow, widower or surviving civil partner of an Irish citizen. In the case of refugees and stateless persons the fee is nil.

The increases in certification fees were in line with inflation for the period 1993 to 2008. While the fees are designed to reflect the effort and cost involved in processing the different categories of applicant, the certification fees do not recoup the full cost of processing the applications.

In November 2011, I signed into law Statutory Instrument No. 569 of 2011, which introduced an application fee of €175 for applications for a certificate of naturalisation. The application fee was introduced to contribute towards the costs of processing those applications that do not
attract any certification fee and to reduce the proportion of invalid and ineligible applications being lodged. The Statutory Instrument also introduced a series of changes to the application forms, in particular to facilitate applicants who are the civil partners of Irish citizens.

As the Deputy will be aware I have introduced formal citizenship ceremonies at no extra cost to applicants. These have been very well received by all participants as the ceremonies provide a sense of occasion that serves to underscore the importance to both the State and the applicant of the granting of Irish citizenship.

Domestic Violence

97. *Deputy Sandra McLellan* asked the Minister for Justice and Equality the date on which he expects to receive recommendations from the Law Reform Commission on the law on domestic violence; and if he will make a statement on the matter. [13868/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Law Reform Commission’s *Third Programme of Law Reform 2008-2014* provides for a general review of the law on domestic violence. I understand that the Commission has commenced its consultations and any recommendations it makes will inform the development by my Department of proposals for further legislative reform in this area.

The time taken for the completion and delivery of individual Law Reform Commission reports and recommendations is a matter for the Commission itself as an independent body under the Law Reform Commission Act 1975.

Asylum Support Services

98. *Deputy Dessie Ellis* asked the Minister for Justice and Equality the number of asylum-seeking minors currently residing in direct provision accommodation; and if he will make a statement on the matter. [13850/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Reception and Integration Agency (RIA) of my Department provides accommodation to minors only when they are accompanied by their parents or guardians. As at end February 2012, there were just over 1,700 persons under the age of 18 being accommodated in the direct provision system with their families.

RIA does not provide accommodation for unaccompanied minors. This responsibility is borne by the Health Service Executive. Asylum seekers deemed to be unaccompanied minors by the Office of the Refugee Applications Commissioner (ORAC) are referred to the HSE which has responsibility for their care under the Child Care Act, 1991 until they reach 18 years of age. The general policy of the HSE is to accommodate unaccompanied minor asylum seekers in children’s residential homes and through the foster care system.

99. *Deputy Dessie Ellis* asked the Minister for Justice and Equality the number of accommodation centres that have contracts with the Reception and Integration Agency; the value and expiration date of each contract; the number of asylum seekers residing in each accommodation centre; the amount paid in total to each centre to date; and if he will make a statement on the matter. [13849/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Reception and Integration Agency (RIA) of my Department is responsible for the accommodation of asylum seekers while their application for protection is being processed. On 4 March 2012, there were almost 5,300 persons being accommodated in 38 centres throughout the State.
In fulfilling its general accommodation responsibilities, RIA does not lease or rent premises from commercial contractors. Rather, it ‘contracts-in’ a comprehensive range of services and facilities, which include accommodation, housekeeping etc., for a fixed sum over the period of the contract. Although there are standard service obligations — food, accommodation, etc. — on each of the centres, the per diem rate paid in each case by RIA is based on an individually negotiated contract. The rates differ from one contract to another depending on the facilities available in the centres, the differing functions of some of the centres, the location of the centres, the length of the contracts and so on. Negotiations take place with a number of commercial entities on an ongoing basis and RIA endeavours to achieve the best value for money in respect of each contract. It is not in the interests of the taxpayer that details of current individual contracts are known to the public or to other parties who are, or may be in the future, engaged in negotiations with RIA. Therefore, details of current contract rates are not provided. The policy is that the updating of the table of contracts will take place only at the end of January each year in respect of all financial information up to the end of December two years previously, e.g. at the end of January, 2012 the records are updated to end of December 2009. This policy has been upheld by the Office of the Information Commissioner.

The Deputy may also wish to note published on RIA’s website — www.ria.gov.ie — are its Annual Reports for the years 2007 to 2010 inclusive. These reports include details of spending for those years, showing total payments for contracts in respect of State owned, commercial and self catering centres; for transport costs; for utility costs in State owned centres; and for miscellaneous payments. The 2011 report is being compiled and will be published as soon as possible.

The details sought by the Deputy are being compiled separately and will be forwarded directly to the Deputy shortly.

Organised Crime

100. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the degree to which he and his Department have monitored the activities of those involved in drug and people trafficking, prostitution, child prostitution, racketeering, protectionism, blackmail, witness interference and intimidation; the number of prosecutions taken; the number of reports received or compiled relating to such activity; his preferred options to deal with such issues in the short to medium term; and if he will make a statement on the matter. [13949/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The monitoring and investigation of the various criminal activities referred to by the Deputy is a matter in the first instance for An Garda Síochána. The Garda Síochána Policing Plan 2012 sets out the key actions in tackling organised crime for the year ahead with a focus on drug trafficking, e-crime, financial crime, and the targeting of organised gangs through:

- Using intelligence and analysis to inform operations against organised crime groups,
- Working in partnership with Customs and Revenue Officials and other national and international agencies,
- Focusing on reducing e-crime using leading edge technology and through active engagement with the community and business stakeholders.

An Garda Síochána proactively targets groups and individuals engaged in organised criminal activities, including drug trafficking and the other activities referred to by the Deputy. A multi-
agency law enforcement approach is utilised whereby specialist units from the National Support Service, such as the National Bureau of Criminal Investigation, the Criminal Assets Bureau, the Garda Bureau of Fraud Investigation, and the Garda Technical Bureau are used to combat serious crime.

I am particularly focused on supporting the work of the Criminal Assets Bureau in targeting the proceeds of crime. The Deputy will be aware that the Programme for Government includes a commitment to strengthen the powers of the Criminal Assets Bureau in relation to the forfeiture of the proceeds of crime. In this regard an Expert Group has been established under the auspices of my Department to review the operation of the Proceeds of Crime legislation with a view to identifying possible improvements which would serve to enhance the powers of the Bureau. When that work concludes I will bring forward my proposals in the normal way.

The legislative framework underpinning the State’s response to organised crime is also being kept under review with regard to the question of whether any further improvements could be made to render it more effective. In particular, I have requested my Department to undertake a specific review of the provisions of the Criminal Justice (Amendment) Act 2009 to see if its provisions can be strengthened. The views of the Garda Commissioner have been sought in relation to the operation of the Act to date.

Insofar as statistics are concerned, the Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose. I have requested the CSO to provide relevant crime statistics directly to the Deputy.

**Prisoner Releases**

101. **Deputy Jonathan O’Brien** asked the Minister for Justice and Equality if he will provide details of the mechanisms developed in partnership between the Probation Service, the Irish Prison Service, Cork Prison, and community-based services in order to identify community-based programmes which could act as alternatives to custody for suitable prisoners; and if he will make a statement on the matter. [13844/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I can inform the Deputy that arising from the publication of the strategy entitled “Unlocking Community Alternatives — a Cork Approach” the Irish Prison Service in co-operation with the Probation Service, statutory and non-statutory community-based services are in the process of establishing a Cork based implementation team to ensure the strategy is progressed and to develop robust community based programmes which could act as alternatives to custody. As this process is at a very early stage of development it is not possible, at this time, to provide details to the Deputy of the mechanisms which may be established.

The Deputy may also wish to note that since October 2011 suitably assessed prisoners have been released from the prisons under a pilot Community Return initiative to complete community work for various voluntary/community groups as part of their resettlement programme. The Community Return scheme is being overseen by a steering group comprising representatives of the Department’s Prison-Probation Policy Division, the Irish Prison Service and Probation Service. Community Return will provide increased opportunities for the integration of ex-prisoners in their communities. As well as the unpaid work element, individual prisoners’ programmes will also incorporate other interventions to assist in reintegration and rehabilitation. (e.g. education, training, mentoring, treatment, counselling etc.

Prisoners released onto the new scheme will generally perform their unpaid work alongside those doing Community Service work arising from Court orders. In Dublin and Cork, this
will be facilitated by the dedicated Community Service teams, elsewhere by the relevant local community team, and in all cases working closely and a co-ordinated way with prison-based colleagues. The Probation Service also utilises its Community Funded projects nationally to support its supervision and management of the risk/needs of offenders in the community.

Road Traffic Accidents

102. Deputy Thomas P. Broughan asked the Minister for Justice and Equality if he will review the arrangements in place for citizens who have been bereaved through a fatal road collision to access critical investigative documents that relate to their loved ones’ tragic road deaths, in view of the recent significant increase in the cost of supplying these documents; and if he will make a statement on the matter. [13479/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Garda authorities that persons involved in road traffic collisions, their legal advisers or insurers or other interested parties may, on written request, be supplied with an abstract of the Garda report in respect of the collision, copies of statements of witnesses and sketches or maps of the scene. Fees are charged for these reports, to re-coup costs incurred in the preparation of same. The current fees were introduced in October 2011, to replace fees which had been in place since 2005. Fees charged for services provided by An Garda Síochána are kept under ongoing review.

Where criminal proceedings are being considered, abstracts are not supplied until the criminal proceedings are concluded and in the case of fatal traffic collisions until the inquest concerning the death has been completed by the Coroner.

Organised Crime

103. Deputy Bernard J. Durkan asked the Minister for Justice and Equality the extent to which the growth in organised crime has been measured on an ongoing basis over the past ten years with particular reference to gangland killings, drugs-related territorial wars culminating in shootings and killings of and by persons known to the Garda; the extent to which current legislation is capable of combatting such crime notwithstanding the legislation already passed into law in this regard and mindful of the apparent ready access to firearms and the growing expectation that such trends are likely to continue with increasing frequency; if he has in mind any specific measures to detain such persons or otherwise to prevent this ongoing activity; and if he will make a statement on the matter. [13948/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Deputy will appreciate that organised crime, by its nature, is constantly evolving and diversifying in both its structures and activities. In addition, membership of organised crime gangs tends to be fluid and offences committed by members of criminal gangs may or may not be connected with an individual’s membership of such gangs.

I am, of course, deeply concerned about the incidence of murders associated with organised crime activity and I deplore all such killings. All killings, regardless of the circumstances involved, are the subject of rigorous investigation by An Garda Síochána and will continue to be so. I can also assure the Deputy that all serious and organised crime activity is monitored on an ongoing basis by An Garda Síochána. An Garda Síochána undertakes a range of activities designed to disrupt and dismantle the operations of criminal organisations. This involves targeting serious criminals and organised criminal groups on a number of fronts, including through the use of focused intelligence led operations by specialist units such as the Organised Crime
Unit, the Criminal Assets Bureau, the Garda Bureau of Fraud Investigation and the National Bureau of Criminal Investigation.

In addition, An Garda Síochána continues to develop and implement strategies targeting criminal networks, utilising advanced analytical and intelligence methods to facilitate targeted operations to enable early intervention and prevention of organised crime. This approach by An Garda Síochána has succeeded in bringing to justice many of those involved in gangland activities.

Law enforcement efforts in this regard are underpinned by a comprehensive framework of criminal law measures. This framework includes the more recently enacted provisions of the Criminal Justice (Amendment) Act 2009 targeting organised crime, measures contained in the Criminal Justice (Surveillance) Act 2009 relating to evidence obtained by means of covert surveillance and the provisions of the Criminal Justice (Miscellaneous Provisions) Act 2009 relating to the use of weapons.

While this legislative framework is being actively utilised to tackle organised crime, I have indicated to the House that I will keep under review the question of whether any further improvements could be made to the overall legislative framework in this area to render it more effective. Further to this, my Department is currently undertaking a specific review of the provisions of the Criminal Justice (Amendment) Act 2009 to see if its provisions can be strengthened.

Prison Accommodation

104. **Deputy Mary Lou McDonald** asked the Minister for Justice and Equality the number of occasions on which prisoners were locked in their cells for extended periods because of staff shortages in each prison in the State during each of the past three years; the number of prisoners concerned; and if he will make a statement on the matter. [13857/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I can advise the Deputy that on one occasion, Saturday 25 June 2011, 70 remand prisoners in Castlerea prison were not unlocked for their morning recreation due to staff shortages in the prison that day. This lasted for a period of two and half hours. They were unlocked earlier that morning for breakfast and returned to their cells after this. There were no incidents during this period of lockdown.

Traveller Community

105. **Deputy Sandra McLellan** asked the Minister for Justice and Equality, further to Parliamentary Questions Nos. 432 of 22 November 2011 and 493 of 14 February 2012, the date on which he will put the question of giving ethnicity status to the Traveller community to the Government; and if he will make a statement on the matter. [13869/12]

**Minister of State at the Department of Justice and Equality (Deputy Kathleen Lynch):** I refer to the reply to Question No. 493 of 14 February 2012 wherein I stated that consideration is still ongoing and that I intend that the question will be before the Government for decision as soon as possible. The position is unchanged.

Departmental Properties

106. **Deputy Peadar Tóibín** asked the Minister for Justice and Equality the number of properties owned by his Department, their locations and the purposes for which they are currently used; and if he will make a statement on the matter. [13865/12]
Minister for Justice and Equality (Deputy Alan Shatter): I can advise the Deputy that the properties owned by my Department are set out in the following table:

<table>
<thead>
<tr>
<th>Location of Property</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moyross Enterprise Centre</td>
<td>Irish Youth Justice Service Community Project</td>
</tr>
<tr>
<td>Moyross, Limerick</td>
<td>Premises</td>
</tr>
<tr>
<td>The Hostel, 15 Bath Street, Waterford</td>
<td>Leased to the St. Vincent de Paul</td>
</tr>
<tr>
<td>The former Cork Hostel Westview House, 17 Audley Place, Patrick’s Hill, Cork.</td>
<td>Currently occupied by Cork Young Persons Probation Team and Project</td>
</tr>
<tr>
<td>Ballinasloe Training Workshop, Canal House, Harbour Road, Ballinasloe, Co. Galway.</td>
<td>Community based Organisation Property</td>
</tr>
<tr>
<td>Tivoli Training Centre 24 Tivoli Terrace South, Dun Laoghaire, Co. Dublin.</td>
<td>Community based Organisation Property</td>
</tr>
<tr>
<td>Tuam Community Training Workshop Vicharschoraland, Tuam, Co. Galway.</td>
<td>Community based Organisation Property</td>
</tr>
<tr>
<td>Tower Programme, Cusack House, St. Marks Lane, Neilstown Road, Clondalkin, Dublin 22.</td>
<td>Community based Organisation Property</td>
</tr>
</tbody>
</table>

Ministerial Meetings

107. **Deputy Brendan Smith** asked the Minister for Justice and Equality the recent meetings he has attended on justice and law reform issues in Europe and in Ireland; and if he will make a statement on the matter. [13652/12]

Minister for Justice and Equality (Deputy Alan Shatter): As Minister for Justice, Equality and Defence, I can inform the Deputy that I attend numerous meetings in Ireland and Europe in relation to a broad range of justice and law reform issues. I have regular meetings with different representative groups and organisations in which different facets of justice and the law are discussed. As the Deputy will appreciate, the subjects of these meetings can often be quite varied and complex.

As well as engaging with my Government colleagues on a daily basis, I also attend meetings of the Joint Oireachtas Committee on Justice, Defence and Equality in which justice and law reform issues are discussed. This Committee acts as a forum for Oireachtas members from all parties to have a meaningful input into key legislation and policy areas which have real significance.

In terms of European meetings, I can inform the Deputy that since becoming Minister I have attended nine out of ten meetings of the Justice and Home Affairs Council (JHA) with my
European counterparts (the tenth meeting which was scheduled at short notice was attended by Minister of State Kathleen Lynch). The most recent of these meetings took place in Brussels on Thursday 8 March 2012.

**Paramilitary Groups**

108. **Deputy Micheál Martin** asked the Minister for Justice and Equality his views on whether the threat from paramilitary groups has eased; and if he will make a statement on the matter. [13655/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I know the House will share my condemnation of all paramilitary groups and their activities. These gangs of criminal terrorists have no support in the wider community, North and South, for either their criminal activities or their use of violence to achieve their aims.

Since early 2009 the threat level in Northern Ireland from these groups has been classified as severe. This is the shared view of both Governments based on the assessment of An Garda Síochána and the PSNI. The Secretary of State for Northern Ireland, Owen Paterson MP, also confirmed this recently to the UK Parliament. The threat faced on this island from these subversives is a shared one and I can assure the House that the Gardaí continue to cooperate closely with the Police Service of Northern Ireland in actively pursuing them.

These groups have particularly targeted the security forces in Northern Ireland, as the murders of PSNI Constables, Ronan Kerr and Stephen Carroll, and the murder of two British soldiers, Patrick Azimkar and Mark Quinsey, at Massarene Barracks attest. The House will be aware that there have also been a number of other attempted murders and bomb attacks, and that these deplorable activities continue.

Operational police co-operation is the responsibility of the Garda Commissioner and the Chief Constable of the PSNI and their respective forces. Both police chiefs have repeatedly emphasised the close nature and the high quality of the ongoing co-operation between their forces. This seamless co-operation has been instrumental in disrupting the paramilitaries, preventing attacks, combating criminality and saving lives.

Combating the subversive threat has always been an absolute priority for the Garda authorities and it remains so. I can assure the Deputy, and the House, that the Government is committed to maintaining the current high level of co-operation between the Gardaí and the PSNI.

I meet regularly with the Northern Ireland Justice Minister, David Ford, and with the Secretary of State for Northern Ireland, Owen Paterson, and there is also a close and ongoing working relationship between our officials. We will continue, in co-operation with the authorities in Northern Ireland and Great Britain, to spare no effort to ensure that those criminal terrorists who seek to subvert the democratic will of the people will face the full rigours of the law.

**Corporate Governance**

109. **Deputy Seamus Kirk** asked the Minister for Justice and Equality the position regarding the plan by the EU to introduce a quota system for women on corporate boards; if he agrees with its introduction; and if he will make a statement on the matter. [13657/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** In March 2011, the EU Commission Vice-President with responsibility for Justice and Fundamental Rights called on all publicly listed companies in the EU to take voluntary steps to increase women’s participation on corpor-
[Deputy Alan Shatter.]

ate boards to 30 per cent by 2015 and to 40 per cent by 2020. The European average was then 12 per cent. All publicly listed companies in Europe were also invited to sign up to the “Women on the Board Pledge for Europe” to commit to reaching these voluntary targets. Progress in both regards was to be monitored after a year with a view to the introduction of legislation if necessary.

A report published by the European Commission last week has shown that the call for voluntary targets has produced only a slight improvement on last year’s figures at 13.7 per cent, which equates with women now accounting for one in seven board members across Europe’s top firms. The figures for Ireland are lower with women accounting for just nine per cent of board members of the largest publicly listed companies (an increase of just 1 percentage point in the year).

In response to the publication of the report, the European Commission has announced a public consultation process to inform the Commission’s decision on future actions to take. The target group of this consultation are Member States, business or industry organisations, individual companies, civil society organisations with an interest in gender and/or social issues, trade unions, equality bodies, and other organisations or individuals. The closing date for the consultation is 28 May 2012.

There is considerable evidence to suggest that more gender balanced decision-making is better decision-making. A Working Group under the aegis of my Department is finalising a study on the role of women in all levels of decision-making. I look forward to considering both its findings and those of the European Commission before determining the best way forward in an Irish context.

Northern Ireland Issues

110. **Deputy Micheál Martin** asked the Minister for Justice and Equality, in view of the fact that he has responsibility for policy on Northern Ireland, if there has been any developments in relation to the disappeared in Northern Ireland; if this was discussed at recent meetings in Dublin or London; and if he will make a statement on the matter. [13817/12]

449. **Deputy Micheál Martin** asked the Minister for Justice and Equality if there have been any developments in relation to the disappeared in Northern Ireland; if this issue was discussed at recent meetings in Dublin or London; and if he will make a statement on the matter. [12197/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 110 and 449 together.

The House will be aware that over the course of the conflict in Northern Ireland a number of people were abducted and murdered by paramilitary groups, and then buried in secret locations. They have become known as “the disappeared”.

The Independent Commission for the Location of Victims’ Remains was established by the Irish and British Governments in 1999 as one of the actions taken in the context of the Peace Process to acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation. The purpose of the Commission is to facilitate the location of the remains of the Disappeared in order that they may be returned to their families. These families have suffered a very particular cruelty in not only having to bear the tragedy of murder, but having been denied for so long information regarding the burial places of their loved ones.
The Commission, with the support of the two Governments, has worked tirelessly over the years and I pay tribute to the Commissioners, Mr. Frank Murray and Sir Kenneth Bloomfield, and to their investigation team, for their sterling work in this difficult task. The remains of nine of the 16 persons on the Commission’s list have been recovered. Regrettably, there are still seven others who have not been located, despite the Commission’s efforts. The Commission’s current work programme based on the information about the possible location of one of the victims will result in some further excavation works later this spring.

On the 25 November 2011, together with Northern Ireland Office Minister of State, Hugo Swire MP, I met with the Commission and with family members of the Disappeared. I assured them of the two Governments continuing support for the Commission and for doing whatever is possible to locate the remains of those still missing. The Commission also had a very useful meeting with the Joint Committee on the Implementation of the Good Friday Agreement on 16 February 2012 at which they were able to update members of the Committee on their work to date.

The Commissioners have emphasised to me that their work is driven by information. All information provided to the Commission will be treated as strictly confidential and everyone can be assured that such information can only be used to locate and identify the remains. It cannot be given to other agencies or used for prosecutions.

I know the House will join me in calling on anybody who has any information that could help to locate those still missing to give that information to the Commission without delay. The Commission has in place a confidential freephone number and PO box address through which information can be passed to it. Information about the Commission and how to contact it are available on the Commission’s website — www.iclvr.ie.

I would emphasise to the House that the Commission’s sole purpose is humanitarian. All the families want is to give their loved ones a decent burial, to have a place to grieve and, in some measure at least, to have closure. The Government remains committed to that aim and I call on all others to help bring it about.

Constitutional Convention

111. **Deputy Charlie McConalogue** asked the Taoiseach how he plans to ensure that voices representing the interests of children will be represented on the constitutional convention; and if he will ensure there are representative voices advocating the interests of children included in its composition. [13635/12]

112. **Deputy Charlie McConalogue** asked the Taoiseach if he will increase the scope of the constitutional convention to an examination of the fundamental rights provisions in Articles 40 to 45 of the Constitution. [13636/12]

113. **Deputy Charlie McConalogue** asked the Taoiseach if he will commit to ensuring that matters pertaining to the interests and rights of children will be included in the scope of the constitutional convention, notwithstanding the consideration that a separate referendum on the rights of the child has been promised. [13637/12]

114. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach if, in the context of the constitutional convention or otherwise, he will bring forward legal and or constitutional changes to provide for the abolition of ground rent; and if he will make a statement on the matter. [13936/12]
119. **Deputy Caoimhín Ó Caoláin** asked the Taoiseach if he will include in the tasks of the constitutional convention the removal of the constitutional impediments to the abolition of ground rent; and if he will make a statement on the matter. [13937/12]

**The Taoiseach:** I propose to take Questions Nos. 111 to 114, inclusive, and 119 together.

The Government’s proposals for the Constitutional Convention, including its composition and the topics it will consider, have been made public on www.merrionstreet.ie. We propose that the topics to be considered by the Convention should be those outlined in the Programme for Government. The Programme makes it clear that, in addition to the items listed, the Convention is free to consider “other relevant Constitutional amendments that may be recommended by it”. It is the Government’s view, however, that the Convention should deal first with the topics listed in the Programme.

The Government has stated that matters on which there is already a commitment to hold a referendum, including Children’s Rights, will not be within the scope of the Convention. It will be a matter for the Minister for Children and Youth Affairs to organise an appropriate consultation process in relation to the referendum on Children’s Rights and I understand that she is doing this.

With regard to the composition of the Convention, we propose that it 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.

I recently met representatives of the Opposition parties and the Dáil Technical Group to consult them on the Government’s proposals for the Constitutional Convention. They undertook to revert to me with their views. A further meeting is envisaged when all their views have been received.

**Appointments to State Boards**

115. **Deputy Shane Ross** asked the Taoiseach if he will provide a list of all appointments to State boards made by him, including any appointments to the position of chairperson, shown separately; if the vacancies on the boards were publicly advertised; who out of any appointments made applied through the publically advertised process; and the prospective nominees that went before the Oireachtas committee for questioning. [13496/12]

**The Taoiseach:** Since coming into office on 9 March 2011, I have made appointments to the National Economic and Social Council (NESC) only, as set out in the table beneath. These appointments were made following careful consideration of the necessary skills, knowledge and expertise relevant to the functions of the Council.

Some of the appointments were made on the basis of nominations from business and employer interests, the Irish Congress of Trade Unions, farming and agricultural interests, the community and voluntary sector and the environmental sector. It would not be appropriate to advertise these positions as they are nominated in a representative capacity. I may also appoint up to six public servants of whom at least one shall represent the Taoiseach and one shall represent the Minister for Finance. Historically, the Chairperson and Deputy Chairperson posts
are filled from my Department at Secretary General and Assistant Secretary level. These appointments represent relevant Departments to ensure the Council’s work is integrated with Government policy-making and would not be suitable for public advertisement.

Finally, a number of independents were appointed in June and July last year. The independent nominations to NESC were not advertised, as I was satisfied with the quality of nominees already compiled in my Department which are mainly from the academic sector. However, it may be appropriate to advertise the positions in the future and this can be considered as part of the strategic review of NESC currently being conducted by my Department.

No remuneration is paid for membership of the NESC.

<table>
<thead>
<tr>
<th>Name</th>
<th>Organisation</th>
<th>Date of Appointment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Martin Fraser, Chairperson of NESC</td>
<td>Secretary General, Department of the Taoiseach</td>
<td>August 2011</td>
</tr>
<tr>
<td>Mr. John Shaw, Deputy Chairperson of NESC</td>
<td>Assistant Secretary, Department of the Taoiseach</td>
<td>January 2012</td>
</tr>
<tr>
<td>Prof. Edgar Morgenroth</td>
<td>Associate Research Professor, Economic and Social Research Institute</td>
<td>June 2011</td>
</tr>
<tr>
<td>Prof. John McHale</td>
<td>Economist, National University of Ireland, Galway</td>
<td>June 2011</td>
</tr>
<tr>
<td>Prof. Mary Daly</td>
<td>Department of Sociology, Social Policy and Social Work, Queen’s University Belfast</td>
<td>June 2011</td>
</tr>
<tr>
<td>Prof. Anna Davis</td>
<td>Department of Geography, Trinity College, Dublin</td>
<td>June 2011</td>
</tr>
<tr>
<td>Prof. Seán Ó Riain</td>
<td>Department of Sociology, National University of Ireland, Maynooth</td>
<td>June 2011</td>
</tr>
<tr>
<td>Dr. Michael O’Sullivan</td>
<td>Head of UK Research and Global Asset Allocation, Credit Suisse, London</td>
<td>June 2011</td>
</tr>
<tr>
<td>Ms Mary Walsh</td>
<td>Chartered Accountant</td>
<td>June 2011</td>
</tr>
<tr>
<td>Dr. Michelle Morris</td>
<td>Senior Lecturer, School of Applied Social Science, University College Dublin.</td>
<td>July 2011</td>
</tr>
<tr>
<td>Mr. Shay Cody</td>
<td>IMPACT</td>
<td>September 2011</td>
</tr>
<tr>
<td>Mr. John Murphy</td>
<td>Secretary General, Department of Jobs, Enterprise and Innovation</td>
<td>November 2011</td>
</tr>
<tr>
<td>Mr. Seán Ó Foghlú</td>
<td>Secretary General, Department of Education and Skills</td>
<td>February 2012</td>
</tr>
<tr>
<td>Mr. John Moran</td>
<td>Secretary General, Department of Finance</td>
<td>March 2012</td>
</tr>
</tbody>
</table>

116. **Deputy Gerald Nash** asked the Taoiseach if he will provide details in relation to the number and names of all semi-State companies and statutory agencies under the remit of his Department; if he will provide a list of all members of the board of such organisations for the years 2007, 2008, 2009, 2010 and 2011; if he will provide a list of all expenses associated with membership of these boards on an individual basis for the relevant years; if he will provide information relating to the profession or occupation of all such members of the relevant State companies and statutory agencies; and if he will make a statement on the matter. [13512/12]

**The Taoiseach:** The National Economic and Social Development Office (NESDO) is the only State Agency under the aegis of my Department. The NESDO was established under the NESDO Act 2006 and is the body corporate for the National Economic and Social Council (NESC).

Membership of the NESDO and the NESC for the years 2007-2011 are provided in the following tabular statements. In the case of the NESC, the organisations which nominated the
members are shown rather than their occupations, since that is the basis upon which they were appointed. All expenses shown in the tabular statements are in respect of travel and subsistence which is paid in accordance with the relevant Department of Finance circulars.

MEMBERSHIP OF THE BOARD OF THE NATIONAL ECONOMIC AND SOCIAL DEVELOPMENT OFFICE

1 January 2007 to 31 March 2010

<table>
<thead>
<tr>
<th>Name</th>
<th>Occupation</th>
<th>Expenses paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dermot McCarthy</td>
<td>Secretary General, Department of the Taoiseach</td>
<td>Nil</td>
</tr>
<tr>
<td>Mary Doyle</td>
<td>Assistant Secretary, Department of the Taoiseach</td>
<td>Nil</td>
</tr>
<tr>
<td>Maureen Gaffney</td>
<td>Chairperson, National Economic and Social Forum</td>
<td>Nil</td>
</tr>
<tr>
<td>Peter Cassells</td>
<td>Chairperson, National Centre for Partnership and Performance</td>
<td>Nil</td>
</tr>
<tr>
<td>Philip Kelly</td>
<td>Assistant Secretary, Department of the Taoiseach</td>
<td>Nil</td>
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</table>

MEMBERSHIP OF THE BOARD OF THE NATIONAL ECONOMIC AND SOCIAL DEVELOPMENT OFFICE

1 April 2010 to 31 December 2011

<table>
<thead>
<tr>
<th>Name</th>
<th>Occupation</th>
<th>Expenses paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dermot McCarthy (Retired in July 2011 and replaced by Martin Fraser in August 2011)</td>
<td>Secretary General, Department of the Taoiseach</td>
<td>Nil</td>
</tr>
<tr>
<td>Philip Kelly (Term concluded in June 2011)</td>
<td>Assistant Secretary, Department of the Taoiseach</td>
<td>Nil</td>
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</table>

MEMBERSHIP OF THE NATIONAL ECONOMIC AND SOCIAL COUNCIL

2007-2010

<table>
<thead>
<tr>
<th>Name</th>
<th>Organisation</th>
<th>Expenses Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairperson: Dermot McCarthy</td>
<td>Department of the Taoiseach</td>
<td>Nil</td>
</tr>
<tr>
<td>Depute Chairperson Mary Doyle (to May, 2010)</td>
<td>Department of the Taoiseach</td>
<td>Nil</td>
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</tbody>
</table>

**Business and Employer Organisation Nominees**

<table>
<thead>
<tr>
<th>Name</th>
<th>Organisation</th>
<th>Expenses Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Turlough O’Sullivan (replaced by Tony Donohoe in 2010)</td>
<td>IBEC</td>
<td>Nil</td>
</tr>
<tr>
<td>John Dunne</td>
<td>Chambers of Commerce Ireland</td>
<td>Nil</td>
</tr>
<tr>
<td>Liam Kelleher (replaced by Tom Parlon in 2008)</td>
<td>Construction Industry Federation</td>
<td>Nil</td>
</tr>
<tr>
<td>Aileen O’Donoghue (replaced by Siobhan Masterson in 2008)</td>
<td>IBEC</td>
<td>Nil</td>
</tr>
<tr>
<td>Danny McCoy</td>
<td>IBEC</td>
<td>Nil</td>
</tr>
<tr>
<td>Name</td>
<td>Organisation</td>
<td>Expenses Paid</td>
</tr>
<tr>
<td>--------------------------</td>
<td>---------------------------------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td><strong>Trade Union Nominees</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>David Begg</td>
<td>Irish Congress of Trade Unions</td>
<td>Nil</td>
</tr>
<tr>
<td>Sally-Anne Kinahan</td>
<td>Irish Congress of Trade Unions</td>
<td>Nil</td>
</tr>
<tr>
<td>Jack O’Connor</td>
<td>SIPTU</td>
<td>Nil</td>
</tr>
<tr>
<td>Manus O’Riordan</td>
<td>SIPTU</td>
<td>Nil</td>
</tr>
<tr>
<td>Peter McLoone</td>
<td>IMPACT</td>
<td>Nil</td>
</tr>
<tr>
<td><strong>Agricultural and Farming Organisation Nominees</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eddie Punch</td>
<td>Irish Cattle and Sheepfarmers’ Association</td>
<td>Nil</td>
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<tr>
<td>Seamus O’Donohoe</td>
<td>Irish Co-operative Organisation Society</td>
<td>Nil</td>
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<tr>
<td>Ciaran Dolan</td>
<td>Irish Creamery Milk Supplies Association</td>
<td>€437.87 (2008)</td>
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<tr>
<td></td>
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<td>€437.85 (2009)</td>
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<td></td>
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<td>€2,226.08 (2010)</td>
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<tr>
<td>Michael Berkery (replaced by Pat Smith in 2009)</td>
<td>Irish Farmers’ Association</td>
<td>Nil</td>
</tr>
<tr>
<td>Colm Markey (replaced by Edmond Connolly in 2009)</td>
<td>Macra na Feirme</td>
<td>Nil</td>
</tr>
<tr>
<td><strong>Community and Voluntary Nominees</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seán Healy</td>
<td>Social Justice Ireland</td>
<td>Nil</td>
</tr>
<tr>
<td>John Dolan</td>
<td>Disability Federation of Ireland</td>
<td>Nil</td>
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<tr>
<td>Brid O’Brien</td>
<td>Irish National Organisation for the Unemployed</td>
<td>Nil</td>
</tr>
<tr>
<td>Camille Loftus (replaced by Orla O’Connor in 2009)</td>
<td>National Women’s Council</td>
<td>Nil</td>
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<tr>
<td>Seamus Boland</td>
<td>Irish Rural Link</td>
<td>€694.55 (2007)</td>
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<td><strong>Independent Nominees</strong></td>
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<tr>
<td>Elizabeth Meehan</td>
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<td>€660.73 (2007)</td>
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<td>€1,628.31 (2010)</td>
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<td>Seán Barrett</td>
<td>Trinity College Dublin</td>
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</tr>
<tr>
<td>Peter Clinch (resigned in 2008)</td>
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<td>Nil</td>
</tr>
<tr>
<td>Oisin Coughlan</td>
<td>Friends of the Earth</td>
<td>Nil</td>
</tr>
<tr>
<td>Con Lucey (retired in June 2009)</td>
<td>Independent Member</td>
<td>Nil</td>
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<tr>
<td><strong>Government Department Nominees</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brigid McManus</td>
<td>Department of Education and Science</td>
<td>Nil</td>
</tr>
<tr>
<td>Seán Gorman</td>
<td>Department of Enterprise, Trade and Innovation</td>
<td>Nil</td>
</tr>
<tr>
<td>Geraldine Tallon</td>
<td>Department of Environment, Heritage and Local Government</td>
<td>Nil</td>
</tr>
<tr>
<td>David Doyle (replaced by Kevin Cardiff in 2010)</td>
<td>Department of Finance</td>
<td>Nil</td>
</tr>
<tr>
<td>Niamh O’Donoghue</td>
<td>Department of Social Protection</td>
<td>Nil</td>
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MEMBERSHIP OF THE NATIONAL ECONOMIC AND SOCIAL COUNCIL

2010-2011

<table>
<thead>
<tr>
<th>Name</th>
<th>Organisation</th>
<th>Expenses Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairperson Dermot McCarthy (Replaced by Martin Fraser in August 2011)</td>
<td>Department of the Taoiseach</td>
<td>Nil</td>
</tr>
<tr>
<td>Deputy Chairperson Mary Doyle (to May 2010)</td>
<td>Department of the Taoiseach</td>
<td>Nil</td>
</tr>
<tr>
<td><strong>Business and Employer Organisation Nominees</strong></td>
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<td></td>
</tr>
<tr>
<td>Danny McCoy</td>
<td>Irish Business and Employers Confederation</td>
<td>Nil</td>
</tr>
<tr>
<td>Tony Donohoe</td>
<td>Irish Business and Employers Confederation</td>
<td>Nil</td>
</tr>
<tr>
<td>Tom Parlon</td>
<td>Construction Industry Federation</td>
<td>Nil</td>
</tr>
<tr>
<td>Ian Talbot</td>
<td>Chambers Ireland</td>
<td>Nil</td>
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<tr>
<td><strong>Trade Union Nominees</strong></td>
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</tr>
<tr>
<td>David Begg</td>
<td>Irish Congress of Trade Unions</td>
<td>Nil</td>
</tr>
<tr>
<td>Sally-Anne Kinahan</td>
<td>Irish Congress of Trade Unions</td>
<td>Nil</td>
</tr>
<tr>
<td>Peter McLoone (replaced by Shay Cody in September 2011)</td>
<td>IMPACT</td>
<td>Nil</td>
</tr>
<tr>
<td>Manus O’Riordan</td>
<td>SIPTU</td>
<td>Nil</td>
</tr>
<tr>
<td><strong>Agricultural and Farming Organisation Nominees</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Edmund Connolly</td>
<td>Macra na Feirme</td>
<td>Nil</td>
</tr>
<tr>
<td>Pat Smith</td>
<td>Irish Farmers Association</td>
<td>Nil</td>
</tr>
<tr>
<td>Seamus O’Donohoe</td>
<td>Irish Co-operative Organisation Society</td>
<td>Nil</td>
</tr>
<tr>
<td>Frank Allen</td>
<td>ICMSA</td>
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<tr>
<td><strong>Community and Voluntary Nominees</strong></td>
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<tr>
<td>Seán Healy</td>
<td>Social Justice Ireland</td>
<td>Nil</td>
</tr>
<tr>
<td>Caroline Fahey</td>
<td>St. Vincent de Paul</td>
<td>Nil</td>
</tr>
<tr>
<td>James Dorley</td>
<td>National Youth Council of Ireland</td>
<td>Nil</td>
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<tr>
<td>Brid O’Brien</td>
<td>Irish National Organisation for the Unemployed</td>
<td>Nil</td>
</tr>
<tr>
<td><strong>Environmental Nominees</strong></td>
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<td></td>
</tr>
<tr>
<td>Oisin Coughlan</td>
<td>Friends of the Earth</td>
<td>Nil</td>
</tr>
<tr>
<td>Karin Dubsky</td>
<td>Coast Watch</td>
<td>Nil</td>
</tr>
<tr>
<td>Siobhan Egan</td>
<td>Birdwatch Ireland</td>
<td>Nil</td>
</tr>
<tr>
<td>Michael Ewing</td>
<td>Irish Environmental Network</td>
<td>Nil</td>
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<tr>
<td><strong>Independent Nominees</strong></td>
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<td></td>
</tr>
<tr>
<td>Edgar Morgenroth</td>
<td>ESRI</td>
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</tr>
<tr>
<td>John McHale</td>
<td>National University of Ireland, Galway</td>
<td>€381.40 (2011)</td>
</tr>
<tr>
<td>Mary Daly</td>
<td>Queens University Belfast</td>
<td>€248.84 (2011)</td>
</tr>
<tr>
<td>Anna Davis</td>
<td>Trinity College Dublin</td>
<td>Nil</td>
</tr>
</tbody>
</table>
Questions—13 March 2012.

Written Answers

<table>
<thead>
<tr>
<th>Name</th>
<th>Organisation</th>
<th>Expenses Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seán Ó Riain</td>
<td>National University of Ireland Maynooth</td>
<td>Nil</td>
</tr>
<tr>
<td>Michael O’Sullivan</td>
<td>Credit Suisse (Paris)</td>
<td>€1,035.13 (2011)</td>
</tr>
<tr>
<td>Mary Walsh</td>
<td>Chartered Accountant</td>
<td>Nil</td>
</tr>
<tr>
<td>Michelle Norris</td>
<td>University College Dublin</td>
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**Government Department Nominees**

<table>
<thead>
<tr>
<th>Name</th>
<th>Organisation</th>
<th>Expenses Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kevin Cardiff</td>
<td>Department of Finance</td>
<td>Nil</td>
</tr>
<tr>
<td>Seán Gorman (replaced by John Murphy in November 2011)</td>
<td>Department of Jobs, Enterprise and Innovation</td>
<td>Nil</td>
</tr>
<tr>
<td>Brigid McManus</td>
<td>Department of Education and Skills</td>
<td>Nil</td>
</tr>
<tr>
<td>Geraldine Tallon</td>
<td>Department of the Environment, Community and Local Government</td>
<td>Nil</td>
</tr>
</tbody>
</table>

**Departmental Bodies**

117. **Deputy Gerry Adams** asked the Taoiseach the current members of the International Financial Services Centre clearing house group; if they come from Departments, State agencies, the private sector or other areas; and the methodology for identifying persons to serve on the group. [13556/12]

**The Taoiseach:** My Department has a coordinating role in support of development of the international financial services industry in Ireland since its inception in 1987. The Department operates a forum for this purpose through the IFSC Clearing House Group, and through a series of specialised Working Groups in the areas of Banking and Treasury, Insurance, Funds, Pension Funds and Asset Management.

The IFSC Clearing House Group (CHG) identifies and considers issues of major concern to the long-term development of the international financial services industry in Ireland, including the strategic development of new business areas and opportunities, the progress of relevant legislation, both domestic and European, consideration of regulatory issues, the provision of relevant industry skills and the appropriate marketing of the industry. Membership of the Clearing House Group includes senior public sector and industry representatives together with the Chairs of the respective Working Groups and is chaired by the Secretary General of the Department of the Taoiseach. The Working Groups are chaired by industry representatives. The duration of the membership of the CHG and the Working Groups is approximately three years.

Industry members of the Clearing House Group are appointed by an agreed nominating process which is coordinated between my Department and Financial Services Ireland (FSI), which is a sector organisation within IBEC. The industry members are nominated by FSI through this process which aims to ensure that all sectors of the international financial services industry are represented. The Chair of the Dublin International Insurance and Management Association (DIMA) and the Chief Executive of the Irish Stock Exchange are also members of the Group.

In addition, the Chairpersons of the IFSC Working Groups all serve as members of the Clearing House Group for the duration of their tenure as chairs of the particular Groups.

The following Appendix 1 lists the names and sectors of those who are CHG members.
Names and Sectors of those who are members of the IFSC Clearing House Group

Public Sector
Mr. Martin Fraser, Department of the Taoiseach (Chair)
Mr. Michael Sludds, Department of the Taoiseach (Secretary)
Ms Ann Nolan, Department of Finance
Mr. Barry O’Leary, IDA Ireland
Ms Breda Power, Department of Jobs, Enterprise and Innovation
Mr. Eamonn O’Dea, Revenue Commissioners
Mr. Gary Tobin, Department of Finance
Mr. Jim Byrne, Revenue Commissioners
Mr. John Moran, Department of Finance
Mr. John Murphy, Department of Jobs, Enterprise and Innovation
Ms Julie Sinnamon, Enterprise Ireland
Mr. Kieran Donoghue, IDA Ireland
Mr. Matthew Elderfield, Central Bank
Mr. Patrick Brady, Central Bank

Industry Members nominated by Financial Services Ireland (FSI)
Mr. Brendan Bruen, Financial Services Ireland
Mr. Brian Daly, KPMG
Mr. David Fagan, Legal and General
Mr. Fergus Murphy, Financial Services Ireland
Mr. Gary Palmer, IFIA
Mr. Padraig Rushe, Bank of Ireland
Mr. Pat Farrell, IBF
Mr. Peter Keegan, Bank of America Merrill Lynch
Mr. Robert Richardson, Pioneer Investments
Mr. Tom Young, BNY Mellon
Mr. Tony Golden, Citi
Mr. Willie Slattery, State Street

Chairs of IFSC Working Groups
Mr. David Guest, Chair of IFSC Banking and Treasury Working Group
Mr. John Feely, Attain, Chair of IFSC Pension Funds Working Group
Mr. Pat Wall, PWC, Chair of IFSC Asset Management Working Group
Mr. Paul McGowan, Chair of IFSC Funds Working Group
Mr. Tim Hennessy, Axis Capital, Chair of IFSC Insurance Working Group
Questions—13 March 2012. Written Answers

Irish Stock Exchange
Ms Deirdre Somers, Irish Stock Exchange

Appointments to State Boards

118. **Deputy Gerald Nash** asked the Taoiseach if he will provide a detailed list of any State organisations, including non-commercial statutory bodies, which since 1 January 2009 appointed a person to a post equivalent to chief executive officer or *de facto* accounting officer who was within 12 months of that appointment a member of the board of that organisation; and if he will make a statement on the matter. [13606/12]

The Taoiseach: No appointments of the nature described in the question were made by the National Economic and Social Development Office, which is the only agency under the aegis of my Department.

*Question No. 119 answered with Question No. 111.*

Public Service Staff

120. **Deputy Pat Breen** asked the Taoiseach if he will report on the number of public servants from County Clare who retired as part of the Croke Park early retirement scheme from positions in his Department or from State bodies under the aegis of his Department. [14208/12]

The Taoiseach: No staff from County Clare retired under the scheme referred to from my Department or the National Economic and Social Development Office, which is the only agency under the aegis of my Department.

Official Engagements

121. **Deputy Brendan Griffin** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will extend an invitation to foreign dignitaries (details supplied) to visit Ireland; and if he will make a statement on the matter. [13497/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The historic State visit of Queen Elizabeth II to Ireland last year was a symbol of the modern, deep and friendly relationship between our two countries. We would hope that future high-level visits will serve to follow up on the momentum created by the Queen’s visit and to reinforce the close ties between Britain and Ireland. President Higgins was in London last month and I note that Princess Anne visited Dublin and Kildare at the weekend. The Duke and Duchess of Cambridge would likewise be very welcome to visit Ireland.

Cross-Border Projects

122. **Deputy Pádraig Mac Lochlainn** asked the Tánaiste and Minister for Foreign Affairs and Trade if he supports a PEACE IV programme. [13578/12]

123. **Deputy Pádraig Mac Lochlainn** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on whether any PEACE IV will continue to be a separate fund distinct from the territorial co-operation funds of Britain and Ireland. [13579/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I propose to take Questions Nos. 122 and 123 together.

Successive PEACE programmes have made an important contribution to the social and economic well-being of the people of Northern Ireland and the border regions. The prog-
questions have contributed towards the reinforcement of progress towards a peaceful and stable society in Northern Ireland, as well as promoting reconciliation between the communities there. More work remains to be done in this regard, and therefore the Government strongly supports a PEACE IV programme and has already had preliminary contact with the British Government on how to manage this initiative.

There is also widespread support in Northern Ireland for a PEACE IV programme. The First Minister and the Deputy First Minister have indicated their positive view in relation to PEACE IV.

The European Commission in Brussels considers PEACE to be a flagship programme which demonstrates the European Union’s significant role in supporting peace and stability in Northern Ireland. PEACE III runs until 2013, and the relevant budgetary discussions are now underway in Brussels to negotiate a new Multi-annual Financial Framework. Those negotiations are however still at an early stage.

**Human Rights Issues**

124. **Deputy Maureen O’Sullivan** asked the Tánaiste and Minister for Foreign Affairs and Trade, in view of his forthcoming visit to China, if he will raise a number of issues of human rights abuses, in particular that of Ms Fang Yang, whose passport was confiscated twice and who cannot return to Ireland to finish her studies in Dun Laoghaire as she is under police surveillance in China; if he will urge the Chinese Government to end the persecution of Falun Gong which has been ongoing for more than 12 years and which has included the torturing, organ harvesting and killing of Falun Gong worshippers; if he intends to urge the Chinese Government to bring those responsible for such persecution to justice; and if he will make a statement on the matter.  [13932/12]

125. **Deputy Maureen O’Sullivan** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will bring to the Chinese Government’s attention Ireland’s position against the repression of spiritual and religious groups in China and the ongoing oppression of the Chinese people’s rights to free speech and freedom to practise their chosen religion; if he will urge the Chinese Government to implement and reform the judicial system in order for due process of law and fair trials for its people; and if he will make a statement on the matter.  [13933/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I propose to take Questions Nos. 124 and 125 together.

The Government is concerned about the treatment of Falun Gong practitioners in China. Freedom of religious belief and expression is an issue which is discussed regularly with the Chinese authorities during both bilateral meetings and at European Union level.

At these meetings, the Government re-iterates the great importance Ireland attaches to human rights, fundamental freedoms and the rule of law and urges the Chinese authorities to ratify the International Covenant on Civil and Political Rights.

Through the formal framework of the EU-China Human Rights Dialogue, which was established in 1995, the EU continues to share with China its experience in the field of human rights protection and promotion, and to urge China to take clear steps to improve the human rights situation. Treatment of Falun Gong practitioners is also raised by the European Union as part of regular political dialogue as well as during specific Human Rights Dialogue with China.

Human rights are a constant and important issue of dialogue and discussion with the Chinese Authorities, at both national and European Union level. In the course of the recent visit of the
H.E. Xi Jinping the Vice-President of the People’s Republic of China, the issue of human rights was raised at a variety of levels, including directly between the Taoiseach, myself and Vice President Xi. I will be visiting China in 2012 and officials on both sides are working closely on identifying dates and these have not yet been established.

**Appointments to State Boards**

126. **Deputy Gerald Nash** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will provide details in relation to the number and names of all semi-State companies and statutory agencies under the remit of his Department; if he will provide a list of all members of the board of such organisations for the years 2007, 2008, 2009, 2010 and 2011; if he will provide a list of all expenses associated with membership of these boards on an individual basis for the relevant years; if he will provide information relating to the profession or occupation of all such members of the relevant State companies and statutory agencies; and if he will make a statement on the matter. [13506/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** There are no semi-State companies or statutory agencies under the aegis of my Department.

**International Agreements**

127. **Deputy Pádraig Mac Lochlainn** asked the Tánaiste and Minister for Foreign Affairs and Trade, in view of Ireland’s proud history of being a driving force behind the non-proliferation treaty, the role he can play in assisting the implementation of the Middle East resolution agreed at the NPT review and extension conference in 1995; and the assistance he can provide to the Government of Finland, which will chair the 2012 conference later this year. [13573/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The Government has always attached great importance to the implementation of the 1995 Resolution on a WMD free zone in the Middle East. The benefit of establishing such a zone in a region which faces so many political and security challenges is obvious. The Resolution was agreed in 1995 as part of a wider agreement which also included the indefinite extension of the Nuclear Non-Proliferation Treaty (NPT) and in this respect its implementation is seen by many as important in terms of the longer term viability of the NPT, which is the cornerstone of the global nuclear disarmament framework. I am proud that, following 15 years without any significant progress on implementing the 1995 Resolution, Ireland brokered the 2010 agreement which set out a number of practical steps towards its implementation, including the convening of a Conference “to be attended by all States of the Middle East, on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction,” which we expect to be held later this year.

Ireland fully supports the appointment of Finland as host for the Conference and of Finnish Under Secretary of State Jaako Laajava as Conference facilitator. Officials from my Department have had a number of contacts with Ambassador Laajava and his team since his appointment last October. On November 10th, officials met with him in Dublin and gave him a detailed briefing on our experience as Chair of the process which led to the 2010 agreement. We indicated to him that we remain at his disposal, ready to assist however we can. The Deputy can be assured that Ireland will continue to participate actively in the process towards a WMD free zone in the Middle East, and that we will assist Ambassador Laajava and his team however possible in preparation for, and throughout, the Conference in Finland.
Questions—

13 March 2012.

Written Answers

Our hope is that the Conference will be attended by all key players, including Israel and Iran, and that it will represent a successful next step in the process towards a viable WMD free zone in the Middle East.

Diplomatic Representation

128. **Deputy Pádraig Mac Lochlainn** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on whether it was prudent to close the embassy in Tehran, Iran; the effect this closure has had in undermining the excellent work carried out by Ireland in the establishment of the Middle East resolution agreed at the non-proliferation treaty review and extension conference in 1995; if the closure of the Irish embassy in Tehran undermines Ireland’s ongoing work in seeking full implementation of that resolution at the upcoming NPT conference in Finland later this year.  [13574/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** As I have previously reported to this House, the decision to close the Embassy in Tehran was taken in light of the current pressures on public finances. It followed a careful review of our overseas diplomatic missions by the Department of Foreign Affairs and Trade which paid particular attention to the economic return from bilateral missions. The Government remains committed to maintaining and developing our relations with Iran and intends to seek the appointment of a non-resident Ambassador. Full diplomatic relations with Iran will continue.

The Deputy can be assured that the decision to close the Tehran Embassy will not impact in any way upon Ireland’s ongoing work in support of implementing the Middle East Resolution agreed at the Nuclear Non-Proliferation Treaty (NPT) Review and Extension Conference in 1995. My Department will continue its very active role in all related negotiations, both at the Conference in Finland, which we see as a very important step in the process towards a viable WMD free zone in the Middle East, and also throughout the upcoming NPT review cycle, which will assess progress in implementing all follow-on actions agreed at the 2010 NPT Review Conference.

The upcoming NPT review cycle will involve three Preparatory Committee meetings — at Vienna (2012), Geneva (2013) and New York (2014) — followed by a Review Conference in New York in 2015. Throughout this process, officials from Headquarters and the local Mission will participate and actively advance the Government’s position on all aspects of the NPT and its implementation, including the 1995 Resolution. We will also attend the Conference in Finland and support the facilitator, Ambassador Jaako Laajava of the Finnish Foreign Ministry, in his important work. My officials have already met with Ambassador Laajava to assist him in his preparations for the Conference.

Official Engagements

129. **Deputy Patrick Nulty** asked the Tánaiste and Minister for Foreign Affairs and Trade, following his meeting with Irish LGBT groups in New York in March 2011, if he will refrain from sending a representative to attend the Ancient Order of Hibernians’ New York St. Patrick’s Day parade until the ban on participation of Irish LGBT groups is lifted; if he will instead send a representative to one of the inclusive St. Patrick’s Day parades that take place in New York, for example in Queens; and if he will make a statement on the matter.  [13693/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** On two occasions last year, I held very useful meetings in New York with representatives from the Irish American Lesbian and Gay community about a range of issues of concern to them. I
agreed to stay in touch regarding these matters as well as the ongoing effort to resolve issues surrounding participation by the Gay and Lesbian community in the New York St Patrick’s Day Parade. As a result of my meetings with them, the Minister of State for responsibility for equality, Ms Kathleen Lynch T.D. represented the Government this year at the St. Pat’s for All parade and associated events. This parade is an inclusive event that welcomes the participation of LGBT groups and all those who wish to celebrate Ireland and it took place in Queens, New York on Sunday 4th March. This is the first time that there has been ministerial attendance at this event and sends a clear signal of our support for the inclusive nature of the event.

As in previous years, the Government will be represented at the Fifth Avenue St. Patrick’s Day parade as a gesture of acknowledgement and support for the many Irish-American groups who participate in, attend and support the parade. My Department, through the Consulate General in New York, will also continue to liaise with Irish-American LGBT groups in their efforts to resolve the issue of their participation in this parade.

Public Service Staff

130. **Deputy Pat Breen** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will report on the number of public servants from County Clare who retired as part of the Croke Park early retirement scheme from positions in his Department or from State bodies under the aegis of his Department. [14202/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** My Department does not have an office in County Clare. There are no State agencies under the aegis of my Department.

Tax Code

131. **Deputy Timmy Dooley** asked the Minister for Finance his policy on the reduced rate of VAT for the tourism sector; and if he will make a statement on the matter. [14079/12]

**Minister for Finance (Deputy Michael Noonan):** The Finance (No. 2) Act 2011 provided for a second reduced VAT rate, of 9%, on a temporary basis in respect of certain tourism-related services and goods for the period 1 July 2011 to 31 December 2013. In reducing the VAT burden on activities related to the tourism industry, the introduction of the 9% VAT rate is aimed at contributing towards boosting tourism and the creation of additional jobs in that sector. With this in mind, the VAT reduction will be kept under review and evaluated before the end of 2012 in order to determine its effectiveness in aiding the industry. If it is shown that the VAT reduction has not had the desired effect in aiding the industry then the measure is open to being reformed or abolished.

Banks Recapitalisation

132. **Deputy Micheál Martin** asked the Minister for Finance if there were discussions on European banks releasing new credit to businesses across Europe in order to encourage growth; the details that were discussed, particularly in the context of the further half billion euro being injected as part of the three year programme; and if he will make a statement on the matter. [13492/12]

**Minister for Finance (Deputy Michael Noonan):** I am not aware of any specific new proposals at EU level in terms of measures under discussion for European banks to provide credit for new business across Europe, although measures to support the small and medium enterprise sector are regularly discussed. In relation to the matter of the half billion euro injection for a
three year period, I assume that the Deputy is referring to the recent ECB initiatives in terms of long term refinancing operations. As the Deputy is aware the ECB is independent and neither I nor my officials would have been party to this initiative. That said, as has been recently commented on both here and abroad this is a welcome initiative.

Finally, in relation to measures that this Government has taken in terms of enhancing the provision of credit for businesses here, as you know there have been a variety of initiatives launched and I continue to expect that the financial institutions will meet their obligations in this regard.

133. **Deputy Micheál Martin** asked the Minister for Finance if he will outline all of the meetings at which he has asked the European Union for assistance in dealing with Ireland’s banking bailout; if he will provide an update on the progress made on this issue; and if he will make a statement on the matter. [13487/12]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy is aware the Government is committed to reviewing the approach to the Promissory notes with a view to reducing the overall cost to the State. The Troika have agreed to engage in a process with Irish Officials to produce a common paper which will consider all options for restructuring the notes in terms of the source of funding, the duration of the notes, the interest rate etc. In tandem with this technical review of the Promissory Notes In tandem with this review the European authorities have opened a discussion on how best the Irish banking system and the Irish State can benefit from having a final restructuring of some of the elements of the banking sector. The overall purpose would be to ensure that banks in which the State has a major investment would enhance in value, making it possible further down the line to sell the State shareholdings in those banks the proceeds of which would, in turn, reduce the overall debt situation. A number of approaches are under consideration but it must be emphasized that nothing is agreed at this point.

The Government has commenced discussions at political level to garner support for an approach which is more beneficial to the Irish State.

As already indicated I have met with Commissioner Rehn and Mario Draghi President of the European Central Bank, in this regard. The matter has also been discussed at every opportunity and at various levels in the European arena. The Deputy will appreciate that much of the discussions, at this point, are on an informal basis. As soon as the technical discussions are concluded a more formal and structured approach will be adapted to ensure political support.

**Appointments to State Boards**

134. **Deputy Gerald Nash** asked the Minister for Finance if he will provide details in relation to the number and names of all semi-State companies and statutory agencies under the remit of his Department; if he will provide a list of all members of the board of such organisations for the years 2007, 2008, 2009, 2010 and 2011; if he will provide a list of all expenses associated with membership of these boards on an individual basis for the relevant years; if he will provide information relating to the profession or occupation of all such members of the relevant State companies and statutory agencies; and if he will make a statement on the matter. [13505/12]

**Minister for Finance (Deputy Michael Noonan):** The information requested by the Deputy in relation to semi-state companies and statutory agencies under the remit of my Department is contained in the following tables:
## National Treasury Management Agency (NTMA) Advisory Committee From 01/01/2007

<table>
<thead>
<tr>
<th>Name</th>
<th>Profession or Occupation</th>
<th>Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr Kevin Cardiff</td>
<td>Secretary General Department of Finance</td>
<td>From 1 February 2010 to 3 February 2012</td>
</tr>
<tr>
<td>Mr Shane Doyle</td>
<td>Chief Strategy Officer, Liberty Global</td>
<td>From 1 May 2007 to 3 September 2011</td>
</tr>
<tr>
<td>Mr David Doyle</td>
<td>Secretary General Department of Finance</td>
<td>Term ended 31 January 2010</td>
</tr>
<tr>
<td>Ms Tytti Noras</td>
<td>Legal Counsellor, Ministry of Finance Finland</td>
<td>Appointed 2005 Re-appointed 1 August 2010</td>
</tr>
<tr>
<td>Mr Gerold W Brandt</td>
<td>Financial Consultant</td>
<td>31 December 2009</td>
</tr>
<tr>
<td>Mr John F Daly</td>
<td>Chairman IMC Limited</td>
<td>Term ended 31 December 2008</td>
</tr>
<tr>
<td>Mr David Byrne</td>
<td>Former EU Commissioner and former Attorney General</td>
<td>From 1 January 2008</td>
</tr>
<tr>
<td>Mr Hugh Cooney</td>
<td>Consultant with KPMG and Company Director</td>
<td>From 1 January 2008</td>
</tr>
<tr>
<td>Mr Brendan Mc Donagh</td>
<td></td>
<td>From 1 September 2010</td>
</tr>
</tbody>
</table>

## National Development Finance Agency (NDFA) Board Members from 01/01/2007

<table>
<thead>
<tr>
<th>Name</th>
<th>Profession or Occupation</th>
<th>Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr Fred Barry</td>
<td>Chief Executive National Roads Authority</td>
<td></td>
</tr>
<tr>
<td>Mr Liam Berney</td>
<td>Industrial Officer, Irish Congress of Trade Unions</td>
<td></td>
</tr>
<tr>
<td>Ms Ann Fitzgerald</td>
<td>Chief Executive Officer, National Consumer Agency</td>
<td></td>
</tr>
<tr>
<td>Mr Stewart Harrington</td>
<td>Director, Killeen Properties Limited</td>
<td></td>
</tr>
<tr>
<td>Mr Tony Jones</td>
<td>Business Consultant</td>
<td></td>
</tr>
<tr>
<td>Mr Peter McManamon</td>
<td>Chairman, Ceva Inc</td>
<td></td>
</tr>
<tr>
<td>Mr John Corrigan</td>
<td>Chief Executive, NTMA: Ex-officio member</td>
<td>From 4 December 2009</td>
</tr>
<tr>
<td>Mr Brian Murphy</td>
<td>Chief Executive, NDFA: Ex-officio member</td>
<td>From 12 January 2009</td>
</tr>
<tr>
<td>Mr Michael Somers</td>
<td>Chief Executive, NTMA: Ex-officio member</td>
<td>Term ended 3 December 2009</td>
</tr>
<tr>
<td>Mr Adrian Kearns</td>
<td>Chief Executive, NDFA: Ex-officio member</td>
<td>From 1 March 2007 to 31 December 2008</td>
</tr>
<tr>
<td>Ms Anne Counihan</td>
<td>Chief Executive, NDFA: Ex-officio member</td>
<td>Term ended 9 February 2007</td>
</tr>
</tbody>
</table>

## State Claims Agency Policy Committee Members from 1 January 2007

<table>
<thead>
<tr>
<th>Name</th>
<th>Profession or Occupation</th>
<th>Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr Noel Whelan</td>
<td>Vice President and Dean Emeritus, University of Limerick</td>
<td></td>
</tr>
<tr>
<td>Mr Tony Delany</td>
<td>Former Director of Claims at Norwich Union/Hibernian Insurance</td>
<td>From 10 March 2010</td>
</tr>
<tr>
<td>Mr Chris Fitzgerald</td>
<td>Principal Officer, Department of Health</td>
<td>From 22 October 2010</td>
</tr>
<tr>
<td>Mr Christopher Moore</td>
<td>Brigadier General, Defence Forces</td>
<td>From 10 March 2010</td>
</tr>
</tbody>
</table>
### National Pensions Reserve Fund (NPRF) Commission Members From 1 January 2007

<table>
<thead>
<tr>
<th>Name</th>
<th>Profession or Occupation</th>
<th>Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr Paul Carty</td>
<td>Financial Consultant and Former Managing Partner, Deloitte and Touche, Ireland</td>
<td>From 1 January 2007</td>
</tr>
<tr>
<td>Mr John A. Canning Jr</td>
<td>Chairman of Madison Dearborn Partners LLC</td>
<td>From 1 January 2007</td>
</tr>
<tr>
<td>Dr Brian Hillery</td>
<td>Former Chairman of Independent News and Media plc and former Chairman, Unicredit Bank Ireland plc</td>
<td>From 1 January 2007</td>
</tr>
<tr>
<td>Mr Maurice Keane</td>
<td>Company Director and retired Group Chief Executive, Bank of Ireland</td>
<td>From 5 February 2007</td>
</tr>
<tr>
<td>Mr Knut N. Kjaer</td>
<td>Former President of Risk Metrics Group and former Chief Executive, Norges Bank Investment Management</td>
<td>From 2 April 2010</td>
</tr>
<tr>
<td>Prof. Frances Ruane</td>
<td>Director of Economics and Social Research Institute (ESRI)</td>
<td>From 1 July 2009</td>
</tr>
<tr>
<td>Mr John Corrigan</td>
<td>Chief Executive, NTMA. Ex-officio member</td>
<td>From 4 December 2009</td>
</tr>
<tr>
<td>Mr Michael Somers</td>
<td>Chief Executive NTMA. Ex-officio member</td>
<td>Term ended 3 December 2009</td>
</tr>
<tr>
<td>Ms Brid Horan</td>
<td>Executive Director, Customer Supply and Group Services, ESB</td>
<td>Term ended July 2009</td>
</tr>
<tr>
<td>Mr Donald C. Roth</td>
<td>Managing Partner, Emerging Markets Partnership, Washington D.C.</td>
<td>Term ended 1 April 2010</td>
</tr>
</tbody>
</table>

### National Asset Management Agency (NAMA) Board Members from 22 December 2009

<table>
<thead>
<tr>
<th>Name</th>
<th>Profession or Occupation</th>
<th>Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr Frank Daly</td>
<td>Former Chairman, Revenue Commissioners</td>
<td>From 22 December 2009</td>
</tr>
</tbody>
</table>
### Written Answers

<table>
<thead>
<tr>
<th>Name</th>
<th>Profession or Occupation</th>
<th>Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr Michael Connolly</td>
<td>Banking Consultant, and former Senior Bank of Ireland official</td>
<td>From 22 December 2009 to 26 November 2011</td>
</tr>
<tr>
<td>Mr John Corrigan</td>
<td>Chief Executive, NTMA: Ex-officio member</td>
<td>From 22 December 2009</td>
</tr>
<tr>
<td>Ms Eilish Finan</td>
<td>Consultant in Financial Services and Property, formerly of KPMG and former CFO/Director of AIG Investments</td>
<td>From 22 December 2009</td>
</tr>
<tr>
<td>Mr Brendan McDonagh</td>
<td>Chief Executive Officer, NAMA: Ex-officio member</td>
<td>From 22 December 2009</td>
</tr>
<tr>
<td>Mr Brian McEnery</td>
<td>Corporate Rescue and Insolvency Practitioner with Horwath Bastow Charlton</td>
<td>From 22 December 2010</td>
</tr>
<tr>
<td>Mr Steven Seelig</td>
<td>Principal and CEO of Financial Stability Associates, formerly of IMF</td>
<td>From 26 May 2010</td>
</tr>
<tr>
<td>Mr William Soffe</td>
<td>Former County Manager, Fingal County Council</td>
<td>From 22 December 2009</td>
</tr>
<tr>
<td>Mr Peter Stewart</td>
<td>Financial Services Consultant</td>
<td>From 22 December 2009 to 11 October 2011</td>
</tr>
</tbody>
</table>

Payment of expenses to members of the above boards and committees is an operational matter for the boards concerned. Aggregate expenses paid to members for the years 2007 to 2011 are set out below. Payment to NTMA Advisory Committee, NPRF Commission members and NAMA Board members primarily reflect travel and accommodation expenses incurred by non-Irish based board members.

#### Aggregate expenses paid to members for years 2007 to 2011

<table>
<thead>
<tr>
<th>Board</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>NTMA Advisory Committee</td>
<td>34,002</td>
<td>32,106</td>
<td>42,716</td>
<td>25,318</td>
<td>36,558</td>
</tr>
<tr>
<td>NDFA Board</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>SCA Policy Committee</td>
<td>1,426</td>
<td>1,426</td>
<td>1,470</td>
<td>270</td>
<td>—</td>
</tr>
<tr>
<td>NPRF Commission</td>
<td>14,962</td>
<td>4,534</td>
<td>10,000</td>
<td>15,554</td>
<td>836</td>
</tr>
<tr>
<td>NAMA Board</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>36,246</td>
<td>49,216</td>
</tr>
</tbody>
</table>

### Irish Fiscal Advisory Council

<table>
<thead>
<tr>
<th>Name</th>
<th>Profession or Occupation</th>
<th>Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr John McHale (Chair)</td>
<td>Established Professor and Head of Economics, National University of Ireland, Galway</td>
<td>Appointed 07 July 2011</td>
</tr>
<tr>
<td>Mr Sebastian Barnes</td>
<td>Senior economist, Economics Department, OECD and head of the EU desk.</td>
<td>Appointed 07 July 2011</td>
</tr>
<tr>
<td>Mr Alan Barrett</td>
<td>Research Professor, Trinity College Dublin</td>
<td>Appointed 07 July 2011</td>
</tr>
<tr>
<td>Mr Donal Donovan</td>
<td>Adjunct Professor at the University of Limerick. Visiting Lecturer at Trinity College Dublin</td>
<td>Appointed 07 July 2011</td>
</tr>
<tr>
<td>Ms Róisín O’Sullivan</td>
<td>Associate Professor, Economics Department, Smith College, Massachusetts</td>
<td>Appointed 07 July 2011</td>
</tr>
</tbody>
</table>
The Board Members were paid €14,461 in travel and subsistence expenses in 2011.

*Irish Bank Reconciliation Corporation*

The Irish Bank Resolution Company (Anglo Irish Bank Corporation Limited) has provided the following details in relation to the period January 2009 to 2011.

<table>
<thead>
<tr>
<th>Name</th>
<th>Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr William McAteer</td>
<td>Appointed 03 June 1992 — resigned 07 January 2009</td>
</tr>
<tr>
<td>Mr Michael Jacob</td>
<td>Appointed 25 April 88- resigned 19 January 2009</td>
</tr>
<tr>
<td>Mr Edmund Sullivan</td>
<td>Appointed 12 November 2001 — resigned 19 January 2009</td>
</tr>
<tr>
<td>Mr Gerard McGann</td>
<td>Appointed 20 January 2004 — resigned 19 January 2009</td>
</tr>
<tr>
<td>Ms Ann Heraty</td>
<td>Appointed 27 April 2006 — resigned 19 January 2009</td>
</tr>
<tr>
<td>Mr Noel Harwerth</td>
<td>Appointed 02 February 2007 — resigned 19 January 2009</td>
</tr>
<tr>
<td>Mr Patrick Whelan</td>
<td>Appointed 06 July 2006 — resigned 19 February 2009</td>
</tr>
<tr>
<td>Mr Declan Quilligan</td>
<td>Appointed 26 June 2006 — resigned 07 September 2009</td>
</tr>
<tr>
<td>Mr Frank Daly</td>
<td>Appointed 18 December 2008 — resigned 22 December 2009</td>
</tr>
<tr>
<td>Mr Donal O Connor</td>
<td>Appointed 26 June 2008 — resigned 14 June 2010</td>
</tr>
<tr>
<td>Mr Alan Dukes</td>
<td>Appointed 18 December 2008 — appointed Chairman on 14 June 2010</td>
</tr>
<tr>
<td>Mr Maurice Keane</td>
<td>Appointed 21 January 2009</td>
</tr>
<tr>
<td>Mr Mike Aysnley</td>
<td>Appointed 07 September 2009</td>
</tr>
<tr>
<td>Mr Noel Cawley</td>
<td>Appointed 27 May 2010</td>
</tr>
<tr>
<td>Mr Aidan Eames</td>
<td>Appointed 27 May 2010</td>
</tr>
<tr>
<td>Mr Gary Kennedy</td>
<td>Appointed 27 May 2010</td>
</tr>
<tr>
<td>Mr Oliver Ellingham</td>
<td>Appointed 14 October 2011</td>
</tr>
<tr>
<td>Mr Roger McGreal</td>
<td>Appointed 15 November 2011</td>
</tr>
</tbody>
</table>

Biographical details for the current board members can be found on the Irish Bank Resolution Corporation (IBRC) website using the following link:

http://www.ibrc.ie/About—us/Who—we—are/Board—of—Directors/

The IBRC is currently examining its records in relation to expenses paid to board members since 2009 and as soon as this information is available it will be forwarded to the Deputy.

**Liquor Licensing Laws**

135. *Deputy Michael McGrath* asked the Minister for Finance if the Revenue Commissioners have identified a pattern of compliance issues with regard to leased licensed premises, or public houses, in recent times; if they are carrying out significant enforcement activity in this area; and if he will make a statement on the matter.  [13528/12]

*Minister for Finance (Deputy Michael Noonan):* I am advised by the Revenue Commissioners that they may only facilitate the issue of a Publican’s licence where the appropriate certificate has been issued by a District or Circuit Court, and certain conditions, as set down in legislation, are met. These include:

- Valid Original Court Certificate,
- Valid Tax Clearance Certificate,
• Short Certificate of Incorporation (if Licensee is a company),
• Certificate of Registration of Business Name.

The person/entity to whom the Court has granted the certificate for a premises is clearly named on the Court Certificate. However, the Court Certificate contains no details of the conditions under which they hold title or beneficial use/access to the premises i.e. whether landlord or tenant. Accordingly, in conducting compliance activity in respect of renewal of publicans’ licences, on the basis that the possession of a valid Tax Clearance Certificate is a prerequisite, the Revenue Commissioners do not normally distinguish between leased or owned premises.

I am further advised by the Revenue Commissioners, that their strategy in relation to the broad range of compliance activities which they carry out is to focus on the areas of greatest risk. This includes, from time to time, focusing on particular sectors, including publicans. Revenue’s priority is to select cases for intervention based on various risk indicators and other information, which could include intelligence from a range of sources and third party information.

**Tax Collection**

136. **Deputy Robert Troy** asked the Minister for Finance if he will provide details of the circumstances in which he anticipates the Revenue Commissioners will use the new powers to be conferred on them under Section 111 of the Finance Bill 2012; his views on the impact of such a measure on small businesses; and if he will make a statement on the matter. [13529/12]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that this provision is being introduced to address those businesses that deliberately build up significant arrears of tax with no intention whatsoever of ever clearing their tax debts. The types of persons in question are what are commonly known as phoenix companies and similar type operators. They typically run up large Revenue tax liabilities with no intention of ever paying them and when the Revenue Commissioners initiate enforcement proceedings against them they close the business and start up again in a different form.

In many cases the taxes in question involve fiduciary taxes, such as PAYE and USC that they withhold from employees and VAT withheld from consumers and other businesses. Instead of paying these fiduciary taxes over to Revenue for the benefit of the Exchequer as they are obliged to do, they use them for their own benefit — in the process giving themselves a competitive advantage over legitimate businesses.

This provision will not have any impact on legitimate businesses, large or small that take reasonable care in relation to their tax compliance. In most cases, there are legitimate reasons why businesses may fall into tax arrears. Revenue does and will continue to enter into arrangements with those businesses that come to them with genuine problems and proposals to pay arrears of tax with a view to achieving long term tax compliance. This provision is not aimed at those businesses.

The Revenue Commissioners have undertaken only to use this provision after publishing guidelines on how it will be applied.

**National Asset Management Agency**

137. **Deputy Gerry Adams** asked the Minister for Finance, in view of the IMF’s claim that the National Asset Management Agency had a €3.1 billion target for the disposal of assets in 2011, if he will advise if NAMA has targets for the disposal of assets in 2012 and 2013; and if any such annual targets can be quantified. [13535/12]
Minister for Finance (Deputy Michael Noonan): The IMF has indicated a specific sales target for NAMA of €3.1bn in its March 2012 staff report. NAMA does not have specific annual targets for approved sales for each year up to 2013. However, NAMA advises that it has developed expected levels of cumulative approved sales as broad internal guidelines to ensure that it can reach its target of repaying €7.5bn of debt by 2013. These cumulative levels of expected approved sales are set at €7bn for end-2012 and at €9bn for end-2013. Levels of approved sales at year end will differ from actual sales at year end as in the property market there is typically a lag of about six months between sales approval and sales completion.

138. Deputy Gerry Adams asked the Minister for Finance if he will confirm if the National Asset Management Agency’s target of repaying 25% of its debts by the end of 2013 has become a term of the bailout agreement with the troika; and if he will make a statement on the matter. [13536/12]

Minister for Finance (Deputy Michael Noonan): The NAMA Board initially set itself the target of repaying €7.5bn of its debt by end 2013. By agreement, the May 2011 Memorandum of Understanding with the European Central Bank, European Commission and International Monetary Fund included a target for the disposal of assets equating to approximately €7.5bn in cash by end 2013. As a consequence this target is now a commitment under the agreement with the Troika. The Troika seek progress reports on the asset disposal target at the quarterly meetings with NAMA.

Proposed Legislation

139. Deputy Gerry Adams asked the Minister for Finance, with regard to the proposed betting amendment Bill, if the legislation will cover betting exchanges, specifically in relation to layers who lay bets in an identical fashion to traditional bookmakers but without a betting licence; if the new legislation will allow tax to be collected on moneys earned by these layers; and if he will make a statement on the matter. [13537/12]

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.

State Banking Sector

140. Deputy Joe McHugh asked the Minister for Finance the annual cost to the State since 2002 of exchanges at the Central Bank of old Irish currency with euro; the monthly exchanges since 2008; if he has any plans for reform or review of this process; and if he will make a statement on the matter. [13551/12]

Minister for Finance (Deputy Michael Noonan): The cost to the Central Bank of exchanging Irish pound notes and coins for euro notes and coins for each year since 2004 are set out below. Information for the years 2002 and 2003 is not available. The Central Bank keeps the provision of this service under review. The Central Bank has advised that 60% of the cost relates to
direct costs including staff costs. The remaining 40% covers indirect costs including premises, IT support and HR services.

<table>
<thead>
<tr>
<th>Year</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>€296,691</td>
</tr>
<tr>
<td>2005</td>
<td>€329,963</td>
</tr>
<tr>
<td>2006</td>
<td>€362,655</td>
</tr>
<tr>
<td>2007</td>
<td>€388,977</td>
</tr>
<tr>
<td>2008</td>
<td>€338,618</td>
</tr>
<tr>
<td>2009</td>
<td>€365,926</td>
</tr>
<tr>
<td>2010</td>
<td>€282,062</td>
</tr>
<tr>
<td>2011</td>
<td>€265,413</td>
</tr>
</tbody>
</table>

The number of Irish pound notes and coins exchanged for each month for the years 2008 to 2011 is set out below:

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of coins</th>
<th>No. of notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td></td>
<td></td>
</tr>
<tr>
<td>January</td>
<td>574,831</td>
<td>12,520</td>
</tr>
<tr>
<td>February</td>
<td>539,055</td>
<td>11,472</td>
</tr>
<tr>
<td>March</td>
<td>331,503</td>
<td>12,683</td>
</tr>
<tr>
<td>April</td>
<td>937,877</td>
<td>13,075</td>
</tr>
<tr>
<td>May</td>
<td>171,860</td>
<td>11,802</td>
</tr>
<tr>
<td>June</td>
<td>296,537</td>
<td>9,219</td>
</tr>
<tr>
<td>July</td>
<td>427,275</td>
<td>11,846</td>
</tr>
<tr>
<td>August</td>
<td>183,127</td>
<td>20,227</td>
</tr>
<tr>
<td>September</td>
<td>299,281</td>
<td>10,773</td>
</tr>
<tr>
<td>October</td>
<td>172,847</td>
<td>11,256</td>
</tr>
<tr>
<td>November</td>
<td>279,878</td>
<td>18,630</td>
</tr>
<tr>
<td>December</td>
<td>386,976</td>
<td>8,301</td>
</tr>
<tr>
<td>Total</td>
<td>4,601,047</td>
<td>151,804</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of coins</th>
<th>No. of notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td></td>
<td></td>
</tr>
<tr>
<td>January</td>
<td>269,505</td>
<td>11,043</td>
</tr>
<tr>
<td>February</td>
<td>620,803</td>
<td>8,973</td>
</tr>
<tr>
<td>March</td>
<td>326,055</td>
<td>13,191</td>
</tr>
<tr>
<td>April</td>
<td>313,339</td>
<td>15,563</td>
</tr>
<tr>
<td>May</td>
<td>182,615</td>
<td>11,858</td>
</tr>
<tr>
<td>June</td>
<td>367,019</td>
<td>8,701</td>
</tr>
<tr>
<td>July</td>
<td>561,194</td>
<td>13,035</td>
</tr>
<tr>
<td>August</td>
<td>356,776</td>
<td>17,334</td>
</tr>
<tr>
<td>September</td>
<td>211,879</td>
<td>15,917</td>
</tr>
<tr>
<td>October</td>
<td>302,343</td>
<td>12,977</td>
</tr>
<tr>
<td>November</td>
<td>294,989</td>
<td>12,193</td>
</tr>
<tr>
<td>December</td>
<td>284,654</td>
<td>7,099</td>
</tr>
<tr>
<td>Total</td>
<td>4,091,171</td>
<td>147,884</td>
</tr>
</tbody>
</table>
National Asset Management Agency

141. **Deputy Gerry Adams** asked the Minister for Finance further to Parliamentary Question No. 94 of 22 February 2012, the fees that are paid to companies who provide property valuations for the National Assets Management Agency; the fees for this service that were paid in each of the years since NAMA was established; and if he will give details of the top ten recipients of these fees in each of the years since NAMA was established. [13616/12]

**Minister for Finance (Deputy Michael Noonan):** NAMA has provided the property valuation fees below by year, together with the top 10 recipients of these fees in each year. The analysis is based on fees invoiced to and paid by NAMA in the period from inception to 31 January 2012. Amounts are inclusive of VAT. A total of €13.3m has been paid by NAMA for property valuations. €12.4m of the valuation fees paid relate to once-off property valuations carried out as part of the property due diligence in respect of the acquired loans. €0.9m of the valuation fees paid relate to valuations required as part of NAMA’s ongoing management of the acquired portfolio.
Questions— 13 March 2012. Written Answers

The property valuation fees incurred in respect of property due diligence are recovered from the financial institutions through a reduction in the acquisition value.

Total Property Valuation Expenses by years (€’000)

<table>
<thead>
<tr>
<th>Year</th>
<th>Total €’000</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>4,084</td>
</tr>
<tr>
<td>2011</td>
<td>8,947</td>
</tr>
<tr>
<td>2012</td>
<td>273</td>
</tr>
<tr>
<td>Total</td>
<td>13,304</td>
</tr>
</tbody>
</table>

Top 10 Providers to date (€’000)

<table>
<thead>
<tr>
<th>Firm</th>
<th>2012</th>
<th>2011</th>
<th>2012</th>
<th>Total €’000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jones Lang Lasalle Ltd — Dublin</td>
<td>584</td>
<td>655</td>
<td>—</td>
<td>1,239</td>
</tr>
<tr>
<td>Donal O’Buachalla and Co Ltd</td>
<td>329</td>
<td>873</td>
<td>—</td>
<td>1,201</td>
</tr>
<tr>
<td>Colliers International Dublin</td>
<td>444</td>
<td>534</td>
<td>—</td>
<td>978</td>
</tr>
<tr>
<td>Lisney Ltd</td>
<td>293</td>
<td>567</td>
<td>1</td>
<td>861</td>
</tr>
<tr>
<td>Knight Frank LLP</td>
<td>266</td>
<td>490</td>
<td>—</td>
<td>756</td>
</tr>
<tr>
<td>WK Nowlan and Associates</td>
<td>327</td>
<td>406</td>
<td>16</td>
<td>748</td>
</tr>
<tr>
<td>Cushman and Wakefield</td>
<td>56</td>
<td>576</td>
<td>65</td>
<td>697</td>
</tr>
<tr>
<td>Lambert Smith Hampton</td>
<td>111</td>
<td>578</td>
<td>—</td>
<td>689</td>
</tr>
<tr>
<td>HWBC Ltd</td>
<td>210</td>
<td>418</td>
<td>3</td>
<td>630</td>
</tr>
<tr>
<td>Savills Commercial (Ireland) Ltd</td>
<td>52</td>
<td>456</td>
<td>105</td>
<td>612</td>
</tr>
</tbody>
</table>

Top 10 Providers by year (€’000)

2010

<table>
<thead>
<tr>
<th>Firm</th>
<th>€’000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jones Lang Lasalle Ltd — Dublin</td>
<td>584</td>
</tr>
<tr>
<td>Colliers International Dublin</td>
<td>444</td>
</tr>
<tr>
<td>Donal O’Buachalla and Co Ltd</td>
<td>329</td>
</tr>
<tr>
<td>WK Nowlan and Associates</td>
<td>327</td>
</tr>
<tr>
<td>Lisney Ltd</td>
<td>293</td>
</tr>
<tr>
<td>CB Richard Ellis</td>
<td>278</td>
</tr>
<tr>
<td>Knight Frank LLP</td>
<td>266</td>
</tr>
<tr>
<td>Bannon Commercial Property Consultants Ltd</td>
<td>229</td>
</tr>
<tr>
<td>HWBC Ltd</td>
<td>210</td>
</tr>
<tr>
<td>GVA Grimley Ltd</td>
<td>142</td>
</tr>
</tbody>
</table>
[Deputy Michael Noonan.]

2011

<table>
<thead>
<tr>
<th>Firm</th>
<th>€'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Donal O’Buachalla and Co Ltd</td>
<td>873</td>
</tr>
<tr>
<td>Jones Lang Lasalle Ltd- Dublin</td>
<td>655</td>
</tr>
<tr>
<td>Lambert Smith Hampton</td>
<td>578</td>
</tr>
<tr>
<td>Cushman and Wakefield</td>
<td>576</td>
</tr>
<tr>
<td>Lisney Ltd</td>
<td>567</td>
</tr>
<tr>
<td>Colliers International Dublin</td>
<td>534</td>
</tr>
<tr>
<td>Knight Frank LLP</td>
<td>490</td>
</tr>
<tr>
<td>Savills Commercial (Ireland) Ltd</td>
<td>456</td>
</tr>
<tr>
<td>HWBC Ltd</td>
<td>418</td>
</tr>
<tr>
<td>Irish and European</td>
<td>417</td>
</tr>
</tbody>
</table>

2012

<table>
<thead>
<tr>
<th>Firm</th>
<th>€'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Savills Commercial (Ireland) Ltd</td>
<td>105</td>
</tr>
<tr>
<td>Cushman and Wakefield</td>
<td>65</td>
</tr>
<tr>
<td>CB Richard Ellis</td>
<td>42</td>
</tr>
<tr>
<td>Frazer Kidd and Partners</td>
<td>22</td>
</tr>
<tr>
<td>WK Nowlan and Associates</td>
<td>16</td>
</tr>
<tr>
<td>Irish and European</td>
<td>7</td>
</tr>
<tr>
<td>Douglas Newman Good</td>
<td>6</td>
</tr>
<tr>
<td>Knight Frank (Dublin)</td>
<td>3</td>
</tr>
<tr>
<td>HWBC Ltd</td>
<td>3</td>
</tr>
<tr>
<td>Colliers International Belfast</td>
<td>2</td>
</tr>
</tbody>
</table>

**Tax Code**

142. **Deputy Jack Wall** asked the Minister for Finance if a person (details supplied) in County Kildare who is in receipt of a retirement pension from their former employment should be deducted the universal social charge; and if he will make a statement on the matter. [13623/12]

**Minister for Finance (Deputy Michael Noonan):** I have been advised by the Revenue Commissioners, that based on the information available to them, the person concerned is exempt from the Universal Social Charge (USC) for 2012. A revised tax credit and USC certificate will issue to the person concerned and to his employer over the next few days. The amount of the charge deducted since 1 January 2012 should be refunded by his employer on the next pay date after receipt of the revised certificate.

**Commission on Credit Unions**

143. **Deputy Robert Troy** asked the Minister for Finance the reason he has not published submissions made to the Commission on the Credit Unions despite a clear commitment to do so when inviting submissions; and if he will make a statement on the matter. [13631/12]
Minister for Finance (Deputy Michael Noonan): In May 2011 the Government established the Commission on Credit Unions as an independent commission to review the future of the credit union movement and make recommendations in relation to the most effective regulatory structure for credit unions. In July 2011, the Commission announced a public consultation process and invited views and the question of their publication is a matter for the Commission. The Commission has advised that it will publish the submissions, as intended, after it has completed its deliberations and provided its final report to me. The Commission’s final report is due at the end of this month.

Proposed Legislation

144. **Deputy Michael Healy-Rae** asked the Minister for Finance his views on a matter (details supplied) regarding the proposed betting amendment Bill; and if he will make a statement on the matter. [13703/12]

Minister for Finance (Deputy Michael Noonan): It was announced in Budget 2011 that the necessary arrangements are being made to ensure that bets placed on the internet by domestic punters are subject to the same level of betting duty as applies to high street betting shops. This will serve to broaden the tax base and increase betting duty receipts. The Finance Act 2011 provides for the taxation of bets that remote bookmakers enter into with persons in the State. This means, for example, that a business which engages in online bookmaking and which accepts bets from people in this country will be liable for betting duty on those bets, irrespective of where that business is based. The existing betting duty (1%) will be applied to such bets. The Finance Act also provides for the taxation of Betting Exchanges under the new arrangements; however the calculation of the tax will take account of their particular business model, in other words a tax on the commission charged. In addition, excise duties are being applied to the granting and renewal of remote bookmakers’ and remote betting intermediaries’ licences.

The proposed Betting (Amendment) Bill, which is being drafted at present, will establish the regulatory framework for these licences. The tax changes provided for in the Finance Act can only be implemented once the Betting (Amendment) Bill is enacted. This Bill is well advanced and it is hoped that it will be published in the second quarter of this year.

I am hopeful that by including the high-growth area of the betting sector the tax base from betting will be boosted significantly.

In addition, this measure conveys a positive signal to international betting operations that have expressed an interest in or have already invested in Ireland. A location with an appropriate licensing regime coupled with relatively low taxes provides real investment and employment opportunities in this sector, which ultimately can potentially be beneficial to all concerned.

Tax Code

145. **Deputy Michael Creed** asked the Minister for Finance if he or the Revenue Commissioners has calculated the cost of VAT refunds on alcohol products sold below cost; if he will introduce a ban on the retailing of alcohol at below invoice cost; and if he will make a statement on the matter. [13733/12]

Minister for Finance (Deputy Michael Noonan): VAT is a tax on the value added to a supply and the collection and recovery of VAT takes place at each stage of the chain of supply from manufacturing to retailer. Under EU and domestic VAT rules traders who are registered for VAT collect VAT on the goods and services that they sell. In turn such traders are entitled to recover the VAT they incur on their business inputs used in the purchase or production of

147
goods or delivery of services. Consequently, if there is a decrease in value at any stage in the process the trader is entitled to a refund of the excess of VAT incurred over that collected. In this regard, where a retailer is in a situation of net VAT gain as a result of below cost selling, this is not a loss to the Exchequer or an additional benefit to the retailer, it is merely how VAT is charged.

As regards calculating the VAT impact of below cost sales, separate figures are not available for input VAT on goods that were subsequently sold at a discount because traders’ VAT returns show only the total input VAT and the total output VAT for the period covered by the return.

Credit Availability

146. Deputy Bernard J. Durkan asked the Minister for Finance if he will encourage the banking sector to facilitate viable pig farming enterprises which may need capital investment arising from redevelopment relating to animal welfare provisions, with particular reference to the requirement for ongoing working capital in the current difficult economic situation; and if he will make a statement on the matter. [13737/12]

Minister for Finance (Deputy Michael Noonan): As the Deputy is aware, the Government has imposed lending targets on the two domestic pillar banks for the three calendar years, 2011 to 2013. Both banks were required to sanction lending of at least €3 billion in 2011, €3.5 billion this year and €4 billion in 2013 for new or increased credit facilities to SMEs. I can confirm to the Deputy that both banks have achieved their 2011 targets. The banks have been set an overall target for lending to SMEs including farm lending. The Government is conscious that the agricultural sector, in common with other sectors, needs access to credit. The remit of the Credit Review Office which was established to review decisions of the banks to refuse credit explicitly includes the farming sector. All loans to pig farmers are included in the agriculture lending returns.

It is vital that the banks continue to make credit available to support economic recovery. However, it is not in the interest of the banks, businesses or the economy for finance to be provided unless the business is viable and has the capacity to meet the interest payments and repay the sum borrowed.

Tax Code

147. Deputy Brian Stanley asked the Minister for Finance if he has plans to address the issue of travel agents based here paying VAT twice when doing business in another jurisdiction, i.e. when they book accommodation or event tickets in another country, as when doing business in England this means paying 21% VAT and then 23% Irish VAT plus 12.5% corporation tax. [13752/12]

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. For example, a travel agent acting as principal in arranging visits to the UK will pay UK VAT at 20% on hotel accommodation and event tickets and incur a zero UK VAT-rate on transport. The travel agent will then pay Irish VAT at 23% only on the margin, that is, the difference between his income from travellers and his expenses in buying in the services (accommodation, tickets, transport). None of the constituents that make up the income from the traveller is subject to VAT more than once.

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 the agent 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. Travel agents, like other traders, can recover VAT on deductible overheads (electricity, heating, stationary) incurred by them in connection with their taxable supplies.

The margin scheme has benefits for a travel agent in terms of complying with their VAT obligations. In the absence of the scheme the travel agent may have compliance obligations across many Member Sates of the EU which would place significant administrative burdens on them.

**State Banking Sector**

148. **Deputy Gerry Adams** asked the Minister for Finance, further to Parliamentary Question No. 50 of 29 February 2012, the total cost to IBRC of the eight major contracts it has agreed with core providers for advice relating to the sale of its commercial loan books in 2011 and to date 2012. [13768/12]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy is aware the Board of the bank is responsible for the day to day operation of the bank including engagement of advisors relating to the sale of its commercial loan books. The bank has informed me that the Annual Report and Accounts for 2011 are due for release at the end of this month. Relevant details of running costs will be provided in the accounts to enable readers to assess the financial position and performance of the Bank in 2011. To facilitate a review of the financial performance of the Bank, information will be provided on an industry comparable basis regarding administrative costs and total exceptional costs. Additionally, the report will provide details of any net gains or losses arising from the sale of commercial loans in 2011. The disclosure will clarify the treatment of directly related transaction fees charged by advisors and, subject to commercial considerations and bearing in mind the relative impact of such costs on the overall reported net gain or loss, will provide some indication of the level of costs involved.

149. **Deputy Michelle Mulherin** asked the Minister for Finance if he will detail the wages and running costs of Irish Bank Resolution Corporation Limited; and if he will make a statement on the matter. [13833/12]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy is aware the Board of the bank is responsible for the day to day operation of the bank including the wages and running costs of the bank. The bank has informed me that the IBRC Annual report and Accounts for 2011 are due for release at the end of this month. Relevant details of running costs will be provided in the accounts to enable readers to assess the financial position and performance of the Bank in 2011. To facilitate a review of the financial performance of the Bank, information
will be provided on an industry comparable basis, regarding total staff costs, the average number of employees by location, other administrative costs and total exceptional costs.

**Tax Collection**

150. **Deputy John McGuinness** asked the Minister for Finance if all tax or revenue issues relative to the correspondence sent by the Revenue Commissioners to a person (details supplied) in County Kilkenny have been resolved. [13876/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that all tax issues relative to the correspondence issued by Revenue to the named individual have been resolved.

**Proposed Legislation**

151. **Deputy Stephen S. Donnelly** asked the Minister for Finance if he will provide a list of measures included in the Finance Bill 2012 that were not announced in budget 2012; the cost or revenue implications of each of these measures; the details of any public announcement that had been made of these measures prior to the publication of the Finance Bill 2012; and, for each measure, details of any organisations that lobbied him to bring forward legislation on that measure. [13924/12]

**Minister for Finance (Deputy Michael Noonan):** The Finance Bill was published on 8th February and contained 76 measures not announced in Budget 2012. A list of these measures is appended. The issue of costings of measures included in the Bill, including those which were not announced in the Budget, was addressed by my colleague, Minister of State Hayes, during the Committee Stage of the Bill. As indicated by the Minister of State, the Budget Book published on Budget Day contained a full assessment of the yield and cost on each of the measures proposed. As further indicated by the Minister of State, there is no substantial change in the Finance Bill compared with my Budget Statement in December. There is no major new expenditure item. Indeed, many of the individual proposals contained in the Bill, which were not specifically referred to in the Budget, are technical in nature.

Accordingly I do not consider that it would be an appropriate use of time to provide the detailed breakdown the Deputy has sought in relation to each of these 76 measures. However if he would care to highlight measures in the Bill which are of particular interest to him, I will see that the information relating to these is provided.

**MEASURES INCLUDED IN FINANCE BILL 2012 BUT NOT ANNOUNCED IN BUDGET 2012**

*Income Tax*

- Section 117 — Civil Partnership
- Section 10 — Revenue Job Assist
- Section 4 — Share-based Remuneration
- Section 11 — Tax Relief on Third Level Fees
- Section 115 — Artists Exemption
- Section 22 — Significant Buildings And Gardens
- Section 35 — Deposit Interest Retention Tax (DIRT) — Technical amendments
- Section 35 — Foreign Deposit Interest — Tax Rate Anomalies
Section 37 — Encashment Tax Modernisation
Section 6 — Health Insurance Age Related Income Tax Credit

*Retirement Relief for Sportspersons*
Section 5 — Relief On Retirement For Certain Income Of Certain Sportspersons

*Stock Relief*
Section 19 — Additional Qualifying Course for Stock Relief for Young Trained Farmers
Section 23 and Accelerated Capital Allowances
Section 15 — High Earners Interaction With Section 23 and Accelerated Capital Allowances

*Exit Tax*
Section 28 — Life Assurance Exemption for Pension Funds and PRSAs
Section 29 — Collective investment undertakings — rate alignment

*EU Savings Directive*
Section 108 — Ending of Reporting Exemption for Certain Interest Payments

*Capital Gains Tax*
Section 61 — Grangegorman Development Agency — Exemption
Section 59 and 61 — Exemptions for Certain State Bodies
Section 60 — Exemption for Compensation Payments to Turf Cutters
Section 56 — Contingent Liabilities
Section 63 — Anti-avoidance — offshore trusts
Section 55 — Anti-avoidance — bearer shares

*Capital Acquisitions Tax*
Section 95 — Group Tax-Free Thresholds
Section 102 — CAT pay and file date
Section 100 — Agricultural relief — residence condition
Section 100 — Anti-avoidance — agricultural relief
Section 97 and 98 — Anti-avoidance — foundations, general powers of appointment, administration of an estate
Section 18, 96 and 101 — Modernisation — technical changes
Section 99 — Exemptions for sales of heritage property to State bodies

*Stamp Duty*
Section 93 — Self-assessment and modernisation
Section 87 — Relief for company mergers
Section 86 and 91 — Technical changes
Section 92 — Young Trained Farmer relief
Section 90 — Grangegorman Development Agency — exemption
[Deputy Michael Noonan.]

Section 91 — Health Insurance Levy
Section 91 — Non-life insurance levy

Pension Taxation
Section 17 — Impacts of the Finance Act 2011 reduction in the maximum allowable pension fund for tax purposes (the Standard Fund Threshold or SFT)

Corporation Tax
Section 26 — R&D Tax Credit Scheme
Section 43 — Tax treatment of transactions involving carbon emission allowances under the EU Emissions Trading Scheme (ETS)
Section 52 — Tax treatment of certain foreign sourced dividends
Section 45 — Tax exemption for certain State-sponsored non-commercial bodies
Sections 42, 53, 47 and 50 — Other Corporation Tax changes

Tax Administration
Section 20 — Professional Services Withholding Tax
Section 21 — Relevant Contracts Tax

Revenue Powers
Section 23 — Relief for investment in films
Section 77 and 104 — Obligation to keep certain records
Section 105 — Taxpayer confidentiality
Section 107 — Returns of payment transactions by payment settlers
Section 106 — Returns of certain information by investment undertakings
Section 109 — Penalty for deliberately or carelessly making incorrect returns, Etc.
Section 110 — Power of Collector-General to require certain persons to provide return of property
Section 111 — Security for certain taxes
Section 113 and Schedule 4 — Modernisation of Direct Taxes Assessing Rules including rules for Self Assessment
Section 114 and Schedule 5 — Miscellaneous amendments relating to administration
Section 116 — Provision of electronic financial statements
Section 118 — Gifts to the State by certain donors
Section 112 — Countering serious tax criminality

International Financial Services
Section 41 — Cash Pooling
Section 51 — Unilateral Credit Relief for inbound leasing royalties
Section 38 — Technical Exposure to Irish tax liability on interest payments to non-residents
Section 40 and 89 — Section 110 measures — Green IFSC Initiative
Questions—13 March 2012. Written Answers

Section 39 — Taxation of Certain Short Term Leases
Section 46 — Extension of Group Relief for Losses to companies with non-EU/EEA Parent
Section 36 — Islamic Finance
Section 30 — Non-Resident Investors in Irish Funds
Section 31 — Exchange Traded Funds
Section 32, 33 and 34 — UCITS Undertakings for Collective Investment in Transferable Securities IV Issues — Cross-Border Mergers and Reconstructions of Investment Funds
Section 88 — Extension of Stamp Duty reliefs to accommodate a range of financial transactions
Section 48 and 49 — Relief for excess foreign tax on royalties by reduction of other royalty income

Value-Added Tax
Section 82 — Definition of Bread for VAT Purposes
Section 73, 79, 80 and 81 — Provision for Recovery and Penalties in relation to VAT Refund Orders
Section 74 and 78 — Minor Changes in relation to VAT on Property
Section 76 — Removal of VAT Deductibility on Conference Accommodation where booked under the Travel Agent Margin Scheme
Section 73 — Strengthening VAT Ministerial Orders

Excise
Section 66, 69 and 70 — Carbon Tax
Section 66 — Amendment of Chapter 1 of Part 2 of Finance Act 1999.

Tax Reliefs

152. Deputy Patrick O’Donovan asked the Minister for Finance the position regarding a claim for refund of mortgage interest relief in respect of a person (details supplied) in County Wexford; when a response will issue; and if he will make a statement on the matter. [13938/12]

Minister for Finance (Deputy Michael Noonan): This is a matter for the Revenue Commissioners who inform me that the person concerned first registered a loan for mortgage interest relief on 6 February 2012. Revenue is awaiting confirmation of certain matters from the person concerned in relation to the application. When this information is received by Revenue, they will finalise their consideration of the application without delay.

Tax Collection

153. Deputy Jack Wall asked the Minister for Finance if persons (details supplied) in County Kildare are due a tax rebate for the years 2008, 2009, 2010, and 2011; and if he will make a statement on the matter. [13968/12]

Minister for Finance (Deputy Michael Noonan): I have been advised by the Revenue Commissioners that the person’s tax liability for 2008 was reviewed in 2009 and tax overpaid refunded at that time. No refund is due for 2009 as the correct tax was deducted under PAYE. PAYE Balancing Statement (P21) for 2009 will issue shortly. In relation to the years 2010 and
2011, the Revenue Commissioners are writing to the person concerned for the details necessary to carry out reviews for these years.

**International Agreements**

154. **Deputy Kevin Humphreys** asked the Minister for Finance if Ireland has reached a bilateral agreement with Sweden; the amount the loan agreement was to be for under the original terms of the bailout; the amount that has been advanced or is currently being negotiated; the repayment schedule of same and the interest rate; and if he will make a statement on the matter. [13970/12]

**Minister for Finance (Deputy Michael Noonan):** Under the EU/IMF Programme of Financial Support for Ireland, the external partners will provide loan funding of up to €67.5 billion subject to compliance with the conditionality set out in the Programme. The key objective is to restore confidence and return the economy to a path of sustained growth and to support job creation, with a view to Ireland regaining access to market funding at reasonable rates. The external funding is being sourced as follows:

- **European Union:***
  - European Financial Stabilisation Mechanism — €22.5 billion
  - European Financial Stability Facility — €17.7 billion
- **International Monetary Fund (IMF):** — €22.5 billion
- **Bilateral loans:**
  - UK — €3.8 billion
  - Sweden — €0.6 billion
  - Denmark — €0.4 billion

**Total External Funding** — €67.5 billion.

The bilateral loan element of the EU-IMF programme of financial support is being provided by three EU Member States — the United Kingdom providing approximately €3.8 billion, Sweden €0.6 billion and Denmark €0.4 billion. All bilateral loans will be provided subject to the conditions of the Memorandum of Understanding agreed with the EU/ECB/IMF.

In relation to the Swedish loan facility, the technical discussions on all aspects of the loan facility have been completed. The draft agreement will now be subject to the Swedish approval process. While the final agreement on the interest rate to be charged is subject to this approval process, we expect it to reflect the reductions already agreed in respect of the EU funds.

At this point, as the agreement has yet to be finalised, no funds have been drawn down under the bilateral loan facility with Sweden. The Swedish bilateral loans will have the 7.5 year term initially envisaged for all programme loans i.e. each draw-down amount would be due to be repaid at the date falling 7.5 years after the date of the relevant disbursement.

**National Asset Management Agency**

155. **Deputy Gerry Adams** asked the Minister for Finance, further to Parliamentary Question No. 54 of 29 February 2012, the number of the National Asset Management Agency debtors...
who are in receipt of remuneration packages that fall into the €70,000 to €100,000 range. [13975/12]

156. Deputy Gerry Adams asked the Minister for Finance, further to Parliamentary Question No. 54 of 29 February 2012, the number of the National Asset Management Agency debtors who are in receipt of remuneration packages that fall into the €100,000 to €200,000 range. [13976/12]

Minister for Finance (Deputy Michael Noonan): I propose to take Questions Nos. 155 and 156 together.

As previously advised, NAMA, in agreeing business plans it approves the retention of overheads by debtors which include remuneration but at rates much reduced from that previously applied. NAMA deals with about 800 debtor connections, either directly or through the participating institutions acting on its behalf. Each debtor’s circumstances are different and the Agency considers that the details of its engagement with those 800 debtor connections, including details of sanctioned overheads, is an operational matter for NAMA.

As previously indicated, I am informed by NAMA that the majority of debtor remuneration packages fall into the €70,000 to €100,000 range. NAMA has also indicated that in two cases the debtors’ remuneration package authorised by NAMA as part of their budget for overheads is €200,000.

Furthermore, I am advised by NAMA, that the total salary allowances (included in approved overhead budgets) attributable to NAMA debtors to manage properties and the number of individual debtors in receipt of such payments is as follows: Total number of debtors with approved overheads — 41 debtors. Salary allowance included within the approved overhead for 41 debtors — €4.1m. Total PAR debt managed by these debtors, which represents 25% of total NAMA portfolio — €18.6 bn.

Tax Code

157. Deputy Michael McGrath asked the Minister for Finance, further to Parliamentary Question No. 61 of 1 March 2012, if he will provide details of the number of cases in 2011 and to date in 2012 in which the Revenue Commissioners has denied mortgage customers the benefit of mortgage interest relief by virtue of the level of mortgage arrears they have; the criteria used by the Revenue in making such decisions; and if he will make a statement on the matter. [14036/12]

Minister for Finance (Deputy Michael Noonan): I am informed by the Revenue Commissioners that in relation to mortgage arrears cases reported to them, each case is considered on its individual merits before a decision is made on the continued appropriateness of the granting of mortgage interest relief on the particular mortgage account. I am advised by Revenue in relation to cases reported to them by the lender that in broad terms:

- Where no payment is being made against the mortgage then the payment of mortgage interest relief is immediately ceased.

- Where an amount of interest is being paid and Revenue receives confirmation from the lender that a structured arrangement has or is being put in place to address the arrear, mortgage relief will continue to be granted in accordance with the relevant interest relief provisions, including relevant thresholds on the maximum interest relief payable.
In instances where relief is ceased on the basis that no payments are being made against the mortgage and subsequent to that, the mortgage is the subject of repayment in accordance with an agreed schedule with the mortgage provider then, subject to an application for the relief by the mortgage holder, the payment of mortgage interest relief is restored in accordance with the relevant interest relief provisions, including relevant thresholds on the maximum interest relief payable.

I am further advised by Revenue that in respect of the 3,865 accounts reported in 2011 and 1,108 accounts reported to date in 2012, reviews are ongoing in some instances and not yet finalised. Additionally, the details of the reviews are maintained at an individual account level and the results are not readily capable of being aggregated across the nearly 5,000 accounts involved. However, based on an informal sample of results carried out for the purpose of this Question, in the order of 50% of cases would be likely to result in the ceasing of mortgage interest relief on the basis that no payments are being made against the mortgage.

**National Asset Management Agency**

158. **Deputy Gerry Adams** asked the Minister for Finance if a company (details supplied) was appointed to a National Asset Management Agency legal adviser panel on 4 January 2012; if the company was at the same time advising Treasury Holdings; his views on whether a conflict of interest occurs; if he was informed of these appointments when they occurred; and if he will make a statement on the matter. [14041/12]

**Minister for Finance (Deputy Michael Noonan):** The appointment of this firm to the Corporate Legal Services Panel was announced publicly on the agency’s website on 3 January 2012. I am advised by NAMA that this particular firm had in fact been long-standing legal advisors to Treasury Holdings. I am further informed that the firm ceased acting for Treasury Holdings in January 2012 when Treasury Holdings decided to take legal action against NAMA.

In view of the relatively small size of the Irish legal sector, it is a fact that many NAMA debtors will have worked with legal advisors who also do work with NAMA. I am advised that large professional firms typically work for a variety of clients and operate procedures to ensure that potential or actual conflicts of interest are identified and managed. Measures taken by firms include the creation of ethical barriers, more commonly referred to as Chinese Walls, between different divisions of a firm to avoid conflicts of interest. Any professional services firm which supplies services to NAMA is under a continuing obligation to notify NAMA of any potential or actual conflict of interest that may arise.

Section 45 of the NAMA Act 2009 deals with professional standards in the provision of services to NAMA by expert advisers and service providers. In particular, Section 45(c) provides that NAMA should ensure that each expert adviser or service provider should make “every effort to avoid or manage conflicts of interest and to declare any such conflict (actual or potential) to NAMA”. I am assured that NAMA in this, as in all cases involving the provision of services, is satisfied that any potential conflict of interest has been appropriately managed.

159. **Deputy Gerry Adams** asked the Minister for Finance if he will provide a list of all those who are on the National Asset Management Agency legal advisory panel. [14042/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by NAMA that there are three separate legal panels from which NAMA procures legal services. These are:

- Corporate Legal Services Panel (established 3 January 2012);
Legal Diligence Services Panel (established 28 November 2009);

Certain Legal Services Panel (established 29 October 2010).

The names of all companies on these panels are listed on the National Asset Management Agency’s website at the following address: www.nama.ie/procurement

Price Inflation

160. **Deputy John Lyons** asked the Minister for Finance the steps he will take to address the problem of rising petrol prices; and if he will make a statement on the matter. [14043/12]

**Minister for Finance (Deputy Michael Noonan):** Ireland, as with other countries, has experienced an increase in the cost of petrol and auto-diesel. The increase in fuel prices is an international phenomenon. Fuel prices are driven by a number of factors including the price of oil on international markets, exchange rates, production costs and refining costs. The rise in oil prices over recent periods reflected additional factors such as geopolitical uncertainty in Northern Africa and the Middle East with potential supply disruptions. The excise rates (including the carbon charge) in Ireland on motor fuels are 58.8 cent per litre of petrol and 47.9 cent per litre of auto-diesel. However, our rates remain lower than many of our main trading partners and significantly lower than our nearest neighbour the UK. The rates for petrol and auto-diesel were increased with effect from 7 December 2011, arising from an increase in the carbon charge for those fuels from €15 to €20 per tonne of CO₂ emitted. This represented an increase of less than 1.5 cent per litre in the case of petrol and just over 1.5 cent per litre in the case of diesel, when VAT is included. The rate of VAT that applies to those fuels increased from 21% to 23% with effect from 1 January 2012.

The Exchequer yield from excise, as excise is set at a nominal amount, does not increase as the price of fuels increase. On the other hand, the yield from VAT per litre of fuel, as VAT is set as a percentage of the price, increases as the price of fuels increase. However, in this regard it should be borne in mind that to the extent that spending in the economy is re-allocated to petrol and other oil products, and away from other VAT liable spending, and to the extent that the overall level of economic activity is reduced by higher oil prices, there may be little or no net gain to the Exchequer.

It should also be noted that businesses are of course entitled to reclaim VAT incurred on their business inputs, including VAT incurred on fuel. For example, VAT incurred on auto-diesel and marked gas oil (MGO or green diesel) used in the course of business is a deductible credit for business in the Irish VAT system. VAT on petrol can not be deducted/reclaimed.

There are no plans for temporary taxation adjustments, as to do so, could lead to significant costs to the Exchequer. The issue of rising fuel prices was discussed by EU Finance Ministers at an ECOFIN meeting last year where they reconfirmed the approach taken in 2005 and again in 2008, when oil prices were very high, which endorsed a coordinated approach towards not making distortionary fiscal adjustments.

Tax Reliefs

161. **Deputy John Lyons** asked the Minister for Finance if he will expedite the refund of tax relief for a medical expenses claim from the Revenue Commissioners in respect of a person (detail supplied) in Dublin 6W; and if he will make a statement on the matter. [14073/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that the Medical Expenses claim was submitted in early February 2012. A PAYE Balancing
Statement giving relief for medical expenses incurred for 2011 will issue shortly and a refund of tax will be paid directly to the person’s bank account within the next 2 weeks.

Revenue Commissioners Investigations

162. Deputy Clare Daly asked the Minister for Finance if he will report on the progress of the Revenue Commissioners’ investigation into an organisation (details supplied) which began in November 2011 arising from allegations of withholding of relevant contracts tax. [14115/12]

Minister for Finance (Deputy Michael Noonan): I am advised by the Revenue Commissioners that for reasons of taxpayer confidentiality they unable to comment on any enquires being made in individual cases.

Social Welfare Benefits

163. Deputy Anne Ferris asked the Minister for Finance if his attention has been drawn to the alarm created among older persons by media reports suggesting the IMF was seeking the abolition of or cuts to a range of services designed to assist elderly persons, including pensions, free travel and medical cards; if such a request or suggestion has been received from the IMF; if he will give details of his response to any such request or suggestion; and if he will make a statement on the matter. [14118/12]

Minister for Finance (Deputy Michael Noonan): As the Deputy will be aware, Ireland agreed a programme of financial support in late 2010 with the ECB, European Commission and the IMF (the Troika). This programme is worth €85 billion, with €17.5 billion coming from our own resources and €67.5 billion of loans being provided from EU funds, the IMF and bilateral lenders. Without this funding the State would not have been able to raise the funds necessary to pay for key public services for our citizens. The programme provides us with a road map to get out of the current crisis. Its objectives are to ensure that the economy can return to sustainable growth, consolidate our fiscal position and support the return to a properly functioning banking system. The provision of this funding is conditional on meeting policy commitments. These commitments are negotiated with our external partners. It is also the case that our EU membership requires us to bring our General Government deficit below 3% of GDP by 2015. The adjustments we are undertaking are those that would be required in the normal course. The EU-IMF funding provides us with the space to do so over a number of years. Our performance in meeting the programme conditionality is reviewed on a quarterly basis. These reviews cover a broad range of policy issues. As part of the review process, both the EU and the IMF review teams prepare an assessment, titled a “Staff Report”, to inform their decision making process. The content of such reports is the responsibility of the relevant organisations. I would emphasise that the policy measures to which we have committed are solely those set out in the programme documents.

In the case of fiscal consolidation, the commitments included are defined in terms of broad aggregate adjustments for both taxation and expenditure in the Memorandum of Understanding (MoU) and are set in the context of the Government’s Medium Term Fiscal Strategy (MTFS) published in November 2011. The relevant commitment gives the Government scope within the overall parameters to determine the appropriate policy choices to achieve the required fiscal consolidation.

I am aware that the IMF Staff Report suggests that the principle of more means testing could be extended to the elderly in terms of “reducing non targeted old age expenditure” and that it cites some examples in this regard. These references in the IMF staff report reflect the IMF staff’s suggestions. The Government is well aware of the concerns raised by such references. However the final decisions on the fiscal adjustment measures to be adopted in Budget 2013,
scheduled for later this year, will be taken by the Government in the context of the overall fiscal parameters set out in the programme and will be based on the Government’s assessment of its priorities and requirements taking account of the prevailing macroeconomic conditions.

**State Banking Sector**

164. **Deputy Terence Flanagan** asked the Minister for Finance if he will provide information (details supplied) regarding Anglo Irish Bank; and if he will make a statement on the matter. [14149/12]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy is aware, the bank has no means of establishing the underlying ownership of these securities which are freely tradeable once issued. These securities are publicly traded and dealt through market participants and settled by clearing house systems. An issuer does not have any access to the records of the clearing house. At maturity, the Bank will instruct its paying agent to transfer the funds due to the clearing house who will then distribute the funds to the holders of the securities as per their records. Even where the bank is presented with lists alleging to represent names of bondholders I am informed there is no way for the bank or anyone else to verifying the veracity of such lists. In the circumstances the Deputy will appreciate that there is nothing further I can do to identify the names of the bondholders.

**Proposed Legislation**

165. **Deputy Brian Walsh** asked the Minister for Finance if he will consider a legislative amendment of the Investment Intermediaries Act 1995 to exempt unincorporated business firms with turnovers below a prescribed limit from the obligation to appoint an auditor to make a report of their accounts, as is the case for small and medium enterprises operating in other sectors; and if he will make a statement on the matter. [14246/12]

**Minister for Finance (Deputy Michael Noonan):** Under the Investment Intermediaries Act 1995, all investment firms must have their accounts audited. It is also a requirement that their auditors submit a Statutory Duty Confirmation. At least six weeks before the firm’s return is due, the Central Bank sends an email to the firm requesting the auditor’s details and the firm must provide these details. While there are sound reasons for this requirement to provide audited accounts, I am mindful of the need to reduce unnecessary overheads, in particular for small firms. I am aware that small, non-financial services firms are not required to submit audited accounts and I have asked my officials to review the current situation, in conjunction with the Department of Jobs, Enterprise and Innovation, and the Central Bank of Ireland.

**International Agreements**

166. **Deputy Stephen S. Donnelly** asked the Minister for Finance, further to Parliamentary Question No. 37 of 7 March 2012 on Ireland’s participation in discussions regarding access to the European Stability Mechanism funds being contingent on the ratification of the fiscal compact, in which he did not indicate the position taken by him in these talks, if he and or officials argued for or against the inclusion of this requirement, and the reason for same; and if he will make a statement on the matter. [14325/12]

167. **Deputy Stephen S. Donnelly** asked the Minister for Finance, further to Parliamentary Question No. 37 of 7 March 2012 on Ireland’s participation in discussions regarding access to European Stability Mechanism funds being contingent on ratification of the fiscal compact, in which he stated that inclusion of the provision was of particular importance to a number of partners, the partners to which he is referring; and if he will make a statement on the matter. [14328/12]
Minister for Finance (Deputy Michael Noonan): I propose to take Questions Nos. 166 and 167 together.

As I have stated before, 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 ratification of the TSCG by the ESM Member concerned” and on implementation of the balanced budget rule as specified in the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union within the agreed timeline (one year after entry into force of the latter).

In the negotiations, the Government sought to ensure that it was made clear that the link between ratification of the TSCG and the ESM Treaty applied only to new applications for assistance under the ESM, and that it will not affect the transfer to the ESM of undisbursed amounts under the European Financial Stability Facility (EFSF) for Ireland and other programme countries. It also sought to ensure that sufficient time was provided for ratification of the TSCG before the link enters into effect.

The Government did not actively seek to include the link between the two Treaties. However, it is entirely logical and reasonable that a country receiving the support of its partners under the ESM should be prepared to run sensible budgetary policies as required under the new Treaty.

It is for partners to describe their own negotiating positions. However, it is a matter of public record that the German Government and the Governments of the other AAA countries regards the link between the solidarity offered under facilities such as the ESM and a commitment to budgetary discipline as an important one.

Asbestos Remediation Programme

168. Deputy Brendan Griffin asked the Minister for Education and Skills his views on a matter (details supplied) regarding asbestos; and if he will make a statement on the matter. [13624/12]

Minister for Education and Skills (Deputy Ruairí Quinn): In accordance with the Safety, Health and Welfare at Work Act, individual school authorities are responsible in the first instance, for ensuring the safety and welfare of children and others in their care. My Department set-aside funding each year to address Health and Safety issues including the removal of damaged asbestos materials from primary and post-primary schools.

Schools that were identified by the Office of Public Works as having a level of asbestos that was deemed to be a Health and Safety issue have had the asbestos removed under my Department’s Remediation Programme. If a school authority has a concern in relation to damaged asbestos materials in their school building it is open to that school to submit an application for funding to the Building Unit of my Department. All applications will be assessed on a case by case basis.

FÁS Training Programmes

169. Deputy Peter Mathews asked the Minister for Education and Skills when a person (details supplied) in Dublin 14 will receive a place on a FÁS course; the reason for the delay; and if he will make a statement on the matter. [13678/12]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): I am informed that the person in question can expect to be offered a place on a GID course in June/July 2012. I understand that the person in question was referred to the FÁS Ballyfermot GID course waiting list on 16th January, 2012. However, due to the high demand for this
course there are a number of other FAS clients also on the waiting list. The structure of the FAS Ballyfermot GID course scheduling system is designed to maximise available training provision for eligible clients wishing to participate on the course. The GID course is 12 days in duration and FAS Ballyfermot simultaneously deliver both day and evening GID courses over a period of 6 weeks.

Special Educational Needs

170. **Deputy Charlie McConalogue** asked the Minister for Education and Skills the steps she will take to implement the recommendations made by the Ombudsman for Children following an investigation regarding the refusal to provide an assistive technology grant to a child by the Department of Education and Skills published on 7 March 2012. [13974/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Firstly, I wish to explain to the Deputy that the National Council for Special Education (NCSE) through its network of local Special Educational Needs Organisers (SENOs) is responsible for processing applications from schools for special educational needs supports. SENOs also make recommendations to my Department where assistive technology is required. In order to qualify for equipment under the assistive technology scheme, a child must have been diagnosed with a physical or communicative disability and must also have a recommendation in a professional assessment that the equipment is essential in order to allow the child to access the curriculum. It must also be clear that the existing I.T. equipment in the school is insufficient to meet the child’s needs. In such circumstances, the NSCE may recommend the provision of assistive technology support and a grant for the recommended equipment may be paid to the school by my Department.

All applications for assistive technology support must be treated equitably. As such, it is not possible to extend the scheme to pupils who do not qualify under the scheme’s criteria as to do so would have significant resource and policy considerations. However in the event that new information comes to hand such as new medical reports or assessments, a SENO can review any application for assistive technology which had previously been refused. Officials in my Department are currently drafting a new circular which will provide clarity for parents and schools regarding the operation and qualification criteria for the scheme. Recommendations made by the Office of the Ombudsman for Children in relation to the case referred to by the Deputy are currently under consideration in my Department.

School Accommodation

171. **Deputy Seán Crowe** asked the Minister for Education and Skills the schools that will benefit from the €35 million to replace prefabricated and temporary classroom accommodation. [13453/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Schools that have been offered an opportunity to replace rented prefabs with permanent accommodation are outlined in the following list. All of the schools have been contacted by my Department’s Planning and Building Unit:

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### Questions— 13 March 2012.  
### Written Answers

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### Appointments to State Boards

172. **Deputy Gerald Nash** asked the Minister for Education and Skills if he will provide details in respect of the number and names of all semi-State companies and statutory agencies under the remit of his Department; if he will provide a list of all members of the board of such organisations for the years 2007 to 2011, inclusive; if he will provide a list of all expenses associated with membership of these boards on an individual basis for the relevant years; if he will provide information relating to

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the profession or occupation of all such members of the relevant State companies and statutory agencies; and if he will make a statement on the matter. [13503/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The information requested by the Deputy for the years 2007-2010 is not centrally collated within my Department and it would require a substantial amount of administrative time to identify and extract the full range of details sought. It is the case that much of the information requested on Board memberships for bodies under the aegis of my Department is available in annual reports and other documents published by various bodies. Many of these reports are available in the Oireachtas Library or can be downloaded from the websites of the bodies concerned.

In respect of 2011 the following information is available in the following table:

- The Name (and website details) of the Bodies under the aegis of my Department,
- The names of Board Members per Board as of 31st December 2011,
- Remuneration Fees applicable to Board Members (2011),
- Total expenses paid to Board Members — excluding fees (2011).

While my Department does not keep details relating to the profession or occupation of all Board members of each body under the aegis of my Department the Deputy should note that Board members are appointed in line with relevant legislation (were appropriate). In addition all individuals who hold designated directorships in public bodies prescribed by regulation for the purposes of the Ethics legislation must comply with the relevant provisions of the legislation. Compliance with the Ethics Act is deemed to be a condition of appointment.

<table>
<thead>
<tr>
<th>Agency Name (and Website Address)</th>
<th>Board Members (as of 31st December 2011)</th>
<th>Remuneration/Fees Applicable in 2011</th>
<th>Board Members — Total Expenses 2011 (excluding Fees)</th>
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<tr>
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<td>Judge Sean Ryan (Chair) Ms Norah Gibbons Mr Fred Lowe Ms Marian Shanley Professor Edward Tempany Ms Anne McLoughlin Ms Mary Fennessy</td>
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<td>Agency Name (and Website Address)</td>
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<td>Remuneration/Fees Applicable in 2011</td>
<td>Board Members — Total Expenses 2011 (excluding Fees)</td>
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<td>Mr Christy Heaphy</td>
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<td>Mr Michael O'Brien</td>
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<td>Mr Patrick Walsh</td>
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<td>Mr Brian Mooney</td>
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<td>Mr John Brennan</td>
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| National Council for Curriculum and Assessment  
[www.ncca.ie](http://www.ncca.ie) | Dr. Tom Collins, (Chair)  
Ms. Elis Humphreys, (Vice-Chair)  
Ms. Mairé Áine Úi Aodha  
Mr. Michael Redmond  
Mr. Stephen McCarthy Sr. Betty O’Riordan  
Ms. Hilary McBain  
Ms. Patricia McCrossan  
Mr. Joe Moran  
Ms. Moira Leydon  
Mr. Tim O’Meara  
Ms. Bernie Judge  
Ms. Deirbhile Nic Craith  
Mr. Declan Kelleher  
Mr. Michael Delargey  
Mr. Frank Turpin  
Dr. Rose Malone  
Ms. Eileen Salmon  
Mr. Donal Cooper  
Mr. Jim Moore  
Professor Noirín Hayes  
Mr. Seán O’Cinn  
Mr. Aidan Farrell  
Mr. Eamonn Murtagh | €0  
€0 | €10,240.02 |
| National Council for Special Education  
[www.ncse.ie](http://www.ncse.ie) | Sydney Blan (Chair)  
Dr. Seamus Hegarty  
Sr Maighread Ní Ghallchobháir  
Tom O’Sullivan  
Maureen Costello  
Don Mahon  
Dr. Anne Lodge  
Joan Russell  
Pat Kinsella  
Julie O’Leary  
Siobhan Barron  
Michael Coughlan  
Mr. James O’Grady | €0  
€0 | €11,489 |
| National Qualifications Authority of Ireland  
[www.nqai.ie](http://www.nqai.ie) | Mr. Paul Haran (Chair)  
Dr. Padraig Walsh  
Ms. Audrey Deane  
Prof Seamus Smith  
Mr. Donal O’Rourke  
Prof. Anne Scott  
Mr. Gary Redmond  
Ms. Maire Bourke  
Mr. Tony Donohue  
Mr. Eamon Devoy  
Prof. Anne Moran  
Mr. Mogens Berg  
2 Vacancies | €0  
€0 | €6,279 |
| Residential Institutions Redress Board (RIRB)  
[www.rirb.ie](http://www.rirb.ie) | The Honourable Judge Esmond Smyth (Chair)  
Dr. Helen Cumminskey  
Dr Ruth Pilkington  
Ms Ann O’Brien B.L.  
Dr. Mary Concanon Bluett  
Ms Dariona Conlon  
Ms Fionnuala O’Loughlin  
Mr John Campbell  
Dr. Harry Bugler  
Ms Samantha Cruess Callaghan  
Dr William Delaney | See Note 2 | €58,081.86 |
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</table>
| Residential Institutions Review Committee (RIRC)  
See RIRB website | Mr Justice Frank Murphy  
Chair  
Judge John Buckley  
Mr Colm Gaynor  
Ms Ita Mangan  
Mr Brendan Gogarty  
Mr John Dalton | See Note 2  
€0 | €0 |
| Skillnets Ltd.  
www.skillnets.ie | Domhnall MacDomhnaill  
(Chairman)  
Terry Hobdell  
Niall Saul  
Peter Rigney  
Nuala Keher  
Henry Murdoch  
Mairead Divilly  
Brendan McGinty  
Ian Talbot  
George Hennessy  
Micheál Ó Óifigigh  
Eamon Devoy  
Karl McDonagh | €8,978  
€5,985  
€4,090 | |
| State Examinations Commission  
www.examinations.ie | Mr. Richard Langford,  
Chairperson  
Ms. Breda Nolan, Deputy  
Mr. Tony Behan  
Ms. Eleanor Walsh  
Mr. Ivor Gleeson | €11,970  
€7,695  
€9,286.55 | |
| The Teaching Council  
www.teachingcouncil.ie | Lily Cronin (Chair)  
Séan Rowley  
Maree O’Connell  
Micheál Ó Gríofa  
Micheál Kilcrann  
Dympna Mulkerrins  
Milo Walsh  
Mary Brennan  
Christy Carroll  
Alice O’Connell  
Anne Mc Elduff  
Gerry Malone  
Noel Buckley  
Christopher Maginn  
Bernadine O’Sullivan  
Fergal McCarthy  
Pat McQuaile  
Susie Hall  
Elaine Devlin  
Michael Barry  
Tim O’Meara  
Vivienne MacSweeney  
Dr. Anne O’Gara  
Professor Pauric Travers  
Dr.Jim Gleeson  
Professor Kathy Hall  
Eileen Flynn  
Antoinette Buggle  
Ciarán Flynn  
Jerry Cronin  
Anita McCann  
Eleanor Petrie  
Oliver Donohoe  
Dr. Kevin Marshall  
Dr. Pádraig Hogan  
Emer Egan  
Dr. Séan Rowland | €0  
€0  
€129,129 (See Note 3) | |
Note 1: The Chairperson of the Commission to Inquire Into Child Abuse (CICA) is a member of the judiciary who is not paid by the CICA. The ordinary members of the Commission, who were all salaried, are not currently, and were not in 2011, on the payroll.

Note 2: In 2011 the Chairperson of the RIRB, as a member of the judiciary, was not paid by the RIRB while the Chairperson of the RIRC was paid an annual salary for a Supreme Court judge subject to abatement to take account of his pension. From October 2011 the Chairperson of the RIRC took a 50% voluntary reduction in salary. The other board members of both the RIRB and the RIRC are paid a per diem rate and pension abatement applies in the case of members receiving a pension from the State. The per diem rate from 1st January 2011 was €668 per day.

Note 3: The Teaching Council has been self-financing since March 2008.

EU Funding

173. **Deputy Robert Dowds** asked the Minister for Education and Skills the funding his Department receives from the European Union on an annual basis; and the services that this funding goes toward. [13527/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** The Department receives funding from the European Commission to fund the activities of the Irish national agency for Eurydice, the European Information Network. The International Section of the Department acts as national agency in this regard. In 2012, funding will amount to €53,000. In addition to funds provided directly to the Department, the EU also funds projects in Ireland, in the field of school, higher or adult education, or vocational training, through its Lifelong Learning Programme (LLP). LLP funds are provided directly every year by the European Commission to the Departmental agencies Léargas and the Higher Education Authority, which are the Irish national agencies for the LLP, for disbursement in accordance with EU regulations. The total amount provided in 2011 for this purpose was €10m. Ireland is currently participating in the Programme for the International Assessment of Adult Competencies (PIAAC) organised by the OECD. There are international and national costs involved. The International cost paid to the OECD is eligible for a refund from the EU. The total International cost in 2011 was €86,706 and a refund of €65,029.50 (75%) was received by the Department. Ireland has received refunds annually since 2008.

The European Social Fund (ESF) is received from the European Commission following the submission of a claim from the Department of Education and Skill’s Certifying Authority under the Human Capital Investment Operational Programme 2007-2013 (HCI OP) in respect of expenditure under the HCI OP. The total ESF funding available to Ireland under the HCI OP is €375,362,370 and the Department’s anticipated share of this is approximately. €349 million. The ESF is invested in the following measures:- Skills Training, Back to Education Initiative, Undergraduate Skills, Labour Market Activation Fund, Adult Literacy, Third Level Access, Youthreach and Travellers and Technical Assistance.

The ESF in Ireland is fully committed for the period 2007 to 2013. However, the amount received varies from year to year depending on the claim submitted by the Certifying Authority. The total amount of ESF expenditure drawn down to the end of 2011 was €199m. In addition, the Department has made a number of successful applications in recent years for co-financing under the European Globalisation Adjustment Fund (EGF). EGF funding is sought to co-finance the provision of programmes of active labour market measures which are aimed at assisting workers made redundant as a result of the adverse impacts of globalisation. EGF applications may be made by a Member State on a discretionary basis on foot of specific criteria in the EGF Regulations (Nos. 1927/2006 and 546/2009) being met. A financial contribution under the EGF is received in a single payment following full and due consideration by the European Commission of a Member State’s application and, upon approval, requires an affirmative decision made by the EU budgetary authority. The EGF decision making process can take a considerable amount of time to be completed procedurally given the involvement of the
various EU organs. Ireland has received some €60.6m in total EGF funding in 2010 and 2011 in relation to the six EGF applications submitted in the period to the end of 2011.

School Staffing

174. Deputy Seán Crowe asked the Minister for Education and Skills, in view of changes to the allocation of school guidance counsellors, when schools are forced to redeploy their school guidance counsellors, if he will clarify the following, namely, the person who will set and correct the assessment test for incoming first years; the person who is qualified to conduct and correct differential aptitude tests for our third year classes; the person who will make contact with the primary schools of all incoming first years in order to build up a profile for teachers at the beginning of the school year; the person who will provide the essential counselling service to students who have problems in their personal or home lives; the person who will advise leaving certificate students on their subject choices and on filling in their CAO forms; the person who will organise trips to career seminars; the person who will organise the annual study skills seminars for first, third and sixth years as well as the accompanying talk for parents; the person who will explain to the third years, transition year students and their parents about their subject choices for the leaving certificate course; and the person who will coordinate the pastoral care system in the school. [13530/12]

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.

Telecommunications Services

175. Deputy Bernard J. Durkan asked the Minister for Education and Skills when it might be expected that high speed broadband facilities will be made available to a school (details supplied) in County Kildare in view of the number of students at the college, the urgency arising from the concern of the parents and the need to provide modern high speed telecommunications to the educational sector; if the school may be considered as an optimal site for a pilot of the upcoming phase in the north Kildare region; and if he will make a statement on the matter. [13541/12]

Minister for Education and Skills (Deputy Ruairí Quinn): A working group comprising representatives from my Department, HEAnet and the Department of Communications and Natural Resources have recommended a strategy for the roll out of 100mbps to post primary schools. The national roll-out will be completed over three stages with 200 schools being connected by September 2012, a further 200 being connected next year and the remaining 250 schools being connected in 2014. The first 200 schools to be installed are located in areas which are served by poorer performing technologies viz., Cavan, Clare, Donegal, Galway, Laois, Leitrim, Longford, Louth, Mayo, Monaghan, Offaly, Roscommon, Sligo and Westmeath.

The next 200 schools will be selected once work is complete on the re-tendering of schools under the current schools broadband programme and once the first 200 schools have been
connected to the 100Mbps scheme. Therefore I am not in a position at present to state when St. Wolsten’s Community College will be installed other than the fact that all post primary schools will be installed by the end of 2014. Any issues arising in the course of the roll out will be referred to the Joint Departmental Steering Group in the first instance for guidance.

176. **Deputy Michael Healy-Rae** asked the Minister for Education and Skills if he will provide a breakdown of the schools in County Kerry that will benefit from the roll-out of broadband; and when it is expected that broadband will be provided to them. [13577/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** A working group comprising representatives from my Department, HEAnet and the Department of Communications and Natural Resources have recommended a strategy for the roll out of 100mbps to all post primary schools. The national roll-out will be completed over three stages with 200 schools being connected by September 2012, a further 200 being connected next year and the remaining 250 schools being connected in 2014. The first 200 schools to be installed are located in areas which are served by poorer performing technologies viz., Cavan, Clare, Donegal, Galway, Laois, Leitrim, Longford, Louth, Mayo, Monaghan, Offaly, Roscommon, Sligo and Westmeath.

The next 200 schools will be selected once work is complete on the re-tendering of schools under the current schools broadband programme and once the first 200 schools have been connected to the 100Mpbs scheme. Therefore I am not in a position at present to state when all the post primary schools in County Kerry will be installed other than the fact that all post primary schools will be installed by the end of 2014. A list of all post primary schools by County can be viewed on the Department of Education website. Any issues arising in the course of the roll out will be referred to the Joint Departmental Steering Group in the first instance for guidance.

### Site Acquisitions

177. **Deputy Seán Ó Fearghaíl** asked the Minister for Education and Skills if he will request that the relevant officials in his Department facilitate a meeting with a delegation from a group of schools (details supplied) seeking to advance the development of a new education campus in County Kildare; and if he will make a statement on the matter. [13583/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I can confirm to the Deputy that my Department has no record of receiving proposals in relation to the development of a new education campus in County Kildare; and if he will make a statement on the matter. Due to the commercial sensitivities pertaining to site acquisitions generally I am not in a position to comment further at this time.

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. The Deputy will also be aware that yesterday I announced details of 219 new major school building projects which will begin over the next five years as part of a
€2 billion capital investment programme. These new projects are in addition to 56 major school building projects that I already announced to go on site in 2012.

**Student Loan Scheme**

178. **Deputy Willie O’Dea** asked the Minister for Education and Skills his plans to introduce a loan scheme for third level students in the short term; and if he will make a statement on the matter. [13588/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The reality of the economic situation and the public expenditure corrections which must be made in the coming years present challenges across all areas of public expenditure, including higher education. Moreover, the projected growth in demand for higher education over the next two decades creates further challenges for funding. Careful planning and consideration of available evidence will allow us to develop policy options so that the system can meet those challenges in the difficult years ahead.

At my request the Higher Education Authority (HEA) completed an initial study late last year on sustainability of the current funding system for higher education. The HEA report outlines the scale of recent reductions in funding and growth in student numbers, and provides some evidence on the possible impacts of this on quality of provision. However, the HEA has emphasised that the report is preliminary only and that substantial additional work now needs to be undertaken before comprehensive proposals as to how we can sustainably fund higher education into the future can be developed. The HEA is continuing its work in this area and further advice is expected later this year.

The implementation issues associated with introducing a student loan scheme were previously assessed by the Department of Education and Skills in the context of policy options for new forms of student contribution. A July 2009 technical report on these policy options, including the introduction of a loan scheme, is published on the Department’s website.

**Teachers’ Remuneration**

179. **Deputy Seán Ó Fearghaile** asked the Minister for Education and Skills if he will consider the points raised in correspondence (details supplied) regarding teachers allowances and qualification allowances; and if he will make a statement on the matter. [13590/12]

221. **Deputy Michael Healy-Rae** asked the Minister for Education and Skills if he will consider reversing cuts to new teachers (details supplied); and if he will make a statement on the matter. [14300/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 179 and 221 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 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.

Schools Building Projects

180. **Deputy Brendan Smith** asked the Minister for Education and Skills when a building grant application will be approved in respect of a school (details supplied) in County Leitrim; and if he will make a statement on the matter. [13602/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I can confirm that my Department is in receipt of an application for Capital funding for additional accommodation at the school referred to by the Deputy. The application is currently being considered and a decision will be conveyed to the school authority as soon as this process is completed.

Schools Amalgamation

181. **Deputy Seán Ó Fearghaíl** asked the Minister for Education and Skills if he has received proposals in relation to the realignment or amalgamation of two schools (details supplied) in County Kildare; if he intends making any recommendations in relation to these two schools; and if he will make a statement on the matter. [13609/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I can confirm to the Deputy that my Department has no record of receiving proposals in relation to the realignment or amalgamation of the two schools to which he refers. It is open to the schools in question to furnish details of their proposals to the Department for consideration.

Schools Refurbishment

182. **Deputy Joe Carey** asked the Minister for Education and Skills if he will report on the application under emergency funding in respect of a school (details supplied); and if he will make a statement on the matter. [13614/12]

**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. As the scope of works for which funding is sought is outside the terms of the scheme it cannot be considered for funding. The school authority has been informed of this decision.

Education and Training Boards

183. **Deputy Niall Collins** asked the Minister for Education and Skills if a copy of the code
Minister for Education and Skills (Deputy Ruairí Quinn): Education and Training Boards will take over the work of vocational education committees and will have an expanded role in the delivery of further education and training across the country. In October 2011 the General Scheme of an Education and Training Boards Bill was referred to the Oireachtas Joint Committee on Jobs, Social Protection and Education. The General Scheme was also published at that time. Following discussions with my Department and relevant stakeholders, the committee prepared a report which I responded to at a meeting of the committee on 25 January 2012. The General Scheme has now been referred to the Office of the Parliamentary Counsel to the Government for formal drafting.

Given that education and training boards have not been established at this time, a code of practice for their governance has not been prepared. However, there is a code of governance in place in respect of vocational education committees since 2005, issued under Circular F11/05, a copy of which is attached to this answer. Discussions are ongoing between my Department and the Irish Vocational Education Association in relation to a revision of the code of governance for the sector, taking into account recent amendments required by the Department of Public Expenditure and Reform.

School Staffing

184. Deputy Pádraig Mac Lochlainn asked the Minister for Education and Skills if he will give the full allocation of 0.2 per class teacher learning support provision afforded to boys-only and mixed schools to girls-only schools under DEIS band 2 in view of the fact that the girls in these disadvantaged schools have a higher prevalence of learning difficulties than children in mainstream schools; if he will consider the unique situation of a school (details supplied) in County Donegal, a DEIS band 2 school, which is due to lose two learning support posts, as a result of the revised general allocation model, with the loss of one of these posts solely due to the reduced allocation, 0.16 hours, and the rounding down to the nearest 0.2, for girls-only schools; and if he will make a statement on the matter. [13683/12]

202. Deputy Denis Naughten asked the Minister for Education and Skills the additional financial provision which has been made by him to cover transport costs on foot of changes to the allocation of resource and learning support teachers in rural schools; and if he has assessed the loss of pupil contact time on foot of these changes. [14010/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 184 and 202 together.

The staffing arrangements for the 2012/13 school year are set out in Primary Circular 0007/2012 which is available on my Department’s website. This includes the detail of the reform of the allocation process which is designed to bring a more equitable distribution of existing posts between schools. The new arrangements incorporate a long overdue updating of the GAM (learning support) allocation for all schools. This inevitably involves changes to existing clustering arrangements whereby a teacher is shared between schools. A further change is that schools in any locality are being empowered to cluster and arrange their GAM resources in a manner that best suits their local needs. This should be completed by schools by 16 March.

There are also new and separate arrangements for how resource hours for individual pupils are converted into teaching posts in schools. The requirement for resource hours in a school
varies from year to year depending on the number, if any, of its pupils with autism etc. Small schools generally have a lower requirement for resource hours. The new arrangements take account of the later timescale for the allocation of these hours necessitated by individual assessment by the NCSE. All of the changes are designed to enable a more efficient operation of the teacher redeployment and recruitment and to reduce the impact of travel time between schools where teachers are shared.

My Department will be working with schools and the relevant education partners to ensure that the new arrangements operate as efficiently as possible. As the process proceeds this work can take account of any appropriate local arrangements that might be made to further optimise travel arrangements. The staffing schedule also includes an appeals mechanism for schools to submit an appeal under certain criteria to an independent Appeal Board. Details of the criteria for appeal are contained in Primary Circular 0007/2012. The closing date for submission of appeals for the April meeting of the Staffing Appeal Board is 23 March, 2012. The Appeal Board operates independently of the Department and its decision is final.

The final staffing position for all schools will ultimately not be known until the Autumn. At that stage the allocation process will be fully completed for mainstream classroom teachers and any appeals to the Staffing Appeal Board will have been considered.

Higher Education Grants

185. Deputy Alan Farrell asked the Minister for Education and Skills the position regarding the higher education grants in respect of postgraduate students for the coming academic year in terms of eligibility and means testing, in view of the fact that many prospective students are now applying for postgraduate courses; and if he will make a statement on the matter. [13694/12]

Minister for Education and Skills (Deputy Ruairí Quinn): My priority as Minister for Education and Skills is to preserve access to undergraduate higher education courses despite the difficult circumstances in our public finances. As a result, no changes were made to the eligibility criteria for undergraduate students in the recent Budget. It is also worth emphasising that 41% of all undergraduate students currently receive a grant and pay no student contributions. Nevertheless, in the context of the necessary but difficult expenditure reduction measures announced in Budget 2012, new students entering postgraduate courses from the 2012/13 academic year onwards will not be entitled to any maintenance payment under the Student Grant Scheme. Existing postgraduate students will not be affected. However, those students who meet the qualifying conditions for the special rate of grant will be eligible to have their post-graduate tuition fees paid up to the maximum fee limit under the Student Grant Scheme.

In access terms, the requirement to pay a fee is considered to be a greater obstacle to entry than lack of maintenance support at postgraduate level. This is why I opted to maintain the fee-payment ahead of maintenance payments for postgraduate students. In addition, a further limited number of students who would previously have qualified under the standard grant thresholds will qualify to have a €2,000 contribution made towards the costs of their fees. My Department estimates this will help an additional 4,000 postgraduate students. However, there will be a new income threshold for this payment which will be lower than the standard grant threshold. 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.

In addition to this, the Student Assistance Fund will continue to be made available through the access offices of third-level institutions to assist students in exceptional financial need. Tax relief is also available on postgraduate tuition fees. While it is regrettable that any changes
need to be made to student support, I believe this approach will continue to provide resources for a relatively wide number of post-graduate students and allow us to maintain the high level of supports provided to undergraduate students.

School Staffing

186. **Deputy Michael Healy-Rae** asked the Minister for Education and Skills his views on a matter (details supplied) in respect of a school; and if he will make a statement on the matter. [13702/12]

222. **Deputy Tom Fleming** asked the Minister for Education and Skills if he will review the special circumstances of a school (details supplied) in County Kerry in which the teacher numbers will have decreased from nine to seven in two years, while the pupil population has increased over the same period; and if he will make a statement on the matter. [14308/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 186 and 222 together.

The staffing arrangements for the 2012/13 school year are set out in Primary Circular 0007/2012 which is available on my Department’s website. This includes the detail of the reform of the allocation process which is designed to bring a more equitable distribution of existing posts between schools. The new arrangements incorporate a long overdue updating of the GAM (learning support) allocation for all schools. This inevitably involves changes to existing clustering arrangements whereby a teacher is shared between schools. A further change is that schools in any locality are being empowered to cluster and arrange their GAM resources in a manner that best suits their local needs. This should be completed by schools by 16 March.

There are also new and separate arrangements for how resource hours for individual pupils are converted into teaching posts in schools. The requirement for resource hours in a school varies from year to year depending on the number, if any, of its pupils with autism etc. Small schools generally have a lower requirement for resource hours. The new arrangements take account of the later timescale for the allocation of these hours necessitated by individual assessment by the NCSE. All of the changes are designed to enable a more efficient operation of the teacher allocation and redeployment process in the new climate of a fixed ceiling of teacher numbers.

The staffing circular 0007/2012 also includes details of an appeals mechanism for schools to submit an appeal under certain criteria to an independent Appeal Board. The closing date for submission of appeals for the April meeting of the Staffing Appeal Board is 23 March, 2012. Schools must also 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. It is intended that the Appeal Board meeting will take place on Wednesday 18 April, 2012 which will be prior to the release of the main redeployment panel and allow 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.

The final staffing position for all schools will ultimately not be known until later in 2012. At that stage the allocation process will be fully completed and any appeals to the Staffing Appeal Board will have been considered.

**Higher Education Grants**

187. **Deputy Maureen O’Sullivan** asked the Minister for Education and Skills how he intends to deal with those persons who deliberately and fraudulently under-report assets and income
in order to avail of free third level fees and maintenance grants; and if he will make a statement on the matter. [13714/12]

Minister for Education and Skills (Deputy Ruairí Quinn): With the passage of the Student Support Act in 2011, specific offences and penalties were introduced relating to the provision of false or misleading information in the context of a student grant application. Under Section 23 of the Act, a person who furnishes information to an awarding authority which is false or misleading or who is reckless as to whether it is so is guilty of an offence, and is liable on summary conviction to a fine of up to €5,000 or imprisonment of up to 12 months or both, or on conviction on indictment for a fine of up to €5,000 or imprisonment of up to 5 years or both. Such persons will also be ineligible to apply for a grant for a period of 10 years following conviction under the Act. The assessment of means for grants purposes is based on gross income — the value of assets is not currently taken into account. Awarding authorities are obliged to satisfy themselves beyond doubt that an acceptable degree of proof under all aspects of the scheme, including reckonable income, has been submitted by the grant applicant. The Free Fees Initiative is not a means-tested scheme.

Departmental Reports

188. Deputy Mary Mitchell O'Connor asked the Minister for Education and Skills when the national languages educational report, as recommended by the Council of Europe in 2008, will be published. [13720/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The Language Education Policy Profile for Ireland was published jointly by this Department and the Council of Europe in 2008. On the foot of the profile, a Working Group was set up to consider the main recommendations of the profile and to draft proposals for consideration by the Department. These proposals are still under consideration.

Vocational Education Committees

189. Deputy Mary Lou McDonald asked the Minister for Education and Skills if his Department’s Circular 0003/2012 is applicable to the allowance of vocational education committee chief executive officers. [13745/12]

Minister for Education and Skills (Deputy Ruairí Quinn): Circular 0003/2012 stipulates 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. Chief Executive Officers who are appointed in a temporary acting capacity after this date will not 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 or for the role of Transport Liaison Officer. Newly appointed acting CEOs may qualify for the payment of an acting-up/higher duties allowance for the duration of a specified temporary period. This will not confer any entitlement to the higher position and/or higher duties allowance when the temporary period expires.

School Staffing

190. Deputy Dan Neville asked the Minister for Education and Skills when will the appeals board dealing with appeals for staffing in primary schools be making its deliberations; and if he will make a statement on the matter. [13749/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The staffing schedule, Circular 0007/2012 includes an appeals mechanism for schools to submit an appeal under certain criteria
to an independent Appeal Board. Details of the criteria for appeal are contained in Primary Circular 0007/2012 which is available on the Department website. The closing date for submission of appeals for the April meeting of the Staffing Appeal Board is 23 March, 2012. Schools must also 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. It is intended that the Appeal Board meeting will take place on Wednesday 18 April, 2012 which will be prior to the release of the main redeployment panel and allow 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.

State Examinations

191. **Deputy Robert Dowds** asked the Minister for Education and Skills if he will consider holding the practical components of the main State examinations during an extended Easter break in order to avoid the expense of employing substitutes for teachers who are conducting exams; and if he will make a statement on the matter. [13757/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations including organising the holding of examinations, determining procedures in places where examinations are conducted including the supervision of examinations and making arrangements for the marking of work presented for examination. In view of this I have forwarded your query to the State Examinations Commission for direct reply to you.

Schools Refurbishment

192. **Deputy Michelle Mulherin** asked the Minister for Education and Skills the position regarding the procurement process for the proposed refurbishment and extension of a school (details supplied) in County Mayo; the next steps that are required towards appointing a contractor for this project; and if he will make a statement on the matter. [13758/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** My Department is currently awaiting receipt of the Tender Report from the Board of Management and their Design Team. Assuming no issues arise with the Tender Report when received, the project will progress to the award stage and then construction.

School Curriculum

193. **Deputy Derek Nolan** asked the Minister for Education and Skills the current stage of development by the National Council for Curriculum Assessment of the implementation of Social, Personal and Health Education at senior cycle syllabus level; when he envisages it being implemented as part of the senior cycle curriculum; and if he will make a statement on the matter. [13783/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** A curriculum framework for SPHE as a senior cycle subject was submitted by the NCCA to my Department in mid 2008. A copy of the curriculum framework is available on the NCCA Website (www.ncca.ie). However, the Department is not in a position to proceed with its implementation in the current budgetary climate. The priority in this area is to continue to enhance the implementation of SPHE at junior cycle and to ensure that all schools implement the Relationships and Sexuality Education programme which is already required in senior cycle.
Questions—13 March 2012. Written Answers

State Examinations

194. **Deputy Patrick O’Donovan** asked the Minister for Education and Skills if he will consider introducing physical education as an exam subject for the junior certificate; and if he will make a statement on the matter. [13823/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I fully appreciate the importance of Physical Education in promoting positive well being, and mental and physical health in schools, and the role this plays in supporting student achievement. As part of the revised Junior Cycle framework, there are 24 statements of learning which set out what students should learn in Junior Cycle. One of the statements of learning provides that, at the end of Junior Cycle, students should be able to participate in physical activity confidently and competently. In addition, as part of the Junior Cycle Review there will be an opportunity for schools to provide short courses which can be assessed as part of the Junior Certificate. Short courses will generally be locally developed, of 100 hours duration and will be assessed by means of a portfolio. There will be scope under these arrangements for schools to extend the provision for sports and PE, including as part of the Junior Certificate qualification, should they wish to do so.

Irish Language

195. **Deputy Peadar Tóibin** asked the Minister for Education and Skills his views on whether it is the right of Irish children to have their education through Irish if they or their parents wish it; and if its his intention to vindicate this right. [13838/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Primary education has a pivotal role in the preservation and expansion of the first official language. The promotion of the Irish language has been an important aim of successive Irish Governments and its place in our education system has been consistently protected. This is reflected in the fact that in recent years a significant number of new gaelscóileanna have been recognised by the Department of Education and Skills, which brings the total number of Gaeilscóileanna to 141, with a combined enrolment of 29,675 pupils in the 2010-11 school year. In addition, there are 106 Gaeltacht all-Irish primary schools with a total enrolment of 7,302 pupils in the 2010-11 school year.

As the Deputy will be aware, I announced in June 2011 that 20 new primary and 20 new post-primary schools are to be established up to 2017 across a number of locations. I also announced new arrangements for the recognition and determination of patronage of these new primary and post-primary schools. The new arrangements published by my Department provide a balanced approach to allow applications to be made by prospective patrons for the establishment of schools. The criteria to be used in deciding patronage of the new schools place a particular emphasis on parental demand for plurality and diversity of patronage, which also includes preference for all-Irish school provision.

The Deputy will also be aware that the Forum on Patronage and Pluralism in the Primary Sector, which is a key objective of the programme for Government, was officially launched in April 2011. The outcome of the forum will inform me on the practicality of how transfer and divesting of patronage would operate for individual primary schools in communities where it is appropriate and necessary to take such an initiative. It will also inform me on how such transfer and divesting can be advanced to ensure that demands for diversity of patronage, including from an Irish language perspective, can be identified and delivered in areas where parental and community demand is greatest.

I also expect that the report of the forum will also include recommendations on how demand for all-Irish primary education can be met in areas where demographic factors would not justify the establishment of new primary schools. The advisory group appointed to convene the forum
held a number of public meetings during June and November 2011. The group sought and received submissions from the education stakeholder groups and the public as part of its work. It is now finalising its report and I expect to receive it shortly.

School Staffing

196. **Deputy Seamus Healy** asked the Minister for Education and Skills if he will reverse the loss of eight teaching posts, approximately one third of staff, at a school (details supplied) in County Tipperary in view of the consequences for the education of pupils at the school; and if he will make a statement on the matter. [13881/12]

205. **Deputy Seán Crowe** asked the Minister for Education and Skills if he will clarify whether a school (details supplied) is to lose eight teaching staff posts at the start of the new school year. [14063/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 196 and 205 together.

The staffing arrangements for the 2012/13 school year are set out in Primary Circular 0007/2012, which is available on my Department’s website. This includes the detail of the reform of the allocation process which is designed to bring a more equitable distribution of existing posts between schools. The new arrangements incorporate a long overdue updating of the GAM (learning support) allocation for all schools. This inevitably involves changes to existing clustering arrangements whereby a teacher is shared between schools. A further change is that schools in any locality are being empowered to cluster and arrange their GAM resources in a manner that best suits their local needs. This should be completed by schools by 16 March.

There are also new and separate arrangements for how resource hours for individual pupils are converted into teaching posts in schools. The requirement for resource hours in a school varies from year to year depending on the number, if any, of its pupils with autism etc. Small schools generally have a lower requirement for resource hours. The new arrangements take account of the later timescale for the allocation of these hours necessitated by individual assessment by the NCSE. All of the changes are designed to enable a more efficient operation of the teacher allocation and redeployment process in the new climate of a fixed ceiling of teacher numbers.

The Deputies will be aware that Budget 2012 provided for the phased withdrawal of approximately 428 posts allocated to some schools under disadvantage programmes prior to the introduction of the DEIS (Delivering Equality of Opportunity in Schools) Initiative in 2005. As already announced the withdrawal of 192 posts from primary schools outside DEIS Band 1 and 2 and from DEIS second level schools will proceed, including the 38 posts from 15 Non DEIS schools, which includes the school referred to by the Deputies.

The staffing circular 0007/2012 also includes an appeals mechanism for schools to submit an appeal under certain criteria to an independent Appeal Board. The existing staffing appeals criteria have been extended to enable limited phasing arrangements for schools where the combination of budget and reform measures impact on a particularly adverse manner on a school’s overall allocation. Schools such as the school referred to by the Deputies that are due to lose 3 or more posts as a result of a combination of the budget and reform measures will be able to apply to the Staffing Appeals Board with a view to seeking to have a portion of the loss in posts deferred to the 2013/14 school year. 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 require-
ments who is eligible to be placed on the redeployment panel. It is intended that the Appeal Board meeting will take place on Wednesday 18 April, 2012 which will be prior to the release of the main redeployment panel and allow 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. The final staffing position for all schools will ultimately not be known until later in 2012. At that stage the allocation process will be fully completed and any appeals to the Staffing Appeal Board will have been considered.

School Building Projects

197. **Deputy Brendan Smith** asked the Minister for Education and Skills if he will detail plans to replace prefab accommodation at a school (details supplied) in Dublin 24; and if he will make a statement on the matter. [13886/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As the Deputy is aware I recently announced an initiative to replace rented prefabs in schools. Almost 200 schools have been offered an opportunity to replace rented prefabs with permanent accommodation. The school referred to by the Deputy is one of the schools being offered grant aid to replace rented prefabs.

198. **Deputy Brendan Smith** asked the Minister for Education and Skills his plans to build a new primary school at a location (details supplied) in Dublin 24; and if he will make a statement on the matter. [13887/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I take it that the Deputy is referring to Scoil Caitlín Maude. I can confirm that my Department is currently examining an application for improved accommodation from the school in question. So that the matter can be considered fully, a technical assessment of the site on which the school is located is required. Officials from my Department will be in further contact with the school authorities in this regard.

Special Educational Needs

199. **Deputy Finian McGrath** asked the Minister for Education and Skills the position regarding the DEIS schools review. [13957/12]

**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 limits opportunities and means that there is not capacity to provide for additionality to the DEIS programme, including the selection of further schools. An ongoing evaluation of DEIS has been underway since the rollout of supports commenced in 2006 by the Educational Research Centre (ERC), the aim of which is to monitor the implementation of the programme and assess its impact on students and schools at primary and post primary levels.

In addition, the Inspectorate of my Department conducted evaluations of planning in a sample of 36 DEIS schools, 18 primary and 18 post-primary. A national composite report on the effectiveness of DEIS planning in primary and post-primary schools has been completed and this report along with the ERC report have been published. My Department will consider fully these evaluation reports before any decisions can be made regarding the future of DEIS.
Schools Refurbishment

200. **Deputy Michelle Mulherin** asked the Minister for Education and Skills the position regarding an application for an extension to a school (details supplied); if he will sanction funding for this much needed building to properly accommodate the needs of the school which are inadequately met at the moment; and if he will make a statement on the matter. [13960/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I can confirm that the school to which the Deputy refers has applied to my Department for large scale capital funding to provide a new school building. In accordance with the published criteria for large scale building projects, the project has been assigned a Band 2 rating. Information in respect of the current school building programme along with all assessed applications for major capital works, including this project, is available on the Department’s website at www.education.ie. In view of the need to ensure that every child has access to a school place, the delivery of major school projects required to meet demographic demand will be the main focus for capital investment in the coming years. It is not possible, therefore, to give an indicative timeframe for the progression of the project, referred to by the Deputy, at this time.

School Staffing

201. **Deputy Denis Naughten** asked the Minister for Education and Skills if he will list the schools in County Roscommon and County Leitrim which are set to lose a teacher next September due to the revised pupil teacher ratio for rural schools; if he will amend the review process to allow schools which would have retained a teacher on the pupil teacher ratio in place on 30 September 2011, to retain that teacher for September 2012, in view of the significant changes that will result on foot of the pending school transport changes; and if he will make a statement on the matter. [14009/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The criteria used for the allocation of teachers to schools is published annually on my Department’s website. The key factor for determining the level of staffing resources provided at individual school level is the staffing schedule for the relevant school year and pupil enrolments on the previous 30 September. The relevant appointment and retention figures for mainstream staffing for the coming school year have been published on the Department’s website. However, the staffing arrangements in schools for the 2012/2013 school year can also be affected by changes in their enrolment, the impact of other budget measures and the reforms to the teacher allocation process. The reform of the allocation process is designed to bring a more equitable distribution of existing posts between schools so there will inevitably be some schools that will lose posts and some schools that will gain posts.

My Department has expanded the existing appeals process so that it is accessible to the small schools that are losing a classroom post as a result of the budget measure. They won’t lose their classroom post if any of them 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 that is now published on my Department’s website. The closing date for submission of appeals for the April meeting of the Staffing Appeals Board is 23 March, 2012.

The final staffing position for all schools will ultimately not be known until the Autumn. At that stage the allocation process will be fully completed for mainstream classroom teachers and any appeals to the Staffing Appeal Board will have been considered. In relation to primary school transport, Budget 2012 changes were confined to primary school transport charges. Other changes to the primary scheme commencing this September were announced in Budget
2011 and derive from recommendations in the School Transport Value for Money review. Given the requirement to obtain savings under the four year national recovery plan there is no scope to review these changes.

*Question No. 202 answered with Question No. 184.*

**Schools Building Programme**

203. **Deputy Seamus Healy** asked the Minister for Education and Skills when he intends to make funding available for the construction of a Gaelscoil (details supplied) in view of the fact that this Gaelscoil has been waiting 18 years for a new school; and if he will make a statement on the matter. [14030/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I can confirm that a site has been purchased for the Gaelscoil referred to by the Deputy and that planning permission has been sought for the site. In view of the need to ensure that every child has access to a school place, the delivery of major school projects required to meet demographic demand will be the main focus for capital investment in the coming years. It is not possible, therefore, to give an indicative timeframe for the progression of the project at this time.

**Teachers’ Remuneration**

204. **Deputy Anthony Lawlor** asked the Minister for Education and Skills the number of teachers who have been classified at the incorrect rates for PRSI and superannuation contributions by his Department; and the date on which the misclassification error was first identified in his Department. [14056/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** In a small number of cases, teachers have been placed in the incorrect class of PRSI. These situations are comparatively rare and have tended to come to light at the point of retirement. In 1,200 cases of retirements of teachers examined recently 3 cases were identified where teachers were on the incorrect rate of PRSI. The approach of my Department is to rectify individual cases as they arise. Staff of my Department are liaising with staff from the Department of Social Protection on this issue to ensure that the matter is rectified and any outstanding amount refunded to the teacher with the minimum amount of disruption.

*Question No. 205 answered with Question No. 196.*

**Book Rental Schemes**

206. **Deputy Patrick Nulty** asked the Minister for Education and Skills if he will provide an estimate of the cost of the establishment of a fully stocked book rental scheme for all second level schools in the State system for all years and for all subjects; if he will provide an estimate of the ongoing running costs of such a national scheme; and if he will make a statement on the matter. [14121/12]

207. **Deputy Patrick Nulty** asked the Minister for Education and Skills if he will provide an estimate of the cost of the establishment of a fully stocked book rental scheme for all primary level schools in the State system for all years and for all subjects; if he will provide an estimate of the ongoing running costs of such a national scheme; and if he will make a statement on the matter. [14122/12]
Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 206 and 207 together.

It is not possible to state what the cost of the establishment of a fully stocked book rental scheme for all primary and second level schools in the State system for all years and for all subjects would be due to the fact that not all schools provide or use the same textbooks and not all schools are the same size. There are differences in the cost of books from school to school, some schools use digital texts, some include workbooks in book rental schemes while others do not. However, one estimate available to my Department suggests that the overall size of the educational book market in Ireland is approximately €60 million. The book grant which my Department provides to schools is in the order of €15 million per annum. Very often the cost of books includes costs charged to students for photocopied sheets, materials for art and practical subjects and for copies, diaries, homework journals and stationery. In addition, most schools that operate a book rental scheme introduce the scheme on a phased basis. Ongoing running costs depend on the life span of each book and the costs of maintenance and replacement of books. These too vary from school to school.

School Patronage

208. Deputy Anne Ferris asked the Minister for Education and Skills when a decision will be made on patronage for a school (details supplied) in County Wicklow; and if he will make a statement on the matter. [14123/12]

Minister for Education and Skills (Deputy Ruairí Quinn): As the Deputy is aware, in June 2011 I announced that 20 new post-primary schools are to be established up to 2017 across a number of locations to cater for increasing demographics. 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 2014. 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.

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.

Third Level Courses

209. Deputy Clare Daly asked the Minister for Education and Skills if he will inquire with the Higher Education and Training Awards Council if, and if so, the reason, it approved the religion module in the higher diploma in arts in primary education in a college (details supplied) which contained statements that have caused extreme offence in the atheist community; and if he will make a statement on the matter. [14128/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I am aware of the issue that the Deputy has raised. The content of course curricula in higher education institutes is a matter for the providers themselves. I understand that the college in question has met with representatives of Atheist Ireland in recent days to discuss the issues raised by the Deputy. HETAC validates programmes of education and training leading to its awards. As part of the validation process, a panel examines and satisfies itself of the programme content. Programmes are subject to ongoing quality assurance reviews.
In relation to the primary school curriculum, while religion is recognised as a curricular area, the content of the religious curriculum is a matter for the patron of each school. As the Deputy is aware, the vast majority of primary schools in Ireland have religious patronage, and this is reflected in the course content and teaching practice placements provided in programmes of primary initial teacher education. The aim of these programmes is to provide the school system with an adequate number of teachers who have the necessary qualifications, skills and knowledge to teach the prescribed curriculum in all settings.

All teacher education programmes in Ireland that lead to registration must have current professional accreditation, which is the statutory responsibility of the Teaching Council. Professional accreditation is a judgement as to whether a programme prepares one for entry into the profession. In accordance with Section 38 of the Teaching Council Act 2001, the Council is empowered to review and professionally accredit programmes of initial teacher education and procedures are in place for this purpose. Accordingly, I have brought the matter to the attention of the Council for its consideration and I understand that it is making contact with the college concerned.

School Building Projects

210. **Deputy Brendan Smith** asked the Minister for Education and Skills the position regarding the provision of appropriate accommodation for a school (details supplied); and if he will make a statement on the matter. [14129/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I am pleased to advise the Deputy that my Department recently provided funding to facilitate the relocation of the school to alternative premises.

Higher Education Grants

211. **Deputy Aodhán Ó Ríordáin** asked the Minister for Education and Skills the position regarding a student maintenance grant application in respect of a person (details supplied) in Dublin 5; and if he will make a statement on the matter. [14132/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The processing of student grants is carried out by local grant awarding authorities — VECs and local authorities. Officials in my Department contacted the relevant VEC, the awarding authority in this case, who confirmed supporting documentation required to process the candidate’s grant application remains outstanding. They wrote to the candidate on 26th July 2011, 29th September 2011 and 2nd February 2012. In the letter of 2nd February, 2012 the candidate was advised that all outstanding documentation required to process the grant application must be submitted by 24th February, 2012 to avoid the application being closed. To date, the documentation has not been received by the VEC. If the applicant has been deemed ineligible for a student grant by the grant awarding authority that decision may be appealed to the awarding authority’s appeals officer. Where the appeals officer decides to reject the appeal, the applicant may appeal this decision to my Department or the independent appeals board, as appropriate.

Special Educational Needs

212. **Deputy Shane Ross** asked the Minister for Education and Skills the steps he will take in the case of a school (details supplied) which has had various forms of funding and support cut. [14144/12]
Minister for Education and Skills (Deputy Ruairí Quinn): The staffing arrangements for the 2012/13 school year are set out in Primary Circular 0007/2012 which is available on my Department’s website. This includes the detail of the reform of the allocation process which is designed to bring a more equitable distribution of existing posts between schools. The new arrangements incorporate a long overdue updating of the GAM (learning support) allocation for all schools. This inevitably involves changes to existing clustering arrangements whereby a teacher is shared between schools. A further change is that schools in any locality are being empowered to cluster and arrange their GAM resources in a manner that best suits their local needs. This should be completed by schools by 16 March. There are also new and separate arrangements for how resource hours for individual pupils are converted into teaching posts in schools. The requirement for resource hours in a school varies from year to year depending on the number, if any, of its pupils with autism etc. Small schools generally have a lower requirement for resource hours. The new arrangements take account of the later timescale for the allocation of these hours necessitated by individual assessment by the NCSE.

All of the changes are designed to enable a more efficient operation of the teacher allocation and redeployment process in the new climate of a fixed ceiling of teacher numbers. The Deputy will be aware that Budget 2012 provided for the phased withdrawal of approximately 428 posts allocated to some schools under disadvantage programmes prior to the introduction of the DEIS (Delivering Equality of Opportunity in Schools) Initiative in 2005. As already announced the withdrawal of 192 posts from primary schools outside DEIS Band 1 and 2 and from DEIS second level schools will proceed, including the 38 posts from 15 Non DEIS schools, which includes the school referred to by the Deputy. The staffing schedule also includes an appeals mechanism for schools to submit an appeal under certain criteria to an independent Appeal Board. Details of the criteria for appeal are contained in Primary Circular 0007/2012.

The existing staffing appeals criteria have been extended to enable limited phasing arrangements for schools where the combination of budget and reform measures impact on a particularly adverse manner on a school’s overall allocation. Schools such as the school referred to by the Deputies that are due to lose 3 or more posts as a result of a combination of the budget and reform measures will be able to apply to the Staffing Appeals Board with a view to seeking to have a portion of the loss in posts deferred to the 2013/14 school year. 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. It is intended that the Appeal Board meeting will take place on Wednesday 18 April, 2012 which will be prior to the release of the main redeployment panel and allow 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. The final staffing position for all schools will ultimately not be known until later in 2012. At that stage the allocation process will be fully completed and any appeals to the Staffing Appeal Board will have been considered.

Schools Refurbishment

213. Deputy Brendan Griffin asked the Minister for Education and Skills if he will make a positive decision on an appeal in respect of emergency works for a school (details supplied) in County Kerry on health and safety grounds; and if he will make a statement on the matter. [14157/12]

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 works to the foul sewer and tiling of toilet areas. As the scope of works
for which funding is sought is outside the terms of the scheme it cannot be considered for funding. The school authority has been informed of this decision.

Public Service Staff

214. Deputy Pat Breen asked the Minister for Education and Skills if he will report on the number of public servants from County Clare who retired as part of the Croke Park early retirement scheme from positions in his Department or from State bodies under the aegis of his Department. [14199/12]

Minister for Education and Skills (Deputy Ruairí Quinn): My Department has one office base in Clare located at Ennis which accommodates staff from the National Educational Psychological Service (NEPS). No staff that were based in Clare retired this year prior to the 29th, February 2012. The final number of teachers in Primary Secondary, Community and Comprehensive schools who have actually retired will not be available until all the retirement applications have been fully processed. For example the number of teachers who applied to retire in the period 1 January to 29 February 2012 is 1,166. Information received from the Vocational Education Sector throughout the country indicates that 220 teachers have applied to retire in that sector during that period. When this work is concluded work will commence on compiling detailed statistical data on the number of teachers who retired and this will be published on my Department’s website. It is important to note that schools may fill vacancies arising from retirements.

School Enrolments

215. Deputy Mattie McGrath asked the Minister for Education and Skills if a section 29 appeal will be accepted from a person (details supplied) in County Tipperary who was refused enrolment to a school; the arrangements that will be put in place to ensure that this child can return to school without any further delay; and if he will make a statement on the matter. [14210/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I understand from my officials that the student in question was refused enrolment to a school which is maintained by South Tipperary VEC.

Under section 29 of the Education Act, 1998, in the case of a school which is established or maintained by a vocational education committee an appeal against the decision of the board of such school shall lie, in the first instance to the vocational educational committee and thereafter to the Secretary General of my Department.

My officials understand from South Tipperary VEC that the appeal was not admitted due to delay in receipt of the appeal. Prior to admitting the appeal to the Secretary General, my officials are liaising with South Tipperary VEC in relation to its decision not to admit the appeal. I have asked my officials to deal with this case as a matter of urgency.

The National Educational Welfare Board (NEWB) can assist parents who are experiencing difficulty in securing a school place for their child. The NEWB can be contacted at NEWB, Heritage Business Park, Bessboro Road, Mahon, Cork or by telephone at 021-4536314.

Schools Building Projects

216. Deputy Joan Collins asked the Minister for Education and Skills when the five year school building programme will be announced; if there is a shortlist; and the schools included in that shortlist. [14221/12]
Minister for Education and Skills (Deputy Ruairí Quinn): I am pleased to advise the Deputy that I announced details of the Five Year Plan yesterday. The Plan contains details of 219 new major school building projects which will begin construction over the next five years as part of a €2 billion capital investment programme. Details of the projects listed on the Plan may be viewed on my Department’s website www.education.ie.

217. Deputy John McGuinness asked the Minister for Education and Skills his plans for a new school building for a school (details supplied); and if he will make a statement on the matter. [14223/12]

218. Deputy John McGuinness asked the Minister for Education and Skills his plans for the development of the school site occupied by a school (details supplied); and if he will make a statement on the matter. [14224/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 217 and 218 together.

I can confirm that my Department is currently examining an application for improved accommodation from the school to which the Deputy refers.

So that the matter can be considered fully, a technical assessment of the site on which the school is located is required. Officials from my Department will be in further contact with the school authorities in this regard.

219. Deputy Brendan Smith asked the Minister for Education and Skills the stage the proposal to provide a new second-level school at a centre (details supplied) is at; when this project will proceed to the next stage; the likely timescale for construction; and if he will make a statement on the matter. [14266/12]

Minister for Education and Skills (Deputy Ruairí Quinn): As the Deputy is aware, on Monday 12th March 2012, I announced details of 219 new major school building projects where construction is expected to commence over the next five years as part of a €2 billion capital investment programme.

I am pleased to advise the Deputy that the project to which he refers was included in this announcement.

Information in respect of all schools included in the Five Year Plan is available on the Department’s website at www.education.ie.

School Patronage

220. Deputy Brendan Smith asked the Minister for Education and Skills when he expects to publish the report of the forum on patronage and pluralism in the primary sector; and if he will make a statement on the matter. [14298/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The Minister for Education and Skills is proposing to publish the Report of the Forum on Patronage and Pluralism in the Primary Sector in April.

Question No. 221 answered with Question No. 179.

Question No. 222 answered with Question No. 186.
Departmental Expenditure

223. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform if he will provide in tabular form the annual amount spent on security measures at private homes and constituency offices of Taoisigh year on year since January 2000 to December 2011. [13786/12]

230. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform if he will provide in tabular form the annual amount spent on security measures at private homes and constituency offices of Ministers and Ministers of State in his Department year on year since January 2000 to December 2011. [13799/12]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes):** I propose to take Questions Nos. 223 and 230 together.

I regret that the relevant information could not be collated in the time available for written reply. A response will issue directly to the Deputy as soon as possible.

Departmental Contracts

224. **Deputy Seamus Kirk** asked the Minister for Public Expenditure and Reform if for the purpose of stimulating employment he will consider asking the troika if it will consider a weighting in favour of Irish companies for a wide range of contracts which are advertised by Departments and State bodies; and if he will make a statement on the matter. [14248/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** It is a basic principle of EU law that between citizens and businesses within the Union there should not be discrimination on grounds of nationality. This principle of non-discrimination is one of the cornerstones of EU procurement rules. The purpose of these rules 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. It is important to realise that the open market regime offers critical opportunities for Irish companies to win business abroad and reliable EU studies indicate that many Irish businesses are successful in this regard.

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. Within the context of the procurement 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;
- ensuring that the levels set by contracting authorities for suitability criteria are justified and proportionate to the needs of the contract;
Questions—13 March 2012.

Written Answers

[Deputy Brendan Howlin.]

- 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;
- 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.

Both the National Procurement Service and the development agencies, such as Enterprise Ireland, offer training and support to businesses in order to raise awareness of public procurement opportunities and to improve the capacity of indigenous firms to compete effectively for these opportunities.

Appointments to State Boards

225. Deputy Gerald Nash asked the Minister for Public Expenditure and Reform if he will provide details on the number and names of all semi-State companies and statutory agencies under the remit of his Department; if he will provide a list of all members of the board of such organisations for the years 2007, 2008, 2009, 2010 and 2011; if he will provide a list of all expenses associated with membership of these boards on an individual basis for the relevant years; if he will provide information relating to the profession or occupation of all such members of the relevant State companies and statutory agencies; and if he will make a statement on the matter. [13510/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): In response to the Deputy’s question An Post National Lottery is the only semi-State company or statutory agency which comes under the remit of my Department. Details in respect of the Board of An Post National Lottery are contained in the following table.

Please note that An Post National Lottery was under the remit of the Department of Finance until March 2011.

Details supplied are in respect of 31 December for each year.

<table>
<thead>
<tr>
<th>Year</th>
<th>Members</th>
</tr>
</thead>
</table>
| 2007 | Mr Donal Connell (Chairperson)  
Mr James Hyland  
Dermot Griffin  
Niamh McGowan  
Micheál Ó Muircheartaigh  
Barbara Patton  
Vacancy |
| 2008 | Mr Donal Connell (Chairperson)  
Mr James Hyland  
Dermot Griffin  
Niamh McGowan  
Micheál Ó Muircheartaigh  
Barbara Patton  
Oliver Wilkinson |
| 2009 | Mr Donal Connell (Chairperson)  
Mr James Hyland  
Dermot Griffin  
Niamh McGowan  
Micheál Ó Muircheartaigh  
Barbara Patton  
Oliver Wilkinson |
Questions— 13 March 2012.

Written Answers

<table>
<thead>
<tr>
<th>Year</th>
<th>Members</th>
</tr>
</thead>
</table>
| 2010 | Mr Donal Connell (Chairperson)  
Mr James Hyland  
Dermot Griffin  
Caroline Murphy  
Micheál Ó Muircheartaigh  
Barbara Patton  
Oliver Wilkinson |
| 2011 | Mr Donal Connell (Chairperson)  
Dermot Griffin  
Caroline Murphy  
Micheál Ó Muircheartaigh  
Oliver Wilkinson  
2 Vacancies |

Expenses Paid to National Lottery Company Directors

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Dermot Griffin</td>
<td>8,142</td>
<td>7,388</td>
<td>2,002</td>
<td>4,198</td>
<td>6,753</td>
</tr>
<tr>
<td>Jim Hyland</td>
<td>2,856</td>
<td>4,232</td>
<td>3,857</td>
<td>2,579</td>
<td>4,198</td>
</tr>
<tr>
<td>Barbara Patton</td>
<td>0</td>
<td>219</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Oliver Wilkinson</td>
<td>3,677</td>
<td>2,284</td>
<td>4,202</td>
<td>2,823</td>
<td>0</td>
</tr>
<tr>
<td>Paraic O’Rourke</td>
<td></td>
<td></td>
<td></td>
<td>2,235</td>
<td>3,687</td>
</tr>
<tr>
<td></td>
<td>14,674</td>
<td>14,123</td>
<td>10,061</td>
<td>11,835</td>
<td>14,638</td>
</tr>
</tbody>
</table>

Paraic O’Rourke served on the Board on 1 January 2007 but was not a Board Member on 1 December 2007.

Profession or occupation of Board members

Donal Connell — Chief Executive of An Post,  
Dermot Griffin — Chief Executive of An Post National Lottery Company,  
James Hyland — Partner, Hyland Johnson Murray, Chartered Accountants,  
Paraic O’Rourke — businessman and company director,  
Caroline Murphy — broadcaster and organisational psychologist,  
Niamh McGowan — barrister-at-law and management consultant,  
Micheál Ó Muircheartaigh — retired broadcaster and teacher,  
Barbara Patton — business marketing consultant,  
Oliver Wilkinson — retired Dáil Deputy.

Rights of Way

226. **Deputy Michael McNamara** asked the Minister for Public Expenditure and Reform his plans to acquire a public right of way at Leamanagh Castle which is situated at the intersection of the R476 Corofin to Killinaboy road and the R480 road to Ballyvaughan, at the southern boundary of the Burren in County Clare, in order that visitors once again may appreciate the unique architectural features of this national monument; and if he will make a statement on the matter. [13549/12]
Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): Leamanagh Castle is under State guardianship and is in the care of the Office of Public Works. The Castle is situated on privately owned lands at Killinaboy, County Clare. As access is in private ownership it is not anticipated that access by the public to the Castle will be possible for the time being.

National Monuments

227. Deputy Michael McNamara asked the Minister for Public Expenditure and Reform the date by which the setting and display of medieval carved stone at Ennis Friary, Ennis, County Clare, will be open to the public; and if he will make a statement on the matter. [13550/12]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): Works on the display of the medieval carved stone have commenced. Specialist stone masonry skills are necessary to complete the moving and installation of the carved stone on to the specially designed plinths.

It is expected that this work will be finished during this summer.

Legislative Programme

228. Deputy Mary Lou McDonald asked the Minister for Public Expenditure and Reform the date on which the Construction Contracts Bill will be brought to Dáil Éireann for Second Stage. [13601/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The Programme for Government contains a commitment to introduce new legislation to protect small building subcontractors that have been denied payments from bigger companies. In this regard, my colleague Minister of State Mr Brian Hayes has been working with Senator Feargal Quinn to develop the Senator’s private member’s Construction Contracts Bill — which had passed all stages in the Seanad and had moved onto the Dáil order paper — into a robust piece of legislation.

In order to address a number of issues that were raised during the consultation on the Bill a Regulatory Impact Assessment (RIA) was carried out. It found that legislation is desirable to improve payment practices and to allow swift resolution of payment disputes by way of adjudication, allowing projects to be completed without wasting time and money in litigation. The RIA was completed and published last September. The Report is available on my Department’s website: www.per.gov.ie/reports.

Following the RIA, Minister Hayes brought proposals to progress this legislation to Government. These proposals have been agreed by Government and it is expected that the legislation will proceed in the Dáil shortly. It is essential that the solution to this issue needs to be balanced so as to avoid imposing regulatory or cost burdens on parties in dispute, the State or others.

Public Sector Reform

229. Deputy Dominic Hannigan asked the Minister for Public Expenditure and Reform his plans for promotions in the public sector within the framework of the Croke Park agreement and his reform agenda; and if he will make a statement on the matter. [13630/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The overall staffing level the Public Service is determined within the context of the current moratorium on staffing levels with particular regard to the Employment Control Frameworks currently in place. The filling of staff vacancies through promotion or otherwise is determined to ensure that the Public
Service is adequately resourced and skilled to meet strategic goals and priorities. Building on the progress achieved under the social partnership agreements — Sustaining Progress and Towards 2016 — the Croke Park Agreement recognises that merit-based, competitive promotion policies will be the norm and that promotion policies, at all levels, will be based on best practice.

*Question No. 230 answered with Question No. 223.*

231. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform if he has concluded his review of allowances and premium payments across the public service; the findings of the review; and when the allowances and premium payments will be reinstated to new beneficiaries. [13842/12]

233. **Deputy Brendan Smith** asked the Minister for Public Expenditure and Reform when he expects the public service-wide review of allowances to be completed as announced in budget 2012; and if he will make a statement on the matter. [14302/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I propose to take Questions Nos. 231 and 233 together.

As announced in my address to Dáil Éireann on the 2012 Expenditure Estimates on 5 December 2011, public service bodies have to achieve a reduction of 5% in the cost of allowances and premium payments in 2012. Further savings are anticipated in subsequent years.

In order to facilitate the public service wide review of allowances, Departments were required to submit information, including costs, on the allowances and premium payments specific to their Department or sector, and where a Department considered it necessary to retain an allowance or a premium payment, a thorough and considered business case, before 31 January 2012. Pending completion of the review, sanction/delegated sanction for the payment of an allowance or premium payment for which a business case has not been approved by this Department to any beneficiary was withdrawn from 31 January 2012 until further notice.

I intend to bring proposals to Government shortly in relation to the findings of the review. Urgent business case requests are being processed in so far as is possible in order to ensure that the work of the public service is not unduly disrupted during the review.

**National Asset Management Agency**

232. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform if he will provide in tabular form a list of the public private partnership contracts awarded by the Office of Public Works to property developers whose loans have been acquired by the National Asset Management Agency, including the names of the property developers and the name of the PPP properties in question. [14297/12]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes):** The Office of Public Works is not aware of having awarded a Public Private Partnership Contract to property developers whose loans may have been acquired by the National Asset Management Agency.

*Question No. 233 answered with Question No. 231.*

**Credit Guarantee Scheme**

234. **Deputy Gerald Nash** asked the Minister for Jobs, Enterprise and Innovation the reasons primary agricultural activities are not included in the forthcoming credit guarantee scheme; his
[Deputy Gerald Nash.]

plans to amend the scheme so that they are included; and if he will make a statement on the matter. [13468/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The Temporary Partial Credit Guarantee Scheme is to operate under the De Minimis State Aid rules as agreed by the Government in November. The De Minimis State Aid framework provides a basis for swift implementation of such a Scheme.

Operating within the scope of the De Minimis State Aid regulations places limits on the range of options available in terms of the extent and pricing of the support which can be provided. It also places some limitations on the business sectors and loan purposes which the Scheme can support. Primary production in agriculture, horticulture and fisheries are excluded from the scope of the scheme in the light of particular restrictions under the De Minimis State Aid rules.

The relevant regulations are:

- Commission Notice on the application of Articles 87 and 88 of the EC Treaty to State aid in the form of guarantees (2008/C 155/02).

Furthermore, the Scheme is a targeted intervention to address specific market failure where a business is unable to secure lending due to a lack of security required for conventional collateral based lending.

The evidence is that currently, the agricultural sector is not experiencing a significant market failure in relation to collateral based lending in comparison to other industry sectors. The Government agreed that the absence of security was less likely to be an issue in agriculture than in many other sectors, as at least for owner farmers there would be the underlying asset of the farmland and buildings, and thus there would be proportionately fewer agriculture borrowing propositions to which the principal underlying rationale for the Scheme would apply.

Appointments to State Boards

235. Deputy Gerald Nash asked the Minister for Jobs, Enterprise and Innovation if he will provide details on the number and names of all semi-State companies and statutory agencies under the remit of his Department; if he will provide a list of all members of the board of such organisations for the years 2007, 2008, 2009, 2010 and 2011; if he will provide a list of all expenses associated with membership of these boards on an individual basis for the relevant years; if he will provide information relating to the profession or occupation of all such members of the relevant State companies and statutory agencies; and if he will make a statement on the matter. [13508/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The following State bodies come under the aegis of my Department and, with the exception of InterTrade Ireland, are subject to the Code of Practice for the Governance of State Bodies:

- Enterprise Ireland
- Forfás
- IDA Ireland
Questions— 13 March 2012. Written Answers

Health and Safety Authority
National Standards Authority of Ireland
InterTrade Ireland
Shannon Development
National Consumer Agency
Competition Authority
Personal Injuries Assessment Board
Science Foundation Ireland
Irish Auditing and Accounting Supervisory Authority
County and City Enterprise Boards (CEBs)
Labour Relations Commission.

In line with the requirements of the Code of Practice for the Governance of State Bodies, details of Board members, including remuneration and expenses paid from 2009 onwards, are provided in the annual reports of the agencies, including InterTrade Ireland, and are available on the websites of the respective agencies.

I have referred the question to the agencies for direct reply to the Deputy in respect of any of the information requested that may not be available from their websites.

Legislative Programme

236. **Deputy Peter Mathews** asked the Minister for Jobs, Enterprise and Innovation when the recently passed legislation on the temporary agency workers directive will be enacted to give protection to these workers; and if he will make a statement on the matter. [13593/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** A Bill entitled the “Protection of Employees (Temporary Agency Work) Bill, 2011” completed passage in the Dail in mid February, 2012 and commenced consideration in the Seanad on 28th February, 2012 and it is currently before that House. The Bill is a priority Bill for my Department and I expect that the Bill will be enacted by end March, 2012.

237. **Deputy Gerald Nash** asked the Minister for Jobs, Enterprise and Innovation if it is his intention to bring forward for ratification ILO Convention No. 189 on the rights of domestic workers; if so, when this will proceed; and if he will make a statement on the matter. [13629/12]

**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 Con-
vention 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, co-operation levels among employers of domestic workers was high and compliance levels were on a par with other employer/employee relationships.

**Telecommunications Services**

238. **Deputy Peter Mathews** asked the Minister for Jobs, Enterprise and Innovation his views on a matter regarding internet regulation (details supplied); and if he will make a statement on the matter. [13670/12]

**Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Sean Sherlock):** As the Deputy is aware it is prohibited under existing legislation within the State to illegally hack into the wireless internet of a third party. It is a matter for the Garda Síochána to investigate and prosecute any such illegal activity involving the illegal hacking into a third parties’ wireless internet.

Access to the internet is normally the subject of a contract between an individual (or entity) and an Internet Service Provider. Any issues arising between the parties regarding this access should in the first instance be dealt with in the normal course of their business agreement.

**Departmental Agencies**

239. **Deputy Patrick O’Donovan** asked the Minister for Jobs, Enterprise and Innovation if he will provide details of the average cost per acre of land being sold by Shannon Development for industrial purposes in County Limerick in the years 2000 and 2011; and if he will make a statement on the matter. [13695/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** Decisions relating to the sale of land for industrial purposes fall to be taken by the Board of Shannon Development in the context of the day to day management of the company and are ones for which I have no statutory responsibility.

Shannon Development has informed me that the average price per acre of land sold for industrial purposes in County Limerick in the year 2000 was €110,478.98. The company has also explained that the corresponding figure for the year 2011 cannot, due to reasons of commercial confidentiality, be disclosed at this time.
Public Service Staff

240. **Deputy Pat Breen** asked the Minister for Jobs, Enterprise and Innovation if he will report on the number of public servants from County Clare who retired as part of the Croke Park early retirement scheme from positions in his Department or from State bodies under the aegis of his Department. [14204/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I assume the Deputy is referring to retirements under the grace period as specified under the Public Service Pension Rights Order 2011 (S.I. No. 80 of 2011) which was signed on 23 February 2011, as there was no early retirement scheme provided for under the Croke Park Agreement.

The Public Service Pension Rights Order 2011 specified 29 February 2012 as the end date for the grace period within which pensions would be unaffected by the pay cuts introduced in the Financial Emergency Measures in the Public Interest (No. 2) Act 2009. Between 1 January 2010 and 29 February 2012, 91 people retired from my Department, none of whom resided in County Clare at the time of retirement.

I have asked the agencies under the remit of my Department to respond directly to the Deputy in the matter.

Job Creation

241. **Deputy Heather Humphreys** asked the Minister for Jobs, Enterprise and Innovation the steps he has taken to encourage small businesses to take on new employees; and if he will make a statement on the matter. [14259/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** As I have pointed out on many occasions, the Government does not create jobs — entrepreneurs and successful businesses do. However, the Government has a key role to play in providing the environment whereby businesses can start-up, expand and create jobs.

There are two major elements to the Government’s response to supporting business and unemployment — the Action Plan for Jobs and “Pathways to Work”.

The Action Plan includes a total of 270 specific measures to be delivered across the whole of Government. “Pathways to Work” will be delivered by the Departments of Social Protection and Education and Skills, and the relevant bodies under their aegis.

The goal of the Action Plan for Jobs is to support the creation of 100,000 net new jobs in the economy over the period 2012 to 2016, while the aim of “Pathways to Work” is to help to ensure that as many of those jobs as possible are filled by people from the Live Register. Both documents are fundamentally linked and recognise the need to reform our policies and our structures to secure long-term and lasting results for our enterprise base and for job-seekers.

The Action Plan for Jobs aims to transform the operating environment for business in order to support enterprise growth and job creation. The Government will achieve this objective by systematically removing obstacles to competitiveness, putting downward pressure on business costs, promoting innovation and trade, supporting new and existing businesses to develop and expand, and by deepening the impact of foreign direct investment in Ireland. The Government has also identified in the Action Plan a number of key sectors where Ireland can gain competitive advantage in global markets.

Access to Finance is critically important for SMEs seeking to retain existing, or recruit new, employees. Commitments in the Action Plan for Jobs include a Partial Credit Guarantee...
Scheme, a new Microfinance Fund and a new Development Capital Scheme will all help small and medium sized enterprises to retain and create jobs.

Other important initiatives taken by this Government since coming to office, such as the introduction of a 9% VAT rate last July on a range of services, including hotels and restaurants, and the halving of employer’s PRSI for those on modest wages have all been focused on helping SMEs to retain and create jobs.

**Departmental Schemes**

**242. Deputy Joe McHugh** asked the Minister for Social Protection if she will provide an up-to-date analysis of the rural social scheme, including a county-by-county breakdown of numbers on waiting lists; and if she will make a statement on the matter. [13472/12]

**Minister for Social Protection (Deputy Joan Burton):** The purpose of the rural social scheme (RSS) is to provide income support for farmers and fisherpersons who have an entitlement to specified social welfare payments. Persons are engaged for 19\(\frac{1}{2}\) hours per week to provide certain services of benefit to rural communities. The scheme currently provides work opportunities for around 2,600 participants and 130 supervisory staff.

Overall responsibility for the operation of the RSS rests with the Department of Social Protection with day-to-day delivery and management resting with 35 implementing bodies (IBs) comprising 34 local development companies and Údarás na Gaeltachta. The number of participants and supervisory positions allocated to each implementing body is set out in the table below. Implementing bodies are free to recruit to any vacant position without reference to the Department. Accordingly, the Department does not maintain a central database of persons who may have been successful in a recruitment process but for whom no vacancy arises. Given the nature of the RSS, where vacancies arise, implementing bodies are required to advertise such vacancies and to conduct an open recruitment process. My Department is currently engaged in an annual process of data collection in respect of the operation of the RSS in 2011. This information will be collated and verified and will be made available by the middle of 2012. Some €45.66 million is being made available to the RSS in 2012.

**TABLE — Allocation of RSS Placements**

<table>
<thead>
<tr>
<th>Implementing Body</th>
<th>Participant Quota</th>
<th>Supervisor Quota</th>
</tr>
</thead>
<tbody>
<tr>
<td>Avondhu/Blackwater Partnership Ltd.</td>
<td>17</td>
<td>1</td>
</tr>
<tr>
<td>Ballyhoura Development Limited</td>
<td>47</td>
<td>2</td>
</tr>
<tr>
<td>Breffni Integrated Limited</td>
<td>80</td>
<td>4</td>
</tr>
<tr>
<td>Carlow County Development Partnership Ltd.</td>
<td>18</td>
<td>1</td>
</tr>
<tr>
<td>Cill Dara ar Aghaidh Teoranta</td>
<td>22</td>
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<tr>
<td>Clare Local Development Co. Ltd.</td>
<td>117</td>
<td>6</td>
</tr>
<tr>
<td>Co. Wicklow Community Partnership</td>
<td>20</td>
<td>1</td>
</tr>
<tr>
<td>Comhar na nOileán Teoranta</td>
<td>20</td>
<td>0</td>
</tr>
<tr>
<td>County Kilkenny LEADER Partnership Company Limited</td>
<td>19</td>
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<tr>
<td>County Sligo LEADER Partnership Co. Ltd.</td>
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<td>Donegal Local Development Company Ltd</td>
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</tr>
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<td>FORUM Connemara Ltd.</td>
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<td>Inishowen Development Partnership</td>
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<td>IRD Duhallow Ltd.</td>
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### Implementing Body

<table>
<thead>
<tr>
<th>Implementing Body</th>
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<th>Supervisor Quota</th>
</tr>
</thead>
<tbody>
<tr>
<td>Laois Community and Enterprise Development Co. Ltd.</td>
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<td>Leitrim Integrated Development Company Ltd.</td>
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<td>Longford Community Resources</td>
<td>55</td>
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<tr>
<td>Louth LEADER Partnership</td>
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<td>Meath Community Rural and Social Development Partnership</td>
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<tr>
<td>Monaghan Integrated Development Limited</td>
<td>40</td>
<td>2</td>
</tr>
<tr>
<td>North and East Kerry LEADER Partnership Teoranta</td>
<td>89</td>
<td>5</td>
</tr>
<tr>
<td>Mayo North East LEADER Partnership Co. Teo.</td>
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<td>North Tipperary LEADER Partnership</td>
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<td>Offaly Integrated Local Development Company Ltd.</td>
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<td>Roscommon Integrated Development Company Ltd.</td>
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<td><strong>Totals</strong></td>
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<td><strong>130</strong></td>
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### Social Welfare Code

243. **Deputy Peadar Tóibín** asked the Minister for Social Protection if it is her policy to means test State entitlements.  [13832/12]

**Minister for Social Protection (Deputy Joan Burton):** Payments made by the Department of Social Protection are funded by social insurance contributions and by the Exchequer. One of the core principles of social insurance is that, in return for the insurance contribution, payments will be made to the insured worker in the event of prescribed contingencies arising, such as unemployment, disability or old age. It is not my policy to means test such State entitlements as to do so would undermine the insurance policy upon which they based.

Entitlements funded by the Exchequer are paid subject to a means test, with some exceptions, most notably Child Benefit. Any changes to the schemes operated by the Department, including the means testing of schemes which are not currently means tested, will be considered by the Cabinet in the context of this ongoing review of expenditure and in the context of deciding the fiscal consolidation measures to be included in Budget 2013. That consideration will be informed by, among other things, the Comprehensive Review of Expenditure, which was published as part of the Budget 2012 process.

### Departmental Offices

244. **Deputy John Browne** asked the Minister for Social Protection when the FÁS office in Enniscorthy, County Wexford, will be opened on a five-day per week basis, as it operates only on a three-day week at present due to lack of staff.  [14316/12]
Minister for Social Protection (Deputy Joan Burton): I am very conscious of the need to provide efficient and effective customer facing services at a local level for clients of the Department in Wexford and every other part of the country. However, as the Deputy will be aware, there is currently a moratorium on recruitment across the civil and public service. Where vacancies arise, I assure the Deputy that the Department is expending every effort to continue to source available staff to fill critical vacancies, including those arising from retirements, by way of redeployment, or transfer from within the Department and other Government Departments, taking account of the Employment Control Framework (ECF) target, as determined by the Minister for Public Expenditure and Reform.

The staffing needs for all areas within the Department are continuously reviewed, having regard to workloads, management priorities and the competing demands arising, to ensure that the best use is made of all available resources with a view to providing an efficient service to those who rely on the schemes operated by the Department. At this time it is not possible to give a definitive timeline for resumption of 5 day opening in the Enniscorthy office.

In order to offer a more streamlined, efficient and integrated service to clients, the Department is undergoing a process of intensive planning and organisational change in establishing the new National Employment and Entitlements Service (NEES), which will bring together the Community Welfare Service (CWS), the Employment Services and Community Employment Programmes of FÁS, the Rural Social Scheme and Community Services Programme from the former Department of Community, Equality and the Gaeltacht and the Redundancy and Insolvency Schemes from the former Department of Enterprise, Trade and Innovation. It is the intention that the NEES will integrate all employment and benefit support services in a single delivery unit, to provide a coherent integrated and more personalised service to clients. It is hoped that this integrating process will also deliver new opportunities to support service delivery at the local level.

Departmental Schemes

245. Deputy Dan Neville asked the Minister for Social Protection the number of persons in County Limerick who have taken up placements under the JobBridge programme since the introduction of the scheme; and if she will make a statement on the matter. [13465/12]

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 Limerick City is 136. The number of internship placements that have commenced in Limerick County is 101.

Social Welfare Benefits

246. Deputy Finian McGrath asked the Minister for Social Protection the position regarding mortgage interest relief in respect of persons (details supplied) in Dublin 5. [13469/12]

Minister for Social Protection (Deputy Joan Burton): The person concerned was refused mortgage interest supplement on 28th February 2012 as the first mortgage was not obtained to purchase, build or repair the main residence and the second mortgage was obtained for repairs to both residence and commercial property owned at that time. A breakdown of costs and receipts for same have not been provided. No appeal has been received by the Department.

Social Welfare Code

247. Deputy Thomas Pringle asked the Minister for Social Protection if she will supply the
definitive criteria for the habitual residence condition for a person who has been living in the common travel area; and if she will make a statement on the matter. [13471/12]

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. 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.

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 and the Charter of Fundamental Rights, and other international conventions.

The determination of a person’s habitual residence is made in accordance with Section 246 of the Social Welfare Consolidation Act 2005, as amended. A person arriving in Ireland from the Common Travel Area has the right to reside, and subject to satisfying the five factors would be deemed to have fulfilled the HRC. Subsection (4) specifically directs the deciding officer to “take into consideration all the circumstances of the case, including, in particular, the following:

(a) the length and continuity of residence in the State or in any other particular country;

(b) the length and purpose of any absence from the State;

(c) the nature and pattern of the person’s employment;

(d) the person’s main centre of interest, and

(e) the future intentions of the person concerned as they appear from all the circumstances.”

These five specified factors have been derived from European Court of Justice case law which examined the concept of habitual residence in the context of social welfare benefits. The Department’s guidelines go on to point out that “No single factor is conclusive. The evidential weight to be attributed to each factor will depend on the circumstances of each case. It is necessary to weigh up all the information and balance the evidence for and against an applicant satisfying the habitual residence condition”.

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.

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.

The Habitual Residence Guidelines have recently been reviewed and the updated version is available on the Department’s website at:

http://www.welfare.ie/EN/Policy/EU/Euguide/Pages/euguideindex.aspx

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.

Social Welfare Benefits

248. **Deputy Jack Wall** asked the Minister for Social Protection the reason rent allowance has been suspended in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter.  [13476/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned had their rent supplement suspended due to an issue with their primary payment. As this issue has now been resolved, the suspension has been lifted on the rent supplement claim and the Department has paid all outstanding arrears.

Social Welfare Appeals

249. **Deputy Michael Healy-Rae** asked the Minister for Social Protection the position regarding jobseeker’s allowance in respect of a person (details supplied) in County Kerry; and if she will make a statement on the matter.  [13518/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 1st December 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 23rd January 2012 and the appeal will be assigned, in due course, to an Appeals Officer who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Code

250. **Deputy Bernard J. Durkan** asked the Minister for Social Protection, further to Parliamentary Question No. 325 of 21 February 2012, the exact amount of time an unmarried father who has court appointed guardianship of his child must have his child reside with him before her Department recognises that he is not a lone single person but in fact a single person with guardianship of his child; her plans to address this recurring issue by introducing clear guidelines as to the position of single fathers with guardianship of their children in availing of rent support, which is a requirement in their circumstances; and if she will make a statement on the matter.  [13540/12]

**Minister for Social Protection (Deputy Joan Burton):** The purpose of the rent supplement scheme is to provide short-term support to eligible people living in private rented accommodation whose means are insufficient to meet their accommodation costs and who do not
have accommodation available to them from any other source. The overall aim is to provide short term assistance, and not to act as an alternative to the other social housing schemes operated by the Exchequer.

Every claim for rent supplement is determined having regard to the particular circumstances of the applicant. Any person seeking a rent supplement must first satisfy the Department’s representative that they have a housing need that they are unable to meet from their own resources. In addition, the Department must be satisfied that the residence is reasonably suited to the needs of the claimant. The Department must also be satisfied that the rent payable is reasonable having regard to the nature, character and location of the residence.

In a case where parents have joint custody of a child, the needs of both parents to have adequate accommodation to look after the child are taken into account when an application for a rent supplement is being determined. In such cases there is no exact amount of time a parent must have access to their child, however, documentation is normally required showing that a joint custody arrangement is in place and is being availed of before a decision can be made.

251. **Deputy Dominic Hannigan** asked the Minister for Social Protection when she expects a review of the rent allowance limits to take place; if there are plans to stop setting rent allowance along county boundaries but instead to focus on house prices across areas which have similar house prices; and if she will make a statement on the matter. [13580/12]

252. **Deputy Dominic Hannigan** asked the Minister for Social Protection if her attention has been drawn to the difference in rent assistance payments between counties Meath and Dublin even though house prices in parts of the two counties are similar; and if she will make a statement on the matter. [13581/12]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 251 and 252 together.

The purpose of the rent supplement scheme is to provide short-term income support to assist with reasonable accommodation costs of eligible people living in private rented accommodation who are unable to provide for their accommodation costs from their own resources and who do not have accommodation available to them from another source. Since 2005, rent supplement expenditure has increased from €369 million to a provisional outturn of €503 million in 2011. The number of persons claiming the allowance increased from almost 60,200 persons in 2005 to over 96,800 at end 2011, a 61% increase.

As the Department currently funds approximately 40% of the private rented sector it is essential that State support for rents are kept under review, reflect current market conditions and do not distort the market in a way that could increase rent prices for others, such as low paid workers and students.

New maximum rent limits came into force on 1 January 2012 and are in place until June 2013. These new limits are in line with the most up to date market data available. The emphasis of the rent limit review was to ensure that maximum value for money for tenants and the taxpayer was achieved whilst at the same time ensuring that people on rent supplement are not priced out of the market for private rented accommodation. The maximum rent limits are based on an analysis of rental rates rather than house prices. This analysis shows that the asking prices for rents in Meath are below the asking prices for Dublin and this is reflected in the prescribed maximum rent limits.
While the maximum rent limits are generally set at county level staff administering rent supplement have the authority to set levels lower than those provided for in the regulations, in respect of sub-divisions of their functional areas, where this is appropriate. This allows for lower rent levels to apply in certain locations within counties reflecting local market conditions.

**Social Welfare Benefits**

253. **Deputy Pádraig Mac Lochlainn** asked the Minister for Social Protection the reason a person (details supplied) returning from Spain has been advised under the habitual residence conditions that their main centre of interest is not in this country. [13585/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned applied for Jobseeker’s allowance on 16th November 2011. Based on the information supplied by the applicant, it was decided that he did not satisfy the Habitual Residence Condition. The deciding officer in this case has decided that the person’s future intentions to remain in the State are short-term.

If the person is not satisfied with the decision of the deciding officer, more documentary evidence or information that would be relevant to the case can be sent to the Department and the initial decision will be reviewed by a deciding officer.

The decision can also be appealed to the Social Welfare Appeals Office.

254. **Deputy Eric Byrne** asked the Minister for Social Protection if he will confirm when backdated moneys will be paid to a person (details supplied); and if she will expedite the matter. [13610/12]

**Minister for Social Protection (Deputy Joan Burton):** On receipt of documentation requested from the person concerned any arrears due to her will be paid.

**Social Welfare Appeals**

255. **Deputy Éamon Ó Cuív** asked the Minister for Social Protection when a decision will issue on an invalidity pension in respect of a person (details supplied) in County Galway. [13612/12]

**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 29th 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 5th March 2012 and the appeal will be assigned, in due course, to an Appeals Officer who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

**Social Welfare Benefits**

256. **Deputy Eric Byrne** asked the Minister for Social Protection the position regarding a payment in respect of a person (details supplied) in Dublin 12; and when it is expected that payment will be made. [13622/12]
Minister for Social Protection (Deputy Joan Burton): I confirm that the Department is in receipt of an application for disability allowance from the above named person. On completion of the necessary investigations on all aspects of the claim a decision will be made and the person concerned will be notified directly of the outcome. The average time taken to process a claim to completion, including assessment of the claimant’s means, medical condition and habitual residence status is approximately 17 weeks.

Social Welfare Appeals

257. Deputy John Paul Phelan 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. [13648/12]

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 15th February 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Deciding Officer on the grounds of appeal be sought. When received, the appeal in question will be referred in due course to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Code

258. Deputy Peter Mathews asked the Minister for Social Protection if she will consider reversing a cut (details supplied); and if she will make a statement on the matter. [13666/12]

Minister for Social Protection (Deputy Joan Burton): Difficult decisions had to be made in light of the existing economic situation and commitments made by the previous Government. The rate of payment of the fuel allowance and the payment period, the “fuel season”, have been greatly increased during the last ten years. The weekly payment was €6.35 in 2001 and was raised to €9 in 2002, to €14 in 2006, to €18 in 2007 and to €20 in 2010. The duration of the fuel season was increased from 26 to 29 weeks in April 2002. It increased to 30 weeks in April 2008 and to 32 weeks in April 2009. Between 2005 and 2011 the numbers in receipt of fuel allowance rose from 266,000 to 390,000, an increase of almost 50%. For the same period the cost rose from €82 million to €250 million, an increase of over 200%. Given the increase in numbers and costs, the scheme was in danger of becoming unsustainable.

The scheme is intended to provide some additional support for people on long-term welfare payments during the winter season which clearly does not last for 32 weeks. By reducing the fuel season by six weeks it begins to restore the core purpose of the payment as a winter fuel support. The current fuel season will end on Friday, 6th April and the 2012/2013 fuel season will commence on Monday, 8th October this year. There was no cut in the rate of payment of the fuel allowance and it continues to be €20 per week.

While the income supports provided by my Department are very important, the most cost-effective means of protecting households from energy poverty is to improve the home’s thermal efficiency. Since 2006, more than €81 million has been expended on providing energy efficiency improvements in over 80,000 homes under the Better Energy programme, which is administered by the Sustainable Energy Authority of Ireland, SEAI, on behalf of the Department of Communications, Energy and Natural Resources. As set out in the Government’s Affordable Energy Strategy, the focus in 2012 will shift to addressing those households considered at
higher levels of energy poverty as a priority; such households typically spend over 20% of their disposable income on energy services. This will ensure that those most in need receive the benefit of energy efficiency measures first.

Social Welfare Benefits

259. Deputy Jim Daly asked the Minister for Social Protection the position regarding an application for domiciliary care allowance in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [13689/12]

Minister for Social Protection (Deputy Joan Burton): An application for domiciliary care allowance was received on 1st February 2012. This application was referred to one of the Department’s Medical Assessors who found that the child was not medically eligible for the allowance. A letter issued on 6th March 2012 advising of the decision.

In the case of an application which is refused on medical grounds the applicant may submit additional information and/or ask for the case to be reviewed or they may appeal the decision directly to the Social Welfare Appeals Office within twenty one days.

Social Welfare Appeals

260. Deputy Jack Wall asked the Minister for Social Protection the position regarding an appeal against the decision to refuse an application for dietary supplement in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [13692/12]

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 of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 6th March 2012 and the appeal will be assigned, in due course, to an Appeals Officer who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Benefits

261. Deputy Pat Deering asked the Minister for Social Protection the number of domiciliary care allowance applications that have been reviewed since 1 January 2012; the number that have been refused; and if she will provide the information on a county or regional basis. [13699/12]

Minister for Social Protection (Deputy Joan Burton): There are 1,700 domiciliary care allowance (DCA) cases scheduled for a medical review in 2012. Of these, 489 review forms have issued to recipients with 323 already returned to the Department. Twenty one cases have been examined by one of the Department’s medical assessors, with 15 found to have a continuing medically eligibility for the allowance and 6 found to be no longer eligible.

This information is not collated on a county or regional basis.
In the case where a DCA payment is stopped on medical grounds, the applicant may submit additional information in support of their case and this information will be reviewed and/or they may appeal the decision to the Social Welfare Appeals Office.

**Employment Support Services**

262. **Deputy Joanna Tuffy** asked the Minister for Social Protection if she will provide an update on schemes that lone parents may access to gain training, education and work experience; her plans to extend eligibility to lone parents to any schemes to which they are currently not eligible; and if she will make a statement on the matter. [13723/12]

**Minister for Social Protection (Deputy Joan Burton):** The principal scheme operated by the Department that covers work experience, training and education is the Community Employment scheme. Lone parents are one of the target cohorts for this scheme.

Other schemes operated by the Department include the Tús programme which is aimed specifically at long-term unemployed persons in receipt of jobseeker’s allowance (but not lone parents) and the Rural Social Scheme, which is open to persons who meet the programme eligibility requirements which can include those in receipt of one parent family payment.

While there are no plans to extend lone parent eligibility to the Tús programme at this point in time, all existing employment programmes and supports are being reviewed. This review, which will include eligibility criteria, will be completed by the end of March.

**Social Welfare Appeals**

263. **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. [13727/12]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that an Appeals Officer, having fully considered all the evidence, disallowed the appeal of the person concerned by way of summary decision.

Under Social Welfare legislation, the decision of the Appeals Officer is final and conclusive and may only be reviewed by the Appeals Officer in the light of new evidence or new facts.

Following the submission of additional evidence the Appeals Officer has agreed to review the case. The person concerned will be contacted when the review of her appeal has been finalised.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

264. **Deputy Pat Breen** asked the Minister for Social Protection when a decision will issue in respect of a domiciliary allowance review to a person (details supplied) in County Clare; and if she will make a statement on the matter. [13750/12]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that an oral hearing of the appeal of the person concerned took place on 24th February 2012 and the Appeals Officer is now considering the appeal in the light of all the evidence submitted, including that adduced at the hearing. The person concerned will be notified of the Appeals Officer decision when the appeal has been determined.
The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

**Social Welfare Code**

265. **Deputy Brian Stanley** asked the Minister for Social Protection the steps being taken to address the anomaly in the system of social welfare that prevents those who were self-employed from being able to receive social welfare or to get a place on a community employment scheme. [13751/12]

**Minister for Social Protection (Deputy Joan Burton):** Self-employed persons are liable for PRSI at the Class S rate of 4% which entitles them to access long-term benefits such as State pension (contributory) and widow’s, widower’s or surviving civil partner’s pension (contributory). Ordinary employees who have access to the full range of social insurance benefits pay Class A PRSI at the rate of 4%. In addition, their employers make a PRSI contribution of 10.75% in respect of their employees, resulting in the payment of a combined 14.75% rate per employee under full-rate PRSI Class A. (For employees earning less than €356 per week, the rate of employer’s PRSI is 4.25%).

Any changes to the PRSI system to extend the full range of social insurance benefits, would have significant financial implications and would have to be considered in the context of a much more significant rise in the rate of contribution payable. I established the Advisory Group on Tax and Social Welfare last year to meet the commitment made in the Programme for Government. The Advisory Group will, *inter alia*, examine and report on issues involved in providing social insurance cover for self-employed persons in order to establish whether or not such cover is technically feasible and financially sustainable. In addition, the Actuarial Review of the Social Insurance Fund, which is due to be completed in mid-2012, will examine this matter.

Self-employed workers may establish eligibility to assistance-based payments such as jobseeker’s allowance. They can apply for the means-tested jobseeker’s allowance if their business ceases or if they are on low income as a result of a downturn in demand for their services. In general, their means will take account of the level of earnings in the last twelve months in determining their expected income for the following year and, in the current climate, account is taken of the downward trend in the economy. As in the case of a non-self-employed unemployed claimant of jobseeker’s allowance, the means of husband/wife, civil partner or cohabitant will be taken into account in deciding on entitlement to a payment.

Once in receipt of a Jobseeker’s Allowance for the requisite qualifying period (12 months) a person would be eligible to apply for Community Employment (CE) positions in the same way as any other CE-eligible client.

**Social Welfare Appeals**

266. **Deputy Brendan Smith** asked the Minister for Social Protection when a domiciliary care allowance application will be approved in respect of a person (details supplied) in County Cavan; and if she will make a statement on the matter. [13753/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was referred to an Appeals Officer for consideration. However, before consideration of the case, additional medical evidence was received which the Appeals Officer has forwarded to the Chief Medical Advisor for his com-
ments. On receipt of his response the appeal will be referred back to the Appeals Officer for further 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.

267. Deputy Brendan Smith asked the Minister for Social Protection when an application for disability allowance will be processed and approved in respect of a person (details supplied) in County Monaghan; and if she will make a statement on the matter. [13779/12]

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, allowed the appeal of the person concerned. The person concerned was notified of the Appeals Officer decision on 7th March 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.

Social Welfare Code

268. Deputy Joanna Tuffy asked the Minister for Social Protection the position regarding plans to improve supports available to lone parents in tandem with the changes scheduled in respect of how long a parent can qualify for the one parent family payment, and reductions in the income disregards; and if she will make a statement on the matter. [13808/12]

Minister for Social Protection (Deputy Joan Burton): At present whereas a number of activation measures facilitate the involvement of lone parents others exclude their participation. These different approaches derive from the original purpose for which the schemes were designed. As part of the Pathways to Work initiative the Government committed itself to ensuring that the social protection system incentivises rather than blocks the return to work for unemployed people, including those with families, through ongoing reform of the system. This reform will give effect to the policy principle that people have both rights and responsibilities as part of the activation agenda.

Activation interventions under the Pathways to Work approach will be based on client profiling. The key benefit of the profiling approach is that it will identify those who are most likely to fall into long-term unemployment at a very early stage. This will enable early intervention and intensive engagement with those individuals who demonstrate characteristics that suggest that they may move into long-term unemployment. The profiling system will facilitate differentiation in the services provided so that each customer receives the level of support and intervention that is appropriate to their needs.

As the approach evolves this may involve providing individuals, including lone parents, with access to education and training supports and other services such as child care and disability supports. My Department will work with the other relevant Departments including the Department of Education and Skills and the Department of Health and Children in order to ensure that its approach to activation is co-ordinated with their delivery of the necessary support services.

Social Welfare Appeals

269. Deputy Michelle Mulherin asked the Minister for Social Protection the position regarding an appeal against the refusal to grant carer’s allowance in respect of a person (details
supplied) in County Mayo; if she will expedite the processing of the appeal as the applicant is experiencing financial hardship with no income; and if she will confirm the reason they were refused carer’s allowance. [13827/12]

Minister for Social Protection (Deputy Joan Burton): The person in question was refused carer’s allowance on the grounds that the care recipient is not so disabled as to require full-time care and attention as prescribed in regulations. He was notified of this decision and the reason for it.

He appealed this decision and forwarded additional medical evidence in support of his appeal. This information has been forwarded to the medical assessor for further consideration.

The outcome of the review is due shortly.

Question No. 270 withdrawn.

271. Deputy John McGuinness asked the Minister for Social Protection if she will expedite an appeal for one parent family and child benefit in respect of a person (details supplied) in County Kilkenny. [13874/12]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 23rd September 2011. It is a statutory requirement of the appeals process that the relevant departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 6th December 2011 and the appeal will, in due course, be assigned to an Appeals Officer for consideration.

There has been a very significant increase in the number of appeals received by the Social Welfare Appeals Office since 2007 when the intake was 14,070 to 2010 when the intake rose to 32,432. This has significantly impacted on the processing time for appeals and in order to be fair to all appellants, the appeals are dealt with in strict chronological order.

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.

272. Deputy John McGuinness asked the Minister for Social Protection if an appeal for invalidity pension will be expedited in respect of a person (details supplied) in County Carlow. [13877/12]

Minister for Social Protection (Deputy Joan Burton): Further to my response to Parliamentary Question Ref. No. 4948/12, I am advised by the Social Welfare Appeals Office that there is no update to the information given previously.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

273. Deputy Aengus Ó Snodaigh asked the Minister for Social Protection the average waiting time for carer’s allowance appeals. [13882/12]

274. Deputy Aengus Ó Snodaigh asked the Minister for Social Protection the average waiting time for domiciliary care allowance appeals. [13883/12]
287. **Deputy Michael Healy-Rae** asked the Minister for Social Protection the reason there is a 12 to 14-month wait when dealing with appeals for domiciliary care allowance. [14212/12]


304. **Deputy Barry Cowen** asked the Minister for Social Protection the total number of appeals currently being processed by her Department, broken down by programme; and if she will make a statement on the matter. [14239/12]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 273, 274, 287, 292 and 304 together.

Figures in regard to the number of appeals currently being processed by the Social Welfare Appeals Office broken down by scheme, and the average time to process appeals by summary decision and by oral hearing by scheme type for 2007-2011 are given in the tables below. Processing time for 2012 to date are not available.

In an effort to reduce the processing times, the Department appointed 12 additional Appeals Officers during between 2010 and 2011. In addition, a further 10 Appeals Officers, formerly employed by the Community Welfare Services (CWS) of the Health Services Executive, joined the Office as part of the integration of the CWS appeals services into the Social Welfare Appeals Office. This brought the total number of Appeals Officers to 39.

The processing times below are calculated from the registration date of the appeal to the date of its finalisation and include all activities during this period including time spent in the Department for comments by the Deciding Officer on the grounds of appeal put forward by the appellant and any further investigation, examination or assessment by the Department’s Inspectors and Medical Assessors that is deemed necessary. A considerable period of time is added to the process when an oral hearing is required because of the logistics involved in this process.

I am assured by the Chief Appeals Officer that she is keeping the methods of operation by which the Social Welfare Appeals Office conducts its business under constant review, and that the processes are continuously being enhanced to reduce the backlogs in the Office and, overall, to reduce the processing times for dealing with appeals.

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<th>Programme</th>
<th>Appeals Pending at 1/3/2012</th>
<th>Average time take to process appeals by scheme in 2011</th>
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Questions— 13 March 2012.  Written Answers

[Deputy Joan Burton.]

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## Written Answers

### Average time take to process appeals by scheme in 2010

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**Social Welfare Benefits**

275. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection the number of recipients of carer’s allowance who have had their allowance withdrawn in the past six months. [13884/12]

**Minister for Social Protection (Deputy Joan Burton):** There were 641 new applications for carer’s allowance withdrawn without a decision being made in the six months to end February 2012. Withdrawals are made by an applicant for various reasons or an application can be
withdrawn by a deciding officer when information requested in order to decide it is not supplied by applicant.

Applications that were previously in payment but are subsequently withdrawn are referred to as terminations. In the six months to end of Feb 2012, there were 3,612 such terminations. Carer’s allowance may be terminated when conditions for its receipt are no longer satisfied. The main reasons for termination include the death of carer or the care recipient, full-time care no longer being provided by the carer or the care recipient entering long-term residential care.

276. Deputy Aengus Ó Snodaigh asked the Minister for Social Protection the number of recipients of domiciliary care allowance who have had their allowance withdrawn in the past six months. [13885/12]

Minister for Social Protection (Deputy Joan Burton): Domiciliary care allowance (DCA) cases are routinely reviewed to ensure that the conditions for receipt of the payment continue to be met.

Since September 2011, 213 of the DCA claims reviewed have been found to no longer have an entitlement to the allowance and payment in these cases has been stopped.

Social Welfare Appeals

277. Deputy Ann Phelan asked the Minister for Social Protection if she will investigate the case of a person (details supplied) in County Carlow in respect of their appeal for the invalidity pension as a matter of urgency; and if she will make a statement on the matter. [13991/12]

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 the Social Welfare Services on the grounds of appeal be sought. When received, the appeal in question will be referred in due course to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Community Employment Schemes

278. Deputy Seamus Kirk asked the Minister for Social Protection if she will quantify the negative impact of the material support cut for the community employment schemes announced in the budget 2012; if she will consider reviewing this cut in view of the detrimental effect on community projects across the country; and if she will make a statement on the matter. [14005/12]

Minister for Social Protection (Deputy Joan Burton): As indicated, my Department will continue to provide funding for all Community Employment schemes while the financial review is underway. This review will be completed at the end of March 2012.

Department officials are meeting with projects on an individual basis and making the necessary arrangements in relation to short term funding issues. This funding is being met from within the Department’s allocation.

As this process is ongoing and the funding requirement varies from project to project, the full details of the funding arrangements for each project will not be available until the review process is completed.
Social Welfare Appeals

279. **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. [14045/12]

**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 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.

Social Welfare Benefits

280. **Deputy Anne Ferris** asked the Minister for Social Protection if her attention has been drawn to the alarm created among older persons by media reports suggesting that the IMF was seeking the abolition of or cuts to a range of benefits provided by her Department services to assist elderly persons, including pensions, free travel and medical cards; her response to any such request; if she is planning to implement any such cuts; and if she will make a statement on the matter. [14119/12]

**Minister for Social Protection (Deputy Joan Burton):** The IMF recently completed the fifth review of the Programme of Financial Support for Ireland and stated that the Government has met the 2011 fiscal targets and is advancing structural reforms to support growth and job creation. As the Deputy will be aware, expenditure by the State continues to exceed income by an unsustainable margin and consequently, further changes are needed, on both the income and expenditure sides.

The IMF staff report for the latest review identifies areas of Irish social welfare expenditure which they believe merit examination in the context of the continuing reform of the system and fiscal consolidation. This is not a cause for alarm as any changes to the schemes operated by the Department will be decided by the Cabinet in the context of this ongoing review of expenditure and in the context of deciding the fiscal consolidation measures to be included in Budget 2013.

That consideration will take place in the context of the commitments in the Programme for Government to protect the most vulnerable in society and will be informed by, among other things, the Comprehensive Review of Expenditure, which was published as part of the Budget 2012 process.

Proposed Legislation

281. **Deputy Tom Hayes** asked the Minister for Social Protection if he will provide an update on the proposed amendment to the Civil Registration Act 2004 to allow for the registration of deaths of Irish citizens overseas; when she expects this process to be completed; and if she will make a statement on the matter. [14127/12]

**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 neces-
sary, is normally sufficient for all legal and administrative purposes here and for these reasons 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, Irish citizenship. However, I would hope to be in a position to introduce legislation on this, and other aspects of civil registration, in 2012.

**Pension Provisions**

282. **Deputy Pat Deering** asked the Minister for Social Protection when a decision on an application for a non-contributory pension will issue in respect of a person (details supplied) in County Carlow. [14136/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the appeal from the person concerned was referred to an Appeals Officer who proposes to hold an oral hearing in this case.

There has been a very significant increase in the number of appeals received by the Social Welfare Appeals Office since 2007 when the intake was 14,070 to 2010 and 2011 when the intake rose to 32,432 and 31,241 respectively. This has significantly impacted on the processing time for appeals which require oral hearings and, in order to be fair to all appellants, they are dealt with in strict chronological order.

While every effort is being made to deal with the large numbers awaiting oral hearing as quickly as possible, it is not possible to give a date when the person’s oral hearing will be heard, but s/he will be informed when arrangements have been made.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

**Social Welfare Appeals**

283. **Deputy Pat Deering** asked the Minister for Social Protection when a decision on an appeal for carer’s allowance will issue in respect of a person (details supplied). [14137/12]

**Minister for Social Protection (Deputy Joan Burton):** The person in question was refused carer’s allowance on the grounds that the care recipient is not so disabled as to require full-time care and attention as prescribed in regulations. He was notified of this decision and the reason for it.

He appealed this decision and forwarded additional medical evidence in support of his appeal. This new information has been forwarded to the medical assessor for further consideration.

The outcome of the review is due shortly.
Social Welfare Benefits

284. **Deputy Catherine Byrne** asked the Minister for Social Protection the number of persons currently in receipt of domiciliary care allowance; the number in receipt of this payment as of 1 November 2011; and if she will make a statement on the matter. [14146/12]

**Minister for Social Protection (Deputy Joan Burton):** On 1 November 2011, there were 23,932 parents/guardians in receipt of domiciliary care allowance (DCA) in respect of some 25,800 children. On 29 February 2012, the number of parents/guardians had increased to 24,101 with payment being made in respect of some 26,000 children.

285. **Deputy Finian McGrath** asked the Minister for Social Protection if she will stop the review of the domiciliary care allowance, reinstate payments for these children, and review the overall process for domiciliary care allowance; and if she will make a statement on the matter. [14153/12]

**Minister for Social Protection (Deputy Joan Burton):** A review policy is an integral part of all social welfare schemes and is necessary to ensure that payments continue to be made only to those customers who meet the qualifying conditions.

Domiciliary care allowance (DCA) cases are routinely reviewed to ensure that all the conditions for receipt of the payment continue to be met. Cases are reviewed based on either a scheduled review following a recommendation of one of the Department’s medical assessors when the claim is initially processed or on the basis of information received about a change of circumstances which potentially affects the continued entitlement of a case already in payment. Scheduled reviews, on the recommendation of the medical assessor, are based on the prognosis of the child’s disability and how their care requirements may change over time.

There are no plans to discontinue these routine reviews. Any customer who has had their case reviewed and is not happy with the outcome has the right to appeal the decision to the Social Welfare Appeals office.

The DCA scheme is regularly examined to ensure its effective on-going operation and to ensure that only those customers who have children who meet the conditions for the scheme continue to receive the payment.

I have recently announced changes to the timeframe for the return of completed review documentation. From now on, customers will have 60 days in which to return the completed review form and supporting documentation. Customers will also be informed when their payment is initially being awarded, of the review date that will apply in their case. This will address customer concerns on the time frame allowed and will provide them with additional time to gather supporting documentation or medical reports they may wish to submit in advance of the review date.

Public Service Staff

286. **Deputy Pat Breen** asked the Minister for Social Protection if she will report on the number of public servants from County Clare who retired as part of the Croke Park early retirement scheme from positions in his Department or from State bodies under the aegis of her Department. [14207/12]

**Minister for Social Protection (Deputy Joan Burton):** Three civil servants retired from Ennis Local Office, under the Cost Neutral Early Retirement Scheme on 29 February 2012, whose pensions were protected from pay reductions by the Financial Emergency Measures in the Public Interest (No. 2) Act, 2009 and the Financial Emergency Measures in the Public Interest
Act 2010. There were no retirements in County Clare from the State bodies under the aegis of my Department during this period.

*Question No. 287 answered with Question No. 273*

**Social Welfare Benefits**

288. **Deputy Michael Healy-Rae** asked the Minister for Social Protection the reason there is a six month wait when dealing with applications for domiciliary care allowance. [14213/12]

**Minister for Social Protection (Deputy Joan Burton):** The average processing time for domiciliary care allowance applications is currently under eight weeks from receipt of application to decision.

289. **Deputy Clare Daly** asked the Minister for Social Protection if she will examine the case of a person (details supplied); and if she will consider this person’s case and intervene so that a supplementary welfare allowance payment can be made. [14216/12]

**Minister for Social Protection (Deputy Joan Burton):** Supplementary welfare allowance, which includes rent supplement, is administered by the community welfare service of the Department. The person concerned has been advised that she does not qualify for this allowance as she does not satisfy the Habitual Residence Condition (HRC).

The person concerned does have a right of review and/or right of appeal. If she wishes to have the case reviewed she can submit any additional evidence that she feels may warrant a review of the decision. She may also appeal against the decision to the Appeals Officer in the community welfare service and, if necessary, to the Social Welfare Appeals Office.

**Departmental Schemes**

290. **Deputy Paul J. Connaughton** asked the Minister for Social Protection the reason a person (details supplied) in County Galway was refused permission to participate in the Job-Bridge scheme when they were on jobseeker’s benefit; and if she will make a statement on the matter. [14217/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned had a JobBridge eligibility form completed at his Social Welfare Local Office on the 20 January 2012, who deemed him eligible at that point in time. The host organisation was subsequently informed that the person concerned was approved to commence a placement under the JobBridge scheme. It is understood that the he commenced work with the organisation on 30 January 2012. However, his jobseeker’s benefit had expired on 21 January 2012, prior to his commencement with this organisation.

The person concerned has been informed that it is open to him to apply for jobseeker’s allowance and to seek to have his application backdated to the date on which his jobseeker’s benefit expired. If he qualifies for jobseeker’s allowance he will be eligible to participate in JobBridge.

**Social Welfare Benefits**

291. **Deputy Barry Cowen** asked the Minister for Social Protection the average length of time taken to process social welfare programme applications, broken down by scheme in 2007, 2008, 2009, 2010, 2011 and to date in 2012; and if she will make a statement on the matter. [14226/12]
**Minister for Social Protection (Deputy Joan Burton):** The information requested by the Deputy is contained in the tabular statement.

It should be noted that figures for 2012 represent one month’s activity (January).

Table A: Average weeks to award social welfare applications from 2007-2012

<table>
<thead>
<tr>
<th>Average Weeks to Award (in weeks)</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012*</th>
</tr>
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<tbody>
<tr>
<td>Jobseeker’s Benefit</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td>2</td>
<td>2</td>
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<tr>
<td>Jobseeker’s Allowance</td>
<td>3</td>
<td>5</td>
<td>6</td>
<td>6</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>One-Parent Family Payment</td>
<td>10</td>
<td>11</td>
<td>13</td>
<td>16</td>
<td>16</td>
<td>18</td>
</tr>
<tr>
<td>State Pension Contributory (Domestic)</td>
<td>n/a</td>
<td>11</td>
<td>8</td>
<td>8</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>State Pension Contributory (EU)</td>
<td>n/a</td>
<td>24</td>
<td>22</td>
<td>5</td>
<td>2</td>
<td>1</td>
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<tr>
<td>State Pension Transition (Domestic)</td>
<td>n/a</td>
<td>3</td>
<td>3</td>
<td>4</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>State Pension Transition (EU)</td>
<td>n/a</td>
<td>17</td>
<td>16</td>
<td>4</td>
<td>2</td>
<td>1</td>
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<tr>
<td>Widow(er)’s Contributory Pension</td>
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<td>4</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Widow(er)’s Non-Contributory Pension</td>
<td>8</td>
<td>9</td>
<td>8</td>
<td>9</td>
<td>10</td>
<td>11</td>
</tr>
<tr>
<td>State Pension Non-Contributory</td>
<td>7</td>
<td>9</td>
<td>9</td>
<td>11</td>
<td>10</td>
<td>14</td>
</tr>
<tr>
<td>Household Benefits</td>
<td>n/a</td>
<td>2</td>
<td>3</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Free Travel (Stand-alone New Pass)</td>
<td>n/a</td>
<td>1</td>
<td>1</td>
<td>4</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Bereavement Grant (Sligo)</td>
<td>3</td>
<td>1</td>
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<td>1</td>
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<td>1</td>
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<tr>
<td>Child Benefit (New Claims — Domestic/FRA)</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>3</td>
<td>4</td>
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<tr>
<td>Child Benefit (EU Regulation)</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>51</td>
<td>55</td>
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<tr>
<td>Family Income Supplement (New)</td>
<td>18</td>
<td>13</td>
<td>8</td>
<td>10</td>
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<td>19</td>
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<tr>
<td>Family Income Supplement (Renewals)</td>
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<td>5</td>
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<td>10</td>
<td>18</td>
<td>20</td>
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<tr>
<td>Carer’s Allowance</td>
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<td>9</td>
<td>8</td>
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<td>n/a</td>
</tr>
<tr>
<td>Disability Allowance</td>
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<td>15</td>
<td>15</td>
<td>14</td>
<td>17</td>
<td>18</td>
</tr>
<tr>
<td>Invalidity Pension</td>
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<td>10</td>
<td>12</td>
<td>13</td>
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<td>29</td>
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<td>Bereavement Grant (Longford)</td>
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<td>4</td>
<td>4</td>
<td>3</td>
<td>1</td>
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<tr>
<td>Illness Benefit</td>
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<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Domiciliary Care Allowance</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>7</td>
<td>9</td>
<td>8</td>
</tr>
<tr>
<td>Supplementary Welfare Allowance</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

n/a Not Available

*2012 figures represent January only.

*Question No. 292 answered with Question No. 273.*

293. **Deputy Barry Cowen** asked the Minister for Social Protection the total number of families contacted by her Department in November 2011 in relation to a review of the domiciliary care allowance; and if she will make a statement on the matter. [14228/12]
294. **Deputy Barry Cowen** asked the Minister for Social Protection the total number of families that were informed that their domiciliary care allowance was cut in January 2012. [14229/12]

295. **Deputy Barry Cowen** asked the Minister for Social Protection the total savings in her Department from the cut in the domiciliary care allowance recipients in January 2012. [14230/12]

297. **Deputy Barry Cowen** asked the Minister for Social Protection the groups or experts that were consulted regarding the domiciliary care allowance eligibility review of recipients; the advice they received; and if she will make a statement on the matter. [14232/12]

298. **Deputy Barry Cowen** asked the Minister for Social Protection if she intends to further change the domiciliary care allowance eligibility application process; and if she will make a statement on the matter. [14233/12]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 293 to 295, inclusive, 297 and 298 together.

Domiciliary care allowance (DCA) can be paid in respect of children under 16 years of age who have a disability so severe that it requires the child needing care and attention and/or supervision substantially in excess of another child of the same age. This care and attention must be given by another person, effectively full-time, so that the child can deal with the activities of daily living. The child must be likely to require this level of care and attention for at least 12 months.

Eligibility for the DCA is not based primarily on the medical or psychological condition, but on the resulting lack of function of body or mind necessitating the degree of extra care and attention required. Each application is assessed on an individual basis, taking account of the evidence submitted. In addition, the person claiming the allowance for the child must be providing for the care of the child and must be considered habitually resident in the State.

DCA cases are routinely reviewed to ensure that the conditions for receipt of the payment continue to be met. Cases are reviewed based on either:

1) A scheduled review based on the recommendation of one of the Department’s medical assessor when the claim is initially processed; or

2) On the basis of information received about a change of circumstances which potentially affects the continued entitlement of a case already in payment.

Scheduled reviews, on the recommendation of the medical assessor, are based on the prognosis of the child’s disability and how their condition may improve over time. There were 128 customers notified regarding a scheduled review of their claims in November 2011.

Customers who are reviewed are asked to provide relevant up-to-date medical evidence and details of the extra care needs of their child. This information is assessed by a medical advisor and a decision is made based on their medical opinion.

In January 2012, following a review of their claims, 57 customers were notified that they no longer qualified for the payment. Where payment is stopped as a result of a review, the customer is invited to submit any further information they may wish to have considered and that information will be further examined and/or they may appeal the decision to the Social Welfare Appeals office.
A savings figure of €326,239 relating to these 57 DCA claims and associated respite care grants has been recorded. This figure will increase when the savings figure relating to any associated carers allowance is finalised.

Prior to the transfer of the DCA scheme from the HSE in 2009, an expert medical group examined the scheme and made recommendations on how it should operate within the Department of Social protection. These recommendations included the need for a review process and the minimum term to be applied to such reviews. The expert medical group comprised senior medical personnel from both the HSE and the Department. A consultant child psychiatrist and an international expert on disability assessment were also members of the group and its final report was reviewed by two independent medical experts.

Careful consideration was given to the DCA application process prior to the transfer of the scheme to the Department and it is considered that, overall, it is operating as envisaged. The operation of the scheme is monitored on an on-going basis and any improvements to the delivery of service that are identified are implemented.

296. **Deputy Barry Cowen** asked the Minister for Social Protection the total savings in her Department and the total number of families affected from the inclusion of the domiciliary care allowance in calculable family income supplement income from January 2012. [14231/12]

**Minister for Social Protection (Deputy Joan Burton):** No changes have been made to the treatment of domiciliary care allowance for family income supplement (FIS) purposes. Payments under the domiciliary care allowance scheme have always been fully disregarded in determining entitlement for FIS and they continue to be fully disregarded.

**Questions Nos. 297 and 298 answered with Question No. 293.**

Departmental Staff

299. **Deputy Barry Cowen** asked the Minister for Social Protection the changes she has made to her Department’s staffing arrangements to tackle waiting lists and processing time delays for social welfare applications; and if she will make a statement on the matter. [14234/12]

**Minister for Social Protection (Deputy Joan Burton):** My Department is committed to delivering the best possible service to its customers and continuously strives to achieve the highest standard of customer service possible. The Department relies on the knowledge and expertise of its staff to deliver these services and, in view of their crucial role, the numbers of staff required to deliver a quality customer service is kept under constant review.

In the period since May 2008, some 952 staff have been redeployed to the Department to fill critical vacancies in local offices, Central Support Units and the Department’s Inspectorate to deal with the increased volume of claims due to the downturn in the economy. Taking into account the numbers of staff who have left the Department and the vacancies that exist currently, a net total of 486 additional staff have been assigned to the Department. The Department also makes judicious use of overtime and employs temporary staff as appropriate to address particular service issues as they arise.

Processing times vary across schemes, depending on the differing qualification criteria for the scheme involved. In order to meet the dual challenges of increased claim volumes and the demand for shorter processing times, the Department has embarked on a major programme of process redesign and modernisation involving the development and roll-out of new computer systems and streamlined work practices.
I should also point out that in order to offer a more streamlined, efficient and integrated service to customers, the Department is undergoing a process of intensive planning and organisational change in establishing the new National Employment and Entitlements Service (NEES). This service brings together the Community Welfare Service (CWS), the Employment Services and Community Employment Programmes of FÁS, the Rural Social Scheme and Community Services Programme from the former Department of Community, Equality and the Gaeltacht and the Redundancy and Insolvency schemes from the Department of Enterprise, Trade and Innovation.

The new NEES model will integrate all employment and benefit support services in a single delivery unit and will provide a coherent integrated and more personalised service to customers. It will also serve to eliminate the duplication of work that characterised services which were provided separately in the past.

Question No. 300 withdrawn.

301. **Deputy Barry Cowen** asked the Minister for Social Protection the total number of staff dealing with application appeals in 2007 to 2011, inclusive, and to date in 2012; and if she will make a statement on the matter. [14236/12]

**Minister for Social Protection (Deputy Joan Burton):** The table details the number of permanent posts allocated to the Social Welfare Appeals Office since 2007. The significant increase in staff between 2011 and 2012 is due to additional posts assigned to the office during 2011, and the transfer of the Community Welfare Service to the Department in October 2011.

In addition to the permanent posts detailed in the table, there were eight retired former public servants recruited on short term contracts in the Department of Social Protection from June 2010. These officers were employed on a part time basis as Appeals Officers, and their contracts terminated at the end of December 2011.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Welfare Appeals Office</td>
<td>54.5</td>
<td>54.00</td>
<td>55.00</td>
<td>54.00</td>
<td>59.8</td>
</tr>
</tbody>
</table>

**Employment Support Services**

302. **Deputy Barry Cowen** asked the Minister for Social Protection the impact the pathways to work project will have on social welfare application waiting lists; and if she will make a statement on the matter. [14237/12]

**Minister for Social Protection (Deputy Joan Burton):** The Pathways to Work policy which was launched by the Government on the 23rd of February incorporates the establishment of the new National Employment and Entitlements Service and commits to a new approach to the provision of services for unemployed people. The objective is to reduce the level of long term unemployment and to ensure those who are unemployed will be provided with appropriate advice, support, education and training to take advantage of new job opportunities as the economy recovers.

Pathways to Work has five strands:

- more regular and on-going engagement with people who are unemployed,
- greater targeting of activation places and opportunities,
incentivising the take-up of opportunities,

- incentivising employers to provide more jobs for people who are unemployed, and

- reforming institutions to deliver better services to people who are unemployed.

The roll-out of the new service will be very challenging for the Department and will require the allocation of additional internal staff and external resources to employment services/activation work. However the resources of the Department have recently been augmented by the transfer of nearly 1,700 staff from the CWS and FÁS. Over the medium term I expect that efficiencies will be realised as these staff and services are integrated and that these efficiencies will facilitate improved service delivery.

Waiting lists and processing times for social welfare payments vary across schemes and generally relate to the qualification criteria for the scheme involved. This situation is kept under constant review as part of my department’s commitment to delivering the best possible service to its customers. In order to meet the dual challenges of increased claim volumes and the demand for shorter processing times, the Department has embarked on a major programme of process redesign and modernisation involving the development and roll-out of new computer systems and streamlined work practices.

Social Welfare Benefits

303. Deputy Barry Cowen asked the Minister for Social Protection the total number of applications for social welfare currently outstanding in the system, broken down by programme; and if she will make a statement on the matter. [14238/12]

Minister for Social Protection (Deputy Joan Burton): The number of claims pending a decision on their eligibility at January 31st, 2012 was 104,711 compared to a total of 118,682 at the same date in 2011. This is a reduction of almost 14,000 or more than 11% in claims pending a decision over the twelve month period. About half of the total reduction is in the areas of Jobseeker’s Benefit and Jobseeker’s Allowance.

<table>
<thead>
<tr>
<th>Scheme</th>
<th>Claims Pending 31/01/2011</th>
<th>Claims Pending 31/01/2012</th>
<th>Percentage Claims Pending Change during Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jobseeker’s Benefit</td>
<td>11,289</td>
<td>8,684</td>
<td>-23.1%</td>
</tr>
<tr>
<td>Jobseeker’s Allowance</td>
<td>27,188</td>
<td>22,640</td>
<td>-16.7%</td>
</tr>
<tr>
<td>One-Parent Family Payment</td>
<td>5,179</td>
<td>4,028</td>
<td>-22.2%</td>
</tr>
<tr>
<td>State Pension Contributory (Dom)</td>
<td>2,832</td>
<td>3,257</td>
<td>15.0%</td>
</tr>
<tr>
<td>State Pension Transition (Dom)</td>
<td>1,953</td>
<td>2,373</td>
<td>21.5%</td>
</tr>
<tr>
<td>Widow(er)’s Contributory Pension</td>
<td>519</td>
<td>454</td>
<td>-12.5%</td>
</tr>
<tr>
<td>Guardian Payment (Contributory)</td>
<td>119</td>
<td>122</td>
<td>2.5%</td>
</tr>
<tr>
<td>Widowed Parent Grant</td>
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<td>33</td>
<td></td>
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<tr>
<td>Unique Allowances</td>
<td>524</td>
<td>363</td>
<td>-30.7%</td>
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<tr>
<td>State Pension Non-Contributory</td>
<td>1,541</td>
<td>1,993</td>
<td>29.3%</td>
</tr>
<tr>
<td>Blind Person Pension</td>
<td>47</td>
<td>52</td>
<td>10.6%</td>
</tr>
<tr>
<td>Guardian Payment (Non Contributory)</td>
<td>80</td>
<td>66</td>
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</tr>
<tr>
<td>Widow(ers) Non Contributory Pension</td>
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<td>-24.8%</td>
</tr>
<tr>
<td>Household Benefits</td>
<td>4,238</td>
<td>2,443</td>
<td>-42.4%</td>
</tr>
</tbody>
</table>
Free Travel &rarr; 37 &rarr; 36 &rarr; -2.7%
Bereavement Grant &rarr; 929 &rarr; 988 &rarr; 6.4%
Domiciliary Care Allowance &rarr; 471 &rarr; 331 &rarr; -29.7%
Supplementary Welfare Allowance &rarr; 5,462 &rarr; 6,219 &rarr; 13.9%
Child Benefit (Domestic and FRA) &rarr; 3,872 &rarr; n/avail &rarr; —
Child Benefit (EU Regulation) &rarr; 2,955 &rarr; 2,301 &rarr; -22.1%
Treatment Benefit &rarr; 10,008 &rarr; 3,834 &rarr; -61.7%
Maternity Benefit &rarr; 3,412 &rarr; 3,730 &rarr; 9.3%
Family Income Supplement (New) &rarr; 5,567 &rarr; 6,662 &rarr; 19.7%
Family Income Supplement (Renew) &rarr; 1,696 &rarr; 4,469 &rarr; 163.5%
Carer’s Allowance &rarr; 3,747 &rarr; 7,552 &rarr; 101.5%
Carer’s Benefit &rarr; 378 &rarr; 420 &rarr; 11.1%
Disability Allowance &rarr; 6,346 &rarr; 7,403 &rarr; 16.7%
Disablement &rarr; 1,994 &rarr; 1,961 &rarr; -1.7%
Invalidity Pension &rarr; 2,117 &rarr; 6,790 &rarr; 220.7%
Bereavement Grant &rarr; 541 &rarr; 204 &rarr; -62.3%
Illness Benefit &rarr; 12,969 &rarr; 4,791 &rarr; -63.1%
Interim Illness Benefit (OIB) &rarr; 316 &rarr; 154 &rarr; -51.3%
Respite Care Grant &rarr; 231 &rarr; 264 &rarr; 14.3%
One-Parent Family Payment — HQ &rarr; N/avail &rarr; 234 &rarr; —

118,682 &rarr; 104,711 &rarr; -11.8%


Question No. 304 answered with Question No. 273.

305. **Deputy Seán Kyne** asked the Minister for Social Protection the measures being taken to alleviate the delays in the scanning of medical evidence pertaining to carer’s allowance applications, which, according to her Department’s officials, is the reason for the delay in the assessment of the applications.  [14263/12]

**Minister for Social Protection (Deputy Joan Burton):** The Department is committed to delivering the best possible service to its customers. In order to meet the challenge of increased volumes of new claims for its schemes, the department has embarked on a major programme of process redesign and modernisation, including the deployment of new computer systems. The deployment of new systems is a very resource intensive task and has, as a consequence, had a negative impact during the development and deployment phase on processing performance. Once the programme of deployment is fully completed I expect that performance will recover and improve.

As part of my department’s Document, Record and Information Management (DRIM) programme and in tandem with Service Delivery Modernisation (SDM) projects underway for carer’s allowance scheme, scanning of medical documents for a number of schemes including carer’s allowance commenced in 2010. At the end of August 2011 scanning was extended to include carer’s allowance application forms and associated documentation.

The DRIM programme is a key part of my department’s ongoing change and modernisation programme. The rationale for the programme is to reduce the volume of paper documents used and stored in scheme areas by scanning documents, making the scanned images available
Deputy Joan Burton.

online to staff and where appropriate, extracting data from scanned images for integration to ICT systems to facilitate automation of business processes. In order to address the high claim load and reduce the time taken to process claims resources in the carer’s allowance area are being prioritised as far as possible to the reduction of the back logs. Additional resources are also being provided in the form of overtime working and temporary staff. However, it is expected to be a significant number of months before the backlog is reduced to an acceptable level.

Social Welfare Code

306. **Deputy Seán Kyne** asked the Minister for Social Protection if strong consideration will be given, in the interests of fairness and transparency, to introducing assessments in person carried out by qualified medical personnel in the application or review process for all health-related social protection schemes such as domiciliary care allowance and disability allowance. [14267/12]

**Minister for Social Protection (Deputy Joan Burton):** Medical assessments and medical reviews of eligibility for social welfare schemes are carried out either “in-person” or “at desk”. In 2011, over 104,000 desk assessments/reviews and some 38,800 in-person assessments/reviews were carried out by the Department’s medical assessors. All medical assessments and medical reviews are undertaken by fully qualified medical practitioners who have experience and specialist training/qualifications in occupational medicine as well as in human disability evaluation. Medical assessments and reviews are carried out in accordance with the Department’s evidence based guidelines and protocols.

Desk assessments of eligibility are based on medical reports and medical evidence furnished by the applicant’s treating physician. Applicants, who are not satisfied with a given decision, have the right of appeal to the independent social welfare appeals’ office. In the case of an appeal a second medical assessment is carried out by a separate medical assessor.

A Medical Expert Group, which oversaw the transfer of domiciliary care allowance from the Health Service Executive to the Department, was satisfied that, when all circumstances were taken into account, the most appropriate way to conduct assessments for medical eligibility was by desk assessment. This approach has also been applied to other disability related schemes and I am satisfied that the current arrangements are satisfactory.

Social Welfare Benefits

307. **Deputy Seán Kyne** asked the Minister for Social Protection, further to Parliamentary Question No. 336 of 28 February 2012, the reason the domiciliary care allowance has been withdrawn, following reviews, in several cases concerning children with autism, particularly given the way this condition is a lifelong disability. [14273/12]

**Minister for Social Protection (Deputy Joan Burton):** The domiciliary care allowance (DCA) is a monthly payment to the parent/guardian of a child with a severe disability requiring continual or continuous care and attention substantially in excess of the care and attention normally required by a child of the same age. This care and attention must be provided to allow the child to deal with the activities of daily living and the child must be likely to require this level of care and attention for at least 12 months. Eligibility for the domiciliary care allowance is not based primarily on the medical or psychological condition of the child, but on the level of the resultant need for continuous extra care and attention. Each application is assessed on an
individual basis taking account of the evidence submitted. No specific condition or disability rules a child in or out of qualification for the allowance.

DCA cases are routinely reviewed to ensure that the conditions for receipt of the payment continue to be met. In the cases referred to by the Deputy, neither the child’s condition/disability or its duration is an issue. What is being assessed is the level of additional care and attention the child needs on a continual basis because of that condition/disability and whether this is substantially more than would be required by a child of the same age who does not have that condition/disability. I want to assure the Deputy that my Department is committed to ensuring that those children who meet the conditions for the scheme will continue to receive the payment.

Social Welfare Appeals

308. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social Protection when a person (details supplied) in Dublin 17, will be granted carer’s allowance. [14317/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the appeal from the person concerned was referred to an Appeals Officer who proposes to hold an oral hearing in this case. There has been a very significant increase in the number of appeals received by the Social Welfare Appeals Office since 2007 when the intake was 14,070 to 2010 and 2011 when the intake rose to 32,432 and 31,241 respectively. This has significantly impacted on the processing time for appeals which require oral hearings and, in order to be fair to all appellants, they are dealt with in strict chronological order.

While every effort is being made to deal with the large numbers awaiting oral hearing as quickly as possible, it is not possible to give a date when the person’s oral hearing will be heard, but s/he will be informed when arrangements have been made. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Fraud

309. **Deputy Joan Collins** asked the Minister for Social Protection, further to Parliamentary Question No. 387 of 24 January 2012, if she will provide the figure, from the 253 criminal cases relating to social welfare fraud in 2010, for the amount that was recovered by her as it relates to these cases; if she will provide this figure as a percentage of the social welfare budget for 2010; if she and her Department could have a press conference highlighting those figures instead of control savings, which are a minimum expected of any welfare system in the world; and if she will make a statement regarding the nature of press releases made relating to fraud figures from her Department. [14329/12]

**Minister for Social Protection (Deputy Joan Burton):** The Department has a broad-ranging and comprehensive control strategy which aims to keep fraud and abuse to a minimum. Social welfare fraud undermines public confidence in the entire system as well as being unfair to other recipients of social welfare payments, taxpayers and business run on a legitimate basis. The effectiveness of control policies and activities are measured on an on-going basis by a range of performance indicators, including fraud and error surveys, number of reviews, number of employer inspections, number and amount of overpayments assessed and recovered, amount of control savings recorded and the number of prosecutions. Consequently, the number of prosecutions is only one of the indicators used.
The Deputy will appreciate that it would not be practical or cost-beneficial to prosecute every case of suspected welfare fraud. Generally, it is the more serious types of cases, with overpayments at the higher end of the scale, that are selected for prosecution proceedings. In the case of the Department’s criminal prosecutions, it is the offence committed — rather than the debt owed — that is the subject of the proceedings. The recovery of the debt is a separate matter for the Department and is not dealt with in the context of the criminal proceedings.

In 2010, the Department recovered €34.5m from outstanding debt. The figure of 253 criminal cases referred to by the Deputy includes 246 scheme cases and 7 employer cases. The figure does not, however, include any cases finalised in court under the Criminal Justice (Theft and Fraud Offences) Act 2001. In respect of the 246 scheme cases, 238 individuals have paid back in excess of €770,000 as at 31 December 2011. It should be borne in mind that social welfare debt can be repaid by a single lump sum, regular instalments or by deduction from current entitlements. It is not intended to have a press conference to highlight the number of criminal prosecutions taken by the Department.

Social Welfare Code

310. Deputy Michael Healy-Rae asked the Minister for Social Protection if she will immediately overhaul the application and review process for domiciliary care allowance. [14333/12]

Minister for Social Protection (Deputy Joan Burton): Domiciliary care allowance (DCA) can be paid in respect of children under 16 years of age who have a disability so severe that it requires the child needing care and attention and/or supervision substantially in excess of another child of the same age. This care and attention must be given by another person, effectively full-time, so that the child can deal with the activities of daily living. The child must be likely to require this level of care and attention for at least 12 months.

Eligibility for the DCA is not based primarily on the medical or psychological condition, but on the resulting lack of function of body or mind necessitating the degree of extra care and attention required. Each application is assessed on an individual basis taking account of the evidence submitted. No specific condition or disability rules a child in or out of qualifying for the allowance.

Prior to the transfer of the DCA scheme from the HSE in 2009, an expert medical group examined the scheme and made recommendations on how it should operate within the Department of Social Protection. These recommendations included the need for a review process and the minimum term that should apply to such reviews. A review policy in an integral part of all social welfare schemes and is necessary to ensure that payments continue to be made only to those customers who meet the qualifying conditions.

Domiciliary care allowance (DCA) cases are routinely reviewed to ensure that all the conditions for receipt of the payment continue to be met. Cases are reviewed based on either a scheduled review on the recommendation of the medical assessor when the claim is initially processed or on information received about a change of circumstances which potentially affects the continued entitlement of a case already in payment.

Scheduled reviews, on the recommendation of the medical assessor, are based on the prognosis of the child’s disability and how their care needs may change over time. Customers who are reviewed are asked to provide relevant up-to-date medical evidence and details of the additional care needs of their child vis-à-vis a child of the same age who does not have their disability. This information is assessed by a medical advisor and a decision is made based on the medical opinion they provide. Where payment is stopped as a result of a review, the customer is
invited to submit any further information they may wish to have considered and that information is further examined and/or they may appeal the decision directly to the Social Welfare Appeals office.

The operation of the scheme is monitored on an on-going basis and any improvements to the delivery of service that are identified are implemented. There is no proposal to discontinue the routine reviews of entitlement to DCA.

311. Deputy Michael Healy-Rae asked the Minister for Social Protection, in view of the review of domiciliary care allowance that is being progressed at present, which is ignoring the medical advice of children’s general practitioners and other medical experts and educational experts involved in working with and treating children, if any payments that have been stopped will be reinstated immediately. [14335/12]

Minister for Social Protection (Deputy Joan Burton): DCA is a monthly payment to the parent/guardian of a child with a disability so severe that the child requires care and attention and/or supervision substantially in excess of another child of the same age. This care and attention must be provided to allow the child to deal with the activities of daily living. The child must be likely to require this level of care and attention for at least 12 months.

Individual DCA cases are routinely reviewed to ensure that the conditions for receipt of the payment continue to be met. Reviews are initiated with the parent/guardian being asked to complete a “review of medical criteria form”, which also requires medical input from the child’s GP. The parent/guardian returns this form, together with any additional recent reports of ongoing medical or therapeutic services the child may be receiving. This information is then sent for review by one of the Department’s medical assessors who will provide an opinion to the deciding officer on whether the child continues to meet the medical criteria for receipt of the payment.

The decision of the deciding officer is communicated to the customer in writing and they are given the option to appeal to the Social Welfare Appeals Office. Any new or additional information received after the issue of the revised decision and before the appeal is heard, is further assessed by a medical assessor. In this way, the review process affords parents/guardians every opportunity to provide additional information from any source they wish and to have this information assessed at an early stage with payment restored, where necessary, without the necessity of an appeal hearing. My Department is committed to ensuring that those children who meet the conditions for the scheme will continue to receive the payment.

Departmental Programmes

312. Deputy Tom Hayes asked the Minister for Social Protection the position regarding the community services programme under An Pobal which is now under her Department; and if she will make a statement on the matter. [14348/12]

Minister for Social Protection (Deputy Joan Burton): The community services programme (CSP) co-funds the services delivered by around 425 community based not-for-profit enterprises across the State. Some €45.4 million has been allocated to the programme for 2012, which will support 2,800 people in full and part time employment. CSP funding is primarily intended to contribute to the wages costs of the service provider expressed as a fixed annual contribution towards the costs of employing full time equivalent workers, and in some cases, a contribution towards the cost of employing a manager.

A key requirement of the programme is that the service provider must generate a significant element of their turnover from traded activity or other non-public sources of income. The grant
received from the programme must be matched over time with similar levels of traded income to fund further development of the organisation to enhance the services provided and to generate additional employment. The contribution levels vary from between 15% to 85% of turnover. In general, service providers are engaged under a three year contracting arrangement until 31 December 2013.

Access to the programme is by way of open call for proposals, the last in 2008, or by expression of interest from existing services providers where they consider the programme has a role in supporting or developing their operations. Due to resource constraints, there are limited opportunities for new proposals to be considered with funds being concentrated on supporting the employment potential of existing contract holders. I have no immediate proposals to alter the operation of the programme.

**Social Welfare Appeals**

313. **Deputy Willie Penrose** asked the Minister for Social Protection when an appeal by a person (details supplied) in County Westmeath in respect of a carer’s allowance application will be heard, as it was submitted in September 2011; and if she will make a statement on the matter. [14350/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 26th September 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 27th January 2012 and the appeal was assigned to an Appeals Officer on 13th February 2012 who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

**Shooting Rights**

314. **Deputy Patrick O’Donovan** asked the Minister for Arts, Heritage and the Gaeltacht if a club (details supplied) can purchase the shooting rights that it has leased for the past 32 years; if it will obtain maps of the areas which are included in the actual rights; and if he will make a statement on the matter. [13458/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I am advised that legal title to the shooting rights referred to by the Deputy is formally vested in the Minister for Agriculture, Food and the Marine, although my Department effectively holds the beneficial rights. While the general requirements in relation to disposal of State assets (including shooting rights) would likely necessitate that they be advertised rather than sold to any particular person or group, I understand that there are no proposals at present to sell any shooting rights which are vested in the State.

**Turbary Rights**

315. **Deputy Peadar Tóibín** asked the Minister for Arts, Heritage and the Gaeltacht the position regarding an appeal (details supplied); when a date may be expected for an appeal; if his attention has been drawn to the fact that the delay in granting an appeal date is impeding
the person’s rights to harvest turf and due to the seasonal nature of harvesting, the person could be restricted further; the problems involved in granting an appeal; and if he will make a statement on the matter. [13474/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): Under the provisions of the Wildlife (Amendment) Act 2000, the carrying out of certain works in Natural Heritage Areas, including the extraction of turf, cannot take place without my consent as Minister for Arts, Heritage and the Gaeltacht. Consent was refused for the works which the individual, referred to in the Deputy’s question, intended to carry out and the individual has appealed against this decision. My Department has been in contact with the General Council of the Bar of Ireland and the Law Society of Ireland in relation to establishing a panel to draw upon for hearing and determining appeals such as this. I intend to establish this panel as soon as possible and the appeal referred to in the Deputy’s question will be heard at the earliest possible date.

Appointments to State Boards

316. Deputy Gerald Nash asked the Minister for Arts, Heritage and the Gaeltacht if he will provide details in relation to the number and names of all semi-State companies and statutory agencies under the remit of his Department; if he will provide a list of all members of the board of such organisations for the years 2007 to 2011, inclusive; if he will provide a list of all expenses associated with membership of these boards on an individual basis for the relevant years; if he will provide information relating to the profession or occupation of all such members of the relevant State companies and statutory agencies; and if he will make a statement on the matter. [13499/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): My Department was established on 2 June 2011 and details regarding membership and fees of bodies/agencies funded from my Department’s Vote groups at 31st December 2011 are laid out in the table. There are no semi-state companies under the aegis of my Department. It should be noted that Foras na Gaeilge and the Ulster-Scots Agency are North-South Implementation Bodies and are subject to dual arrangements in relation to funding.

The Deputy will understand that personal information regarding any of the board members cannot be disclosed. Regarding expenses, I am advised that the payment of expenses to board members is carried out in accordance with the guidelines and rules set down by the Department of Expenditure and Reform.

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<tr>
<th>Name of Body/Agency</th>
<th>List of Board Members at 31st December 2011</th>
<th>Annual remuneration payable to Chairs and board members</th>
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<tr>
<td>Foras na Gaeilge</td>
<td>Mr. Liam Ó Maolmhichíl (Chair)</td>
<td>Chair — €11,970/Stg£8,140;</td>
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<td>Mr. Eoghan MacCormaic (Vice-Chair)</td>
<td>Vice-Chair — €9,830/Stg£6,690;</td>
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<td>Mr. Pol Callaghan</td>
<td>Member — €7,695/Stg£5,235.</td>
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<td>Ulster-Scots Agency</td>
<td>Mr. Tom Scott (Chair)</td>
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<td>Ms Olive Braiden Chairperson</td>
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<td>National Concert Hall</td>
<td>Mr. Kieran Tobin Chairman</td>
<td>Chair: €8,978, No fee paid to board members</td>
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<td>Ms Patricia Slavin</td>
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<td>Mr. Gerard Collins</td>
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<td>Irish Museum of Modern Art</td>
<td>Mr. Eoin McGonigal Chairman</td>
<td>Chair: €8,978, No fee paid to board members</td>
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<td>Ms. Emer O’Kelly</td>
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Written Answers

[Deputy Jimmy Deenihan.]

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<tr>
<th>Name of Body/Agency</th>
<th>List of Board Members at 31st December 2011</th>
<th>Annual remuneration payable to Chairs and board members</th>
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<tr>
<td>Culture Ireland</td>
<td>Prof. Michael Ó Suilleabháin (Chairman)</td>
<td>Chair: €8,978</td>
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<td>Ms Mary McCarthy</td>
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<td>Ms Orlaith McBride ex officio</td>
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<td>Arts Council</td>
<td>Ms. Pat Moylan</td>
<td>Chair: €8,978</td>
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<td>Ms. Aibhlin McGrann</td>
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<td>Irish Film Board</td>
<td>Mr. James Morris, Chair</td>
<td>Chair: €8,978</td>
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<td>Ms Lesley McKimm</td>
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<td>Mr. Johnny Gogan</td>
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<td>Chester Beatty Library</td>
<td>Dr Patricia Donlon</td>
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<td>Ms Caroline Grey</td>
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<td>Mrs Madeline O’Sullivan</td>
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Arts Funding

317. **Deputy Nicky McFadden** asked the Minister for Arts, Heritage and the Gaeltacht if funding is available from the arts unit in 2012 to fund a development (details supplied) in County Westmeath; and if he will make a statement on the matter. [13600/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** My Department’s arts capital allocation for 2012 is already earmarked for projects that were approved for funding some time ago and there is currently a waiting list of projects for funding in 2013 and future years. I will, however, ask my Department to look at the project referred to by the Deputy, taking account of the overall situation in relation to resources.

318. **Deputy Simon Harris** asked the Minister for Arts, Heritage and the Gaeltacht if he will outline in tabular form the supports and grants administered by him that the volunteer producers of a cultural publication (details supplied) may avail of. [13990/12]
Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): There are no supports or grants available from my Department which would assist in the publication to which the Deputy refers. Primary responsibility for the promotion of the arts at all levels throughout the country is devolved to the Arts Council. The Council is funded by my Department and is independent in its funding decisions.

Public Service Staff

319. **Deputy Pat Breen** asked the Minister for Arts, Heritage and the Gaeltacht if he will report on the number of public servants from County Clare who retired as part of the Croke Park early retirement scheme from positions in his Department or from State bodies under the aegis of his Department. [14195/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): No public servants from County Clare retired as part of the Croke Park early retirement scheme from positions in my Department or from State bodies under the aegis of my Department.

Merger of Cultural Institutions

320. **Deputy Dara Calleary** asked the Minister for Arts, Heritage and the Gaeltacht the projected annual savings from the proposed merger of the National Gallery, Irish Museum of Modern Art and the Crawford Gallery; how it is envisaged that these savings will be made; and if he will make a statement on the matter. [14305/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): As Deputy will be aware, the Government announced its Public Service Reform Plan on 17 November 2011. This included a new and expanded programme of State Agency rationalisations. Appendix IIA to that announcement set out a number of bodies to be rationalised, amalgamated or abolished in 2012, including, in respect of my Department, the following action: “Combine Irish Museum of Modern Art, Crawford Art Gallery and the National Gallery of Ireland, while retaining separate identities”. My Department has commenced a detailed examination of the issues involved. The input of the institutions will be crucial in this examination. At this point, it is not yet possible to properly assess the issue of projected savings. The Deputy will appreciate that the pursuit of efficiencies and synergies are also some of the elements under consideration.

Offshore Exploration

321. **Deputy Michael Healy-Rae** asked the Minister for Communications, Energy and Natural Resources the proposals, if any, he has to deal with the red tape that is blocking the progress of a project (details supplied); and if he will make a statement on the matter. [14215/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I refer the Deputy to my reply to Question No. 2 of 7 March 2012. The decision on the regulatory treatment of the gas interconnectors is statutorily a matter for the Commission for Energy Regulation (CER) under the Gas (Interim) (Regulation) Act 2002. I have no function in the matter. The CER, as the independent energy regulator, has a remit to protect energy consumers, ensure security of supply and support competitiveness. It also has a duty to ensure new sources of gas for the Irish market do not result in unwarranted increases in the price of gas to business and domestic consumers. On 17 February, the CER published a Proposed Decision Paper on the issue of the regulatory treatment of the gas interconnectors. Together with all players and potential players in Ireland’s gas market, Shannon LNG has a key commercial interest in the outcome of the CER’s ultimate decision on this very complex regulatory question. Given the complexities, there are many different perspectives on this issue. On 1 March
the CER held a further Public Forum for stakeholders. The objective of the Forum was to give
stakeholders the opportunity to discuss with the CER any issues relating to the contents of the
proposed Decision Paper in order to help inform the CER’s final decision. I understand that
representatives of Shannon LNG attended the Forum. Stakeholders have a further opportunity
to respond to the CER by 16 March on the matters raised in the Proposed Decision Paper. At
the end of this period, the CER will assess all comments received and publish a final decision.
I understand the CER expects a final decision to be available within two months. The CER’s
decision will bring the regulatory certainty needed by all stakeholders in the gas market including
those with investment decisions to make.

Telecommunications Services

322. Deputy Noel Harrington asked the Minister for Communications, Energy and Natural
Resources the steps that have been taken, since this Deputy last raised the issue in September
2011, to enable a person (details supplied) in County Cork to be provided with a proper broad-
band service; and if he will make a statement on the matter. [13460/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The
person to whom the Deputy refers is in receipt of a broadband service through the National
Broadband Scheme (NBS). By way of background, my Department entered into a contract
with 3, a Hutchison Whampoa company, for the delivery of the NBS in late December 2008,
following the conclusion of a competitive dialogue procurement process. The objective of the
NBS is to deliver broadband to certain target areas in Ireland in which broadband services were
deemed at the time to be insufficient. Since October 2010, broadband services are available in
all of the 1,028 Electoral Divisions (ED) designated to be covered under the Scheme. The
NBS contract guarantees service levels and imposes a service credit regime on 3 with financial
consequences in the event that minimum specification service levels are not met. Under the
NBS contract, specific service level agreement (SLA) standards are in place, which define the
service and support levels to be provided by 3 to NBS subscribers. Any NBS customer experi-
encing problems with the NBS service can contact 3’s customer care centre 24 hours a day 7
days a week by phone at 1913 (free of charge), via e-mail to nbssupport@three.ie or by post to
3 Customer Services, Hutchison 3G Ireland Ltd, PO Box 333, Dublin 2. My Department has a
role when customers have fully utilised the established complaints process. It operates a dedi-
cated NBS mailbox, which NBS customers can contact by e-mail at nationalbroadbandsch-
eme@dcenr.gov.ie with any comments or complaints they may have about their NBS service.
My officials have been in contact with the person referred to by the Deputy and are liaising
with 3 on his behalf to ensure his current difficulties are quickly resolved.

Appointments to State Boards

323. Deputy Gerald Nash asked the Minister for Communications, Energy and Natural
Resources if he will provide details in relation to the number and names of all semi-State
companies and statutory agencies under the remit of his Department; if he will provide a list
of all members of the board of such organisations for 2007, 2008, 2009, 2010 and 2011; if he
will provide a list of all expenses associated with membership of these boards on an individual
basis for the relevant years; if he will provide information relating to the profession or occu-
pation of all such members of the relevant State companies and statutory agencies; and if he
will make a statement on the matter. [13501/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): Seven
commercial semi-State bodies and nine non-commercial semi-State bodies with boards are
under the aegis of my Department. Information in respect of the members of each board from 2007 to 2010 is available in the bodies’ annual reports, which are available in the Library of the Houses of the Oireachtas. Information can also be found on the eGovernance website, www.egovernance.ie, or by contacting the body directly. For the convenience of the Deputy, a list of these Bodies and the current membership of their Boards or Commissions is set out in the table that follows this reply. Expense arrangements are operational matters for the individual bodies. Information on the members’ professions or occupations, to the extent that it is in the public domain, is contained in the annual reports.

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<th>Name of Board</th>
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| An Post                                    | Mr John Fitzgerald  
Mr John Quinlivan  
Ms Catherine Woods  
Ms Anne Connolly  
Mr James Wrynn  
Mr Donal Connell  
Mr Paul Henry  
Mr Peter Ormond  
Mr J. Alan Sloane  
Mr Jerry Condon  
Mr Patrick Compton  
Mr Thomas Devlin  
Mr Gerry O’Toole  
Mr Patrick Costello |
| Broadcasting Authority of Ireland          | Mr Bob Collins  
Mr John Waters  
Dr Maria Moloney  
Ms Paula Donney  
Ms Michelle McShorlall  
Mr Larry Bass  
Professor Colum Kenny  
Ms Siobhán Ní Ghadhra  
Mr Michael Moriarty |
| RTÉ                                        | Mr Noel Curran  
Mr Tom Savage  
Mr Alan Gilsenan  
Mr Fergus Armstrong  
Mr Sean O’Sullivan  
Ms Patricia Quinn  
Ms Karlin Lillington  
Ms Orlaith Carmody  
Ms Aileen O’Meara  
Ms Eunice O’Raw  
Mr Stuart Switzer  
Mr Joe Little |
| TG4                                        | Mr Peadar Ó Cuinn  
Mr Seosamh Ó Conghaile  
Ms Eilís Ní Chonghaile  
Ms Meadh Mhic Ghairbeith  
Mr Padraig MacDonnacha  
Ms Meadhbh Nic an Airchinnigh  
Ms Brid Ní Neachtain  
Mr Feargal Ó Sé  
Ms Regina Culliton  
Mr Concubhair Ó Liatháin  
Mr Rónán Ó Coiscealbha |
| Digital Hub Development Agency             | Mr Leonard Donnelly  
Ms Alice Davis  
Mr Denis Molumby  
Ms Katherine Licken (DCENR)  
Mr John Tierney  
Mr Philip Flynn CEO |
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<th>Name of Board</th>
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<td>Bord Gáis Éireann</td>
<td>Ms Rose Hynes&lt;br&gt;Mr John Mullins&lt;br&gt;Mr Aidan Eames&lt;br&gt;Mr Mike O’Hara&lt;br&gt;Mr Laurence Crowley&lt;br&gt;Mr Laurence Shields&lt;br&gt;Mr Joe O’Flynn&lt;br&gt;Ms Imelda Hurley&lt;br&gt;Mr Prionsias Kitt</td>
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<td>Bord na Móna</td>
<td>Mr Fergus McArdle&lt;br&gt;Mr Gabriel D’Arcy&lt;br&gt;Mr Peter Wyer&lt;br&gt;Mr David Taylor&lt;br&gt;Mr Rory Scanlan&lt;br&gt;Ms Denise Cronin&lt;br&gt;Mr Pat McEvoy&lt;br&gt;Mr Paudge Bennett&lt;br&gt;Mr Colm O’Gógáin&lt;br&gt;Mr Paddy Fox</td>
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<td>EirGrid</td>
<td>Ms Bernie Gray&lt;br&gt;Mr Dermot Byrne&lt;br&gt;Dr Joan Smyth&lt;br&gt;Mr Richard Sterling&lt;br&gt;Dr Gary Healy&lt;br&gt;Ms Regina Moran&lt;br&gt;Mr Liam O’Halloran&lt;br&gt;Ms Bride Rosney&lt;br&gt;Ms Doireann Barry&lt;br&gt;Ms Martina Moloney</td>
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<td>ESB</td>
<td>Mr Brendan Byrne&lt;br&gt;Mr Lochlann Quinn&lt;br&gt;Ms Ellvena Graham&lt;br&gt;Mr Sean Conlan&lt;br&gt;Mr Dave Byrne&lt;br&gt;Mr Sean Kelly&lt;br&gt;Ms Noreen Wright&lt;br&gt;Mr Garry Keegan&lt;br&gt;Mr Seamus Mallon&lt;br&gt;Mr John Coleman&lt;br&gt;Mr Tony Merriman</td>
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<td>Irish National Petroleum Corporation Ltd</td>
<td>Mr Aidan Donnelly&lt;br&gt;Mr Séan Fitzgerald&lt;br&gt;Mr Vincent Caffrey&lt;br&gt;Ms Aoiife MacEvilly (DCENR)</td>
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<td>National Oil Reserves Agency</td>
<td>Mr Aidan Donnelly&lt;br&gt;Mr Oliver Whelan&lt;br&gt;Mr Séan Fitzgerald&lt;br&gt;Mr Vincent Caffrey&lt;br&gt;Ms Aoiife MacEvilly (DCENR)&lt;br&gt;Mr Pat Meehan (ex officio)</td>
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<td>Sustainable Energy Authority of Ireland</td>
<td>Mr Brendan Halligan&lt;br&gt;Mr John Buckley&lt;br&gt;Mr Brian Carroll (DCENR)&lt;br&gt;Mr Joe Harford&lt;br&gt;Mr Grattan Healy&lt;br&gt;Mr Sean Wyse&lt;br&gt;Ms Julie O’Neill&lt;br&gt;Mr Michael Conlon&lt;br&gt;Professor J Owen Lewis</td>
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Name of Board | Members of Board
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Inland Fisheries Ireland | Mr Brendan O’Mahony
| Mr Andrew Duncan
| Ms Muireann O’Neill
| Mr Lal Faherty
| Mr Michael McGreal
| Mr John Geary
| Mr John Carroll
| Dr Frances Lucy
| Mr Marcus MacMahon
| Dr Ciaran Byrne (ex officio)
Loughs Agency | Mr Winston Patterson
| Mr Tarlach O’Crosain
| Mr Alan McCulla
| Mr Joe Miller
| Mr Thomas Sloan
| Mr Jim Wilson
| Mr Andrew Duncan
| Mr Phil Mahon
| Mr Michael McCormick
| Mr Seamus Rogers
| Mr Donal Tipping
| Ms Theresa McClafferty
Ordnance Survey Ireland | Ms Geraldine Stafford
The Mining Board | Mr Michael MacGrath
| Mr Eoin Ó Buachalla
| Mr Michael Neary

Telecommunications Services

324. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources when it might be expected that high speed broadband facilities will be made available to a school (details supplied) in County Kildare in view of the number of students at the college, the urgency arising from the concern of parents and the need to provide modern high speed telecommunications to the educational sector; if the school may be considered as an optimal site for a pilot of the upcoming phase in the north Kildare region; and if he will make a statement on the matter. [13542/12]

325. **Deputy Michael Healy-Rae** asked the Minister for Communications, Energy and Natural Resources if he will provide a breakdown of schools in County Kerry that will benefit from the roll-out of broadband; and when it is expected that broadband will be provided to them. [13576/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I propose to take Questions Nos. 324 and 325 together.

All post-primary schools will have a 100 Mbps broadband connection installed by the end of 2014 in a project jointly funded by the Departments of Communications, Energy and Natural Resources and Education and Skills. The selection of schools for connection during 2012 was guided by the view that a geographical rollout will provide the project with the most economically beneficial method to achieve the project objectives. This will allow for the aggregation of backhaul links to provide the optimum solution for the schools selected. It will also allow service providers to provide the local school access connection in a cost-effective manner to deliver multiple schools for similar locations at a reduced cost to the Exchequer. In identifying the most appropriate locations to deliver the first round of increased bandwidth connections, it was decided to concentrate on those locations receiving the lowest average speed under the Department of Education and Skills’ existing Schools Broadband Programme. It is expected
that the first 200 second level schools in the national rollout will be connected by October 2012. These include all second level schools in counties Cavan, Clare, Donegal, Galway, Laois, Leitrim, Longford, Louth, Mayo, Monaghan, Offaly, Roscommon, Sligo and Westmeath. The question of the scheduling of schools for connection in 2013 and 2014 will be dealt with at a later date. I can confirm again that all second level schools will be provided with 100Mbps broadband by the end of 2014. In the meantime, the Department of Education and Skills continues to operate its Schools Broadband Programme for all primary and post-primary schools.

Departmental Schemes

326. **Deputy Clare Daly** asked the Minister for Communications, Energy and Natural Resources if he will change the criteria for grant aided conservation projects for home owners to a partially means tested scheme, in order that higher grants are available to those with lower incomes, on a sliding scale basis, in view of the fact that the present scheme means that the benefits of the scheme are available only to the wealthiest homeowners, as they are the only ones with the means to pay the remaining costs. [13634/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The Better Energy programme is administered by the Sustainable Energy Authority of Ireland (SEAI), on behalf of my Department. The scheme is a demand-led programme open to all homeowners of dwellings built before 2006. The Better Energy Homes scheme provides support to homeowners towards the installation of attic and wall insulation, and heating system upgrades including solar thermal with the works being undertaken by privately appointed contractors. It is not planned to move to means test applications. The Better Energy: Warmer Homes Scheme is available to low-income households in receipt of the fuel allowance, which is means tested. Measures that are available are draught-proofing, attic insulation, lagging jackets for hot water tanks, low energy light bulbs and cavity wall insulation. The Department and the SEAI are in the process of reviewing the eligibility criteria for Better Energy: Warmer Homes. The Programme for Government includes a commitment to roll out a Pay-As-You-Save (PAYS) energy retrofit scheme for domestic buildings in early 2014. Such a scheme would substitute Exchequer funding currently being provided to the Better Energy Programme and it is envisaged that this new model will facilitate different household incomes to access energy efficiency measures. The PAYS concept is an innovative financing mechanism that would allow consumers to finance upgrades directly through the energy savings generated. My Department has established a project team to undertake the necessary technical and financial analysis of a PAYS model in the Irish context and I will bring forward proposals to Government shortly.

327. **Deputy Peter Mathews** asked the Minister for Communications, Energy and Natural Resources his views on correspondence (details supplied) regarding the Sustainable Energy Authority of Ireland; and if he will make a statement on the matter. [13715/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The Better Energy programme is administered by the Sustainable Energy Authority of Ireland (SEAI), on behalf of my Department. The Better Energy Homes solar grant is €800 for every eligible home where the installation of the system meets the installation requirements as set out in the Better Energy Homes Code of Practice. The requirements under Better Energy Homes are in line with the current building regulations in this area. The requirements are also set out in the Solar Buyers Guide which forms part of the Better Energy Homes scheme Application Form and Guide. SEAI advises that to meet the technical specification of the
grant, the solar water heating installation must contribute a portion of renewable energy for domestic hot water heating depending on the floor area of the property (these figures are calculated in the Building Energy Rating (BER) software dwelling energy assessment procedure. SEAI further advises that where the applicant’s property has a stated BER floor area of 268 sq. m., the solar installation must be sized to provide at least 2,000 KW hours per annum with the solar renewable energy contribution per year being verified by the chosen solar water heating installation company before installation commences. According to the SEAI, the information supplied for this property is that the installation only provides 797 KW hours per year as compared with a requirement for a property this size of 2000 KW hours per year. When the contractor returned this solar calculation information, it indicated that the installed system fell far short of the installation requirements and was therefore declined. Payment of this grant was declined by SEAI for failure to meet the technical requirements of the grant scheme and a letter confirming this was sent to the homeowner on 13 January 2012. My Department has asked the SEAI to respond directly to the Deputy on the matter.

**Fishing Vessel Licences**

328. **Deputy Brendan Griffin** asked the Minister for Communications, Energy and Natural Resources if a drift net fishing licence will reissue to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [13762/12]

**Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Fergus O'Dowd):** A complete cessation of drift net fishing has been in place since 2007. I understand that the person referred to by the Deputy is a former holder of a commercial drift net licence and received payment under the Salmon Hardship Scheme. Beneficiaries of that scheme undertook not to apply for a commercial fishing licence in the future and had until 31 December 2007 to complete the decommissioning of their nets and comply with the other terms of the scheme. Under the terms of the scheme, an applicant who received a hardship payment and in the future is found to be in breach of the salmon fishing regulations, will be required to repay the full amount of the hardship payment received together with interest from the day of payment

**Telecommunications Services**

329. **Deputy James Bannon** asked the Minister for Communications, Energy and Natural Resources the reason there is a lack of broadband availability at a location (details supplied) in County Longford; the reason he failed to respond to a letter on this issue from a frustrated resident dated 5 January; and if he will make a statement on the matter. [13826/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The provision of telecommunications services, including broadband services, is a matter in the first instance for private sector service providers operating in a liberalised market regulated by the Commission for Communications Regulation (ComReg). Broadband services are provided by private service providers over various platforms including DSL (i.e. over telephone lines), fixed wireless, mobile, cable, fibre and satellite.

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 rural areas where the extent of broadband coverage by commercial operators, at the time the Scheme was launched in 2008, was deemed to be inadequate.
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 in which commercial service providers already operate. Accordingly, the NBS is restricted to providing a basic service and is prohibited from providing a service in served areas where to do so would give rise to an unacceptable level of market distortion.

That mapping exercise found that the general area of Ardagh in County Longford was already served by existing service providers and consequently was excluded from the Scheme. Details of broadband services available in each county can be found on ComReg’s website at www.callcosts.ie.

I replied to the original letter from the individual referred to in the Deputy’s Question in February last and have made arrangements to have this copied to the Deputy for his information.

**Mining Licences**

330. **Deputy Peadar Tóibín** asked the Minister for Communications, Energy and Natural Resources if he will renew the Tara Mines licence; the terms of this licence; and if the new licence will develop a source of revenue for the Irish State. [13837/12]

**Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Fergus O’Dowd):** Boliden Tara Mines Ltd currently operates under a number of State Mining Facilities (Leases and Licences) which currently extend to end February 2013. An additional facility for one area was granted in 2006 which will expire in 2021. Each facility contains a variety of terms and conditions, including financial terms, duration, proper working of minerals, closure provisions, etc. Details of all current State Mining Leases and Licences may be found in the Six Monthly Report, which I am required to lay before the Oireachtas under the Minerals Development Acts 1940 to 1999. Under the terms of an agreement executed in 1989, future royalties under the original lease, together with the State’s shareholding in the mine, were purchased by the Company.

This Department is at present in discussions with the Company on terms for a new facility for a major underground extension. It is my intention that the terms of any new facility will include payment of royalties to the State. The Deputy will appreciate that I cannot go into details that might compromise such discussions at this time.

**Departmental Schemes**

331. **Deputy Charlie McConalogue** asked the Minister for Communications, Energy and Natural Resources if applications can be accepted under the salmon hardship scheme from fishermen who did not take up the offer at the time and who have now retired from fishing; if they can be accommodated for compensation under the scheme; and if he will make a statement on the matter. [13934/12]

**Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Fergus O’Dowd):** The Salmon Hardship Fund was established by the then Minister for Communications, Marine and Natural Resources in line with the decision to put an end, on conservation grounds, to the mixed stock fishery for salmon at sea. The Scheme was put in place, on the basis of a 2006 Report of the Independent Salmon Group, to provide a payment
to former commercial licence holders, based on their catch history, who could no longer fish or chose to withdraw from the fishery.

The scheme was launched in March 2007 and was administered by Bord Iascaigh Mara (BIM), with the exception of the Foyle area, which was administered by the Loughs Agency, and the closing date for receipt of completed applications was 27th April 2007. A total of 1,339 Letters of Offer were issued by BIM, to eligible applicants. The beneficiaries undertook not to apply for a commercial fishing licence in the future and had until the 31 December 2007 to complete the decommissioning of their nets and comply with the other terms of the scheme.

The Salmon Hardship Fund has been closed for almost five years and no further applications can be accepted. In addition, in the current very difficult economic circumstances, there are no plans to re-establish the scheme.

**Alternative Energy Projects**

332. **Deputy David Stanton** asked the Minister for Communications, Energy and Natural Resources, further to Parliamentary Question No. 156 of 23 February 2012, the amount of State funding available for research and development of ocean energy technology and projects; if he will provide details of the specific supports available to companies engaging in such activities; and if he will make a statement on the matter. [13943/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The Ocean Energy Development Unit (OEDU) in the Sustainable Energy Authority of Ireland (SEAI) is working to take forward Ireland’s ocean energy programme, in line with the Government’s commitment to realise the long term economic potential of Ireland’s wave and tidal energy resources. In that context SEAI is working closely with the Marine Institute and my Department as well as the Department of the Environment, Community and Local Government.

SEAI’s Prototype Development Fund supports the development of wave and tidal device prototypes and associated supporting technologies. A total of 32 projects have been funded to date. Of these 21 projects have been completed and 11 are in the process of completion. New guidelines for the Prototype Development Fund are currently being developed by the SEAI.

Work is also continuing on the pre-planning stages for the potential development of a grid connected pre-commercial full scale prototype test site. An application for an exploration foreshore lease was submitted in December 2011 and environmental monitoring on the proposed site is being carried out. An electricity grid connection offer in respect of the site has been received. The funding options for future development of the test site will be the subject of detailed assessment in the context of the 2013 Budget and subsequent years.

The IDA and Enterprise Ireland are also involved in developing and assisting the ocean energy sector as part of their clean technology development drive, working with SEAI, my Department and the sector itself.

My Department is finalising an offshore Renewable Energy Development Plan underpinned by a Strategic Environmental Assessment of Irish waters, which is due to be completed shortly.

€2.9m has been allocated to the SEAI Ocean Energy Development Programme for 2012, of which some €1.65m is being allocated to the Prototype Development Fund.

**Telecommunications Services**

333. **Deputy Seamus Kirk** asked the Minister for Communications, Energy and Natural Resources if he will outline the telecommunications charges in the context of comparable unit
costs in comparison to other EU member states; and if he will make a statement on the matter. [14001/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): International comparisons of telecommunications costs generally are increasingly complex to measure and compare. This difficulty arises from the increasing level of competition in telecommunications markets delivering a wide choice of options to customers with different terms and conditions applicable, including free or reduced rental and call charges, differing usage conditions and limits and, increasingly, service providers offering bundled services.

The Commission for Communications Regulation (ComReg), the independent telecommunications market regulator in Ireland, publishes quarterly statistical reports, which include international comparisons of retail telecommunications charges for residential and business customers, prepared by Teligen using an OECD approved methodology. The tables for September 2011, from ComReg’s Quarter 3 2011 report, are available on ComReg’s website at http://www.comreg.ie/fileupload/publications/ComReg1198.pdf

Ireland ranks 12th of the EU countries surveyed, two places below the average of the benchmarked countries for fixed-line type telephony charges available to residential customers. Ireland ranks 2nd and ten places below the average of the benchmarked countries for fixed-line type telephony charges available to business customers (figures 2.4.1.1 and 2.4.2.1 in the ComReg report refer).

Ireland ranks 17th of the EU countries surveyed for broadband charges per month for both residential and business customers. This is slightly below the EU average cost for business customers and slightly above the EU average cost in the case of residential customers (figures 3.6.2 and 3.6.3 in the ComReg report refer).

In the mobile telephony category, the Teligen surveys compare prices for low, medium and high post-pay services and a prepaid service. Ireland is ranked 12th and two places below the benchmarked country average for low usage; 7th and 6 places below the benchmarked average for medium usage; 7th and 4 places below the average for high usage and 15th, which is 3 places above the average, for prepaid service (figures 4.8.1.1, 4.8.2.1, 4.8.3.1 and 4.8.4.1 respectively in the ComReg report refer).

However, as stated above, these comparison tables do not measure other factors including quality of service, actual usage or permitted maximum limits nor do they measure pricing of more complex bundled services nor the rates negotiated bilaterally by large users connected via leased lines. In addition, the Teligen surveys typically compare the pricing options of service providers with the largest market share by platform type, which may not necessarily include the lowest priced options available in all cases.

Energy Pricing

334. Deputy Seamus Kirk asked the Minister for Communications, Energy and Natural Resources if he will outline the gas charges in the context of comparable unit costs in comparison to other EU member states; and if he will make a statement on the matter. [14002/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I have no statutory function in the setting of gas prices, whether in the regulated or non-regulated market. Responsibility for the regulation of the gas market is a matter for the Commission for Energy Regulation (CER) which is an independent statutory body.
Ireland’s gas market, both wholesale and retail, is characterised by increasing competition, regulated by the CER. Since 1 October last, the residential gas consumer segment is the only segment of the market where prices are regulated. Prices in the unregulated parts of the gas market are wholly commercial, are set by the suppliers and are variable in accordance with supplier offerings.

Every six months EUROSTAT publishes data on gas prices across the European Union. The prices presented include all charges payable, namely network charges, plus energy consumed, minus any rebates or premiums, plus charges such as meter charges and standing charges. These prices represent weighted average prices, using the market share of the gas suppliers surveyed as weighting factors. Therefore, while Eurostat prices do not represent prices charged by any individual supplier they do provide a benchmark to enable gas price comparisons to be made across the EU. EUROSTAT data is analysed by the Sustainable Energy Authority of Ireland (SEAI). The latest analysis of EUROSTAT data published by SEAI — Electricity and Gas Prices in Ireland (1st Semester 2011) — shows that for 77% of business consumers Irish gas prices for the first half of 2011 are competitive by reference to the EU average. Prices for most Irish business consumers during the first half of 2011 ranged from 4% to 15% below the EU average. For the overwhelming majority of Irish residential consumers prices during the same period were 10% below the EU average.

The tables beneath provide a summary of the SEAI analysis of Irish gas prices for both business and residential consumers relative to the EU average during the first half of 2011:

### Business (VAT excluded)

<table>
<thead>
<tr>
<th>Band Share of Market</th>
<th>Cost €GJ</th>
<th>Relative to EU average</th>
<th>Ireland’s Ranking in EU (where 1 means the most expensive of 25 MS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Band I1 (Small)</td>
<td>15.5%</td>
<td>10.61</td>
<td>85%</td>
</tr>
<tr>
<td>Band I2 (Small to Medium)</td>
<td>27.3%</td>
<td>10.32</td>
<td>91%</td>
</tr>
<tr>
<td>Band I3 (Medium to Large)</td>
<td>22.6%</td>
<td>10.61</td>
<td>111%</td>
</tr>
<tr>
<td>Band I4 (Large)</td>
<td>34.6%</td>
<td>7.95</td>
<td>96%</td>
</tr>
</tbody>
</table>

### Residential Gas (all taxes included)

<table>
<thead>
<tr>
<th>Band Share of Market</th>
<th>Cost €GJ</th>
<th>Relative to EU average</th>
<th>Ireland’s Ranking in EU (where 1 means the most expensive of 25 MS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Band D1(Small)</td>
<td>2.9%</td>
<td>15.52</td>
<td>68%</td>
</tr>
<tr>
<td>Band D2 (Medium)</td>
<td>95.1%</td>
<td>14.14</td>
<td>90%</td>
</tr>
<tr>
<td>Band D3 (Large)</td>
<td>2.0%</td>
<td>13.44</td>
<td>91%</td>
</tr>
</tbody>
</table>

The SEAI report may be downloaded from the SEAI website at [www.seai.ie](http://www.seai.ie).

Competition puts downward pressure on prices noting that global fossil fuel prices are a key determinant of Ireland’s gas costs. While Ireland is a price taker for imported fossil fuels, Government will continue to focus on any additional actions to mitigate costs where possible for business and domestic consumers. This is essential for competitiveness, employment and
for economic recovery. I am committed to working with enterprise and with the energy sector to ensure that the costs of energy for business are as competitive as possible in terms of these measures which are at our disposal.

**Electricity Transmission Network**

335. **Deputy Seamus Kirk** asked the Minister for Communications, Energy and Natural Resources the position regarding the electricity interconnector between Ireland and the UK. [14003/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I understand that the Deputy is referring to the North South Interconnector which is the proposed Meath-Tyrone transmission line. The North South transmission line project is a strategically vital project for the island of Ireland. It will assist in the integration of renewable electricity, further consolidate the all-island electricity market, enhance competitiveness and support inward investment.

In line with the Programme for Government commitment, I appointed an international commission in July 2011 to review and report on the case for and cost of undergrounding the Meath-Tyrone power lines. I received the report of the Commission in January and, having advised the Government published it and forwarded it to the Chairman of the Joint Oireachtas Committee on Communications, Natural Resources and Agriculture for the Committee’s consideration. Following a period of reflection, including the completion of the Committee’s own deliberations I will be reverting to Government on Security of Energy Supply matters generally including the strategic necessity to cost effectively develop and upgrade the national electricity grid.

**Commercial State Bodies**

336. **Deputy Michelle Mulherin** asked the Minister for Communications, Energy and Natural Resources the extent to which Coillte, Bord na Móna, Bord Gáis and ESB have entered into joint ventures for the development of wind farms with private developers; in general, the terms and basis of such joint ventures; the benefits accruing to the State therefrom and the amount of investment required by the State; and if he will make a statement on the matter. [14140/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I have no statutory function in respect of Coillte Teoranta.

The development of wind energy opportunities forms an integral element of the corporate strategies of Bord na Móna, Bord Gáis and the ESB.

The pursuit of such opportunities, and any decision to enter into a joint venture with a private developer for the development of a wind farm, are primarily a commercial decision for the board and management of the State body in question.

I can advise the Deputy that Bord na Móna has a joint venture with a private developer in respect of Bellacorick Wind Farm, County Mayo and that Bord Gáis has a joint venture with a private developer in relation to Owenreagh Wind Farm, County Tyrone, Northern Ireland.

In addition, the ESB has joint ventures with private developers in connection with wind farms at Mountain Lodge, County Cavan and Crockahenny, North Donegal.

**Public Service Staff**

337. **Deputy Pat Breen** asked the Minister for Communications, Energy and Natural
Resources if he will report on the number of public servants from County Clare who retired as part of the Croke Park early retirement scheme from positions in his Department or from State bodies under the aegis of his Department. [14197/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): As neither my Department nor State bodies under its aegis have offices in County Clare, I can confirm that there were no retirements from that location.

Local Authority Charges

338. Deputy Derek Nolan asked the Minister for the Environment, Community and Local Government the tax forgone through the exemption of rental accommodation scheme properties from paying the non-principal private residence charge; the rationale behind the exemption of such properties; and if he will make a statement on the matter. [13557/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The RAS exemption was included in the Local Government (Charges) Act 2009 in order to encourage take-up of the then relatively new scheme.

As RAS has now been in existence for a number of years, the Government decided to remove the exemption in the Local Government (Household Charge) Act 2011 with effect from 2012. It is estimated that the cost of the RAS exemption from payment of the charge on non-principal private residences was some €10.5 million for the years 2009 to 2011 inclusive.

Motor Taxation

339. Deputy Peter Mathews asked the Minister for the Environment, Community and Local Government his views on a matter regarding motor tax (details supplied); and if he will make a statement on the matter. [13669/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): 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 obliged to inform the relevant authorities before taking the car off the road rather than afterwards.

Clár Forbartha Áitiúil

340. D’fhiafraigh Éamon Ó Cuív den Aire Comhshaoil, Pobail agus Rialtais Áitiúil cén uair a dhéanfar foirciocht leis na grúpaí ar fad ar ceadaidh deontais dóibh ag MFG agus nár iocadh; an bhfeadhadh sé na grúpaí i nGáillimh a bhfuil deontas ag dul dóibh a ainmníodh; an méd atá ag dul chuig gach grúpa/duine; agus an ndéanfaidh sé ráiteas ina thaobh. [13967/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Chuigh Meitheal Forbartha na Gaeltachta (MFG), an grúpa atá conraithe ag mo Roinn chun seachadadh a dhéanamh ar axes 3 agus 4 (LEADER) den Chlár Forbartha Tuaithe (CFT) sa Ghaeltacht, faoi leachtú ar an 7 Meán Fómhair, 2011. Tá dul chun cinn á dhéanamh ó thaobh dlí de maird le “imeachtaí foirceanta” agus tá na comhaid ábhartha tionscail ar fad curtha ar aghaidh ag an leachtaitheoir agus tá siad ag mo Roinn faoi láthair. Tá mo Roinn ar an eolas maidir leis an leibhéil maoinithe atá gceallta ag na staideanna difríúla le linn shaolré na dtionscail-
[Deputy Phil Hogan.]
dal ach caithfear méd áirithe seiceál a dhéanamh ó thaobh riacháin agus airgeadáis de sula mbefear in ann uimhir agus méd na n-fíocaíochtaí a chinntiú. Dá bhri seo, ní féidir a bheith cinnte ag an am seo faoi na h-fíocaíochtaí atá ag dul do thionscónír I gCo. na Gaillimhe ná in aon Ghaeltacht eile.

Tá dul chun cinn suntasach déanta agus rinneadh teagbháil le tionscónír, a raibh conarthaí iomlán comhlánaithe acu, i gcáithreamh na seachtaine dar críoch 2 Márta, 2012, chun an t-eolais i dtaobh a mbeifear in ann na h-fíocaíochtaí atá ag dul dóibh a thuc. Chomh luath agus a bheidh an próiseas seo thart beidh na Comhlachtaí Forbartha Áitiúla atá ag feidhmiú in aice leis na ceantair Ghaeltachta ag déileáil idir an dá linn leis na h-fíocaíochtaí sa ghearrtar an gCheantar.

Maidir le seachadh Axes 3 agus 4 (LEADER) de chuid Chlár Forbartha Tuaithe sa Ghaeltacht san fhadaír, tá túis curtha ag mo Roinn le próiseas chun léirithe spéise a iarraidh ar Chomhlachtaí Forbartha Áitiúla atá ann cheana maidir le gnéithe LEADER de chuid CFT sna ceantair ina raibh MFG ag feidhmiú a sheachadh sa tréimhse atá fáthta den Chlár.

Cuireadh an t-iarratas chuig na Comhlachtaí Forbartha Áitiúla ar fad Dé Máirt, 6 Márta, 2012, agus is é 27 Márta, 2012, an dáta dearthi le glacadh le léiríu spéise.

Departmental Correspondence

341. **Deputy Michael Healy-Rae** 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. [14114/12]

342. **Deputy Jack Wall** asked the Minister for the Environment, Community and Local Government his views on a submission (details supplied); the plans he has to address the issues raised; and if he will make a statement on the matter. [14528/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** I propose to take Questions Nos. 341 and 342 together.

I am having the submission in question examined in my Department, and will not comment until this examination has been undertaken.

Local Authority Charges

343. **Deputy Michelle Mulherin** asked the Minister for the Environment, Community and Local Government if a house that is no longer occupied as a residence but used as a farm building and which has an electricity or water supply connected to it is liable for the household charge; and if he will make a statement on the matter. [13454/12]

345. **Deputy Michelle Mulherin** asked the Minister for the Environment, Community and Local Government the criteria that will be used to decide if a building is eligible for payment of the household charge when the building was a home at some time in the past but is no longer lived in and no longer habitable; and if he will make a statement on the matter. [13457/12]

365. **Deputy Seamus Kirk** asked the Minister for the Environment, Community and Local Government if he will define a habitable house as distinct from a derelict house in relation to the household charge; and if he will make a statement on the matter. [13824/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 343, 345 and 365 together.
The Local Government (Household Charge) Act 2011 and the Local Government (Household Charge) Regulations 2012 provide the legislative basis for the household charge. The legislation places the charge under the care and management of the local authorities, and its application in particular circumstances is a matter for the relevant local authority. Interpretation of the legislation is a matter for legal advice in individual cases and ultimately a matter for the Courts.

The definition of “residential property” in section 2(1) of the Act is relevant when considering whether a property that is not used or lived in is liable to the charge.

Under the Act “residential property” is defined as a “...building that is situated in the State and that is occupied, or suitable for occupation, as a separate dwelling...”.

There are a number of indicators as to what makes a property suitable for occupation for the purposes of determining a liability to the household charge. The indicators include the structure of the property, whether or not it has a roof, whether or not it is so affected by dampness as to render it unsuitable for habitation, and whether or not it has sanitary facilities, including a water closet and water supply. A property that is not suitable for occupation should not be regarded as a residential property within the meaning of the Act.

The Act places the onus on an owner of a residential property to assess his or her liability to the household charge on the liability date and, if liable, to declare that liability and to pay the household charge in respect of that property by the due date.

Building Regulations

344. Deputy Michael McGrath asked the Minister for the Environment, Community and Local Government if it is the case that, as part of any residential development, a builder must have cover in place in respect of structural aspects of the development; when these rules came into force; and if he will make a statement on the matter. [13456/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): Sections 34(4)(g) and 180(2)(b) of the Planning and Development Act 2000 provide respectively that a planning authority may attach conditions to a planning permission requiring the giving of adequate security for the satisfactory completion of a proposed development and, if a development is not subsequently completed satisfactorily, may apply a security, given under section 34, for the satisfactory completion of that development. My Department has consistently advised planning authorities that it is essential that planning permissions for residential developments are subject to conditions under which an acceptable security is provided by way of bond, cash deposit or otherwise so as to secure the satisfactory completion of those developments. Planning conditions must require the giving of sufficient security prior to commencement of development and planning authorities should ensure that they are in a position to draw down the security in cases where a developer fails satisfactorily to complete a residential development, or phase of a development, within the specified period.

It is a matter for the planning authority to determine both the level of the security, the duration and the type of security (e.g. the lodgement of a bond from a financial institution such as a bank, insurance company or building society, a cash lodgement or a letter of guarantee from the Construction Industry Federation) that will be required for each residential development. The amount of the security, the duration and the terms on which it is required to be given, must enable the planning authority, without cost to itself, to complete the necessary services (including roads, footpaths, water mains, sewers, lighting and open space) to a satisfactory standard in the event of default by the developer. Similarly, the enforcement of planning
conditions, including conditions in relation to bonds, is a matter for the relevant planning authority.

The Advisory Group on Unfinished Housing Developments considered that the issue of securities and bonds merits further examination, including the use of more liquid securities such as cash deposits coupled to careful phasing of developments in a sequential manner to minimise the working capital impact. The matter remains under active consideration by the National Coordination Committee on Unfinished Housing Developments, which I chair.

Question No. 345 answered with Question No. 343.

Appointments to State Boards

346. **Deputy Gerald Nash** asked the Minister for the Environment, Community and Local Government if he will provide details in relation to the number and names of all semi-State companies and statutory agencies under the remit of his Department; if he will provide a list of all members of the board of such organisations for the years 2007, 2008, 2009, 2010 and 2011; if he will provide a list of all expenses associated with membership of these boards on an individual basis for the relevant years; if he will provide information relating to the profession or occupation of all such members of the relevant State companies and statutory agencies; and if he will make a statement on the matter. [13504/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The information requested covers a number of years and is not immediately available to my Department. The data will be forwarded to the Deputy in due course when compiled.

Fire Safety

347. **Deputy Clare Daly** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to fire safety concerns in any other developments apart from Belmayne, Dublin. [13532/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Local authorities have extensive powers of inspection and enforcement under current legislation and have used such powers on a number of occasions including the recent high profile case at Priory Hall. Problems at a number of developments are already in the public domain, and I have urged local authorities to continue to use all of the powers currently available to them to address issues of building standards compliance, including in relation to fire safety.

Local Authority Charges

348. **Deputy Dominic Hannigan** asked the Minister for the Environment, Community and Local Government the total household charge a homeowner who rents out five separate flats in the same property will pay; and if he will make a statement on the matter. [13548/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Local Government (Household Charge) Act 2011 and the Local Government (Household Charge) Regulations 2012 provide the legislative basis for the household charge.

The household charge is on a self assessment basis and interpretation of the legislation is a matter for legal advice in individual cases and ultimately a matter for the Courts.

Section 2 of the Act provides that residential property means, a building that is situated in the State and that is occupied, or suitable for occupation, as a separate dwelling, whether or not
the occupier shares, or would be entitled to share, in connection therewith, any accommodation, amenity or facility with any other person, and includes a house, maisonette, flat or apartment (including the form of accommodation commonly known as a bedsit). The household charge is payable in respect of each unit of accommodation that is occupied, or suitable for occupation, as a separate dwelling. Thus, an owner of a building which is divided into a number of flats is liable for the household charge on each such residential unit in that building.

**Tax Code**

349. **Deputy Peter Mathews** asked the Minister for the Environment, Community and Local Government his plans to introduce an exemption from the property tax for those who bought houses during the Celtic tiger period; and if he will make a statement on the matter.  [13584/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):**

The Inter-Departmental Group on Property Tax, which is chaired by Dr. Don Thornhill, is considering the structures and modalities for an equitable valuation based property tax and will complete its work and make recommendations to me by end April 2012. Following consideration of the Group’s recommendations, I will bring proposals to Government on the full property tax as soon as possible. It will then be a matter for the Government to decide on the structure of the full property tax.

**National Asset Management Agency**

350. **Deputy Derek Nolan** asked the Minister for the Environment, Community and Local Government his plans to transfer housing units from the National Asset Management Agency to Galway City Council; the envisaged timeframe for such transfer; and if he will make a statement on the matter.  [13587/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** In December 2011 NAMA identified over 2,000 properties as being potentially available for social housing, including 57 units in Galway City.

From this list of 2,000 properties a number of projects have been identified as being suitable for social housing, and these are being advanced for inclusion in the leasing scheme. These projects are at different stages of development and I expect that housing units will start to be delivered under this arrangement by the middle of this year.

**Local Authority Charges**

351. **Deputy Frank Feighan** asked the Minister for the Environment, Community and Local Government whether, when residential units that are the subject of a planning application are deemed to be a commercial development and the commercial fee is paid (3.60 sq m), these units are exempt from the non-principal private residence tax and the new household charge.  [13589/12]

383. **Deputy Jim Daly** asked the Minister for the Environment, Community and Local Government his views on the application of the household charge to holiday home units that are operated as a business venture, which may be occupied for only nine weeks of the year, on which a tax return is made and tax paid in respect of profits, and in respect of which the non-principal private residence charge is paid; if he will consider this type of property as already contributing significantly to our tax system, in view of the very short period of time the occupiers avail of the services provided by the local authority; and if he will make a statement on the matter.  [14047/12]
Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 351 and 383 together.

The Local Government (Household Charge) Act 2011 and the Local Government (Charges) Act 2009, as amended, set out the legislation underpinning the household charge and the charge on non-principal private residences respectively.

Application of the legislation in particular circumstances is a matter for the relevant local authority. Interpretation of the legislation is a matter for legal advice in individual cases and ultimately a matter for the Courts. Under the legislation, an owner of a residential property on the relevant liability dates is liable to pay the charges, unless otherwise exempted or entitled to claim a waiver. The charges are on a self-assessment basis and it is a matter for an owner of a residential property on the liability date concerned to determine if he/she has a liability and, if so, to declare that liability and pay the charges by the due dates.

The legislation contains a common definition of “residential property” for the purposes of the Acts. Section 2(2)(d) of the Local Government (Household Charge) Act 2011 and section 2(2)(d) of the Local Government (Charges) Act 2009, as amended, provide that a building that is wholly used as a dwelling (other than a dwelling that forms part of a mixed hereditament within the meaning of the Local Government (Financial Provisions) Act 1978), and in respect of which local authority rates are payable, is not a residential property for the purposes of the household charge and the non-principal private residence charge respectively.

Air Pollution

352. Deputy Eric Byrne asked the Minister for the Environment, Community and Local Government if the Environmental Health Authority will investigate and follow up numerous complaints made to it by a person (details supplied) in Dublin 8 about a garage which is emanating pollutants; and if he will make a statement on the matter. [13621/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Section 24(1) of the Air Pollution Act 1987 requires commercial premises to use the best practicable means to limit and, if possible, to prevent emissions from such premises. Section 24(2) of the Act stipulates that an occupier of any premises must not cause or permit an emission in such a quantity, or in such a manner, as to be a nuisance. As statutory responsibility for the enforcement of the Air Pollution Act is vested in the relevant local authority, the matter concerned should be pursued with the Air Quality Monitoring and Noise Control Unit of Dublin City Council.

Local authorities are independent statutory bodies that carry out their duties under a legislative framework covering all areas of local authority’s activities. However, local authorities are not unaccountable, and there are administrative and statutory measures in place to hold them to account, should a person be dissatisfied with the way they are performing their duties. When a member of the public is dissatisfied with an action (or lack thereof) of a local authority in relation to environmental matters, a formal complaint can be made to the Environment Director of Service or the Head of Corporate Affairs in that authority.

In addition, the Office of Environmental Enforcement (OEE) of the Environmental Protection Agency supervises the environmental protection activities of local authorities through auditing their performance, providing advice and guidance, and, in appropriate cases, giving binding directions. This function includes supervising the enforcement of air pollution legislation by local authorities. In this regard, the OEE is an avenue of complaint for members of the public who are dissatisfied with a local authority response to an environmental complaint they have made. The OEE can be contacted at 1890 335599 or through the EPA’s website,
Finally, a member of the public dissatisfied with any service they have received from a local authority may make a formal complaint to the Office of the Ombudsman by contacting 1890223030 or through alternative contact arrangements at www.ombudsman.gov.ie.

Noise Pollution

353. **Deputy Martin Heydon** asked the Minister for the Environment, Community and Local Government the provisions in place to assist citizens dealing with exceptional noise and disturbance at night; if there is legislation planned to deal with this issue; and if he will make a statement on the matter. [13642/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):**
Currently, a person experiencing noise nuisance may contact their local authority, which may initiate proceedings on grounds of noise nuisance under the Environmental Protection Agency Act 1992. This Act also provides for any person, or group of persons, to seek an order in the District Court to have noise giving reasonable cause for annoyance abated. The procedures involved have been simplified to allow action to be taken without legal representation. A public information leaflet, A Guide to the Noise Regulations, outlining the legal avenues available to persons experiencing noise nuisance, is available on my Department’s website www.environ.ie.

In addition to the above, there are further measures to address noise from licensed premises provided for under Department of Justice and Equality legislation. Under Section 4 of the Courts (No. 2) Act 1986, any person is entitled to object to the renewal of an intoxicating liquor licence at the annual Licensing Court. The objection to the renewal of the licence can be made on the grounds of the character of the licensee, or the peaceable and orderly manner in which the premises were conducted in the last year. With regard to an application for a special late-night exemption, the Intoxicating Liquor Act 2000 provides that a Court shall not grant a special late night exemption in respect of any premises unless it will not cause undue inconvenience to persons residing in the vicinity.

With regard to new legislation, the Programme for Government includes a commitment to take further steps to address noise pollution, *inter alia*, through the introduction of fixed payment notices (also known as “on-the-spot” fines) and provision for mediation procedures between neighbours. The development of new noise legislation by my Department will be considered in the context of this commitment: however, as indicated in the Government Legislation Programme published on 11 January 2012, it is not possible at this time to indicate when the legislation will be published, having regard to other priorities in the area concerned and the broader range of legislative priorities to be progressed across my Department’s remit.

Local Government Charges

354. **Deputy Peter Mathews** asked the Minister for the Environment, Community and Local Government if he will consider making a group (details supplied) exempt from the household charge; and if he will make a statement on the matter. [13668/12]

355. **Deputy Robert Troy** asked the Minister for the Environment, Community and Local Government if he will allow any exemptions to the household charge for persons who are finding it difficult to pay the standard €100, and clarify that persons in receipt of social welfare are not exempt from the household charge. [13684/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 354 and 355 together.
The Local Government (Household Charge) Act 2011 and the Local Government (Household Charge) Regulations 2012 provide the legislative basis for the household charge.

The Act places the household charge under the care and management of the local authorities, and application in particular circumstances is a matter for the relevant local authority. Interpretation of the legislation is a matter for legal advice in individual cases and ultimately a matter for the Courts.

Under the legislation, an owner of a residential property on the liability date of 1 January 2012 is liable to pay the household charge by 31 March 2012, unless otherwise exempted or entitled to claim a waiver.

The Local Government (Household Charge) Act 2011 provides for a number of exemptions and waivers from payment of the household charge. The exemptions from payment of the household charge are—

- Residential properties that are part of the trading stock of a business and have not been sold or been the source of any income since construction,
- Residential property owned by a Minister of the Government, a housing authority or the Health Service Executive,
- Voluntary and co-operative housing,
- Residential property subject to commercial rates and wholly used as a dwelling,
- Residential property owned by certain charities or discretionary trusts, and
- Residential property which an owner has vacated due to long-term mental or physical infirmity (e.g. elderly person that has moved into a nursing home).

The waivers which apply concern—

- Owners of residential property entitled to mortgage interest supplement from the Department of Social Protection, and
- Owners of houses in certain unfinished housing estates.

There are no exemptions or waivers in the legislation in respect of owners of residential property who are in receipt of social welfare payments other than that concerning mortgage interest supplement as set out above.

**Foreshore Licences**

356. **Deputy Patrick O’Donovan** asked the Minister for the Environment, Community and Local Government the maximum length of time for a decision to be made on the granting of a foreshore licence. [13696/12]

357. **Deputy Patrick O’Donovan** asked the Minister for the Environment, Community and Local Government the maximum time for foreshore licence applications to be processed for the Shannon Estuary; and if he will provide the date on which the oldest application was originally received. [13697/12]

358. **Deputy Patrick O’Donovan** asked the Minister for the Environment, Community and Local Government if he intends to amend the existing legislation covering the granting of
foreshore licences; if he will consider the introduction of a statutory timeframe for a decision similar to that contained in the Planning Acts covering grants of permission, during which a decision should be made or further information sought; and if he will make a statement on the matter. [13698/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 356 to 358, inclusive, together.

Significant work has been undertaken by my Department to improve the throughput of foreshore applications and to modernise the consent process. The short-term administrative measures which have been developed include:

- Introduction of a pre-application consultation process;
- A scheme of prioritisation for all foreshore applications;
- Development of standard operating procedures;
- Guidelines for applicants in relation to engineering and habitats issues.

I have also introduced regulations similar to those in planning legislation putting a time limit (8 weeks for EIA cases and 4 weeks for non-EIA cases) on consultations with prescribed bodies.

Proposals for development on the foreshore, including in the Shannon Estuary, vary in terms of their nature, scale and complexity, and the time required to determine an application can vary accordingly. The incomplete nature of applications and accompanying environmental reports submitted to my Department, and the consequent need to request additional information from applicants, were initially some of the most significant factors which impinged on processing times. With a view to improving the quality of applications, my Department now requires applicants to engage in pre-application consultations which are aimed at raising applicants’ awareness of the statutory obligations they must fulfil in lodging an application for consent.

Of the applications relating to the Shannon Estuary area which were received since the transfer of functions to my Department, and which have not yet been determined, the oldest on hand was received in July 2011.

Work on the General Scheme of a Foreshore and Marine Area Bill to modernise the foreshore consent process and integrate it within the planning system is also underway in my Department.

Dormant Accounts Fund

359. **Deputy Maureen O’Sullivan** asked the Minister for the Environment, Community and Local Government if he will report on the average annual rate interest earned on undisbursed balances in the dormant accounts fund in each year since the fund’s establishment; if he will report on the magnitude and breakdown by covered financial institution of transfers to the fund in 2010, 2011 and to date in 2012; if he will report on the value of the dormant accounts fund as of the last day in February 2010, 2011 and 2012; if he will report on the amount disbursed from the fund in 2010, 2011 and 2012 with a breakdown identifying the individual beneficiary organisation in the case of each disbursement; and if he will make a statement on the matter. [13717/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Dormant Accounts Acts provide for an annual transfer by credit institutions and insurance
undertakings of monies in accounts determined to be dormant into the Dormant Accounts Fund (DAF). Since its establishment in April 2003 to the end of February 2012, the transfers to the DAF have totalled some €631.26m, which includes interest earned of some €35.58m. The net value of the Dormant Accounts Fund (uncommitted funds) was €68.25 million on 29 February 2012. The value of the dormant accounts fund for the end of February 2010 was €41.649 million and at the end of February 2011 was €52.489 million.


This provides a profile of the Fund showing yearly inflows, reclaims, disbursements, etc, from 2003 to the end of February 2012. Disbursements from the Fund are paid from the Votes of relevant Departments which, in turn, are reimbursed from the Fund. Expenditure under the Fund is spread across some 10 Departments and Agencies. A listing of disbursements from the Dormant Accounts Fund for 2010 and 2011 is outlined in the table. Details of all allocations to beneficiaries under the Dormant Accounts Fund are also available on my Department’s website at: http://www.environ.ie/en/Community/DormantAccounts/DisbursementofFunds/.

My Department will arrange to provide details in respect of beneficiary organisations funded under my Department’s measures, which are administered by Pobal, directly to the Deputy as soon as possible. It would be a matter for each Department and Agency to provide similar details in respect of disbursements from their Votes/budgets.

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<th>Disbursements</th>
<th>2010</th>
<th>2011</th>
</tr>
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<tbody>
<tr>
<td>Pobal (Formerly ADM, Service provider and agent of the Dormant Accounts Board)</td>
<td>€874,975</td>
<td>€407,655</td>
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<td>Dept. Community, Equality and Gaeltacht Affairs</td>
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<td>Education and Skills</td>
<td>€1,216,099</td>
<td>€1,600,414</td>
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<td>Health Service Executive</td>
<td>€6,119,277</td>
<td>€1,241,990</td>
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<td>Transport, Tourism and Sport</td>
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<td>Children and Youth Affairs</td>
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<td>€3,000,000</td>
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<td>Irish Prison Service</td>
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<td>€229,309</td>
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<tr>
<td>Environment, Community and Local Government</td>
<td>€1,506,109</td>
<td>€1,440,928</td>
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<tr>
<td>Social Protection</td>
<td>€1,014,200</td>
<td>€274,300</td>
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<td>Total</td>
<td>€20,267,035</td>
<td>€8,403,338</td>
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**Departmental Agencies**

360. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government if he will publish a list of the names of cases dealt with by An Bord Pleanálá in which the minimum quorum of two persons were adjudicating; the timeframe required since the two-member quorum was introduced by the previous Minister to date; and if he will provide the decision of the minimum quorum. [13718/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** The new arrangements for the quorum for An Bord Pleanálá were introduced through Section 41(b) of the Planning and Development Act 2010 which came into
operation on the 23 March 2011. Details of all cases decided by the Board since then can be obtained on the Board’s website, www.pleanala.ie.

The information sought in the question is not available within my Department.

National Children’s Hospital

361. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government, in view of the recent decision by An Bord Pleanála to refuse the new children’s hospital, the number of members that actually made this decision; if the chairman used his casting vote with regard to this decision; and if he will make a statement on the matter. [13719/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** An Bord Pleanála is an independent body, with statutory functions provided for under the Planning and Development Act 2000. As Minister, I am precluded from exercising any power or control in relation to any particular case with which An Bord Pleanála is or may be concerned, and it is not, therefore, appropriate for me to comment on a decision made by the Board. Details of all decisions made by the Board are, however, available on its website at www.pleanala.ie.

Waste Management

362. **Deputy Kevin Humphreys** asked the Minister for the Environment, Community and Local Government when the first meeting of waste management forum, announced in November 2011, is due to take place; and if he will make a statement on the matter. [13820/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Forum’s membership and terms of reference are currently being finalised. I intend that the first meeting of the Waste Management Forum will be held in April 2012.

363. **Deputy Kevin Humphreys** asked the Minister for the Environment, Community and Local Government when he will publish the waste policy, as previously flagged; and if he will make a statement on the matter. [13821/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Programme for Government commits to the development of a coherent national waste policy, adhering to the waste hierarchy, which will aim to minimise waste disposal in landfill and maximise recovery. I am prioritising this commitment, as I am anxious to provide early regulatory certainty, in the form of both policy and legislation, to ensure that the necessary actions and investments are progressed to achieve those aims.

I am currently considering the responses to a public consultation on national waste policy and I expect to be in a position to submit final proposals in this regard to Government by Easter this year. Decisions concerning the precise timing of the publication of the national waste policy will be made in that context.

Departmental Correspondence

364. **Deputy Kevin Humphreys** asked the Minister for the Environment, Community and Local Government if he has had any correspondence or discussions, either formal or informal, with Dublin City Council city manager or his staff about the put or pay clause in the contract for the Poolbeg incinerator with Covanta with regard to how the council will guarantee waste
Minister for the Environment, Community and Local Government (Deputy Phil Hogan): In accordance with the provisions of the Waste Management Acts, the preparation and adoption of a waste management plan, including in respect of infrastructure provision, is the statutory responsibility of the local authority or authorities concerned, and under section 60(3) of the Act I am precluded from exercising any power or control in relation to the performance by a local authority, in particular circumstances, of a statutory function vested in it.

Dublin City Council’s decision to withdraw from the household waste collection market is a matter for the City Council, as are considerations concerning any potential impact of that decision on planned projects. While the City Council updated my Department in relation to the decision to extend the review period for the contract for the Poolbeg project, decisions in relation to the project are a matter for the parties to the contract, i.e. the City Council, on behalf of the 4 Dublin local authorities, and Dublin Waste to Energy Ltd.

Question No. 365 answered with Question No. 343.

Grant Payments

366. Deputy Michelle Mulherin asked the Minister for the Environment, Community and Local Government, following the closure of Gaeltacht partnership company, Meitheal Forbartha na Gaeltachta, when the remaining sum of approximately €19,000 of an approved grant for the purchase of a boat (details supplied) will be paid; and if he will make a statement on the matter. [13831/12]

367. Deputy Michelle Mulherin asked the Minister for the Environment, Community and Local Government, following the closure of a company (details supplied) when all outstanding approved grants being processed by that organisation will be paid; and if he will make a statement on the matter. [13835/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 366 and 367 together.

Meitheal Forbartha na Gaeltachta (MFG), the group contracted by my Department to deliver Axes 3 and 4 (LEADER) of the Rural Development Programme (RDP) in Gaeltacht Areas, went into liquidation on 7 September 2011. Progress is ongoing in the context of the legal “winding up” process and all relevant RDP (LEADER) project files have been released by the liquidator and are now with my Department.

Project promoters with fully completed contracts were contacted in the week ending 2 March 2012 with a view to verifying project information in order to facilitate payment of outstanding amounts. Once this process is complete the Local Development Companies contiguous to Gaeltacht areas will form part of an interim system of payment in the short term. The project promoter referred to in question (13831) was one such promoter.

In the context of the delivery of Axes 3 and 4 (LEADER) of the Rural Development Programme in Gaeltacht areas in the longer term my Department has commenced a process requesting expressions of interest from established Local Development Companies to deliver the LEADER elements of the RDP in MFG areas for the remainder of the Programming period.
The request was sent to all Local Development Companies on 6 March 2012 with a closing date for receipt of expressions of interest of 27 March 2012.

Planning Issues

368. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government his policy with regard to unauthorised caravan, camper van and camping sites; if he will detail any communications or directives he has issued in this regard; if he will outline any proposals he has to deal with the issue; if he will respond to correspondence (details supplied); and if he will make a statement on the matter. [13841/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** Under the Planning and Development Acts 2000-2011, all development, unless specifically exempted under the Acts or associated Regulations, requires planning permission. Any development that is carried out without planning permission or that does not comply with the terms of a planning permission, is unauthorised development, and may be subject to enforcement action by a planning authority.

Planning authorities have substantial enforcement powers under the Planning and Development Act 2000. A planning authority may issue an enforcement notice, non-compliance with which is an offence, in connection with unauthorised development (which includes failure to comply with planning conditions) requiring such steps as the authority considers necessary to be taken within a specified period. If an enforcement notice is not complied with the planning authority may itself take the specified steps and recover the expense incurred in doing so. A planning authority may also seek a court order requiring any particular action to be taken or not to be taken. The Planning Acts also place clear statutory obligations on planning authorities in relation to unauthorised development. A planning authority must issue a warning letter in relation to written complaints regarding unauthorised development or other unauthorised development it becomes aware of (except in the case of trivial or minor development). The planning authority must then carry out an investigation and where it establishes, following such an investigation, that unauthorised development (other than development that is of a trivial or minor nature) has been or is being carried out, and the person who has carried out or is carrying out the development has not proceeded to remedy the position, the planning authority must issue an enforcement notice or make an application for a court order unless there are compelling reasons for not doing so.

Enforcement of planning control is a matter for the planning authority, which can take action where a development requiring planning permission has not obtained this permission or where permission has not been complied with. 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. In August 2008, the Department issued a Memorandum to local authorities entitled Memorandum on the Preparation, Adoption and Implementation of Local Authority Traveller Accommodation Programmes 2009-2013. This required local authorities, pending the provision of suitable permanent accommodation, to review the position of Travellers on the roadside or other unauthorised sites in their functional area in the light of the Guidelines on Basic Services and Facilities for Caravans issued by the Minister, and to seek to improve the position of these families by considering making available such services, including water, toilets and waste removal if there are no significant legal, planning, environmental, social, technical or other restraints in so doing.
Housing Finance Agency

369. **Deputy Paudie Coffey** asked the Minister for the Environment, Community and Local Government the amount of money the Housing Finance Agency has provided to local authorities for the years 2008, 2009, 2010 and 2011, in tabular form on a local authority basis; and if he will make a statement on the matter. [13925/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** All Housing Finance Agency activity including lending to individual local authorities is available in the Agency’s Annual Reports which are available on www.hfa.ie.

370. **Deputy Paudie Coffey** asked the Minister for the Environment, Community and Local Government the amount of money that the Housing Finance Agency has provided to voluntary housing organisations for the years 2008, 2009, 2010 and 2011, in tabular form for each voluntary housing organisation; and if he will make a statement on the matter. [13926/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** Under the Capital Loan and Subsidy Scheme (CLSS), funding of up to 100% of the approved cost of projects was provided by the Housing Finance Agency, through the local authorities, to Approved Housing Bodies for the provision of accommodation for low-income families and persons with specific categories of housing need. Following the decision in 2009 to terminate the CLSS, no new projects will be considered for approval. Payments in respect of voluntary and co-operative housing projects over the period 2010 to date relate to projects approved to get to construction prior to the decision to terminate the scheme.

Details of the funding provided by the Housing Finance Agency to voluntary and co-operative housing bodies for the years 2008, 2009, 2010 and 2011 are set out in the following tables:

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<td>Sophia Housing Association</td>
<td>1,624,264</td>
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<td>3,461,766</td>
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2008 Amount € 2009 Amount €

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<td>6,721,655</td>
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<td>Oaklee</td>
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| 2010 Amount € 2011 Amount € |
|-----------------------------|--|
| Cluid Housing Association   | 23,966,749 | 13,924,173 |
| Rural Resettlement Ireland  | 380,848    | 2,912,312  |
| North and West Housing Association | 283,217 | 470,572    |
| North and East Housing Association | 59,952   | 286,266    |
| Inis Housing Association      | 426,500    | 25,732     |
| Oaklee Housing Association    | 8,332,233  | 701,505    |
| The Iveagh Trust              | 4,512,843  | 16,064,760 |
| Tuatha Housing Association    | 3,044,652  | 657,949    |
| Circle Housing Association    | 12,171,773 | 2,730,000  |
| Respond Voluntary Housing     | 9,882,369  | 1,645,295  |
| NABCO                       | 27,084,307 | 724,967    |
| Goodwill Housing Co-Op       | 391,492    | 3,492,326  |
| Sue Ryder Foundation         | 1,500,000  | 1,000,000  |
| **Total**                    | 92,036,935 | 44,635,857 |

371. **Deputy Paudie Coffey** asked the Minister for the Environment, Community and Local Government when the Housing Finance Agency will be announcing the level of funds it will be making available for 2012; and if he will make a statement on the matter. [13927/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** Details of non-voted expenditure, including the level of non-mortgage loan finance, were published in the Revised Estimates Volume on 23 February 2012.

**Local Authority Housing**

372. **Deputy Simon Harris** asked the Minister for the Environment, Community and Local Government if he will outline the current schemes operated by him which enable local authority tenants to purchase their houses from councils; if he is introducing any new scheme in this area; and if he will make a statement on the matter. [13930/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** The current tenant purchase scheme, provided for in Section 90 of the Housing Act 1966, and known as the 1995 Tenant Purchase Scheme, remains in place. It remains the intention that this scheme will be wound down during 2012 to be replaced by a new scheme based on the incremental purchase model. This change will require amending legislation.

Separate provisions are in place under Part 3 of the Housing (Miscellaneous Provisions) Act 2009 providing for incremental purchase in respect of newly-built houses reserved by housing
authorities for the purpose. This Incremental Purchase Scheme is available to all housing authorities.

**Grant Payments**

373. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government if a previously approved grant of €40,000 for a community hall refurbishment (details supplied) is still available for drawdown; and if he will make a statement on the matter. [13944/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I understand that the grant in question was approved by Limerick County Council under its Community, Sports and Cultural Grants Scheme. As my Department has no role in relation to this scheme, I would advise the Group to contact Limerick County Council directly regarding a possible drawdown.

**Building Regulations**

374. **Deputy Caoimhghín Ó Caoláin** asked the Minister for the Environment, Community and Local Government if he will set out the correspondence between his Department and a company (details supplied) in 2006 with regard to the Priory Hall apartment complex, Dublin; if and when the complex was visited and inspected by inspectors from his Department; if it is the case that fire safety issues were discovered by Departmental inspectors at that time, including the absence of fire collars; the action that was taken to rectify this; if and when spot checks to ensure compliance were made; if and how his Department satisfied itself that the certificate provided by a company dated 21 November 2006 was adequate; if his Department has subsequently contacted either CLM or the Royal Institute of Architects of Ireland, whose certificates of opinion on compliance were provided by the developer, in view of the fire safety issues that emerged, leading to the evacuation of the complex; and if he will make a statement on the matter. [13961/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Following an application by the developer of the Priory Hall complex for Floor Area Compliance Certificates (FACC) as introduced by section 72 of the 2004 Finance Act, my Department assigned an inspector to process the application. My Department’s inspector initially wrote to the developer in 26 May 2006 seeking a certificate of compliance with Planning Permission and Building Regulations, a certificate of compliance with the Fire Safety Certificate, a Structural Engineer’s Certificate for the buildings, a certificate from a competent person in relation to the installation of Trespa Sheeting in accordance with the terms of the Irish Agreement Board Certificate, a certificate from a competent person that all openings were fire stopped in accordance with Part B of the Building Regulations and the results of sound test carried out on the buildings.

On 26 June 2006 my Department’s Inspector again wrote to the developer requesting design details for the timber frame infill panels used between the in situ concrete walls and design details showing compliance with Part L of the Building Regulations. This letter also recorded the absence of fire collars on pipes and inadequate insulation in roofs and walls noted during a site inspection on 14 June 2006.

On 25 October 2006 my Department’s Inspector again wrote to the developer noting that he had not by that date received any response to his previous requests for information and certificates. The inspector refers again to a recent site visit where inadequate insulation was noted;
he instructed that this be rectified and that the developer’s Architect inspect all insulation and certify that it is complete and that all areas of cold bridging have been eliminated.

The reply to Question No 162 of 1 March 2012 sets out the overall context in which the Department’s inspector processed the FACC application and ensured that defects identified, including the absence of fire collars on pipes, were addressed.

The developer responded to the various information requests through correspondences received on a number dates early in 2007.

My Department is not an approved certification body and has no role in relation to the validation of certificates. My Department has no correspondence with CLM Limited or with the RIAI in relation to certificates given and, as is usual in such cases, all correspondence was with the developer who had made the application.

Under the Building Control Act 1990 the onus is on the owner/developer and agents acting on their behalf to ensure compliance with the building regulations, including fire safety requirements.

In late 2008, following a complaint to Dublin Fire Brigade, Dublin City Council became concerned about fire safety issues more generally at Priory Hall and this resulted in a full investigative survey of the development which identified further and more serious concerns than had been uncovered by any previous inspection. Since that time the City Council has used the statutory powers available to it to pursue compliance with planning permission conditions and with fire safety and building standards requirements, all of which are at issue in relation to Priory Hall. Failure by the developer to honour court undertakings to remedy fire safety defects led to the latest High Court proceedings.

Unfinished Housing Developments

375. Deputy Michelle Mulherin asked the Minister for the Environment, Community and Local Government the reason the unfinished housing estate waiver does not apply to houses in an estate (details supplied) in County Mayo in view of the incomplete and inadequate works and services outstanding; and if he will make a statement on the matter. [13977/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): 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, piped water and sewerage facilities and open spaces or similar amenities within the development;
the extent to which the development complies with the terms of applicable planning permission;

- the extent to which it complies with the provisions of the Building Control Acts 1990 and 2007;

- the provisions of the Local Government (Sanitary Services) Act 1964 as they pertain to dangerous places and dangerous structures within the meaning of the Act;

- the extent to which facilities within the development have been taken in charge by the local authority concerned; and

- where there is an agreement regarding the maintenance of such facilities, the extent to which this agreement has been complied with.

This categorisation formed the basis for the list of those unfinished developments eligible for a waiver on the annual household charge. Only households in developments in categories three and four are eligible for the waiver from payment of the household charge. This list of developments in which households are eligible for the waiver in 2012 is set out under the Local Government (Household Charge) Regulations 2012.

Building Regulations

376. Deputy Terence Flanagan asked the Minister for the Environment; Community and Local Government if he will provide details of the help he will provide to the resident of Priory Hall, Dublin, who find themselves homeless through no fault of their own; and if he will make a statement on the matter. [13983/12]

377. Deputy Terence Flanagan asked the Minister for the Environment; Community and Local Government the changes he will be making to the building regulations in view of the scandals at Priory Hall and Belmayne, Dublin; and if he will make a statement on the matter. [13984/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 376 and 377 together.

The legal proceedings in relation to Priory Hall are continuing and it would be inappropriate to anticipate their conclusion. In particular, the current appeal by Dublin City Council will be heard by the Supreme Court on 24 April 2012.

I understand that Dublin City Council, having moved quickly in late 2011 to make arrangements for the provision of temporary accommodation for affected residents who require it, continues to engage with the residents in order to address, and advise them in relation to, specific family and individual needs. I have asked Dublin City Council to do all they can to assist the affected residents and see them through this very stressful and distressing ordeal.

The overriding priority is facilitate the return by the homeowners to their homes at the earliest possible opportunity. In this respect it will be necessary to ensure that these homes are made fit for purpose and that the costs of so doing fall where they should. I have asked Dublin City Council to do all within its powers to achieve this objective and have asked my Department to continue to liaise closely with Dublin City Council in this regard.
Dublin City Council has made commendable efforts to provide for the needs of residents to date and I urge the Council to continue to meet and communicate with the residents and to take all reasonable steps to support them at this vulnerable time.

In July 2011, I announced a number of measures to be advanced by my Department and local authorities with a view to improving compliance with, and oversight of, the requirements of the Building Regulations.

In broad terms the measures will involve:

- (a) the introduction of mandatory certificates of compliance by builders and designers of buildings confirming that the statutory requirements of the Building Regulations have been met;
- (b) the lodgement of drawings at both commencement and completion of construction, demonstrating how the building has been designed and built to comply with all parts of the Building Regulations;
- (c) more efficient pooling of building control staff and resources across the local authority sector to ensure more effective and meaningful oversight of building activity;
- (d) standardised approaches and common protocols to ensure nationwide consistency in the administration of building control functions;
- (e) better support and further development of the building control function nationwide.

The arrangements for mandatory certification, the submission of drawings and improved inspections are key reforms which, I believe, will have the capacity to improve the quality of buildings and will lead to further strengthening of the regulatory regime as early as possible in 2012.

**Local Authority Charges**

378. **Deputy Clare Daly** asked the Minister for the Environment; Community and Local Government if he will introduce an exemption for executors of wills who are charged with selling a house on behalf of the deceased and are currently landed with liability for the household tax and the non-principal private residence tax. [13986/12]

380. **Deputy Michael Healy-Rae** asked the Minister for the Environment; Community and Local Government his views on a matter (details supplied) regarding a temporary deferral of the household and non-principal private residence tax in respect of executors of wills; and if he will make a statement on the matter. [14031/12]

381. **Deputy David Stanton** asked the Minister for the Environment; Community and Local Government if he will consider granting persons who are acting as executors of wills and who are charged with selling a house on behalf of a deceased persons a temporary waiver from paying the household charge and non-principal private residence charge until the deceased person’s house has been sold; and if he will make a statement on the matter. [14039/12]

382. **Deputy Joanna Tuffy** asked the Minister for the Environment; Community and Local Government if his attention has been drawn to the fact that persons who are acting as executors of estates will be liable to pay the household charges out of their own personal finances on properties owned by the deceased person; if it is possible for these charges to be deferred until
such time as the sale of the property is completed and for the charges to be taken from the moneys from the sale; and if he will make a statement on the matter. [14040/12]

386. **Deputy Terence Flanagan** asked the Minister for the Environment; Community and Local Government if he will review a matter (details supplied) regarding the household charge; and if he will make a statement on the matter. [14064/12]

394. **Deputy Seán Ó Fearghaíl** asked the Minister for the Environment; Community and Local Government if he will review a matter (details supplied) regarding the executors of wills; if the proposals contained therein can be acceded to; and if he will make a statement on the matter. [14240/12]

405. **Deputy Michael P. Kitt** asked the Minister for the Environment; Community and Local Government if he will consider deferring the household charge of €100 and the second home charge of €200 for executors of wills when the sale of a house is being arranged by an auctioneer and when these charges could be taken from the sale of the property; and if he will make a statement on the matter. [14272/12]

410. **Deputy Brendan Griffin** asked the Minister for the Environment; Community and Local Government if he will grant an exemption or deferred payment option for persons in certain circumstances in relation to the household charge and non-principal private residence charge (details supplied); and if he will make a statement on the matter. [14309/12]

417. **Deputy Derek Nolan** asked the Minister for the Environment; Community and Local Government if the household charge applies to persons who find themselves as executor of a will on a property; and if he will make a statement on the matter. [14327/12]

418. **Deputy Finian McGrath** asked the Minister for the Environment; Community and Local Government the advice available to the executor of a will on the household charge (details supplied). [14349/12]

419. **Deputy Willie O’Dea** asked the Minister for the Environment; Community and Local Government if his attention has been drawn to the fact that executors of wills and administrators of estates have to pay household charges on any house that forms part of the estate during the term of their executor; if his further attention has been drawn to the fact that the executor and or administrator also has to pay a second home charge during that period of time; if he will amend the legislation to ensure that the beneficiaries of the estates will be the persons liable when they become entitled in possession; and if he will make a statement on the matter. [14353/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 378, 380 to 382, inclusive, 386, 394, 405, 410, and 417 to 419, inclusive, together.

The Local Government (Household Charge) Act 2011 and the Local Government (Charges) Act 2009, as amended, set out the legislation underpinning the household charge and the charge on non-principal private residences respectively.

Application of the legislation in particular circumstances is a matter for the relevant local authority. Interpretation of the legislation is a matter for legal advice in individual cases and ultimately a matter for the Courts.
Both Acts contain common provisions dealing with the situation where a person who is the sole owner of a residential property dies. The legislation provides that the personal representative of the deceased person shall not, in respect of that residential property, be liable to pay the household charge or the charge on non-principal private residences relating to a year in which the liability falls after the date of death of the deceased person and before the date of issue of a grant of representation to the estate of the deceased person.

The specific provisions are contained in section 4(3) of the Local Government (Household Charge) Act 2011 and, in relation to the charge on non-principal private residences, in section 4(7) of the Local Government (Charges) Act 2009, as amended.

In addition, both Acts provide that where a person who is the sole owner of a residential property dies and, at the date of his or her death, a household charge or a charge on non-principal private residence (and any related late payment penalties) remains unpaid in relation to that property, no further late payment penalties are payable in relation to that property until a grant of representation to the estate of the deceased person issues to the personal representative of such deceased person.

The personal representative of such deceased person is, as soon as a grant of representation to the estate of the deceased person issues to him or her, liable to pay to the relevant local authority the full amount due and owing by the deceased, at the date of his or her death, in respect of the household charge or the charge on non-principal private residences and any related late payment penalties.

Where the full amount owing is paid by the personal representative within 3 months of the date of issue of the grant of representation to the estate of the deceased, he or she shall have no further liability. Where the full amount owing is not paid by the personal representative within 3 months of the date of issue of the grant of representation to the estate of the deceased, he or she is liable to pay late payment penalties, in addition to the full amount, from the date of issue of the grant of representation to the estate of the deceased.

These provisions are contained in section 7(3)-7(6) of the Local Government (Household Charge) Act 2011 and section 6(3)-6(6) of the Local Government (Charges) Act 2009, as amended.

### County and City Managers’ Association

379. **Deputy Joan Collins** asked the Minister for the Environment, Community and Local Government the number of written submissions that he received from the County and City Managers’ Association in the period from the 1 January 2011 to date in 2012; the date on which the submissions were received; the main matters covered in these submissions; and if he will make a statement on the matter. [14007/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):**
The County and City Managers’ Association engages with my Department on a regular basis and has made a range of submissions in recent years in that context. However, neither I nor my predecessor received any written submissions personally from the Association in 2011 and to date in 2012.

*Questions Nos. 380 to 382, inclusive, answered with Question No. 378.*

*Question No. 383 answered with Question No. 351.*

### Grant Payments

384. **Deputy Robert Troy** asked the Minister for the Environment, Community and Local...
Government when he will sanction approval for an application for equipment (details supplied). [14055/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I refer to the reply to Question No. 388 of 6 March 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 Commission 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.

Local Authority Funding

385. Deputy Robert Troy asked the Minister for the Environment, Community and Local Government if he will expedite an application by Longford County Council for funding for the provision of a library and an upgrade to Granard town hall; and if he will make a statement on the matter. [14061/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): My Department provides capital funding towards the provision and refurbishment of new and existing public libraries. In this regard, in 2008 my Department requested Library Authorities to provide details of priorities for library development within their area.

In its response, Longford County Council ranked Ballymahon branch library as its main priority, followed by projects at Granard and Edgeworthstown and the provision of a library delivery vehicle.

Grant aid of €900,000 was approved and drawn down in respect of the Ballymahon project with the final payment being made in October, 2011. In addition, my Department provided €80,000 for the purchase and fit out of a library vehicle in 2010.

My Department’s allocation for 2012 of €5m for Library Capital projects is fully committed to ongoing Library projects.

Question No. 386 answered with Question No. 378.

Local Authority Charges

387. Deputy Robert Troy asked the Minister for the Environment, Community and Local Government if he will indicate when he will bring forward amending legislation to ensure that the calculation of commercial rates is carried out in fair and equitable manner and ensure that local authorities will have the autonomy to do so when dealing with same. [14067/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Local authorities are under a statutory obligation to levy rates on any property used for commercial purposes in accordance with the details entered in the valuation lists prepared by the independent Commissioner of Valuation under the Valuation Act 2001. The levying and collection of rates are matters for each individual local authority. The annual rate on valuation (ARV), which is applied to the valuation of each property, determined by the Valuation Office, to obtain the amount payable in rates, is decided by the elected members of each local authority in the annual budget and its determination is a reserved function.

The Commissioner of Valuation, who has sole responsibility for all valuation matters, is conducting a programme of revaluation of all commercial and industrial properties throughout the State on a county by county basis. The purpose of the revaluation process is to provide for
more consistent and up-to-date valuations for rating purposes and to assist in providing a more equitable distribution of valuations across those liable to pay rates.

The Commissioner, in consultation with my colleague, the Minister for Public Expenditure and Reform, has been reviewing various options for streamlining the valuation process and speeding up the national revaluation programme. In this regard, the Government recently approved the drafting of a Valuation Bill to amend the Valuation Act.

Local Authority Housing

388. **Deputy Robert Troy** asked the Minister for the Environment, Community and Local Government if he will bring forward legislation to ensure that persons on social welfare will not be discriminated against if they wish to purchase their local authority home, as currently is the case, especially in cases in which the monthly mortgage repayment is not significantly higher than the rent being charged under the differential rent. [14068/12]

**Minister of State at the Department of the Environment, Community and Local Government** *(Deputy Jan O’Sullivan):* I refer to the reply to Question No. 462 of 31 January 2012, which outlines the position in this matter. However, the relevance of the difference between projected mortgage repayments and current rental payments for a prospective purchaser is limited. It takes no account, for example, of the fact that while rent levels can be adjusted to reflect changing household income, mortgage repayments cannot. Nor does it take account of the additional costs taken on when a household becomes a homeowner thereby assuming responsibility for the ongoing maintenance of their home.

Unfinished Housing Developments

389. **Deputy Robert Troy** asked the Minister for the Environment, Community and Local Government if he will commit to the various local authorities who complete the necessary works in unfinished housing estates under the public safety initiative under budget that they will retain the full grant and that any outstanding balance will be used to do further works which may lead to the estate being taken in charge. [14069/12]

**Minister of State at the Department of the Environment, Community and Local Government** *(Deputy Jan O’Sullivan):* The Public Safety Initiative was introduced by my Department in order to address health and safety issues on unfinished housing developments and where the responsible party could not be contacted in the short term, allocated funds to local authorities in order to make the estates safe.

The scheme invited applications from local authorities for individual estates giving details of the necessary health and safety works and the associated costs. These were assessed by my Department and allocations made of the maximum funds which could be recouped once the works were completed. Only the actual amounts expended up to the level of the allocation may be claimed subject to a properly vouched claim being lodged with the Department. There is no instance where funds in excess of the expenditure incurred might be paid to local authorities, and so the question of the retention of excess funds does not arise.

Additionally, where the expended amounts can subsequently be recovered from the responsible entities, once they have been identified and contacted, public funds must be reimbursed to the Department in due course.

County Development Boards

390. **Deputy Robert Troy** asked the Minister for the Environment, Community and Local
Minister for the Environment, Community and Local Government (Deputy Phil Hogan):
There is a range of initiatives currently in development with implications for the local government sector, arising, inter alia, from, the recent announcement of the establishment of Local Enterprise Offices, and the work of the Steering Group that I established on alignment between local government and local development.

The Alignment Steering Group presented its Interim Report to me in December 2011. It outlined some preliminary conclusions in regard to the existing arrangements and the respective roles of local authorities and local development programmes and structures. I anticipate receiving the Steering Group’s final report shortly. I will consider the Group’s recommendations carefully in determining the future development structures and arrangements I believe will deliver the greatest benefits for the citizen.

Local Authority Charges

391. **Deputy Noel Grealish** asked the Minister for the Environment, Community and Local Government if he will confirm if all moneys collected through the household charge will be ringfenced for use in the local authority area in which it is collected; the amount that has been collected in each local authority area; when the amount raised is likely to be redistributed; and if he will make a statement on the matter. [14113/12]

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.

Section 17 of the Act provides that income from the household charge is to be paid into the Local Government Fund. I am disbursing monies received from the household charge back to local authorities in the general-purpose grant payments that are being made during 2012. It is considered that this approach is preferable to allowing local authorities directly retain all moneys collected from the household charge in their areas, as it makes it possible for me to equalise distribution, ensuring that those local authorities with lower populations than others do not suffer unduly as a result.

The Local Government Management Agency (LGMA) is administering the household charge system on a shared service/agency basis for all county and city councils. I understand, from data provided by the LGMA, that as of 12 March, 2012, a total of 224,133 properties have been registered for payment of the household charge. This equates to income of some €22.4m. The sub-national data sought in the Question is not available.

Departmental Bodies

392. **Deputy Clare Daly** asked the Minister for the Environment, Community and Local Government if he queried the decision made by an organisation (details supplied), which receives its funds from his Department, to spend €2 million on an office block in 2004 while continuing to rent its prior premises up to 2007 at a cost of €3666.81 per month despite that premises being left vacant. [14116/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): The National Association of Building Co-operatives (NABCo), the national representative body for approved co-operative housing bodies in Ireland, provides
accommodation for low-income families and persons with specific categories of housing need. Under my Department’s capital funding schemes for voluntary and co-operative housing, funding of up to 100% of the approved cost is available in respect of the planning, construction and land costs associated with such projects. My Department also provides funding towards the administrative costs of certain housing bodies, including NABCo, which provide research, advice, education and advocacy services in the area of housing.

In 2011, NABCo received some €16.4 million in respect of approved housing construction projects and a contribution of €123,547 towards administrative costs. My Department does not provide capital funding in respect of the office accommodation acquired by approved housing bodies and had no involvement in the issues referred to in relation to the NABCo offices.

Public Service Staff

393. **Deputy Pat Breen** asked the Minister for the Environment, Community and Local Government if he will report on the number of public servants from County Clare who retired as part of the Croke Park early retirement scheme from positions in his Department or from State bodies under the aegis of his Department. [14200/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** My Department’s only office in Co. Clare is the Met Éireann Aviation Service at Shannon Airport. An officer recently retired from this office.

None of the agencies under the Department’s remit is based in Co. Clare.

*Question No. 394 answered with Question No. 378.*

Local Authority Complaints Procedures

395. **Deputy Eoghan Murphy** asked the Minister for the Environment; Community and Local Government if he will provide an update on his commitment to establish a website to assist residents in reporting local problems to their councils, with a guarantee that officials will respond within two working days; if there has been a delay in introducing such a system; and when such delays will be overcome. [14243/12]

396. **Deputy Eoghan Murphy** asked the Minister for the Environment; Community and Local Government, in keeping with his commitment to establish a web-based reporting platform to local authorities, his plans to provide a mobile application platform for citizens in order that they can report local issues to the local authority in real time and providing GPS data, to assist the local authority in the running, maintenance and upkeep of the local area. [14244/12]

397. **Deputy Eoghan Murphy** asked the Minister for the Environment; Community and Local Government if he will be instructing local authorities to adopt technology, for example mobile and web-based reporting tools, that will facilitate easier and better reporting by citizens of problems in their local area such as illegal dumping or potholes, which will then feed into performance indicators for the local authorities, improve their service delivery, and result in an improved interaction between the local authority and local residents, as well as obvious benefits for local businesses in view of the improved services in the area. [14245/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 395 to 397, inclusive, together.

Local authorities already have arrangements and applications in place which facilitate citizens in making complaints or suggestions or in reporting problems through various mediums, including by post, phone, text, fax, e-mail and on-line through their websites.
In the context of the commitment in the Programme for Government, my Department is working with local authorities in developing options for the enhancement of these arrangements which will further assist citizens in availing of local authority services and in reporting problems or faults to their local authority.

This has included engagement with the County and City Managers’ Association and bilateral discussions with South Dublin County Council who have piloted an enhanced solution the www.Fixyourstreet.ie website which allows members of the public notify non-emergency issues such as graffiti, road defects, street lighting, drainage, litter and illegal dumping. To date, in excess of 2,400 reports have been uploaded onto the website. The average response time of South Dublin County Council to the queries raised in the last month (12 February to 12 March) was 1.3 days, less than the two working days deadline.

South Dublin County Council is currently assisting other local authorities with becoming involved with the FixYourStreet project and in this context, has recently facilitated two FixYourStreet information seminars (in December 2011 and February 2012) and plans to hold another next month. South Dublin County Council is also available to assist local authorities with technical or logistical issues around FixYourStreet.ie. I am given to understand that another local authority anticipates going live next month once the interface between their Customer Relationship Management software application and FixYourStreet is upgraded. I am advised that this will facilitate further roll-out to other local authorities.

The pilot website incorporates interactive mapping, allowing users to locate on an on-line map the precise location of the problem or issue being reported. The website also allows for a photograph/video of the issue to be submitted and uploaded if required. The reported issue is then “work flowed” to the relevant local authority staff member and responded to within the agreed two working days deadline. The system allows for the upload of progress updates to inform clients of the target dates for attention/resolution of the issue raised.

The system is also capable of providing statistical information and other management information on reported issues. Mobile phone applications are also being developed as an adjunct to the system which will enable users to report problems via their iPhone or Android mobile phone. The website is however already mobile enabled and if visiting www.FixYourStreet.ie from a mobile phone the client will get a mobile enhanced version of the website.

**Mortgage to Rent Scheme**

398. **Deputy Simon Harris** asked the Minister for the Environment, Community and Local Government if he will provide an update as to the status of the buy to rent scheme whereby local authorities will be empowered to purchase houses from struggling mortgage holders and rent them back to those tenants; and if he will make a statement on the matter. [14247/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** I assume the Deputy is referring to the Mortgage to Rent scheme. As part of the implementation of the recommendations in the Keane Report my Department has developed a mortgage to rent scheme on a pilot basis. This work has been assisted by Clúid Housing Association, a number of local authorities, the Housing and Sustainable Communities Agency, AIB, and more recently, New Beginning and another lender.

The Keane reported recommended 2 such schemes or models on which a mortgage to rent option might operate.

The same categories of household would be targeted under each scheme. These are households that:
Questions— 13 March 2012. Written Answers

- have had their mortgage position deemed unsustainable under a Mortgage Arrears Resolution Process (as provided for under the Central Bank’s Code of Conduct on Mortgage Arrears);
- agree to the voluntary repossession of their home;
- do not have significant positive equity, and;
- are eligible for social housing.

In addition, the house must also be appropriate to household need. In other words, the household are not significantly over-accommodated (e.g. a couple residing in a home that is too large for their needs) or under-accommodated/overcrowded. Households availing of the scheme will become social housing tenants, paying a differential rent calculated on the basis of household income. The treatment of any mortgage shortfall or residual debt will be a matter for bilateral resolution between the borrower and lender. The essential difference between the 2 options relates to ownership of the property after the voluntary repossession has taken place.

Under the first model, after voluntary repossession has taken place the property would be purchased by an approved housing body at current market value. The household would become a social housing tenant — they would no longer be homeowners. The purchase of the property would be part loan financed, using loan finance generally obtained from the initial mortgage provider, and the Exchequer using funds available under the 2012 allocation for the Capital Advance Leasing Facility. My Department is also consulting with the Central Bank to ensure that the process through which households might be offered the option to participate in the scheme complies fully with all existing consumer protection and other regulatory requirements.

Under the second model, the lender would become the long term owner of the property after voluntary repossession had taken place. The household would become a social housing tenant of the relevant local authority and the local authority would, in turn, lease the property from the financial institution for the period of the lease. The household would enjoy the same benefits as any household already accommodated under the social housing leasing initiative in terms of security of tenure, differential rents, eligibility etc.

The first transactions under the first model are being finalised. Ultimately, the schemes will be rolled out nationally using the criteria set out above and it is expected that all lenders will agree to participate.

Genetically Modified Organisms

399. **Deputy Eric Byrne** asked the Minister for the Environment, Community and Local Government the position in relation to genetic modification, GM plant trials and biodiversity in general. [14250/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Responsibility for matters relating to Genetically Modified Organisms (GMOs) is spread across a number of Government Departments. My Department has responsibility for policy matters in relation to the deliberate release of GMOs into the environment and the contained use of GMOs. The Department of Health has responsibility for policy matters concerning genetically modified food and the Department of Agriculture, Food and the Marine is responsible for regulating seed of certain species for marketing and cultivation; regulating animal feed that contains or is derived from authorized GM crops; developing a national strategy to ensure the co-existence of authorized GM crops with other crops; and authorization and control of marketing of pesticides for use on crops, including GM crops.
National legislation in this area takes account of the common EU framework for assessment and control of GMOs, by which Ireland, in common with all Member States, is bound. EU legislation on GMOs has been in place since the early 1990’s and is focused on two main objectives:

- To protect human health and the environment;
- To ensure free movement of safe genetically modified products in the European Union.

The undertaking of field trials of GM crops is subject to the requirements of the Genetically Modified Organisms (Deliberate Release) Regulations 2003. An entity who wishes to carry out a field trial of a GMO must apply for approval to the Environmental Protection Agency (EPA), as Irish competent authority for the purposes of these Regulations. As Minister for the Environment, Community and Local Government, I have no function in relation to the GMO licensing process in individual cases.

No GM crops are cultivated in Ireland so there is currently no impact on biodiversity, which is a matter for the Minister for Arts, Heritage and the Gaeltacht, or on other elements of the environment.

Social Housing

400. **Deputy Seán Ó Fearghaíl** asked the Minister for the Environment, Community and Local Government if he will indicate the number of local authorities that have entered into long term leasing arrangements as a means of meeting their social housing demand; if he will indicate the number of units leased by each local authority; and if he will make a statement on the matter. [14255/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** To the end of February 2012, 57 housing authorities have housing units approved by the Department to proceed with leasing projects. This encompasses over 4,500 units. Of the units approved for leasing, 2,694 are deemed operational with agreements signed and a further 892 units have received full funding approval and are at the point where legal agreements and negotiations are being finalised. The remaining 983 approved units are at approval in principle stage.

The following table sets out the position of these housing units by authority:

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<th>Approved in Principle</th>
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401. **Deputy Seán Ó Fearghail** asked the Minister for the Environment, Community and Local Government the number of voluntary housing associations that have entered into long-term leasing arrangements; the number of units obtained in this way by approved bodies; and if he will make a statement on the matter. [14256/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** To the end of February 2012, 21 Approved Housing Bodies have had housing units approved for inclusion in the Social Housing Leasing Initiative. This encompasses 1,330 housing units. Of the units approved for leasing, 195 are operational with agreements signed and tenants in place or in the process of being tenanted. A further 246 units are at the point where legal agreements and negations are being finalised. The remaining 889 approved units are at approval in principle stage.

The following table sets out the position of these housing units by Approved Housing Body:

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**Planning Issues**

402. **Deputy Seán Ó Fearghail** asked the Minister for the Environment, Community and Local Government if he collects data from local authorities on the planning system as it operates in the area of each authority; if the rates of approval and refusal for specific categories of development are collected for once off rural housing, commercial developments, industrial developments and so on; and if he will make a statement on the matter. [14257/12]
Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): Data relating to planning activities are collected from all planning authorities on an annual basis by my Department. The data are provided with reference to the 13 development classes specified in the Planning and Development Acts. Data on approval and refusal rates are provided on an aggregated basis. These data are available on my Department’s website www.environ.ie and the most recent data relate to 2010.

Departmental Schemes

403. **Deputy Brendan Smith** asked the Minister for the Environment, Community and Local Government the level of funding provided to Cavan County Council for the housing adaptation grant schemes for older people and people with a disability for 2010, 2011 and 2012; and if he will make a statement on the matter. [14268/12]

404. **Deputy Brendan Smith** asked the Minister for the Environment, Community and Local Government the level of funding provided to Monaghan County Council for the housing adaptation grant schemes for older people and people with a disability for 2010, 2011 and 2012; and if he will make a statement on the matter. [14270/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): I propose to take Questions Nos. 403 and 404 together.

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.

Details of the Exchequer funding under the Housing Adaptation Grant Schemes for Older People and People with a Disability provided to Cavan and Monaghan Local Authorities for 2010 and 2011 and the allocations for 2012 are set out in the following table:

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*Question No. 405 answered with Question No. 378.*

Unfinished Housing Developments

406. **Deputy Brendan Smith** asked the Minister for the Environment, Community and Local Government the specific funding that was provided in budget 2011 for local authorities in respect of necessary improvement works to unfinished housing estates; the financial provision made in budget 2012; and if he will make a statement on the matter. [14274/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): Total available funding under the Public Safety Initiative in 2011 was €5 million. The total drawdown amount was €1.483m. A breakdown of the total amount drawn down by local authority is set out in the following table:
Questions—13 March 2012. Written Answers

[Deputy Jan O’Sullivan.]

<table>
<thead>
<tr>
<th>Local Authority</th>
<th>Amount paid €</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carlow County Council</td>
<td>94,456.40</td>
</tr>
<tr>
<td>Cavan County Council</td>
<td>106,201.98</td>
</tr>
<tr>
<td>Clare County Council</td>
<td>18,123.68</td>
</tr>
<tr>
<td>Cork City Council</td>
<td>0.00</td>
</tr>
<tr>
<td>Cork County Council</td>
<td>131,045.25</td>
</tr>
<tr>
<td>Donegal County Council</td>
<td>0.00</td>
</tr>
<tr>
<td>Dublin City Council</td>
<td>0.00</td>
</tr>
<tr>
<td>Fingal County Council</td>
<td>0.00</td>
</tr>
<tr>
<td>South Dublin County Council</td>
<td>0.00</td>
</tr>
<tr>
<td>D.L.R. County Council</td>
<td>0.00</td>
</tr>
<tr>
<td>Galway City Council</td>
<td>0.00</td>
</tr>
<tr>
<td>Galway County Council</td>
<td>30,262.00</td>
</tr>
<tr>
<td>Kerry County Council</td>
<td>0.00</td>
</tr>
<tr>
<td>Kildare County Council</td>
<td>0.00</td>
</tr>
<tr>
<td>Kilkenny County Council</td>
<td>41,096.30</td>
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<tr>
<td>Laois County Council</td>
<td>86,579.86</td>
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<td>Leitrim County Council</td>
<td>16,500.00</td>
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<tr>
<td>Limerick City Council</td>
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<tr>
<td>Limerick County Council</td>
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<tr>
<td>Longford County Council</td>
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<td>Mayo County Council</td>
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<tr>
<td>Meath County Council</td>
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<tr>
<td>Monaghan County Council</td>
<td>31,182.83</td>
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<tr>
<td>Offaly County Council</td>
<td>54,086.28</td>
</tr>
<tr>
<td>Roscommon County Council</td>
<td>75,618.15</td>
</tr>
<tr>
<td>Sligo County Council</td>
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<tr>
<td>Nth Tipperary County Council</td>
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<tr>
<td>Sth Tipperary County Council</td>
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<tr>
<td>Waterford City Council</td>
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<td>Waterford County Council</td>
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<tr>
<td>Westmeath County Council</td>
<td>29,764.95</td>
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<tr>
<td>Wexford County Council</td>
<td>180,999.78</td>
</tr>
<tr>
<td>Wicklow County Council</td>
<td>0.00</td>
</tr>
</tbody>
</table>

Total                           | 1,483,955.676   |

407. **Deputy Brendan Smith** asked the Minister for the Environment, Community and Local Government the level of funding provided to Cavan County Council in 2011 in respect of necessary improvement works to unfinished housing estates; if any funding has been provided to date in 2012; and if he will make a statement on the matter. [14289/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** Cavan County Council made applications in the case of eight estates which qualified under category 4 of the public safety initiative for unfinished housing developments.
The funding allocated to these eight projects totaled €106,201.98, all of which was drawn down in 2011.

No further applications have been received.

408. **Deputy Brendan Smith** asked the Minister for the Environment, Community and Local Government the level of funding provided to Monaghan County Council in 2011 in respect of necessary improvement works to unfinished housing estates; if any funding has been provided to date in 2012; and if he will make a statement on the matter. [14290/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** Monaghan County Council made applications in the case of three estates which qualified under category 4 of the public safety initiative for unfinished housing developments.

The funding allocated to these 3 projects totaled €31,182.83, all of which was drawn down by the council in 2011.

No further applications have been received.

**Departmental Funding**

409. **Deputy Dara Calleary** asked the Minister for the Environment, Community and Local Government when a payment under Leader funding will be made to an organisation (details supplied) in County Mayo; and if he will make a statement on the matter. [14307/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** There are 35 Local Action Groups contracted to deliver the Rural Development Programme (RDP) in Ireland and in line with the bottom up approach to Rural Development used to implement the RDP, local action groups (LAGs) are the principal decision-makers in relation to the allocation of project funding. Such decisions are made in the context of the individual group’s local development strategy, and available funding, and in line with the programme operating rules and the relevant EU regulations.

There are a number of systems in place at both Departmental and LAG level to ensure that funding approved and delivered through the Rural Development Programme is managed in an efficient and effective way. The project referred to in the question was approved by the Board of the LAG, South West Mayo Development Company, at the end of January 2012 and has been checked for eligibility by my Department. This has been notified to the LAG and the project will now continue through the relevant processes at LAG level which include the issue of a binding contract. Once the promoter has entered into a contract it will be a matter for the LAG to ensure that all the relevant documentation is in place to facilitate payment in a timely fashion.

*Question No. 410 answered with Question No. 378.*

**Local Authority Housing**

411. **Deputy Martin Heydon** asked the Minister for the Environment, Community and Local Government his plans to address the issue of separated persons who can no longer live in the family home but whose names remain on the property deeds and so are not deemed to have a housing need for social housing purposes; and if he will make a statement on the matter. [14310/12]
Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): Decisions on eligibility of households for social housing support and the allocation of that support are solely a matter for housing authorities.

Regulation 22 of the Social Housing Assessment Regulations 2011 provides that an applicant household for long-term social housing support is ineligible for such support if a household member owns alternative accommodation that could reasonably be expected to be used to meet its housing need, either by occupying it or by selling it and using the proceeds to secure suitable accommodation. For this reason if either member of a separated couple applies housing authorities require evidence of legal separation or divorce before considering a household’s eligibility for long-term social housing support, as the separation agreement will provide certainty regarding property ownership.

My Department and the Housing Agency have provided guidance on these provisions to housing authorities. I acknowledge, however, that situations may exceptionally arise that may not be easily dealt with under the current Regulations. My Department is currently reviewing the social housing assessment provisions and will consider what wider discretion might be given to housing authorities to address individually difficult and complex cases which may present to them.

Local Authority Management

412. Deputy Joan Collins asked the Minister for the Environment, Community and Local Government if his attention has been drawn to the fact that the Office for Local Authority Management was established to provide management and support services to the County and City Managers’ Association; the number of staff employed in the Office for Local Authority Management; the cost of salaries for staff; the total cost of financing the Office for Local Authority Management; if the Local Government Management Services Board provides any additional financial or staffing support to the County and City Managers’ Association; and if he will make a statement on the matter. [14318/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Office for Local Authority Management (OLAM), is under the remit of the Local Government Management Services Board (LGMSB), and provides management support services to the County and City Managers including administrative and secretarial services to the County and City Managers’ Association (CCMA) and its committees.

There are currently 5 people employed in OLAM with total salaries amounting to €328,559 annually, which is the total cost of financing OLAM.

The LGMSB, through the Office for Local Authority Management provides administrative and secretarial services to the CCMA and its committees, and in addition to this the Local Government Management Services Board provides meeting room facilities to the CCMA.

413. Deputy Joan Collins asked the Minister for the Environment, Community and Local Government if he or any officials from his Department have had a meeting or meetings with the chairperson (details supplied) of the County and City Managers’ Association since they took up office; the dates on which the meetings took place, the purpose of the meetings; the topics discussed; and if he will make a statement on the matter. [14319/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The information sought in the question is set out in the table below.
<table>
<thead>
<tr>
<th>Date</th>
<th>Purpose of the Meeting</th>
<th>Topics Discussed</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/12/2011</td>
<td>Meeting of CCMA representatives with the Secretary General, and Assistant Secretary,</td>
<td>Local Government Efficiency</td>
</tr>
<tr>
<td></td>
<td>Department of the Environment, Community and Local Government</td>
<td></td>
</tr>
<tr>
<td>12/12/2011</td>
<td>Meeting of CCMA representatives with the Local Government Efficiency Review Implementation Group</td>
<td>Local Government Efficiency</td>
</tr>
<tr>
<td>14/02/2012</td>
<td>Meeting with Chairman of the Local Government Efficiency Review Implementation Group and Assistant Secretary, Department of the Environment, Community and Local Government</td>
<td>Local Government Efficiency</td>
</tr>
<tr>
<td>16/02/2012</td>
<td>Meeting of CCMA Executive with Department of the Environment, Community and Local Government’s Management Advisory Committee</td>
<td>Local Government Efficiency Review, Croke Park Agreement, Programme Delivery and Capital Expenditure on Water Reforms/Irish Water and Housing, Local Government Finance including the Household Charge, Motor Tax together with Progress Reports/Updates on Septic Tanks, Drivers Licences Local Enterprise/Business Support, Community Alignment, Local Authority Restructuring/White Paper, Waste Policy Development and Environmental Enforcement/Compliance</td>
</tr>
<tr>
<td>21/02/2012</td>
<td>Meeting of the full CCMA with the Minister for the Environment, Community and Local Government and the Minister of State for Minister for Housing and Planning.</td>
<td>Household Charge, Economic and Community Development, Housing Priorities, Household Budgeting and Community Employment Schemes</td>
</tr>
</tbody>
</table>

414. **Deputy Joan Collins** asked the Minister for the Environment, Community and Local Government the funding, if any, that is given to the County and City Managers’ Association by his Department, the Local Government Management Services Board, and individual local authorities; and if he will make a statement on the matter. [14320/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** My Department does not provide funding to the County and City Managers’ Association (CCMA). The provision of funding to the CCMA by the Local Government Management Services Board and individual local authorities is a matter for the Board and the individual local authorities.

415. **Deputy Joan Collins** asked the Minister for the Environment, Community and Local Government if it has been brought to his attention that the Sligo county manager, in his report on the Sligo County Council budget for 2012, issued to councillors on the 6 December 2011, indicated that the council is hopeful of progressing the following projects (details supplied) in 2012; which of these projects he will fund in 2012; and if he will make a statement on the matter. [14321/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I refer to the replies to Questions Nos. 131 and 134 of 29 September 2011, 466 of 24 January 2012, 196 of 22 February 2012 and 352 of 6 March 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.

I have no function in relation to the road projects referred to in the question. I have been advised by my colleague, the Minister for Transport, Tourism and Sport, that information in relation to funding of road projects in 2012 is available in the Dáil Library under 2012 Grant Allocations to Local Authorities for National Roads and 2012 Grant Allocations to Local Authorities for Regional and Local Roads.

In respect of water schemes, the Lough Talt Regional Water Supply Scheme, the Grange, Strandhill and Tubbercurry Sewerage Schemes (Wastewater Treatment Plants Upgrades) and the Water Conservation Stage 3 Works are included for funding in my Department’s Water Services Investment Programme 2010-2012.

Sligo County Council is currently completing planning issues relating to the Lough Talt Regional Water Supply Scheme, with a view to submitting Contract Documents to my Department as soon as possible.

While Sligo County Council has sought tenders for the work for the Grange, Strandhill and Tubbercurry Sewerage Scheme (Wastewater Treatment Plants Upgrades), funding and other issues have yet to be resolved. My Department will shortly be writing to the County Council in connection with this scheme.

The following Contracts have been approved for funding in relation to the Water Conservation Stage 3 scheme:

- South Sligo Watermains Replacement Works — Contract No. 3 — Approved for funding in June 2011. This Contract is substantially completed.

- Sligo Water Conservation Mains Rehabilitation Works and Sligo and Environs Sewerage Scheme — Advance Works — Pearse Road Storm Sewer — approved for funding in February 2012. I understand that this contract will commence in the next six to eight weeks subject to contract formalities being in place.

In relation to a new burial ground for the Grange/North Sligo area, I have no role in relation to the provision of burial grounds, as it is a matter for each local authority. There is also no funding provision in my Department for burial grounds.

Library Authorities were requested, in 2008, to provide details of priorities for library development within their area and, in this regard, my Department provided capital funding towards the provision and refurbishment of new and existing public libraries.

Sligo County Council ranked the Central Library and Headquarters as its main priority, followed by Ballymote branch library as its second priority. Grant aid of €670,000 was approved and drawn down in respect of the Ballymote project, with the final payment being made in December 2010. My Department’s allocation for 2012 of €5m for Library Capital projects is fully committed to ongoing Library projects.

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.

Local Authority Charges

416. Deputy Tom Fleming asked the Minister for the Environment, Community and Local Government if he will clarify where exactly appeals should be sent — i.e. to the local authority
or to his Department — for those who wish to appeal the household charge on specific grounds; and if he will make a statement on the matter. [14323/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Local Government (Household Charge) Act 2011 and the Local Government (Household Charge) Regulations 2012 provide the legislative basis for the household charge.

The household charge is framed on a self-assessment basis and under the legislation an owner of a residential property on the liability date of 1 January 2012 is liable to pay the household charge by 31 March 2012, unless otherwise exempted or entitled to claim a waiver.

The Act places the household charge under the care and management of the local authorities and its application in particular circumstances is a matter for the relevant local authority concerned. Interpretation of the legislation is a matter for legal advice in individual cases and ultimately a matter for the Courts.

Questions Nos. 417 to 419, inclusive, answered with Question No. 378.

Proposed Legislation

420. Deputy Clare Daly asked the Minister for Justice and Equality if he will introduce a protocol whereby vendors of property are required to have carried out a list of checks to ensure the property is legally in a position to be sold, in order to avoid costs and trauma to potential purchasers, in a similar way to the pre-approval that purchasers must get for purchase. [13533/12]

Minister for Justice and Equality (Deputy Alan Shatter): I can inform the Deputy that the Auctioneering/Estate Agency Review Group considered the question of whether intending vendors of property at auction or by private treaty should be required to prepare a “seller pack” containing a surveyor’s report, title search, local authority search and draft contract, during preparation of its 2005 Report.

The Review Group was not convinced that the case for introducing such “seller packs” had been proven and recommended instead that the Property Services Regulatory Authority [PSRA] should, when established, examine the issue in light of future arrangements for electronic conveyancing of land and experience gained in respect of the operation of seller packs in other jurisdictions. The specific recommendation was as follows:

“The Regulatory Authority [PSRA] should at a future date review the case for mandatory seller packs, having regard to the proposed establishment of the Property Registration Authority, computerisation of Local Authority Records and the development of e-conveyancing. The impact of Home Information Packs on the UK property market should also be taken into account, as well as the differing characteristics of the Irish and UK residential property markets.”

I wish to inform the Deputy that I will shortly be signing the first commencement order under the Property Services (Regulation) Act 2011. The Order will provide for the establishment of the Property Services Regulatory Authority. In line with the 2005 report recommendation as outlined above, I then propose to ask the PSRA, when established, to consider this matter.

421. Deputy Jonathan O’Brien asked the Minister for Justice and Equality if his attention has been drawn to the fact that provisions of the Civil Partnership Act contravene the need for equivalence in human rights provisions under the terms of the Good Friday Agreement; his plans to rectify this; and if he will make a statement on the matter. [14253/12]
Minister for Justice and Equality (Deputy Alan Shatter): It is Government policy for all aspects of the Good Friday and Saint Andrews Agreements to be fully implemented. It is important that all appropriate steps are taken to ensure that the institutional architecture of the Agreements is reflected as faithfully as possible in all relevant implementing measures in both jurisdictions. However, an equivalence requirement is not the same as a requirement to put in place identical legislation. The fact that our civil partnership statutory codes differ in some respects does not give rise to a requirement on either Ireland or the UK to amend the legislation.

Magdalene Laundries

422. Deputy Maureen O’Sullivan asked the Minister for Justice and Equality if he will establish a threshold for State interaction short of the interdepartmental committee’s final report to enable meaningful discussion to take place on an apology, redress and restorative justice as called for by both the Irish Human Rights Commission and the United Nations Committee Against Torture. [14049/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Deputy will be aware that the Government considered the circumstances of women and girls who resided in the Laundries at its meeting on 14 June, 2011. As a first step, the Government decided that it was essential to fully establish the true facts and circumstances relating to the Magdalen Laundries and a number of actions were agreed.

This included the setting up of an Inter-Departmental Committee to establish the facts of State involvement with the Magdalen Laundries, to clarify any State interaction, and to produce a narrative detailing such interaction. The Committee, under the independent chairmanship of Senator Martin McAleese, is making good progress and their final report is expected mid year. I welcome the progress that is being made and, in particular, I am pleased to tell the House that the Committee is continuing to receive full co-operation from all concerned including the religious orders and representative groups of women who were formerly resident in the Laundries.

In addition Minister of State with responsibility for Disability, Equality, Mental Health and Older People, Kathleen Lynch T.D. and I met with the religious congregations and the groups representing former residents of the Magdalene Institutions to discuss a number of issues. One of these was the question of facilitating a restorative and reconciliation process between individuals who had been in such institutions and the religious congregation responsible for the running of the institution.

I am conscious of the need to progress matters as quickly as possible. However, it is also important to emphasise that we are in a process which is seeking to fully establish the facts and it is still too early at this stage to predict what the outcomes might be.

Criminal Prosecutions

423. Deputy Bernard J. Durkan asked the Minister for Justice and Equality, further to Parliamentary Question No. 533 of 21 February 2012, the number of criminal prosecutions that have been unsuccessful due to a delay in processing DNA samples obtained from crime scenes; if priority will be given to the processing of DNA samples obtained following a burglary at a location (details supplied) in County Kildare that occurred on 14 November 2011 in which a substantial amount of money was appropriated, the victims of which are still awaiting the results almost six months later; and if he will make a statement on the matter. [13464/12]
Minister for Justice and Equality (Deputy Alan Shatter): The Forensic Science Laboratory works closely with An Garda Síochána in order to prioritise those cases where it can add value to an investigation. An arrangement is also in place with the Office of the Director of Public Prosecutions whereby the Laboratory is alerted in the event of a case awaiting a DNA result. The Deputy will appreciate that DNA evidence only forms one component of the evidence in criminal cases and, accordingly, the compilation of statistics of the type referred to by him would not arise. I am further informed by the Forensic Science Laboratory that work is proceeding on the case referred to and a report is expected shortly.

Citizenship Applications

424. Deputy Peadar Tóibín asked the Minister for Justice and Equality the position regarding a naturalisation application in respect of a person (details supplied) in County Cavan; the stage of processing of same; the timeframe for dealing with same; when a decision will issue; and if he will make a statement on the matter. [13475/12]

Minister for Justice and Equality (Deputy Alan Shatter): A valid application for a certificate of naturalisation from the person referred to by the Deputy was received in the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) in May 2008. The application is at an advanced stage of processing and the person concerned will be informed of my decision on their application in due course.

The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

Appointments to State Boards

425. Deputy Gerald Nash asked the Minister for Justice and Equality if he will provide details in relation to the number and names of all semi-State companies and statutory agencies under the remit of his Department; if he will provide a list of all members of the board of such organisations for the years 2007, 2008, 2009, 2010 and 2011; if he will provide a list of all expenses associated with membership of these boards on an individual basis for the relevant years; if he will provide information relating to the profession or occupation of all such members of the relevant State companies and statutory agencies; and if he will make a statement on the matter. [13509/12]

Minister for Justice and Equality (Deputy Alan Shatter): I wish to advise the Deputy that in the limited time available it has not been possible to provide the information required. However, the information is currently being collated and will be sent to the Deputy as soon as possible.

Citizenship Applications

426. Deputy John O’Mahony asked the Minister for Justice and Equality the reason for the delay in approving citizenship in respect of a person (details supplied) in County Wexford who...
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 July, 2007.

The application is at an advanced stage of processing 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.

Marriages of Convenience

427. Deputy Michael McGrath asked the Minister for Justice and Equality the steps he will take to address the issue of sham marriages involving certain immigrants; and if he will make a statement on the matter. [13515/12]

Minister for Justice and Equality (Deputy Alan Shatter): Free movement is a fundamental right for citizens of the EU. However, this country is no different to other Member States in its experience that this right of all EU citizens is being abused by those seeking to circumvent proper immigration controls on entering the Union. One such abuse is the well documented evidence of highly unusual patterns of marriage involving EU citizens and third country nationals.

This is a complex issue and there is no single, legislative or operational action that will eliminate the problem of marriage of convenience. It is a question of taking a number of complementary measures to make such marriages less prevalent and, where they do take place, less beneficial to those who engage in them.

Marriage of convenience is difficult to prove and the constitutional protection of marriage makes the possibility of effective criminal sanctions highly problematic.

I have asked my officials to re-examine the provisions in the Immigration Residence and Protection Bill 2010 and to draft amendments dealing with immigration related marriages of convenience and sham marriages. A similar approach is being taken in respect of the Free Movement regulations that transposed the EU Directive into Irish law. My officials are also working closely with the Garda National Immigration Bureau and the Department of Social
Protection to identify a range of other initiatives, including legislative, which can be pursued to address the problem.

Asylum Applications

428. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the progress made to date in the determination of residency status in the case of a person (details supplied) in County Cork; and if he will make a statement on the matter.  [13594/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** Arising from the refusal of his asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 27th March, 2009, that the then Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against him. In addition, he was notified of his entitlement to apply for Subsidiary Protection in accordance with the provisions of the European Communities (Eligibility for Protection) Regulations 2006.

The person concerned submitted an application for Subsidiary Protection. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before a final decision is made. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy’s view, inadequate or too long awaited.

Visa Applications

429. **Deputy Paschal Donohoe** asked the Minister for Justice and Equality the position regarding a visa renewal application in respect of a person (detail supplied); and if he will make a statement on the matter.  [13595/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have been informed by the Irish Naturalisation and Immigration Service (INIS) that on 6 October 2011, the person concerned was instructed by the Garda National Immigration Bureau to contact the General Immigration Section, INIS giving details of her current circumstances in the State. This is for the purpose of assessing her request for an extension of permission to remain in the State. She has so far failed to follow up on that instruction.

I would strongly advise that the person concerned make contact with the General Immigration Section immediately. I understand that her permission to remain in the State has expired and she is, therefore, for all purposes unlawfully present in the State.
Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy’s view, inadequate or too long awaited.

Asylum Support Services

430. **Deputy Gerry Adams** asked the Minister for Justice and Equality if the current residents of the Mosney camp are to be relocated to the Bettystown Court Hotel; and if the National Asset Management Agency has agreed to finish the unfinished apartments and house them there. [13603/12]

**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. Currently, there almost 5,300 persons accommodated in 38 RIA centres located throughout the State.

The scenario outlined in this question does not arise. RIA does not have a contract with the hotel cited by the Deputy.

As I have said in response to a number of recent Dáil Questions, it seems that there is speculation locally in relation to this hotel as to its possible future use as an asylum accommodation centre and this speculation appears to be connected to the nearby Mosney Centre, where currently 573 persons reside. There are no immediate plans to change existing arrangements in Mosney. RIA has entered into discussions with the contractor at Mosney in the context of the expiry of the current contract this June and these discussions are ongoing.

As a general point, 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 number of asylum seekers requiring accommodation now and in the future is under constant review.

Work Permits

431. **Deputy Finian McGrath** asked the Minister for Justice and Equality the position regarding a work permit and citizenship in respect of a case (details supplied). [13673/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Deputy will appreciate that in the absence of any detail on the current immigration status of the person concerned including the type of visa he possessed to enter the State, I can only answer in general terms. I would point out that information is available on www.inis.ie and www.djei.ie in relation to immigration and employment permit requirements respectively.

In order to take up employment in the State a Bangladeshi national is required to be in possession of a valid work permit (issued by the Department of Jobs, Enterprise and Innovation) and a valid visa. These documents should in the normal course be acquired in advance of travel to the State. The person must also register and seek permission to remain in the State on the basis of their work permit by presenting themselves to their local Registration Officer.

A person who wishes to apply for Irish citizenship must satisfy the following conditions:
Must be of full age (i.e. eighteen years or older, or married if younger than eighteen.

Must be of good character

Must have a period of one year’s continuous reckonable residence in the State immediately before the date of the application and, during the eight years preceding that, have had a total reckonable residence in the State amounting to four years. Note: time spent as a student in the State does not count towards reckonable residence.

I would advise the Deputy that a specific case 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.

Visa Applications

432. **Deputy Derek Nolan** asked the Minister for Justice and Equality if he is satisfied that a visa application in respect of a person (details supplied) in County Galway was carried out correctly and that all documents submitted were considered; and if he will review the file to see if the application process was carried out correctly. [13680/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The visa application referred to by the Deputy was received in the Irish Visa Office, Abu Dhabi on the 24 January 2012. The visa application fee (whilst not the full amount) was confirmed as being paid on the 26 February 2012. Further supporting documents were requested that same day and were provided the following day, 27 February 2012.

The visa application was thoroughly considered by a visa officer on the 28 February 2012 and the decision to refuse the visa sought was made at that time. The majority of straight-forward visa applications in all Irish visa offices are decided upon within a few working days and there is nothing unusual in the fact that the visa application was considered and decided upon within one working day of receiving all of the necessary supporting documentation and information. Because of the initial delay in confirming that the visa fee had been paid via the customary local bank transfer arrangements, this particular application was given priority treatment, the additional information required was very quickly sought from the applicants and a decision was arrived at as soon as possible after receipt of that additional information. Every application for an Irish visa is examined in detail to determine if a visa should be granted. The onus is on a visa applicant to satisfy the visa officer that a visa should be granted, and to supply the necessary information to help the visa officer reach that decision.

Following standard practice, once a decision on the application was made, the applicant was immediately informed in writing of that decision. In common with all refused visa applicants, it is open to the applicant in this case to appeal the decision to refuse the visa within two months of the date of the refusal, in this instance, before the 28 April 2012. Where doing so the applicant would be strongly advised to be in a position to address the refusal reasons outlined in the written notification. The designated office for the consideration of an appeal is the Irish Visa Office, Abu Dhabi.

Queries in relation to general immigration matters may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using
Questions— 13 March 2012.  Written Answers

[Deputy Alan Shatter.]

the e-mail service except in cases where the response from INIS is, in the Deputy’s view, inadequate or too long awaited.

Garda Stations

433. **Deputy Brian Stanley** asked the Minister for Justice and Equality the number of gardaí that have been allocated to Sundrive Road Garda station, Dublin metropolitan region, in 2010, 2011 and 2012. [13686/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Deputy will be aware that the Commissioner, in consultation with his senior management team, is responsible for the detailed allocation of resources, including personnel, throughout the organisation. This allocation of resources is constantly monitored in the context of crime trends, policing needs and other operational strategies in place on a District, Divisional and Regional level to ensure optimum use is made of Garda resources and the best possible Garda service is provided to the public.

The Garda Commissioner has informed me that the personnel strength of Sundrive Garda Station on 31 December 2010, 2011 and on 31 January 2012 (the latest date for which figures are readily available) was 77, 71, and 70 respectively and that 7 Garda Reserves are also presently assigned there. These resources are also augmented by 2 civilian staff who provide technical and administrative support in Sundrive Garda Station.

Courts Service Staff

434. **Deputy Paul J. Connaughton** asked the Minister for Justice and Equality when a new grant of probate officer for County Galway will be appointed in view of the fact that at present the position is vacant and many probate matters are being held up as a result; and if he will make a statement on the matter. [13707/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Probate Office is an office of the High Court. Management of the courts is the responsibility of the Courts Service which is independent in exercising its functions under the Courts Service Act 1998.

However, in order to be of assistance to the Deputy, I have had enquiries made and the Courts Service has informed me that District Probate Registries located outside Dublin are located within Circuit Court Offices. Staff in these offices are not exclusively assigned to probate work and also have responsibility for other aspects of circuit court work. I am informed that a number of staff have retired from Galway Circuit Court Office which operates the District Probate Registry for Co. Galway and Co. Roscommon. I am informed that assistance is being provided by the local Courts Service Regional Office and from neighbouring offices which have experience of probate work to immediately address this issue. In addition, the Courts Service has indicated to applicants that, if they so wish, may lodge probate applications with the Probate Registry in Dublin.

I am sure that the Deputy will appreciate that the Courts Service, in common with all other public sector organisations, is obliged to ensure that resources are deployed to best effect to ensure continuity of service with reduced budgets and resources. Greater flexibility in the deployment of available resources will be critical in maintaining the delivery of front line court services.

The Court Service has informed me that they have put in place contingency plans which are being customised to meet the needs of individual offices, including the Galway Circuit Court Office. These plans include technical skills training to address the skills and knowledge deficit resulting from retirements. The Service has put in place a series of work force planning
measures over the last three years to ensure that available resources are deployed to best effect including the centralising of processes, creation of multi-jurisdictional combined court offices, rationalisation of court venues and offices, rationalisation and standardisation of processes and an ongoing review of resource allocation including redeployment to front line services.

**Garda Retirements**

435. **Deputy Brian Stanley** asked the Minister for Justice and Equality the number of gardaí seeking early retirement in County Offaly.  [13743/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have been informed by the Garda Authorities that no member from County Offaly is currently seeking early retirement. Members of An Garda Síochána who joined the force prior to 1 April 2004 may retire on full pension once they have served for at least 30 years and they have reached 50 years of age. Members of An Garda Síochána who joined the Force on or after 1 April 2004 may retire on full pension once they have served at least 30 years and have reached 55 years of age. In both cases members must retire once they reach 60 years of age.

**Garda Equipment**

436. **Deputy Brian Stanley** asked the Minister for Justice and Equality the number of Garda stations in County Offaly that have access to broadband; and the number that do not have access to broadband.  [13744/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The provision of Garda information technology resources is a matter for the Garda Commissioner. I am informed by the Garda authorities that there are 16 Garda stations in County Offaly of which 7 are currently connected to the Garda Network providing them with broadband facilities. While the remaining 9 stations are not linked to the Garda Network personnel serving at these stations access the Network through connected stations.

I am also advised that the general Garda policy is to expand the number of stations attached to the Garda Network. This is a process which is undertaken in the light of overall operational requirements and the availability of financial resources.

**Crime Statistics**

437. **Deputy Kevin Humphreys** asked the Minister for Justice and Equality if his attention has been drawn to a website (details supplied); if he will clarify if An Garda Síochána has been in contact with the operators of the website; if he will encourage An Garda Síochána to better promote the initiative via the community policing forum, their own website and any other method open to them; and if he will make a statement on the matter.  [13770/12]

438. **Deputy Kevin Humphreys** asked the Minister for Justice and Equality if his attention has been drawn to the fact that the Central Statistics Office has data showing an increase in the number of bicycles being stolen; if he will clarify the current status of the Garda stolen bike unit; if he will ask An Garda Síochána to reactivate the stolen bike unit; and if he will make a statement on the matter.  [13771/12]

439. **Deputy Kevin Humphreys** asked the Minister for Justice and Equality if he will provide in tabular form the number of stolen bicycles reported to An Garda Síochána in 2009, 2010 and 2011; the number of stolen bicycles that were recovered in each of those years; the number
of stolen bicycles that were returned to their rightful owner; and if he will make a statement on the matter.  [13772/12]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 437, 438 and 439 together.

In the time available it has not been possible for the Garda authorities to supply all of the information sought by the Deputy. I will be in contact with the Deputy when the information is to hand.

Insofar as statistics are concerned, the Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose.

I have requested the CSO to provide the statistics referred to directly to the Deputy.

Garda Auctions

440. Deputy Kevin Humphreys asked the Minister for Justice and Equality if he will provide in tabular form the amount of money raised by An Garda Síochána from the auctioning of unclaimed property in 2009, 2010 and 2011; if he will detail whether these moneys are returned to the Exchequer or retained by An Garda Síochána within its own budget; if he will provide a breakdown of the property sold by asset class; if he will detail the number of bicycles that were sold in each of those years and the amount of money that was raised from the sale of unclaimed bikes, within the same table; and if he will make a statement on the matter.  [13777/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Garda authorities that the amounts of money realised by An Garda Síochána through the sale of unclaimed property by public auction, including bicycles, in the years 2009 to 2011 are as detailed in the following table:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount of Money Raised from Auctioning Unclaimed Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>€128,730</td>
</tr>
<tr>
<td>2010</td>
<td>€84,802</td>
</tr>
<tr>
<td>2011</td>
<td>€82,607</td>
</tr>
</tbody>
</table>

Money received from the sale of unclaimed property is accounted for as an Appropriation-in-Aid within the Garda Vote.

The Garda authorities have also advised me that records in relation to the classes of the unclaimed property sold and the number of bicycles are not readily available. In this context I understand that extraction of the relevant information would involve a significant and disproportionate use of Garda resources which are required for other purposes.

Firearms Licences

441. Deputy Dan Neville asked the Minister for Justice and Equality if he will clarify the situation regarding the firearms licensing system; if he proposes to update the system in view of Judge Hedigan’s observation in the High Court regarding the present approach that if the system put in place is not being followed, then both the granting and refusal process is clearly flawed; and if he will make a statement on the matter.  [13825/12]
Minister for Justice and Equality (Deputy Alan Shatter): I take it the Deputy is referring to a recent High Court case involving Judicial Reviews of decisions by Chief Superintendents in firearms cases. What was at issue were decisions by Chief Superintendents to refuse applications for licenses for high calibre handguns. That case was settled with no admission of wrongdoing on the part of the State but with an undertaking to consider applications afresh and give reasons to applicants where applications are turned down.

As the Deputy will appreciate the settlement involved cases taken by 168 individuals which represented a tiny minority of firearms applications. In an interim report which I received from the Garda Commissioner he indicated that he was reviewing certain aspects of the operation of the firearms licensing system and I await a further report from him.

Tragically, the House will have been reminded in recent weeks of the dangers which licensed firearms can pose for members of An Garda Síochána and others and of the dangers of firearms generally. For my part, I am determined to ensure that in the operation of the firearms licensing system, the question of public safety is paramount.

Proposed Legislation

442. Deputy Kevin Humphreys asked the Minister for Justice and Equality when he intends to publish the spent convictions Bill; when this important legislation will be put through the Oireachtas; and if he will make a statement on the matter. [13940/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Criminal Justice (Spent Convictions) Bill 2012 is included on the priority ‘A’ list of Government legislation. I expect to be in a position to publish the Bill, drafting of which is almost complete, very shortly.

The Bill will allow former offenders to withhold details of certain qualifying convictions once certain conditions have been met and an appropriate conviction free period has been completed. The Bill will not entail a deletion of a criminal record but rather the non-disclosure of the conviction in certain circumstances. Convictions for sexual offences and offences reserved for trial by the Central Criminal Court (e.g. murder and rape) will be excluded from benefiting under the Bill, while persons applying for positions of employment involving the care of children and vulnerable adults will continue to have to disclose all past convictions.

Once published, I will be anxious to have the Bill enacted without delay.

Sexual Offences

443. Deputy Denis Naughten asked the Minister for Justice and Equality the number of persons who breached conditions under part 2 of the Sex Offenders Act 2001; the number of recorded incidents, prosecutions and convictions that have taken place in 2009, 2010, 2011 and to date in 2012; his plans to review the enforcement of part 2 of the act; and if he will make a statement on the matter. [13941/12]

450. Deputy Denis Naughten asked the Minister for Justice and Equality the number of sex offenders who entered the State from abroad in each of the past five years and notified the Garda under the Sex Offenders Act 2001 within the specified seven days; the number who breached this notification procedure; and if he will make a statement on the matter. [13981/12]

473. Deputy Bernard J. Durkan asked the Minister for Justice and Equality the extent to which the sex offender register is compiled or updated and controlled by his Department; and if he will make a statement on the matter. [14286/12]
Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 443, 450 and 473 together.

The Sex Offenders Act 2001 contains a comprehensive series of provisions aimed at protecting children and other persons. Part 2 of the Act makes persons convicted of a range of sexual offences subject to notification requirements. The provisions of the Act also extend to any offenders convicted abroad of the same range of sexual offences who enter the State. I am informed by the Garda authorities that, as of 8 March 2012, there are 1,200 persons currently subject to the requirements of Part 2 of the Act. I am confident that the appropriate level of monitoring is carried out by An Garda Síochána and all breaches of the requirements which come to notice are pursued.

The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose.

I have requested the CSO to provide relevant statistics directly to the Deputy.

Insofar as the information requested regarding the number of notifications in relation to sex offenders entering the state from abroad is concerned, I am informed that this is not readily available and would require a disproportionate amount of Garda time and resources to collate. However, such persons are subject to the requirements of Part II, Sex Offenders Act, 2001.

All offenders subject to the notification requirements are monitored by the Sex Offender Management and Intelligence Unit (SOMIU) at the Garda National Bureau of Criminal Investigation. The Unit is supported by Garda Inspectors nominated in each Garda Division throughout the State. I am informed that the nominated Inspector in each Division has access to all necessary resources within his/her division to assist him/her in carrying out his/her duties. Where An Garda Síochána becomes aware that an offender subject to the notification requirements has breached those requirements, appropriate action is taken.

444. Deputy Denis Naughten asked the Minister for Justice and Equality the current notification period under the Sex Offenders Act 2001 for a person entering the State; the corresponding period for a person resident in the State; the number of recorded incidents, prosecutions and convictions for persons under each category who have failed to comply with this notification that have taken place from 2009 to date in 2012; the plans to review the current notification period; and if he will make a statement on the matter. [13942/12]

Minister for Justice and Equality (Deputy Alan Shatter): Under the Sex Offenders Act 2001, a convicted sex offender is required to notify his name and home address to An Garda Síochána within 7 days of becoming subject to the notification requirement. This notification period applies whether the person is resident in the State or was convicted of a relevant offence in another jurisdiction and subsequently enters this State.

My Department has been conducting a wide-ranging examination of the law on sexual offences and a review of the Sex Offenders Act 2001 formed an integral part of that examination. Arising from the review, I expect to bring forward legislative proposals, including amendments to the notification requirements in the 2001 Act, in the coming months.

With respect to the statistical information the deputy has requested, the Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose. I have requested the CSO to provide statistics directly to the Deputy.
Illegal Moneylenders

445. **Deputy Michael McGrath** asked the Minister for Justice and Equality if any additional enforcement measures are planned to tackle the number of illegal moneylenders operating; and if he will make a statement on the matter. [9907/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** Offences relating to moneylending are provided for in Part VIII of the Consumer Credit Act 1995.

Persons who engage in moneylending and who do not hold the necessary licence granted by the Central Bank are committing an offence under section 98 of the Act, which provides for a prohibition on engaging in the business of moneylending without a licence.

A person who is guilty of an offence under the Act is liable, on summary conviction, to a fine not exceeding €3,000 or imprisonment for a term not exceeding 12 months or both, or on conviction on indictment, to a fine not exceeding €100,000 or imprisonment for a term not exceeding 5 years or both.

The powers of An Garda Síochána in tackling illegal moneylending are principally contained in sections 105 to 109 of the Act, which make provision for a number of matters including Garda powers of entry and arrest.

I am informed by the Garda authorities that where offences under section 98 are disclosed, and are reported to An Garda Síochána, the matters will be the subject of investigation under the direction of the local District Officer, with relevant expert assistance available from the Garda Bureau of Fraud Investigation.

I would therefore encourage those who may have information concerning the operation of unlicensed moneylenders in particular circumstances to make that information available to An Garda Síochána who will take all measures open to them to enforce the law in this area.

Proposed Legislation

446. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality his views on proposals to change the current daylight saving time system; and if he will make a statement on the matter. [9384/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** Each year, usually around the time that clocks go forward in March and go back in October, the issue of our summer/winter time arrangements is raised in media or, as in the current case, through the Parliamentary Question system.

Of late, the proposal attracting most attention in relation to this matter concerns the Daylight Saving Bill, a Private Members’ Bill before Parliament in the United Kingdom, which, if it became law, would require the British Government to conduct a cross-departmental analysis of the potential costs and benefits of the advancing time by one hour for all, or part of, the year. If this analysis found that a clock change would benefit the United Kingdom, the Bill requires that the Government initiate a trial clock change to determine the full implications. I further understand that such analysis would include a breakdown, so far as possible, of the costs and benefits for England, Wales, Scotland and Northern Ireland. However, on 20 January, 2012 the Report Stage of the Bill was debated in the House of Commons when the Bill was deemed to have run out of time and fallen.

Given that European Union Directive 2000/84/EC results in all EU member states starting and ending summer time simultaneously in order that time differences between member states
remain constant throughout the year, this would impose a limitation on the discretion available to member states in this area.

I have no plans at this time to change the present time zone arrangements or to conduct a cross-departmental cost benefit analysis of advancing time by one hour all year round for Ireland. However, officials of my Department and the Department of Foreign Affairs are keeping a close watch on the issue and should the position I have outlined change I will review the situation.

Child Protection

447. Deputy Caoimhghín Ó Caoláin asked the Minister for Justice and Equality his plans to educate children about safe Internet use; and if he will make a statement on the matter. [8069/12]

Minister for Justice and Equality (Deputy Alan Shatter): A wide range of actions are currently undertaken to educate children and young people about safer internet use. The Safer Internet Ireland (SII) project, which is funded by the EU’s Safer Internet Programme is a consortium of industry, education, child welfare and government partners that provide Safer Internet awareness, hotline and helpline functions in the Republic of Ireland. The National Centre for Technology in Education (NCTE), ISPCC Childline, the National Parents Council (Primary), and the Internet Service Providers Association of Ireland are partners in the consortium. The project is coordinated by my Department’s Office for Internet Safety (OIS) to develop national initiatives promoting safer use of electronic media and to enhance protection of the vulnerable, particularly children, against the downside of the Internet.

As part of the Safer Internet Ireland project, the NCTE, an Agency of the Department of Education and Skills, manages the Webwise initiative (www.webwise.ie) which is the Irish Internet Safety Awareness Centre. Webwise provides parents, teachers and children with educational resources, advice and information about potential dangers on the internet and empowers users to minimise or avoid these risks. NCTE also operates the www.watchyourspace.ie website which provides advice for young people on how to manage their online activities to avoid problems. ISPCC’s Childline service receives funding from the project to support it in responding to contact from young people who may have encountered difficulties in their use of the internet and other technologies, including issues such as cyberbullying. Another element of the project involves funding to the National Parents Council (Primary) which operates a national confidential helpline for parents providing information and support if their children encounter issues on the internet, particularly cyberbullying. The National Parents Council also delivers internet safety workshops for parents in schools nationwide. These workshops, delivered by a network of qualified trainers, focus on strategies for improving communication between parents and children and negotiating boundaries to children’s internet use.

Safer Internet Day which takes places early every February is part of a global drive to promote safer and more responsible use of online technology and mobile phones, especially amongst children and young people. This event is supported by the EU and has been celebrated since 2004 by a growing number of countries. Safer Internet Day 2012 took place on Tuesday 7 February 2012 and centred on the theme “Connecting generations and educating each other”, where users young and old are encouraged to “discover the digital world together...safely”! A number of new initiatives targeting children were launched to mark Safer Internet Day 2012. The Webwise Primary School Programme was launched by my colleague, the Minister for Children and Youth Affairs on Safer Internet Day 2012. This is a programme developed by
Webwise and Stay Safe for primary school teachers who wish to introduce internet safety into their teaching of the Social, Personal and Health Education curriculum.

The Garda Primary Schools Programme was first introduced in 1991 and teaches children sensible and responsible patterns of behaviour. The Programme consists of a series of presentations and discussions given to the school children by local Community Gardaí who are specially trained. To mark Safer Internet Day 2012, a new module of the Garda Primary School Programme entitled “Respectful Online Communication” was launched. The new module is targeted at 5th class children in primary schools and aims to address the social media element of the personal safety module of the Garda Schools Programme. It recognises the challenges which children and young people face in modern society, particularly when using new technologies. It aims not only to protect our children from predators or bullies but also to foster a sense of care and respect by them for others when online or when using mobile phones. To deliver the module, Gardaí will visit primary schools throughout the country to educate children about their responsibilities around their own behaviour when using the internet or mobile phones.

Working with NCTE’s Webwise, almost 200 industry volunteers from Microsoft Ireland, UPC and O2 gave internet safety talks to over 15,000 pupils in schools across Ireland for Safer Internet Day (SID) 2012. The interactive presentation by industry volunteers encouraged children and their parents to ‘Discover the digital world together...safely!’. Safer Internet Day (SID) talks took place in schools across the country throughout the month of February. The talks were given to children in senior primary classes — students in 4th, 5th and 6th class. The talks highlighted the safety issues that can arise from children using the Internet. All pupils attending a Safer Internet Day Talk in School were be given a Family eSafety Kit produced by UPC and Webwise which contains a variety of fun activities and stickers. The pack also contains a Parents’ Guide which the children could bring home to help connect the generations.

Programme for Government

448. **Deputy Micheál Martin** asked the Minister for Justice and Equality how he proposes to enhance the Irish role in EU judicial and home affairs co-operation as per the programme for Government; and if he will make a statement on the matter. [10755/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Programme for Government commits the Government to enhance the role of Ireland in EU Judicial and Home Affairs cooperation. I am determined to play my part in ensuring that Ireland continues to play a full and active role in influencing policy development at EU level.

Since my appointment as Minister for Justice and Equality in March 2011, I have attended all scheduled meetings of the Justice and Home Affairs Council. One meeting was convened at short notice in May 2011 to discuss immigration and asylum issues arising from political developments in North Africa and, in this instance, Ireland was represented by Minister of State Kathleen Lynch T.D.

The creation, development and maintenance of an area of Justice, Freedom and Security remains a high priority for the European Union, including Ireland. Coordinated efforts by all Member States have enhanced cooperation in the fight against organised crime and terrorism, improved asylum cooperation and increased services to citizens in the area of civil law.

Ireland has consistently and strongly supported practical EU anti-terrorism and anti-organised crime measures as well as strengthening law enforcement cooperation generally.

A central theme of the Stockholm Programme which is the current EU programme of Freedom, Security and Justice focuses on the interests and needs of citizens, providing a safe Union
through police and crime cooperation measures, protecting citizens’ rights and making people’s lives easier through access to justice and judicial cooperation measures.

The 2013 European Union Presidency will provide a valuable opportunity to have an even greater influence in developments in EU affairs in the Justice and Home Affairs areas. In this context, I have held discussions with EU Interior and Justice Ministers on EU issues to be pursued in the Justice and Home Affairs Council with a particular focus on developing an effective Irish Presidency programme.

Question No. 449 answered with Question No. 110.

Question No. 450 answered with Question No. 443.

Sexual Offences

451. **Deputy Denis Naughten** asked the Minister for Justice and Equality the number of sex offences recorded in 2011; the number of prosecutions and convictions; and if he will make a statement on the matter. [13982/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose.

I have requested the CSO to provide the statistics referred to directly to the Deputy.

Departmental Funding

452. **Deputy Seamus Kirk** asked the Minister for Justice and Equality the amount of grant aid given by State agencies under his control to women’s refuges in each of the past three years. [14004/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The following tabular statement sets out the amounts paid by my Department to domestic violence refuges in the years 2009 to 2011, inclusive.

<table>
<thead>
<tr>
<th>Year</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount</td>
<td>€195,000</td>
<td>€226,614</td>
<td>€207,862.75</td>
<td>€629,476.75</td>
</tr>
</tbody>
</table>

Core funding for domestic violence refuges is provided by the Health Service Executive and the Department of the Environment, Community and Local Government funds maintenance costs through the relevant local authority. I also understand that other funding schemes, for which refuges may apply, are run from time to time by State bodies and Government Departments including the Community area of the Department of the Environment, Community and Local Government.

Controlled Drug Sales

453. **Deputy Paschal Donohoe** asked the Minister for Justice and Equality if there is a high prevalence of the legal drug Black Mamba; if the Garda has encountered many instances of it on the streets; and if he will make a statement on the matter. [14008/12]
Minister for Justice and Equality (Deputy Alan Shatter): In 2010 following the introduction of further regulation of psychoactive substances under the Misuse of Drugs legislation and the enactment of the Criminal Justice (Psychoactive Substances) Act 2010, a series of test-purchasing operations was undertaken at so called headshop outlets by the Garda National Drug Unit.

These operations resulted in the seizure of a range of products including cannabanoid products, cathinone substances and substances suspected to contain benzylpiperazine or its derivatives.

With regard to the product referred to by the Deputy, I am informed by the Garda authorities that the product has, in the past, been marketed as an incense-blend but has frequently been misused by purchasers and smoked, similar to a tobacco-based product. When such products have been the subject of analysis, they have been found to contain a synthetic substance, JWH-018, which is a controlled substance having been included in the Schedule to the Misuse of Drugs Acts 1977 and 1984 which came into effect from 11 May, 2010.

The Garda National Drugs Unit continues to monitor the few remaining headshop outlets closely and no evidence of the product referred to being available for sale has been noted at this time. In addition, I am informed that there is no evidence that JHW-018 or any other synthetic cannabinoids are prevalent on the illicit drugs market in Ireland at present.

The Garda National Drug Unit is continually monitoring retail outlets involved in the sale of products traditionally sold by headshops and, in partnership with its European counterparts, is constantly monitoring trends in the headshop phenomenon in order to identify emerging trends and patterns with a view to the early identification of possible new products.

Proposed Legislation

454. **Deputy Catherine Murphy** asked the Minister for Justice and Equality when he expects to publish the regulatory impact assessment for the Legal Services Bill; if he intends to publish it in advance of Committee Stage; and if he will make a statement on the matter. [14065/12]

Minister for Justice and Equality (Deputy Alan Shatter): The situation in relation to a Regulatory Impact Analysis for the Legal Services Regulation Bill 2011 remains as outlined in my closing statement for Second Stage of the Bill on 23 February 2012. Although a preliminary Regulatory Impact Analysis had been in preparation for the Bill, because of the prescribed time-frame under the EU-IMF-ECB Programme, it did not prove possible to complete it for issue when the Bill was published. The development of that Regulatory Impact Analysis is further advanced and will continue against the backdrop of the amendments I propose for the Bill and have indicated at the closing of Second Stage. It will be made available for timely consideration in advance of Committee Stage. Deputies will be aware that the relevant Guidelines specifically allow for a Regulatory Impact Analysis to follow a Bill in such exceptional circumstances as applied in this instance.

Garda Deployment

455. **Deputy Catherine Murphy** asked the Minister for Justice and Equality if he intends to review, in conjunction with the Garda Commissioner, the current strategic deployment of gardaí around the country; if so, if he intends to address the current large disparity in Garda numbers from region to region as part of such a review; and if he will make a statement on the matter. [14066/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Deputy will be aware that the Commissioner, in consultation with his senior management team, is responsible for the detailed
allocation of resources, including personnel, throughout the organisation and I have no function in this process. This allocation of resources is constantly monitored and reviewed where necessary, in the context of crime trends, policing needs and other operational strategies in place on a District, Divisional and Regional level to ensure optimum use is made of Garda resources and the best possible Garda service is provided to the public.

Garda Operations

456. **Deputy Finian McGrath** asked the Minister for Justice and Equality if he will review a matter (details supplied) in an area. [14130/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda authorities that the area referred to is within Clontarf Garda sub-District. Local Garda management closely monitor crime trends in the area. Policing measures are in place to address difficulties being experienced by local residents, including in areas that have been designated as “hot-spots” for anti-social behaviour. Local Garda management has directed that additional high visibility patrols of the area take place.

A member of the local Community Policing Unit is allocated specifically to the area concerned and liaises closely with local residents. The area is the subject of regular patrols by uniform and plain clothes personnel, including the Community Policing Unit, supplemented as required by the District and Divisional Detective and Drug Units and the Regional Support Unit.

Local Garda management closely monitors the situation, including complaints and patrols being conducted in the area, in conjunction with other policing needs in the area to ensure optimum use is made of Garda resources, and the best possible Garda service is provided to the public.

Current policing plans in the area are designed to address issues of crime and public order offences. Community policing is a central feature and core value of policing policy and current policing strategies are predicated on the prevention of crime, public order offences and anti-social behaviour. This strategy is, and will continue to be, central to the delivery of a policing service to the area in question. I am further informed that the situation is being kept under review by Garda management.

Visa Applications

457. **Deputy Anthony Lawlor** asked the Minister for Justice and Equality the criteria used to determine whether an applicant or reference for a holiday visa to Ireland has sufficient funds to finance their trip to Ireland; if there is a specific level of income or savings which need to be attained by either the applicant or reference before the application can be considered; and if he will make a statement on the matter. [14133/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** In assessing a visa application a visa officer takes into consideration a number of factors before arriving at a decision. Each visa application is considered on its individual merits, the onus resting at all times with the applicant to satisfy the visa officer that the visa should be granted.

Regarding the matter of finances and what would be considered sufficient, I can advise that there is no specific level of income or savings identified as being sufficient for holiday purposes. Because of the unique nature of each case, it is not possible to be prescriptive in this regard. However, in order to provide the Deputy with some insight in to the decision making process, a visa officer may consider finances as being insufficient in such circumstances as follows:
where no evidence of finances was provided, or where the evidence that was provided was deemed insufficient or incomplete;

- the finances shown are deemed insufficient taking into account the duration and nature of the proposed stay in Ireland;

- where the potential cost of the proposed visit is high in comparison to the means which the applicant has shown.

As with all visa services in countries worldwide, my central concern as the Minister responsible is that my Department strikes an appropriate balance between protecting the country’s vital national interests by maintaining an effective immigration regime, while, at the same time, not placing unnecessary or unreasonable obstacles in the way of those who intend travelling for legitimate purposes and who are likely to abide by the terms of their visa.

Proposed Legislation

458. **Deputy Michael Healy-Rae** asked the Minister for Justice and Equality, in view of his decision not to support the Scrap and Precious Metal Dealers Bill introduced by Deputy Mattie McGrath, if he has any proposals to bring forth legislation to deal with the lack of regulation which is resulting in crimes being committed the length and breadth of Ireland; and if he will make a statement on the matter. [14148/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** Reviews of the matters covered by the Bill to which the Deputy refers are at an advanced stage and the conclusions arising will allow for the necessary comprehensive assessment of the matters and the development of any necessary measures to address any gap that currently exists in the law in respect of cash for gold and scrap metal trading.

My Department is examining the criminal justice aspects of the cash for gold trade and a report of this examination will assist me in defining precisely the measures that may be needed. In the area of metal thefts, a Metal Theft Forum under the aegis of An Garda Síochána is examining the regulation of the scrap metal industry and I expect this examination to be finalised shortly.

Residency Permits

459. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current or expected position on an application for family reunification in the case of a person (details supplied) in County Louth; and if he will make a statement on the matter. [14150/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Irish Naturalisation and Immigration Service (INIS) that there is no record of a family reunification application having been received from the person referred to by the Deputy.

I would advise the Deputy that a specific case 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.

Public Service Staff

460. **Deputy Pat Breen** asked the Minister for Justice and Equality if he will report on the number of public servants from County Clare who retired as part of the Croke Park early
[ Deputy Pat Breen.]

Minister for Justice and Equality (Deputy Alan Shatter): I am taking the Deputy’s question to refer to public servants who have retired in the period 1 January 2012 to 29 February 2012 and who benefited from the provisions under the Financial Emergency Measures in the Public Interest (No. 2) Act 2009 which provided for the superannuation benefits of public servants, who retired within a ‘grace period’ which ended on 29 February 2012, to be unaffected by the pay reductions introduced for all public servants with effect from 1 January 2010 under that Act.

In the period 1 January 2012 to 29 February 2012 a total of 14 public servants who retired from my Department or agencies under my remit were located in County Clare. A detailed breakdown is set out in the following table:

<table>
<thead>
<tr>
<th>Department/Agency</th>
<th>Place of Employment</th>
<th>Grade</th>
<th>Total Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Justice and Equality and agencies staffed by the Department</td>
<td>Probation Service, Clare</td>
<td>Probation Officer — 1</td>
<td>1</td>
</tr>
<tr>
<td>Courts Service</td>
<td>Ennis</td>
<td>Higher Executive Officer — 1</td>
<td>2</td>
</tr>
<tr>
<td>An Garda Síochána</td>
<td>Clare</td>
<td>Sergeant — 2  Executive Officer — 1</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Garda — 7  Clerical Officer — 1  Cleaner — 1</td>
<td></td>
</tr>
</tbody>
</table>

Citizenship Applications

461. Deputy Seán Kyne asked the Minister for Justice and Equality the reason, despite the noticeable improvements in processing times in the immigration and naturalisation section of his Department, for the delay of over three years in the processing of an application in respect of a person (details supplied). [14271/12]

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 December, 2008.

The application is currently being processed with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation, such as good character, lawful residence and intention to continue to reside in the State, 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.

Organised Crime

462. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the action, if
any, that can be taken to curtail the activities of criminal gangs and their associates; given the
degree to which the persons involved are known to the authorities, whether such organisations
are illegal; and if he will make a statement on the matter. [14275/12]

464. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the action that
can be taken to prevent the setting up of criminal gangs whether by legislation or otherwise;
and if he will make a statement on the matter. [14277/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos.
462 and 464 together.

The Deputy will appreciate that membership of organised crime gangs tends to be fluid and
offences committed by members of criminal gangs may or may not be connected with an
individual’s membership of such gangs.

The Garda Síochána Policing Plan for 2012 sets out the continued commitment of An Garda
Síochána to pro-actively target groups and individuals engaged in criminal activity, including
organised criminal activities.

An Garda Síochána undertakes a range of activities designed to disrupt and dismantle the
operations of criminal organisations. This involves targeting serious criminals and organised
criminal groups on a number of fronts, including through the use of focused intelligence led
operations by specialist units such as the Organised Crime Unit, the Criminal Assets Bureau,
the Garda Bureau of Fraud Investigation and the National Bureau of Criminal Investigation.

In addition, An Garda Síochána continues to develop and implement strategies targeting
criminal networks, utilising advanced analytical and intelligence methods to facilitate targeted
operations to enable early intervention and prevention of organised crime.

The Deputy will be aware that the Criminal Justice (Amendment) Act 2009, which entered
into force on 23 July 2009, introduced a number of provisions which strengthened the law
dealing with organised crime, in particular, with regard to participation in organised crime and
directing a criminal organisation.

Since the enactment of that legislation on 23 July 2009, up to 31 January 2012, I am advised
by the Garda authorities that the provisions of the Act have been used on 160 occasions where
arrests have been made relating to organised crime.

In the same period, eight individuals have been charged under the legislation, six under
section 72 of the Criminal Justice Act 2006 as inserted by section 6 of the Criminal Justice
(Amendment) Act 2009 (participating in organised crime) and two under section 71A of the
Criminal Justice Act 2006 as inserted by section 5 of the Criminal Justice (Amendment) Act
2009 (directing a criminal organisation). Furthermore, there have now been two convictions
with regard to the offence of participation in organised crime.

As I have previously indicated to the House, I will keep under review the question of whether
any further improvements could be made to the Criminal Justice (Amendment) Act 2009, along
with other pieces of legislation introduced in recent years tackling organised crime, which would render them more effective.

Where there is an identified requirement for additional legislative provisions to further enhance existing provisions tackling organised crime, I will not hesitate in bringing forward proposals.

**Crime Levels**

463. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the number of gangland executions that have taken place in each of the years to date since 2001; the extent to which the perpetrators have been prosecuted or have themselves been the victims of similar executions; and if he will make a statement on the matter. [14276/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose. I have requested the CSO to provide the most up to date figures concerning homicide directly to the Deputy. As the Deputy will appreciate, the categorisation described in his question does not form part of the classification applied in the Irish Crime Classification System operated by the CSO.

I would emphasise that there is no justification for any homicide, and that all such crimes are fully investigated by An Garda Síochána. The Gardaí devote all the necessary resources to these investigations and are regularly bringing those involved in serious organised crime before the Courts, securing convictions and a substantial number of such criminals are now serving sentences in prison. The Commissioner and the members of the Force have my full support in this regard.

*Question No. 464 answered with Question No. 462.*

**Defence of the Dwelling**

465. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if, arising from a previous incident in which a burglar made a successful insurance claim against a householder, any further legislative action is contemplated to prevent a recurrence; and if he will make a statement on the matter. [14278/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** As I stated in a topical issues debate in the House on the 29 February, the Criminal Law (Defence and the Dwelling) Act 2011 clearly outlines the rights of householders when faced with an attack or an intrusion in their own house.

Section 2 of the Act provides that where a trespasser is entering the dwelling to commit a criminal act, a householder may use such force as is reasonable in the circumstances in order to protect people in the dwelling from assault, to protect property, to prevent the commission of a crime or to make a lawful arrest.

The Act explicitly provides that the person does not have to retreat from their home and contains a specific provision in relation to civil liability. Section 5 provides that—

Notwithstanding the generality of any other enactment or rule of law concerning the civil liability of persons in relation to trespassers, a person who uses such force as is permitted by
Section 2 in the circumstances referred to in that section shall not be liable in tort in respect of any injury, loss or damage arising from the use of such force.

Therefore, if a householder faced with an attack in their house uses reasonable force in the circumstances listed in section 2 of the Act, they are not liable in tort for injuries, damages, etc. This applies to a person when in their dwelling or curtilage (as defined in the Act).

There is no need, therefore, for further legislation in this area. It is not a matter for the Minister for Justice and Equality to comment on the particular circumstances of any settlement made in a private civil action.

466. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if the definition of reasonable force in the context of the Criminal Law (Defence and the Dwelling) Act 2011 needs to be clarified with a view to a clearer understanding of fear-driven reaction by householders faced with intruders; and if he will make a statement on the matter. [14279/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** As I stated recently in a Topical Issues debate in the House, I am of the view that the Criminal Law (Defence and the Dwelling) Act 2011 is an extremely important piece of legislation. I specifically referred to the fact that there had previously been a lack of clarity regarding what a householders rights are when a burglar enters a dwelling and that this Act clearly states what those rights are.

The premise of the Act is the use of reasonable force by a householder against an intruder entering the dwelling with criminal intent. Section 2 of the Act sets out the criteria for this. The householder must believe that the intruder has entered the dwelling to commit a criminal act and the force used against the intruder must only be such as is reasonable in the circumstances as the householder believes them to be, to protect people in the dwelling from assault, to protect property, to prevent the commission of a crime or to make a lawful arrest. Section 2(4) provides that it is a matter for a court or jury to decide whether the householder’s belief with regard to the amount of force used was honestly held and provides as follows:

> It is immaterial whether a belief is justified or not if it is honestly held but in considering whether the person using the force honestly held the belief, the court or jury, as the case may be, shall have regard to the presence or absence of reasonable grounds for so believing and all other relevant circumstances.

I am satisfied that this Act achieves the correct balance in providing protections to the householder.

**Criminal Prosecutions**

467. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the number of successful prosecutions under section 15 of the Misuse of Drugs Act 1977 in each of the past five years to date in 2012; and if he will make a statement on the matter. [14280/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose.

I have, therefore, requested the CSO to provide statistics as sought directly to the Deputy.

**Crime Levels**

468. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the number of
[Deputy Bernard J. Durkan.]
reported incidents of domestic violence in each of the past five years and to date in 2012; the
successful prosecutions arising therefrom; and if he will make a statement on the matter.
[14281/12]

Minister for Justice and Equality (Deputy Alan Shatter): I take it that the Deputy is referring
to incidents of domestic violence reported to An Garda Síochána. Prosecutions in such cases
arise following a breach of the domestic violence barring or protection order. In the usual
course of events following an incident of domestic violence, the victim may apply to court for
a barring or protection order. Where such an order is breached, the victim may report the
matter to An Garda Síochána and a prosecution may arise.

Two sets of statistics therefore arise — one relating to applications to court for barring and
protection orders which are civil law matters; the second relating to prosecution for breach of
barring and protection orders which is a criminal law matter.

The completed full-year figures available with regard to applications for court orders under
the Domestic Violence Acts 1996 and 2002 are as set out in a tabular statement:

<table>
<thead>
<tr>
<th>Year</th>
<th>Category</th>
<th>Applications</th>
<th>Granted</th>
<th>Refused</th>
<th>Withdrawn/struck out</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>Barring Orders</td>
<td>3,132</td>
<td>1,357</td>
<td>93</td>
<td>1,682</td>
</tr>
<tr>
<td></td>
<td>Safety Orders</td>
<td>3,050</td>
<td>1,221</td>
<td>103</td>
<td>1,726</td>
</tr>
<tr>
<td></td>
<td>Protection Orders</td>
<td>3,137</td>
<td>2,845</td>
<td>99</td>
<td>193</td>
</tr>
<tr>
<td></td>
<td>Interim barring orders</td>
<td>605</td>
<td>544</td>
<td>26</td>
<td>35</td>
</tr>
<tr>
<td>2007</td>
<td>Barring Orders</td>
<td>3,355</td>
<td>1,420</td>
<td>115</td>
<td>1,820</td>
</tr>
<tr>
<td></td>
<td>Safety Orders</td>
<td>3,553</td>
<td>1,556</td>
<td>296</td>
<td>1,701</td>
</tr>
<tr>
<td></td>
<td>Protection Orders</td>
<td>3,794</td>
<td>3,235</td>
<td>363</td>
<td>188</td>
</tr>
<tr>
<td></td>
<td>Interim barring orders</td>
<td>692</td>
<td>586</td>
<td>78</td>
<td>28</td>
</tr>
<tr>
<td>2008</td>
<td>Barring Orders</td>
<td>3,096</td>
<td>1,251</td>
<td>580</td>
<td>1,265</td>
</tr>
<tr>
<td></td>
<td>Safety Orders</td>
<td>3,328</td>
<td>1,502</td>
<td>617</td>
<td>1,209</td>
</tr>
<tr>
<td></td>
<td>Protection Orders</td>
<td>3,354</td>
<td>2,955</td>
<td>256</td>
<td>138</td>
</tr>
<tr>
<td></td>
<td>Interim barring orders</td>
<td>623</td>
<td>445</td>
<td>71</td>
<td>107</td>
</tr>
<tr>
<td>2009</td>
<td>Barring Orders</td>
<td>2,855</td>
<td>1,106</td>
<td>89</td>
<td>1,660</td>
</tr>
<tr>
<td></td>
<td>Safety Orders</td>
<td>3,322</td>
<td>1,339</td>
<td>116</td>
<td>617</td>
</tr>
<tr>
<td></td>
<td>Protection Orders</td>
<td>3,134</td>
<td>2,867</td>
<td>120</td>
<td>256</td>
</tr>
<tr>
<td></td>
<td>Interim barring orders</td>
<td>545</td>
<td>451</td>
<td>56</td>
<td>38</td>
</tr>
<tr>
<td>2010</td>
<td>Barring Orders</td>
<td>2,726</td>
<td>1,064</td>
<td>88</td>
<td>1,574</td>
</tr>
<tr>
<td></td>
<td>Safety Orders</td>
<td>3,561</td>
<td>1,457</td>
<td>80</td>
<td>2,024</td>
</tr>
<tr>
<td></td>
<td>Protection Orders</td>
<td>2,926</td>
<td>2,672</td>
<td>134</td>
<td>115</td>
</tr>
<tr>
<td></td>
<td>Interim barring orders</td>
<td>530</td>
<td>431</td>
<td>38</td>
<td>61</td>
</tr>
</tbody>
</table>

The Garda Síochána Act 2005 makes provision for the compilation and publication of crime
statistics by the Central Statistics Office, as the national statistical agency, and the CSO has
established a dedicated unit for this purpose. I have requested the CSO to provide the relevant
statistics directly to the Deputy.
Domestic Violence may also be disclosed by the victim in their interactions with the health, housing, education and community sectors. The National Strategy on Domestic Sexual and Gender-based Violence 2010-2014 includes action to promote opportunities for safe disclosure and increased understanding of domestic violence. It also includes specific action to improve the level and quality of data captured and used, to ensure that policy and service development takes account of the full scale of domestic violence, not only that reported to and prosecuted by An Garda Síochána.

**Prison Education Service**

469. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the number of applications for rehabilitative or educational programmes in each of the prisons in each of the past three years and to date in 2012; the number of such applications that were successful; the number rejected and for what reasons; and if he will make a statement on the matter. [14282/12]

471. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the number of prisoners recorded as having sought participation in educational or rehabilitative schemes at Mountjoy, Wheatfield and Arbour Hill prisons; the extent to which such applications have been approved and on what basis; and if he will make a statement on the matter. [14284/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 469 and 471 together.

The statistics requested by the Deputy are not readily available and would require a disproportionate and inordinate amount of staff time and effort that could not be justified where there are other significant demands on resources. However, I can advise that, in addition to education and vocational training, the Irish Prison Service provides a wide range of other rehabilitative programmes that include health care, psychiatric, psychological, counselling, welfare and spiritual services. These programmes are available in all prisons and all prisoners are eligible to use the services.

Educational services are available at all institutions and are provided in partnership with a range of educational agencies including notably the VECs and Public Library Services. The Department of Education and Skills provides an allocation of 220 whole-time teacher equivalents. Literacy, numeracy and general basic education provision is the priority and broad programmes of education are made available which generally follow an adult education approach. An average of 38% of the prison population attended classes in 2011.

A significant expansion and development of vocational training programmes has taken place in recent years and there are now over 100 workshops in place in our prisons capable of catering for in excess of 800 prisoners each day. There was a significant increase in the number of prisoners who participated in accredited vocational training courses in 2011 when 1,219 prisoners attended such courses.

The Irish Prison Service is in the process of drafting a new Strategic Plan 2012-2014 which will be presented to me, by the Director General, in the first week of April. The Deputy may wish to note that the development of programmes for prisoners will form a central part of this Strategy.

**Electronic Tagging**

470. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent to which electronic tagging has been used to date; the manner of selection for such a programme;
Minister for Justice and Equality (Deputy Alan Shatter): Part 10 of the Criminal Justice Act 2006 provides for the introduction of electronic monitoring, or tagging as it is also known, in this jurisdiction. My predecessor made the relevant order in 2010 commencing the provisions in the context of a restriction of movement condition applying to the granting of temporary release.

A Project Board was at the time set up to examine the whole area of electronic monitoring (EM). The Board recommended that a pilot project be initiated in order to test EM technology in this jurisdiction and assess its value for money in the management of offenders. This recommendation was accepted and a decision was taken to explore, on a pilot basis, the use of Global Positioning System (GPS) Satellite Tracking monitoring technology on a small number of volunteer prisoners.

Following a public tender competition, the Irish Prison Service tested the use of this technology on a small number of prisoners, 31 in all, who were given temporary release. The test phase began in August 2010 and ran up until Christmas. The group of prisoners involved were carefully selected having regard to a range of criteria including the nature of the offence, public safety and overall conduct in prison. I am informed that prisoner compliance was high and only one prisoner was recalled due to a curfew violation. Following the pilot project, the Irish Prison Service has undertaken a review of its viability in the management of offenders along with a cost benefit analysis. That review will be considered in the context of the IPS draft Strategic Plan 2012 — 2014 which I expect will be submitted to me at the beginning of April.

Since the conclusion of the pilot project, a total of seven prisoners have been tagged, mainly because they were in ill-health or where it was agreed on medical advice that their health care, needs were better catered for in the community.

Finally, in line with the recommendations in the Report of the Thornton Hall Project Review Group, the Deputy will know that I am establishing a group to carry out an all encompassing strategic review of penal policy. That group will also look at this issue.

*Question No. 471 answered with Question No. 469.*

**Prisoner Releases**

472. Deputy Bernard J. Durkan asked the Minister for Justice and Equality the criteria for compassionate day, early or supervised release in respect of the various categories of prisoner for health reasons or family events such as funerals, births, confirmations or first communions; and if he will make a statement on the matter.  [14285/12]

*Minister for Justice and Equality (Deputy Alan Shatter):* The Criminal Justice Act 1960, as amended by the Criminal Justice (Temporary Release of Prisoners) Act 2003 provides that sentenced prisoners may be approved temporary release. The Act sets out the criteria which applies including the circumstances when temporary release may be provided and what matters must be taken into account.

Candidates for temporary release are identified by a number of different means but primarily on the recommendation of the Prison Governor or the therapeutic services in the prisons. The
prisoner, their family, or their legal representative can also apply for consideration of such a concession. Recommendations are also made to me in relation to long term sentence prisoners by the Parole Board though it does not necessarily follow that a prisoner will receive temporary release even if the recommendation is to that effect.

Temporary release assists in gradually preparing suitable offenders for release and in administering short sentences, and is an incentive to prisoners. It is an important vehicle for re-integrating an offender into the community in a planned way. The generally accepted view is that the risk to the community is reduced by planned re-integration of offenders compared with their return to the community on the completion of their full sentence.

All applications for temporary release for whatever reason including those referred to in the Question are examined on their own merits and the safety of the public is paramount when decisions are made. The criteria to be considered prior to the grant or refusal of temporary release include the nature and gravity of the offence to which the sentence of imprisonment being served by the person relates, the sentence of imprisonment concerned and any recommendations of the court that imposed that sentence in relation thereto, the potential threat to the safety and security of members of the public (including the victim of the offence to which the sentence of imprisonment being served by the person relates) should the person be released from prison, the length of sentence served, previous convictions, conduct in custody and reports received from a variety of informed sources.

In addition, all releases are subject to conditions which in the vast majority of cases include a requirement to report on a daily basis to the offender’s Garda Station. Of course, any offender who breaches his or her conditions may be arrested and returned to prison immediately by the Gardaí.

A number of key recommendations contained in the Thornton Hall Review Group Report are also receiving priority attention in my Department and many are in the process of being implemented, most notably the introduction of an incentivised scheme for earned temporary release under which offenders who pose no threat to the community are offered early temporary release in return for supervised community service. In this regard, a six month pilot project commenced in October 2011 in which it is envisaged that a total of 130 prisoners will participate. As of Friday 9th March, 119 prisoners have been released under the scheme with a further 13 scheduled for release by the end of the month.

Question No. 473 answered with Question No. 443.

Proposed Legislation

474. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if the national vetting bureau legislation is expected to eliminate the possibility of risk arising from any inadequacies in the register of sex offenders; and if he will make a statement on the matter. [14287/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** Under the provisions of section 26 of the Sex Offenders Act, 2001, it is an offence for a person convicted of a sexual offence to apply for a position working with children or mentally impaired persons without informing the employer of their criminal conviction.

It is currently the practice for persons working in such positions to be vetted when they apply for employment and any criminal conviction is disclosed by the Gardaí at that stage. The National Vetting Bureau Bill will make the current practice mandatory. It will be an offence
for an employer to fail to have prospective employees vetted before appointing them to such positions. This will further strengthen the protection that the law affords to children and vulnerable adults.

**Crime Levels**

475. Deputy Bernard J. Durkan asked the Minister for Justice and Equality the number of reported incidents of sexual offences against women in each of past five years and to date in 2012; the number of successful prosecutions arising from such incidents, with particular reference to section 2 of the Criminal Law (Rape) Act 1981 (as amended); the average length of custodial sentence, if any, received by the perpetrators; and if he will make a statement on the matter [14288/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose.

I have requested the CSO to provide the relevant recorded crime statistics directly to the Deputy.

Insofar as sentences are concerned, tables, provided by the Courts Service, show the outcomes of prosecutions for all sexual offences in the District Court, Circuit Criminal Court and the Central Criminal Court for the years 2006 to 2010.

**Outcomes of prosecutions for sexual offences in the District Court for the years 2006 to 2010**

<table>
<thead>
<tr>
<th>Year</th>
<th>Cases</th>
<th>Imprisonment/Detention</th>
<th>Fines</th>
<th>Community Service/Probation</th>
<th>Struck Out</th>
<th>Dismiss</th>
<th>Taken into Consideration</th>
<th>Peace Bond</th>
<th>Other*</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>415</td>
<td>68</td>
<td>71</td>
<td>68</td>
<td>112</td>
<td>18</td>
<td>59</td>
<td>8</td>
<td>11</td>
</tr>
<tr>
<td>2007</td>
<td>517</td>
<td>61</td>
<td>67</td>
<td>73</td>
<td>169</td>
<td>27</td>
<td>95</td>
<td>8</td>
<td>17</td>
</tr>
<tr>
<td>2008</td>
<td>2017</td>
<td>108</td>
<td>36</td>
<td>93</td>
<td>140</td>
<td>15</td>
<td>73</td>
<td>21</td>
<td>1,531</td>
</tr>
<tr>
<td>2009</td>
<td>1352</td>
<td>66</td>
<td>55</td>
<td>60</td>
<td>92</td>
<td>8</td>
<td>39</td>
<td>33</td>
<td>999</td>
</tr>
<tr>
<td>2010</td>
<td>1815</td>
<td>76</td>
<td>82</td>
<td>62</td>
<td>141</td>
<td>16</td>
<td>36</td>
<td>18</td>
<td>1,384</td>
</tr>
</tbody>
</table>

*Includes cases that were sent forward for trial to a higher court. Statistics are for individual cases, there may be more than 1 case per defendant.

**Outcomes of prosecutions for sexual offences in the Circuit Criminal Court for the years 2006 to 2010**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Defendants</td>
<td>164</td>
<td>128</td>
<td>134</td>
<td>127</td>
<td>106</td>
</tr>
<tr>
<td>Guilty Pleas</td>
<td>84</td>
<td>79</td>
<td>85</td>
<td>83</td>
<td>68</td>
</tr>
<tr>
<td>Convicted</td>
<td>14</td>
<td>17</td>
<td>12</td>
<td>11</td>
<td>9</td>
</tr>
<tr>
<td>Acquitted</td>
<td>42</td>
<td>23</td>
<td>23</td>
<td>20</td>
<td>15</td>
</tr>
<tr>
<td>Nolle Prosequi</td>
<td>24</td>
<td>9</td>
<td>14</td>
<td>13</td>
<td>14</td>
</tr>
</tbody>
</table>

**Sentences**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Service</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Suspended</td>
<td>42</td>
<td>24</td>
<td>22</td>
<td>29</td>
<td>35</td>
</tr>
<tr>
<td>Fine</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>up to 2 year imprisonment</td>
<td>19</td>
<td>22</td>
<td>29</td>
<td>16</td>
<td>21</td>
</tr>
<tr>
<td>2 to 5 years imprisonment</td>
<td>32</td>
<td>41</td>
<td>27</td>
<td>32</td>
<td>19</td>
</tr>
</tbody>
</table>
Outcomes of Prosecutions for Sexual Offences in the Central Criminal Court for the years 2006 to 2010

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Defendants</td>
<td>69</td>
<td>52</td>
<td>72</td>
<td>76</td>
<td>61</td>
</tr>
<tr>
<td>Convicted — Rape</td>
<td>5</td>
<td>12</td>
<td>27</td>
<td>9</td>
<td>27</td>
</tr>
<tr>
<td>Convicted — Rape / Other sexual</td>
<td>32</td>
<td>11</td>
<td>9</td>
<td>27</td>
<td>0</td>
</tr>
<tr>
<td>Convicted — Other Sexual</td>
<td>8</td>
<td>6</td>
<td>6</td>
<td>12</td>
<td>14</td>
</tr>
<tr>
<td>Acquitted</td>
<td>16</td>
<td>12</td>
<td>15</td>
<td>13</td>
<td>8</td>
</tr>
<tr>
<td>Other</td>
<td>8</td>
<td>11</td>
<td>15</td>
<td>15</td>
<td>12</td>
</tr>
</tbody>
</table>

Sentences

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Life</td>
<td>2</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Over 12 years</td>
<td>14</td>
<td>5</td>
<td>5</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>5 to 12 years</td>
<td>13</td>
<td>13</td>
<td>24</td>
<td>34</td>
<td>24</td>
</tr>
<tr>
<td>Up to 5 years</td>
<td>10</td>
<td>8</td>
<td>12</td>
<td>7</td>
<td>9</td>
</tr>
<tr>
<td>Other including suspended</td>
<td>6</td>
<td>23</td>
<td>2</td>
<td>6</td>
<td>4</td>
</tr>
</tbody>
</table>

Appointments to State Boards

476. **Deputy Gerald Nash** asked the Minister for Defence if he will provide details in respect of the number and names of all semi-State companies and statutory agencies under the remit of his Department; if he will provide a list of all members of the board of such organisations for the years 2007, 2008, 2009, 2010 and 2011; if he will provide a list of all expenses associated with membership of these boards on an individual basis for the relevant years; if he will provide information relating to the profession or occupation of all such members of the relevant State companies and statutory agencies; and if he will make a statement on the matter. [13502/12]

**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. Tables set out membership of these Boards for years 2007, 2008, 2009, 2010 and 2011.

<table>
<thead>
<tr>
<th>Board</th>
<th>Term</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Civil Defence Board</strong></td>
<td></td>
</tr>
<tr>
<td>Mr. Joe Meagher (Chair)</td>
<td>2005-2011</td>
</tr>
<tr>
<td>Mr. Ned Gleeson</td>
<td>2005-2011</td>
</tr>
<tr>
<td>Ms Gabrielle Willis</td>
<td>2005-2011</td>
</tr>
<tr>
<td>Mr. Gerry Naylor</td>
<td>2005-2008</td>
</tr>
<tr>
<td>Ms Roisín McGuire</td>
<td>2005-2008</td>
</tr>
<tr>
<td>Ms Kay Caball</td>
<td>2005-2011</td>
</tr>
<tr>
<td>Mr. Tony Kelly</td>
<td>2005-2008</td>
</tr>
<tr>
<td>Mr. Oliver O’Loughlin</td>
<td>2005-2011</td>
</tr>
</tbody>
</table>
### Army Pensions Board

<table>
<thead>
<tr>
<th>Name</th>
<th>Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Tom Harrington</td>
<td>2001-to date</td>
</tr>
<tr>
<td>Dr. Alan O’Grady</td>
<td>1998 to date</td>
</tr>
<tr>
<td>Comdt. Adam Lagun</td>
<td>2011 to date</td>
</tr>
</tbody>
</table>

### Coiste an Asgard Board

<table>
<thead>
<tr>
<th>Name</th>
<th>Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Brian Byrne</td>
<td>2007-2010</td>
</tr>
<tr>
<td>Ms Joanne Berkery</td>
<td>2007-2011</td>
</tr>
<tr>
<td>Mr. Gerry Donnelly</td>
<td>2007-2008</td>
</tr>
<tr>
<td>Mr. James Gleeson</td>
<td>2008-2011</td>
</tr>
<tr>
<td>Mr. Pat Hogan</td>
<td>2007-2009</td>
</tr>
<tr>
<td>Mr. Gerard O’Donnell</td>
<td>2007</td>
</tr>
<tr>
<td>Mr. Michael Murphy</td>
<td>2007</td>
</tr>
<tr>
<td>Mr. Sean Flood</td>
<td>2007</td>
</tr>
<tr>
<td>Mr. Patrick O’Hara</td>
<td>2007</td>
</tr>
<tr>
<td>Mr. Roy Browne</td>
<td>2007</td>
</tr>
<tr>
<td>Mr. Gerard Kiely</td>
<td>2007-2010</td>
</tr>
<tr>
<td>Commodore Frank Lynch</td>
<td>2007-2010</td>
</tr>
<tr>
<td>Mr. Paddy Madden</td>
<td>2008-2011</td>
</tr>
<tr>
<td>Mr. Gerry McMahon</td>
<td>2007-2010</td>
</tr>
<tr>
<td>Mr. Seamus McLoughlin</td>
<td>2007-2011</td>
</tr>
</tbody>
</table>
There is no remuneration attached to membership of the Civil Defence Board. The Deputy may wish to note that legislation is currently being drafted to dissolve the Civil Defence Board and transfer the functions of the Board back into the Department of Defence.

The Army Pensions Board comprises three members: a chairperson, a civilian doctor, and an officer of the Army Medical Corps. The chairperson and the civilian doctor are entitled to annual fees of €7,618 and €5,079 respectively.

There is no remuneration attached to membership of the Board of Coiste an Asgard, which will be dissolved shortly. In the context of settling the Estimates for the Department of Defence for 2010, the Government decided that the national sail training scheme operated by Coiste an Asgard would be discontinued as recommended in the Report of the Special Group on Public Service Numbers and Expenditure, and the winding up of Coiste an Asgard is currently underway.

The only expenses payable to the members of the above Boards are travel and subsistence expenses in accordance with Department of Public Expenditure and Reform guidelines.

All appointments to Boards under the aegis of my Department are in accordance with the relevant legislation or regulations, and are to suitably qualified and experienced individuals.

Public Service Staff

477. Deputy Pat Breen asked the Minister for Defence if he will report on the number of public servants from County Clare who retired as part of the Croke Park early retirement scheme from positions in his Department or from State bodies under the aegis of his Department. [14198/12]

Minister for Defence (Deputy Alan Shatter): There have been no early retirements by staff of my Department or bodies under the aegis of my Department from positions based in County Clare.

Forestry Sector

478. Deputy Michelle Mulherin asked the Minister for Agriculture, Food and the Marine if he will confirm the extent of the land bank and quantity of forest in the ownership of Coillte on a county basis and provide a breakdown of the value of same; and if he will make a statement on the matter. [14131/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The figures and breakdown requested by the Deputy are provided in a table. A general 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.

<table>
<thead>
<tr>
<th>County</th>
<th>Extent of land owned by Coillte (hectares)</th>
<th>Of which under forest owned by Coillte (hectares)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carlow</td>
<td>3,715</td>
<td>3,647</td>
</tr>
</tbody>
</table>

315
County | Extent of land owned by Coillte (hectares) | Of which under forest owned by Coillte (hectares)
--- | --- | ---
Cavan | 6,856 | 6,458
Clare | 25,103 | 22,898
Cork | 49,417 | 46,822
Donegal | 42,983 | 36,446
Dublin | 2,040 | 1,813
Galway | 42,716 | 38,287
Kerry | 21,364 | 18,521
Kildare | 3,822 | 3,700
Kilkenny | 9,064 | 8,693
Longford | 3,323 | 3,081
Louth | 1,671 | 1,402
Laois | 16,106 | 15,333
Limerick | 12,532 | 11,302
Leitrim | 14,845 | 12,908
Mayo | 38,920 | 32,876
Meath | 1,366 | 1,302
Monaghan | 3,124 | 2,892
Offaly | 9,018 | 8,534
Roscommon | 9,365 | 8,094
Sligo | 16,206 | 13,731
Tipperary | 30,183 | 26,245
Waterford | 17,677 | 17,177
Westmeath | 5,001 | 4,668
Wexford | 9,444 | 8,834
Wicklow | 28,120 | 26,891
Total | 423,983 | 382,552

Departmental Agencies

479. **Deputy Clare Daly** asked the Minister for Agriculture, Food and the Marine the source of the extra funding made available to Teagasc for works at Ashtown, Dublin.  [14655/12]

514. **Deputy Clare Daly** asked the Minister for Agriculture, Food and the Marine the reason extra funding has been made available to Teagasc for works in Ashtown; and from what budget have these moneys been made available.  [14362/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I propose to take Questions Nos. 479 and 514 together.

Teagasc are funded from Grant in aid and also generate own income from advisory charges, education fees etc. Prioritisation of funding for particular services/programmes etc is an operational 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.
Departmental Funding

480. **Deputy Gerald Nash** asked the Minister for Agriculture, Food and the Marine his plans to introduce a loan guarantee scheme to assist pig farmers with building costs associated with meeting the requirements of the EU legislation on loose sow accommodation; and if he will make a statement on the matter.  [13466/12]

489. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine if he will accommodate pig producers who have to comply with animal welfare legislation by the end of the year but who may have difficulty obtaining planning permission and completion of the works by the 31 December 2012; and if he will make a statement on the matter.  [13735/12]

490. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine if he will encourage the banking sector to facilitate viable pig farming enterprises which may need capital investment for redevelopment relating to animal welfare provisions with particular reference to the requirement for ongoing working capital in the current difficult economic situation; and if he will make a statement on the matter.  [13736/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I propose to take Questions Nos. 480, 489 and 490 together.

The pig sector remains the third largest individual component of the agri-food sector, with production, prices and exports all growing significantly during 2011. The industry faces a number of challenges in the short and medium term and my Department will continue to assist the sector to resolve these issues.

New EU Animal Welfare rules set down new standards in relation to the housing of sows and these are due to come into force on 1 January 2013. A significant number of producers have undertaken the necessary work required in order to upgrade their facilities in order to comply with the new rules. Teagasc have estimated that approximately 36% of pig units, housing some 44% of the sow population are presently compliant with the provisions.

Notwithstanding this, my Department is aware of the scale of the challenge facing pig farmers in respect of the new requirements. To this end, the Department introduced a Targeted Agricultural Modernisation Scheme (TAMS) for Sow Welfare in June 2010. Grant-aid is available at a rate of 40% to eligible producers with a maximum investment ceiling of €300,000, i.e. a maximum grant of €120,000. A total of €13 million has been set aside under this scheme. It follows two earlier schemes in 2005 and 2007 which made payments of €6.2 million to 63 applicants.

At present, 32 applications for grants worth approximately €3 million have been received under the current scheme. Applications must be accompanied by either full planning permission or a declaration of exemption from planning. As you are aware, planning matters are entirely a matter for local authorities but I am writing to the Minister for Environment, Community and Local Government to highlight issues which have been raised with my Department on this matter.

Approaches are now being made to the EU Commission with a view to approving an extension to the end-December 2012 deadline for completion of work under the Scheme. If such an extension was to be approved, it would have no effect on the entry into force of the new EU animal welfare rules on 1 January 2013. It would simply enable those farmers who completed the investment works after that date to continue to receive grant-aid under the Scheme.

My Department is in regular contact with banking representatives and has encouraged them to discuss requirements with sectoral agri-food interests. It is of course important that those
[Deputy Simon Coveney.]

seeking credit present a suitable business case with detailed cash flow projections. In this context the Department also facilitated contacts between Teagasc and the Banking sector to encourage seminars and training in relation to credit application. Any farming enterprises that feel they have not been treated fairly in relation to access to credit can contact the Credit Review Office, who will review their case.

The Department of Jobs, Enterprise and Innovation is currently working on the establishment of a Temporary Partial Credit Guarantee Scheme for small business. Primary production in agriculture, horticulture and fisheries are excluded from the scope of the scheme in the light of particular restrictions under the De Minimis State Aid rules.

I can assure you that my Department and its agencies will continue to work closely with the industry to ensure that it can continue to develop and grow in accordance with the targets in the Food Harvest 2020 Report.

Credit Guarantee Scheme

481. **Deputy Gerald Nash** asked the Minister for Agriculture, Food and the Marine if he has made representations to have primary agricultural activities included in the forthcoming credit guarantee scheme; and if he will make a statement on the matter. [13467/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The proposed Temporary Partial Credit Guarantee Scheme is to operate under the EU De Minimis State Aid rules. In the light of the particular restrictions under these rules, primary production in agriculture, horticulture and fisheries is specifically excluded from the scope of this scheme.

The relevant regulations are:

- Commission Notice on the application of Articles 87 and 88 of the EC Treaty to State aid in the form of guarantees (2008/C 155/02).

Appointments to State Boards

482. **Deputy Gerald Nash** asked the Minister for Agriculture, Food and the Marine if he will provide details on the number and names of all semi-State companies and statutory agencies under the remit of his Department; if he will provide a list of all members of the board of such organisations for the years 2007, 2008, 2009, 2010 and 2011; if he will provide a list of all expenses associated with membership of these boards on an individual basis for the relevant years; if he will provide information relating to the profession or occupation of all such members of the relevant State companies and statutory agencies; and if he will make a statement on the matter. [13498/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** There are currently 12 State Bodies that fall under the aegis of my Department (see attached table).

Queries regarding additional expenses issued to Board members and information relating to the profession or occupation of all such members should be addressed to the State agencies themselves.
<table>
<thead>
<tr>
<th>Body</th>
<th>Total Number of Board Members</th>
<th>Board membership as at January 2007</th>
<th>Remuneration</th>
<th>Board membership as at January 2008</th>
<th>Remuneration</th>
<th>Board membership as at January 2009</th>
<th>Remuneration</th>
<th>Board membership as at January 2010</th>
<th>Remuneration</th>
<th>Board membership as at January 2011</th>
<th>Remuneration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aquaculture Licensing Appeals Board (ALAB)</td>
<td>7</td>
<td>Mr Conleth Brady (Chair) Ms Karin Duby Mr Damian McDonald Mr Mario J Minehan Mr Sean Murphy An tUasal Lorcan O’Cinneide</td>
<td>Chair: €10,500 (Chair) Ordinary: €7,000</td>
<td>Mr Conleth Brady (Chair) Ms Karin Duby Mr Damian McDonald Mr Mario J Minehan Mr Sean Murphy An tUasal Lorcan O’Cinneide</td>
<td>Chair: €10,500 Ordinary: €7,000</td>
<td>Mr Mark O’Connell (Chair) Ms Karin Duby Mr Mario J Minehan Mr Sean Murphy An tUasal Lorcan O’Cinneide</td>
<td>Chair: €9,450 Ordinary: €6,300</td>
<td>Mr Mark O’Connell (Chair) Ms Karin Duby Mr Mario J Minehan Mr Sean Murphy An tUasal Lorcan O’Cinneide</td>
<td>Chair: €8,978 Ordinary: €5,985</td>
<td>Mr Michael Sweeney</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
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<td>Chair: €24,000 (Chair) Ordinary: €14,000</td>
<td>Mr Dan Browne (Chair) Mr Marian Byrne Mr Jackie Cahill Mr Ray Carolan Dr Noel Cawley Mr Vincent Cleary Dr Paul Cusack Mr Kieran Dunne Mr Frank Hayes Mr Joseph Hyland Ms Katherine O’Leary Mr Mel O’Rourke Mr Bríd Rodgers Mr Padraig Walsh</td>
<td>Chair: €24,000 Ordinary: €14,000</td>
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<td>Chair: €11,600 Ordinary: €12,600</td>
<td>Mr Daniel Carey (Chair) Mr John Bryan Mr Marian Byrne Mr Jackie Cahill Dr Noel Cawley Mr Anna Marie Dennison Mr Kieran Dunne Mr Brian Hayes Prof Fergal Ó Gara Mr Mel O’Rourke 0 vacancies</td>
<td>Chair: €20,520 Ordinary: €11,970</td>
<td>Mr Michael Sweeney</td>
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<td>Chair: €13,066 Ordinary: €8,400</td>
<td>Ms Rose McHugh (Chair) Mr Enda Bonner Mr Michael Dempsey Mr Thomas Kavanagh Mr Paidi O’Shea</td>
<td>Chair: €11,970 Ordinary: €7,695</td>
<td>Mr Richard O’Donoghue Mr Paidi O’Shea 0 vacancies</td>
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Questions— 13 March 2012. Written Answers

Special Areas of Conservation

483. Deputy Finian McGrath asked the Minister for Agriculture, Food and the Marine when an appropriate assessment of an area (details supplied) will be carried out; and if he will make a statement on the matter. [13522/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The application referred to is in respect of a site located within Drumcliff Bay which is designated as a Special Area of Conservation under the EU Habitats Directive (Natura 2000 site).

All applications in ‘Natura’ areas are required to be appropriately assessed for the purpose of environmental compliance with the EU Birds and Habitats Directives. My Department, in conjunction with the Marine Institute and the National Parks and Wildlife Service (NPWS) of the Department of Arts, Heritage and the Gaeltacht is engaged in a comprehensive programme to gather the necessary baseline data appropriate to the conservation objectives of ‘Natura’ areas. This data collection programme is substantially complete. Analysis of the data, together with the setting of appropriate conservation objectives by the NPWS, will enable all new, renewal and review applications to be appropriately assessed for the purpose of ensuring compliance with the EU Birds and Habitats Directives. This work represents a significant financial, administrative and scientific investment by the State in resolving this issue. The Appropriate Assessment of aquaculture applications is being dealt with on a bay-by-bay basis.

Addressing the issue of aquaculture licensing in Natura 2000 areas is a key priority for my Department and you can be assured that every effort is being made to expedite the determination of this aquaculture licence application having regard to all the complexities involved.

Pension Provisions

484. Deputy Michael Creed asked the Minister for Agriculture, Food and the Marine if he will review the level of payment under the early retirement scheme in respect of a person (details supplied) in County Cork who was entitled to receive same in view of the fact that the person’s social welfare pension payment has been reviewed and a substantial refund is being sought; and if he will make a statement on the matter. [13525/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person named was in receipt of an Early Retirement Pension from my Department from 7 January, 1999. The rules of the scheme state that any Social Welfare pension must be deducted from the Early Retirement Scheme pension. The onus is on the participant to notify my Department of any change in their Social Welfare pension entitlement and officials in my Department will now request clarification from the Department of Social Protection and subsequently review the details of this case.

Horse Racing Industry

485. Deputy Sean Fleming asked the Minister for Agriculture, Food and the Marine the funding provided to the horse racing industry in each of the past five years; in view of the amount of public money going to this industry, whether he should have direct responsibility and jurisdiction in respect of standards operating in this industry on behalf of the taxpayer, in view of the fact that animals are used in competitions and shows, cultural or sporting events or activities, and where cruelty and maltreatment arise in this area he has no jurisdiction or ability to enforce proper standards; and if he will make a statement on the matter. [13539/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Horse Racing Ireland (HRI) is a commercial state body established under the Horse and Greyhound Racing
Act 2001. HRI has a regulatory and developmental role in the thoroughbred industry and its broadly based functions are outlined in The Horse and Greyhound Racing Act 2001 (in addition to the functions assigned under The Irish Horse-racing Industry Act 1994). The Horse and Greyhound Racing Fund (the Fund) was established under the Horse and Greyhound Racing Act 2001 for the purpose of giving support to horse and greyhound racing. The following amounts have been paid from the Fund to HRI since 2008:

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<td>2007</td>
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Horse Racing Ireland must apply its funding in accordance with its remit as established under legislation.

Horse Racing Ireland is subject to annual audit by the Comptroller and Auditor General. In addition, it has outsourced its Internal Audit function, which operates in accordance with the framework of codes of best practice as set out in the Code of Practice on the Governance of State Bodies and which report directly to the company’s Audit Committee.

In the first instance the keeper of the horse is primarily responsible for its welfare. The main statutes governing cruelty to all animals, including race horses, are the Protection of Animals Act 1911 and the Protection of Animals (Amendment) Act, 1965. Responsibility for enforcing this legislation rests with An Garda Síochána. The Programme for Government 2011 contains a commitment to strengthen legislation relating to the welfare of all animals. The main vehicle to fulfil this commitment will be the Animal Health and Welfare Bill which I intend to introduce shortly. This Bill, which consolidates and updates existing legislation in the area of animal welfare, will ensure that all animals, including animals currently used in sporting events which currently fall outside the scope of my Department’s responsibility, are protected and that the penalties for offenders are proportionate to the offence.

**Grant Payments**

486. Deputy Tom Fleming asked the Minister for Agriculture, Food and the Marine if he will examine an application for the agri-environment options scheme in respect of a person (details supplied) in County Kerry. [13647/12]

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, must be completed before any payment can issue. During these checks a query arose in relation to the claimed Natura area on one of the parcels. This problem is presently being addressed and I expect payment will issue shortly.

**Animal Diseases**

487. Deputy Martin Heydon asked the Minister for Agriculture, Food and the Marine when blood testing of sheep belonging to a person (details supplied) in County Kildare will take
place as per agreement with his Department; and if he will make a statement on the matter.  [13677/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The flock owner has been informed that the scrapie positive animal in question was a case of Atypical scrapie and not classical scrapie and that his flock would not be subjected to the genotyping process as required for classical scrapie.

Under the relevant EU Regulation (999/2001), this flock will be placed under restriction for a period of two breeding seasons to enable ongoing monitoring of the flock.

My Department will arrange permits for sheep intended for slaughter in the meantime.

I might add that there are proposals currently before the relevant Veterinary Committee (SCoFAH) in Brussels which would remove all restrictions from the flock owner if approved.

**Genetically Modified Organisms**

488. **Deputy Aodhán Ó Riordáin** asked the Minister for Agriculture, Food and the Marine if he will give an update on an issue (details supplied) regarding GM crops; and if he will make a statement on the matter.  [13729/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Responsibility for issues relating to the cultivation of genetically modified crops, including GM trials, in Ireland rests with my colleague, the Minister for the Environment, Community and Local Government, Deputy Phil Hogan.

**Questions Nos. 489 and 490 answered with Question No. 480.**

**Scéim um Roghanna Comhshaoil Talmhaíochta**

491. D’fhiafraigh Éamon Ó Cuív den Aire Talmhaíochta, Bia agus Mara an mbeidh an scéim um roghanna comhshaoil talmhaíochta oscailte in 2012 d’fhéirmeoirí nua a d’fhág an scéim chosanta comhshaoil tuaithe in 2011 agus a bhfuil a gcuid talún i limistéar oidhreachta nádúrtha / limistéar caomhantais speisialta; agus an ndéanfaidh sé ráiteas ina thaobh.  [13871/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** In ainneoin an brú airgeadais atá os comhair mo Roinn tá soláthar déanta agam in 2012 do €243 milliún faoi scéimeanna comhshaoil talmhaíochta. Táim i mbun breithnui a dhéanamh freisin ar an bhféidearthacht atá ann leis an AEOS (An Scéim um Roghanna Comhshaol Talmhaíochta) a athescaítear ar bhonn leasaithe nó ar scála teoranta in 2012. Déanfar an cinneadh seo i gcomhthéacs uasteoraíonn caiteachais mo Roinne do 2013 mar atá aontaite leis an Rialtas, agus go háirithe, ar an gcaoi ina ndéanfaidh an scéim nua a mhaoiníú laistigh den mhaoiníú laghdaithe agus an brú ar an Vótá dá thoradh sin. Déanfaidh mé fógra faoin ábhar seo in am tráthta.

**Grant Payments**

492. **Deputy Pat Breen** asked the Minister for Agriculture, Food and the Marine the reason a person (details supplied) in County Clare has not been facilitated; and if he will make a statement on the matter.  [13880/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named joined the Agri Environment Options Scheme (AEOS) in 2010 and his selected measures under AEOS included Traditional Hay Meadow. He subsequently joined the Organic Farming Scheme (OFS) in 2011.
My Department has established that payment, under both OFS and AEOS for land submitted under the Traditional Hay Meadow option in AEOS, is primarily based on the same principle i.e. income foregone due to the reduction of fertilizer inputs or restricted access for production. From an EU perspective, payment under both Schemes on the same parcel is regarded as a “double payment”, which is not permissible.

Accordingly, to regularise this situation and to avoid “double payment” from an EU perspective my Department wrote to the person named and indicated that he should either (i) withdraw from OFS or AEOS, or (ii) continue in AEOS and remain eligible for full payment in respect of this scheme while also continuing to farm organically and receive the OFS payment on all lands farmed organically except that paid for Traditional Hay Meadows in AEOS. No recoupment will be sought in respect of monies already paid.

### Departmental Schemes

493. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine his views on a matter (details supplied) regarding the disadvantaged area scheme; and if he will make a statement on the matter. [13935/12]

**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.

### Departmental Funding

494. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine if he has any plans to introduce incentives for new entrants in farming; and if he will make a statement on the matter. [13939/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** This Government’s commitment to the agri-food industry and in particular to the expansion planned in the Food Harvest 2020 strategy have been underlined in the most recent budget. The measures have been designed specifically to: encourage farming as a career for young people; incentivise farm partnerships and greater productivity at farm level; stimulate land sales and land transfers; facilitate new enterprise opportunities in farming; and help agri-food businesses innovate and export.

The main measures are as follows:

#### Incentive for Farm Partnerships

A new stock relief incentive to encourage registered farm partnerships has been introduced. The current rate of 25% stock relief will increase to 50%, and, for certain young trained farmers entering such partnerships, a rate of 100% stock relief will be available. This new incentive will run until December 2015.

I am supporting farm partnerships because I believe that collaboration through partnership can improve farm structures generally, facilitating farms to operate more efficiently, increasing scale on farms, and bringing more innovative and energetic young prospective farmers into farming. More farming partnerships are required to increase productivity and meet the Food Harvest 2020 targets.
I am confident that providing an additional incentive to farm partnership formation will encourage farmers to consider more closely the benefits of farm partnerships to their farming business and in providing a better work-life balance.

Encouraging farm partnerships will also support the dairy herd expansion required over the coming years, enabling Irish farmers to avail of the opportunity presented by the abolition of EU milk quotas in March 2015.

**Stamp duty reduction**

I am particularly pleased that Budget 2012 reduced the stamp duty rate on agricultural land from 6% to 2%, with immediate effect. In addition, half the rate (1%) will be applicable on transfers to close relatives until the end of 2014.

This change will substantially reduce the stamp duty payable on transfers of farm land by gift or by sale. It should stimulate a stagnant land market — currently only 0.5% of total agricultural land is offered for sale annually — and ensure that land transfers to more active producers. It will also promote inter-generational transfer, as the cost of lifetime transfer to transferees who do not qualify for the young trained farmer stamp duty relief has reduced considerably.

I am confident that this measure will give younger, progressive, commercial farmers a greater opportunity to purchase land and thereby increase their farm size, which will make the farm more competitive.

**Capital Gains Tax retirement relief**

Budget 2012 has restructured the retirement relief available on Capital Gains Tax in order to incentivise the earlier transfer of farm assets to the next generation, and to encourage the sale of land by those farmers with no successors. As of 1st January 2014, for those farmers aged 66 and over, an upper limit of €3m will be introduced on family transfers, compared to an unlimited amount currently. On non-family transfers, the current upper limit of €750,000 will be reduced to €500,000. Applying the new limits from 1st January 2014 allows farmers already aged 66 and over to plan the orderly transfer of assets in advance of that date.

It is important to remember that these new measures do not mean that a farmer has to cease farming altogether beyond the age of 66, but it allows them to plan for a phased gradual transfer of assets to the next generation.

We are restructuring retirement relief in order to encourage farmers around the normal retirement age, who have successors, to transfer their land and holdings to young, innovative, ambitious, prospective farmers. This restructuring will also encourage farmers with no successors to sell some of their land before normal retirement age. This measure will encourage an improvement in the age profile of farmers, and should ensure that farmland is put to more productive use.

**Fur Farming**

495. **Deputy Patrick Nulty** asked the Minister for Agriculture, Food and the Marine if he will provide an update on the review of the fur farming industry; and if he will make a statement on the matter. [13978/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The Review Group set up in my Department to review the issue of fur farming along specific terms of reference will conclude its report shortly.
The Terms of Reference of the Group are as follows:

1. To review fur farming in Ireland taking into account existing legislative provisions for the licensing of mink farming,
2. To comment on the economic benefits of the sector,
3. To consider the effectiveness of existing welfare controls, and
4. To make appropriate recommendations.

Submissions were invited on the review and a large number were received from interested parties and these were examined by the Group. I will consider what action, if any, to take following the submission and conclusions of the Review Group’s findings.

**Farm Retirement Schemes**

496. **Deputy Seamus Kirk** asked the Minister for Agriculture, Food and the Marine if he will examine the age profile of workers in the agriculture primary sector; his plans to address this issue; and if he will make a statement on the matter. [13994/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The age profile of farmers is outlined in the table below. There are clearly fewer young people involved in farming now than there were in the past. However, the data does not provide a profile for the most recent four years. There has been a big increase in demand for farm courses in recent years, due to the economic climate. In addition a number of new provisions were introduced in the most recent budget that should encourage more involvement by young people in farming. These main measures in this regard include

- Maintaining the 100% stock relief for young trained farmers;
- the retirement relief available on Capital Gains Tax in order to incentivise the earlier transfer of farm assets to the next generation;
- Reductions in Stamp duty, which will promote inter-generational transfer, as the cost of lifetime transfer to transferees who do not qualify for the young trained farmer stamp duty relief has reduced considerably. This measure will also give younger, progressive, commercial farmers a greater opportunity to purchase land.

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Number ('000)</th>
<th>%</th>
<th>Number ('000)</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;35</td>
<td>18.4</td>
<td>13%</td>
<td>8.9</td>
<td>7%</td>
</tr>
<tr>
<td>35-44</td>
<td>30.8</td>
<td>22%</td>
<td>22.7</td>
<td>18%</td>
</tr>
<tr>
<td>45-54</td>
<td>36.3</td>
<td>26%</td>
<td>31.4</td>
<td>24%</td>
</tr>
<tr>
<td>55-64</td>
<td>27.8</td>
<td>20%</td>
<td>33.3</td>
<td>26%</td>
</tr>
<tr>
<td>&gt;65</td>
<td>28</td>
<td>20%</td>
<td>31.9</td>
<td>25%</td>
</tr>
<tr>
<td>Total</td>
<td>141.3</td>
<td>100%</td>
<td>128.2</td>
<td>100%</td>
</tr>
</tbody>
</table>

Food Industry

497. Deputy Seamus Kirk asked the Minister for Agriculture, Food and the Marine if he has any initiative planned to tackle import substitution for food products; and if he will make a statement on the matter. [13995/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Food products trade freely within the Single Market of the European Union and import substitution measures are not permitted under EU law. Over 80% of Irish agricultural production is exported. The Single Market arrangement ensures access to our most important markets within the EU and contributed to the 25% increase in the value of exports achieved in the past two years. This is an important step towards achieving the ambitious growth targets in the Food Harvest 2020 Report.

Departmental Staff

498. Deputy Seamus Kirk asked the Minister for Agriculture, Food and the Marine if, in view of the depleted research and advisory personnel available to the protected crops unit, he will urgently examine this deficit and bring forward proposals to address same; and if he will make a statement on the matter. [13996/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Teagasc, in common with all other public bodies, has had to play its part in the planned reduction in public service numbers and pay costs set down by the previous Government in 2010 under the National Recovery Plan. The allocation of resources to particular programmes/services etc is an operational matter for Teagasc.

The question of additional resources must have regard to the need to reduce public service numbers and to achieve savings in the pay bill. This requires all public bodies to comply with annual ceilings on staff numbers and to reallocate or reorganise work or staff accordingly. Any exceptions to this principle can only be considered in limited circumstances.

I am advised by Teagasc that they have produced a detailed Plan for the Development of Horticulture in Teagasc in the period up to end 2013. The objectives of the plan are:

1. To identify horticultural enterprise areas for development.

2. To develop a plan which identifies the staff and structures required to deliver the Teagasc horticultural programme through an integrated research, advisory and education unit.

In relation to protected crops, given the technological advances and costs involved in protected cropping research, Teagasc have identified the need to partner with organisations such as the Horticultural Development Company (HDC) in the United Kingdom in order to access the most relevant information in the most cost effective manner. Teagasc and the HDC signed a memorandum of understanding in late 2011 and are now in discussions to jointly fund research in many areas of Horticulture, protected cropping being one.

Teagasc have also had informal discussions with protected crop growers about how best to service the industry. The suggestions from that consultation were that, given the limited resources available, Teagasc organise study tours to visit organisations developing new glasshouse technologies and also to bring international experts to Ireland to address growers on specific topics of interest, such as energy efficiency. Both these recommendations are currently being followed up and implemented by Teagasc as a matter of priority.
By 2013 Teagasc plan to have built a modern Glasshouse research facility at its Ashtown Campus. It is envisaged that part of this complex will be used to trial and demonstrate the most modern technologies and practises being developed internationally in protected cropping.

**Potato Sector**

499. **Deputy Seamus Kirk** asked the Minister for Agriculture, Food and the Marine, in view of the crisis in the potato sector, if he is considering any marketing initiatives to help increase the per capita solution here; and if he will make a statement on the matter.  [13997/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):**Whilst the area of potatoes planted has declined over the last 10 years, high yields in the past two seasons have seen production levels of over 400,000 tonnes. Exports to Russia from the 2010 crop helped to balance supply and demand on the domestic market. However, this has not happened with the 2011 crop which has led to excess supplies and downward pressure on prices this season.

However, recent information from Kantar Worldpanel and recently presented at the National Potato Conference shows that 10% of all shopping trips feature potatoes and that these trips contribute 20% of overall spend on groceries. Potatoes do still stand out in this competitive market (pasta, rice, pizza, couscous etc) accounting for 40% of the value and 70% of volume sales in 2011.

An Bord Bia has commissioned research to further understand consumer behaviour towards potatoes and it is clear that the message must get out to the appropriate demographic groupings (particularly those in the younger age groupings) of the inherent health and nutritional benefits of potatoes and in particular that potatoes have a lower fat content than either pasta or rice. It is also important to flag potatoes as a meal solution in the context of convenience, simplicity, and ease using straightforward preparation techniques.

Campaigns to promote consumption of fresh produce and in particular Irish produce, are a recommendation of the Horticultural Action Group which reviewed the Harvest 2020 report. There are ongoing promotions including the Bord Bia ‘Best in Season’ fresh produce promotion campaign, the ‘Food Dudes’ schools, as well as ‘the Incredible Edibles’ campaign.

In 2011 a consumer facing website called ‘Potato.ie’ was launched to promote potatoes. It is an initiative of the Irish Potato Federation, supported by Bord Bia. Current promotional activity is focused on driving consumers to the website.

In February a Potato Promotions Group was established which aims at stabilising potato consumption in the short term and rebuilding consumption in the medium to longer term. The group has been set up under the auspices of Bord Bia and includes representatives of the Irish Potato Federation, the Irish Farmers Association and the Department of Agriculture, Food and Marine.

New research carried out by Bord Bia has identified clearly the reasons for the drop in potato consumption in recent years. The Promotions Group will develop a promotional strategy around the outcome of this research which will attempt to address consumers’ concerns on the regular usage of potatoes.

The EU Promotion Regulation provides 50% funding on a competitive basis to generic promotion of agricultural products. Projects supported by trade bodies in more than one Member State receive priority. The Potato Promotions Group proposes to work towards submitting an application to the EU in Autumn 2012 to secure matching Community funding for a sustained potato promotional campaign over a number of years.
In February 2012 Bord Bia organised a trade stand at the Fruit Logistica Trade Fair in Berlin (which is the largest fresh produce trade fair in the world) for the first time promoting Irish grown Rooster potato exports. This marketing initiative under the ‘Taste Ireland’ banner was organised in association with the Irish Potato Federation, with five of its potato packer members exhibiting on the stand. Irish Potato Marketing (IPM) also participated on the stand, promoting their seed potato range.

500. **Deputy Seamus Kirk** asked the Minister for Agriculture, Food and the Marine his plans to expand and develop seed potato production here; and if he will make a statement on the matter. [13998/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Maintenance of the high health status of the Irish seed potato sector is crucial to the viability of the potato industry. Under EU legislation (Decision 2004/03/EC), Ireland is one of a small number of areas within the EU officially recognised as a High Grade Seed Area for seed potatoes because the country is currently free from a number of significant potato diseases that occur in other Member States.

Under this legislation, only disease free seed of a high standard of varietal purity, known as ‘Pre-basic’ and ‘Basic’ certified seed potatoes can be marketed in Ireland. In 2011, almost 4,000 tonnes of seed potatoes were produced and certified for marketing.

My Department provides significant support to the seed potato industry.

To maintain the current high disease free status, my Department provides a mandatory pre-planting soil sampling service to test for the presence of potato cyst nematodes (PCN). Both growing crops and harvested tubers must pass official inspections by Department officers before being certified.

The Department’s Tops Potato Centre in Donegal produces high-health, disease free first generation seed each year, for seed growers to ensure that the potato certification sector retains access to the highest quality seed.

**Organic Farming**

501. **Deputy Seamus Kirk** asked the Minister for Agriculture, Food and the Marine the support structure he and Teagasc have for the organic food sector; and if he will make a statement on the matter. [13999/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** My Department recognises the potential that exists in the organic sector as reflected by the various supports provided to organic producers and processors. These are as follows:

The Organic Farming Scheme is an agri-environment measure under the Department’s Rural Development Programme 2007-13. Farmers may enter into a contract for a minimum of five years and can qualify for yearly payments of up to €283 per hectare during the conversion period (two years) and up to €142 per hectare when they have achieved full organic status (the final three years). Applications are now being accepted for the 2012 Organic Farming Scheme.

Organic operators may also avail of a Scheme of Grant Aid for the Organic Sector, which is administered by my Department. The aim of the Scheme is to facilitate the development of the organic sector so as to ensure a regular supply of high quality organic produce to the market. Financial assistance will be directed towards projects which will improve the organic sector and provide the producers of the basic product with an opportunity of enhancing income. It will also help to guide production in line with foreseeable market trends or encourage the
development of new outlets for agricultural product and also to help to improve production, handling and preparation of organic produce. The Scheme will also facilitate the adoption and application of new technologies and help to ensure the adoption of “best practice” within the organic production/processing sector.

This Scheme will provide financial assistance in respect of approved investments/development projects on agricultural holdings, including equipment and facilities for production, preparation, grading, packing, storage, distribution and/or sale of organic products. Teagasc currently provide a range of support measures for the Irish Organic sector. At present there are two Organic Specialist Advisers and a national network of Teagasc regional organic support advisers. They provide FETAC approved Introduction to Organic Farming courses which is compulsory for all new entrants to the Organic Farming Scheme. Teagasc also coordinate the demonstration farm programme, which is run in conjunction with my Department. This programme has proven to be a major success with large number of both existing organic farmers and those considering converting to organic production methods attending the various farm walks around the country. My Department and Teagasc will continue to expand and improve this programme, which is a major instrument in encouraging conventional growers to switch to organic.

The Annual National Organic Technical Conference organised by Teagasc is another valuable support structure for the sector, which will be held on 11th September this year to coincide with National Organic Week.

Finally, Teagasc is also organising an organic beef discussion group participating in the Beef Technology Adoption Programme which will be facilitated by a specialist Teagasc adviser.

**Beef Sector**

502. **Deputy Seamus Kirk** asked the Minister for Agriculture, Food and the Marine the number of suckler cows in the national herd at 1 March 2010, 2011 and 2012 respectively; and if he will make a statement on the matter.  [14006/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Data on the suckler cow herd for the last 2 years is presented in the table below. Data in respect of the current year is not yet available but the figure for December 2011 shows only a marginal decline (-0.7%) on same period in 2010.

<table>
<thead>
<tr>
<th>Year</th>
<th>Suckler Cow Herd '000 head</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>1,070.7</td>
</tr>
<tr>
<td>2011</td>
<td>1,063.3</td>
</tr>
</tbody>
</table>

Source: CSO December livestock data.

Primary production in the beef sector benefits substantially from a number of support measures being channelled into the overall sector. The Suckler Cow Welfare Scheme, for instance, makes a significant contribution to maintaining the output quality and overall viability of the sector at farm level. Despite the constraints on the national finances, I have been able to continue to provide the necessary funding to meet all payments due under the Scheme in the current year at existing rates. Since its introduction on January 2008, payments to farmers by my Department under the Scheme have amounted to €127.2m. Approximately €22.7m has been paid through the scheme in respect of animals born in 2010 and approximately €15.9m has been paid in respect of 2011-born animals. Depending on the number of successful applicants, this figure could potentially reach €25m by the end of the year.
In addition, last month I launched the Beef Technology Adoption Programme (BTAP) to build on the work being done under the recently expanded Teagasc/IFJ BETTER Farm Programme. Utilising a discussion group format, this new initiative aims to equip farmers with the knowledge and skills necessary to improve the productivity and profitability of their beef enterprises. A budget of €5m has been made available for the BTAP in 2012 but my intention is that the Programme will run over 3 years subject to funding.

Besides these direct supports to primary producers, my Department and its agencies engage in a range of activities that provide the infrastructure necessary for the future growth of the beef sector as envisaged in the Food Harvest 2020 strategy. These include the advisory and research output of Teagasc, Bord Bia’s Beef Quality Assurance Scheme, which now incorporates environmental sustainability criteria, and its promotional work in expanding beef sales at home and abroad together with my Department’s Beef and Sheepmeat Capital Investment Fund for the processing industry. Equally important is the sizeable contribution made by my Department to the Irish Cattle Breeding Federation which enables it to fulfil its critical role in improving the genetic quality of the national beef and dairy herd. Finally, my Department is working with industry and with our embassies overseas to facilitate market access for Irish beef in a range of third countries that can offer alternative outlets to exporters along with real potential for expansion. Collectively, these ongoing investments and services serve to underpin the strength of the suckler cow herd.

**Milk Quota**

503. **Deputy Michael McCarthy** asked the Minister for Agriculture, Food and the Marine if he will revise a decision regarding an additional milk quota application in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [14046/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Allocations of milk quota from the National Reserve are granted on the basis of recommendations from the Milk Quota Appeals Tribunal. The Tribunal examines and makes recommendations on applications for additional quota from individual producers.

The person named submitted an application to the Tribunal seeking an allocation of additional quota on the grounds of animal disease. This application was examined on 15th September 2011. Based on the information contained in the application, the Tribunal did not recommend an allocation of quota on that occasion.

The person named, subsequently submitted an appeal to this decision. The Tribunal examined the appeal on 10th January 2012, however, it was decided to uphold the original decision, which must now be considered as final.

**Grant Payments**

504. **Deputy Jim Daly** asked the Minister for Agriculture, Food and the Marine the position regarding an application for dairy equipment grant in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [14071/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person concerned submitted an application for grant-aid under the Dairy Equipment Scheme during the course of the first tranche under that Scheme which closed on 31 January 2012. The tranche concerned is heavily over-subscribed and the selection process set out in the scheme Terms and Conditions will be required in order to determine those applications which will proceed to the approval stage. Applications which are not selected to go forward to the approval stage
will be carried over to the next tranche. The applicant will be notified of the outcome of his application as soon as possible.

It is a strict condition of all my Department’s on-farm investment measures that grant-aid shall not be paid in respect of works commenced or equipment purchased before written approval has issued to a farmer under the Scheme concerned.

505. **Deputy Paul J. Connaughton** asked the Minister for Agriculture, Food and the Marine the penalties that were imposed on a person (details supplied) in County Galway; the reason for such penalties; if the penalties incurred are spread over the duration of the scheme; and if he will make a statement on the matter. [14126/12]

**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 subject to two outstanding issues being satisfactorily clarified.

During the course of the administration checks it was not possible to satisfactorily resolve the outstanding issues. The person named completed the Natura form despite the fact that further administrative checks revealed that there was no commonage or Natura land on the farm. Also the person named applied for actions that require a minimum stocking density. Subsequent checks revealed that the person named did not meet the eligibility conditions in this regard.

A letter issued to the person named informing her of this. The person named has appealed this decision to my Department. Officials in my Department are currently reviewing this file and a letter will shortly issue to the person named informing her of the outcome.

### Transport of Animals

506. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine if he will review a matter (details supplied) regarding the transportation of animals. [14145/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The Government has no plans to introduce codes governing the transportation of animals on cable cars. Any safety issues associated with the use of the Dursey Island cable car are the responsibility of Cork County Council. The introduction of codes governing the transportation of animals on cable cars will not change the circumstances that led Cork Council, which has responsibility for the operation of the cable car to Dursey Island, to exclude the transport of animals on safety grounds on this cable car.

I understand that a Group representative of Electoral Area Members of Cork County Council, the farming community, residents and relevant public bodies has prepared a brief for the commissioning of a report on the future of the Dursey Island Cable Car.

The brief is on etenders.gov.ie and a final date for submissions is 23 March 2012.

### Grant Payments

507. **Deputy Pat Breen** asked the Minister for Agriculture, Food and the Marine, further to Parliamentary Question No. 572 of 14 February 2012, when payment will issue to a person (details supplied) in County Clare; and if he will make a statement on the matter. [14151/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named commenced REPS 4 in July 2009 and received payments for the first two years of their contract.
REPS 4 is a measure under the current 2007-13 Rural Development Programme and is subject to EU Regulations which require detailed administrative checks on all applications to be completed before any payments can issue. Administrative checks in respect of the 2011 payments have now been finalised and the 75% payment amounting to €3722.90 less a penalty reduction of €323.73 for a non-compliance issue has issued to the person named dated 12 March. The remaining 25% balancing payment will also issue shortly.

Departmental Staff

508. **Deputy Pat Breen** asked the Minister for Agriculture, Food and the Marine if he will report on the number of public servants from County Clare who retired as part of the Croke Park early retirement scheme from positions in his Department or from State bodies under the aegis of his Department. [14194/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Five staff in my Department under maximum retirement age with headquarters in Co. Clare retired in the period from 1 January 2010 to date.

The parallel information in respect of the State Bodies under the aegis of my Department is an operational matter for the bodies themselves.

Departmental Schemes

509. **Deputy Pádraig Mac Lochlainn** asked the Minister for Agriculture, Food and the Marine if he will confirm when he will announce a scheme as follow up to the agri-environment options scheme 2 to allow the thousands of farmers finishing REP scheme 3 to continue to have some support. [14258/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Despite the financial pressures facing my Department I have made provision in 2012 for €243 million under agri-environment schemes. I am also considering the possibility of re-opening AEOS on an amended basis or limited scale in 2012. This decision will be taken in the context of my Department’s expenditure ceiling for 2013 as agreed by the Government, and in particular, on how a new scheme might be funded within the reduced funding and resulting pressures on the Vote. I will make an announcement on this matter in due course.

Animal Welfare

510. **Deputy Seán Kyne** asked the Minister for Agriculture, Food and the Marine if the upcoming Animal Welfare Bill will contain a provision to abolish live hare coursing in view of the demonstrable evidence of the harm, injury and distress that such a sport causes to the wildlife concerned and also in recognition that such a measure would bring Ireland into line with other developed nations including the UK, several other European nations and Australia. [14291/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Under the provisions of the Greyhound Industry Act, 1958 the regulation of coursing is chiefly a matter for the Irish Coursing Club (ICC) subject to the general control and direction of Bord na gCon, which is the statutory body with responsibility for the improvement and development of the greyhound industry, greyhound racing and coursing.

The Minister for Arts, Heritage and the Gaeltacht, under section 34 of the Wildlife Act 1976, has responsibility for the issue of an annual licence to the Irish Coursing Club, ICC, and its affiliated clubs to capture live hares.
A Monitoring Committee on Coursing was established in 1993/94 comprising Departmental officials and representatives from both the National Parks and Wildlife Service (NPWS) and the ICC to monitor developments in coursing and in that regard the situation is kept under constant review to ensure that coursing is run in a well controlled and responsible manner in the interest of animal welfare both for hares and greyhounds alike. Consequently the Government does not plan to ban hare coursing.

**Departmental Schemes**

511. _Deputy Brendan Smith_ asked the Minister for Agriculture, Food and the Marine if he will outline the changes to the disadvantaged area scheme for 2012; and if he will make a statement on the matter. [14299/12]

**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.

**Grant Payments**

512. _Deputy Jim Daly_ asked the Minister for Agriculture, Food and the Marine the reason an agri-environment options scheme payment for 2010 has not yet issued to a person (details supplied) in County Cork; and if he will make a statement on the matter. [14324/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named was approved for participation in the Agri-Environment Options Scheme with effect from the 1 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, must be completed before any payment can issue. The application was selected for a ground inspection which resulted in a penalty being imposed. This penalty is being finalised and I expect payment to issue shortly.

513. _Deputy Charlie McConalogue_ asked the Minister for Agriculture, Food and the Marine if he will confirm that he will be introducing a follow-on scheme to the agri-environment option scheme 2; and the timescale for when he will be introducing this new scheme. [14326/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Despite the financial pressures facing my Department I have made provision in 2012 for €243 million under agri-environment schemes. I am also considering the possibility of re-opening AEOS on an amended basis or limited scale in 2012. This decision will be taken in the context of my Department’s expenditure ceiling for 2013 as agreed by the Government, and in particular, on how a new scheme might be funded within the reduced funding and resulting pressures on the Vote. I will make an announcement on this matter in due course.

*Question No. 514 answered with Question No. 479.*

**Family Support Services**

515. _Deputy Michael Healy-Rae_ asked the Minister for Children and Youth Affairs if she
will review a matter (details supplied) regarding the family resource centre; and if she will make a statement on the matter. [13809/12]

516. **Deputy Michael Healy-Rae** asked the Minister for Children and Youth Affairs her views on a matter (details supplied) regarding the family resource centre programme; and if she will make a statement on the matter. [13810/12]

517. **Deputy Michael Healy-Rae** asked the Minister for Children and Youth Affairs, with regards to the cuts in FSA grant aid to the family resource centre programmes, which are being delivered in a swift and rather brutal way, if she will consider making a more careful assessment of the ramifications of the cuts to avoid the possibility of destroying some services before their full value and benefit is realised; and if she will make a statement on the matter. [13811/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 515 to 517, inclusive, together.

The Family Support Agency, under my Department, operates the Family Resource Centre Programme. The aim of the Family Resource Centre Programme is to combat disadvantage and improve the functioning of the family unit. There are 107 family resource centres throughout the country funded under the programme. The centres provide a range of services for families and groups at local level. They have an important role to play, in harnessing local community efforts, in support of improved outcomes for children and young people which is a key objective of the Department of Children and Youth Affairs.

On 5 December 2011, the Government announced the funding levels being made available to my Department in 2012. As part of the national effort to address Ireland’s fiscal deficit, the Family Support Agency, like all other State bodies, has been asked to make significant savings across all the programmes which it administers. The Agency is required to achieve savings of 5% per annum over 2012-2014 on the costs of the Family Resource Centre Programme.

The Family Support Agency has written to the family resources centres advising them of the reduction in funding and the need to plan for change. The Agency is acutely aware of the challenges that the reduction in funding raises for the family resource centres throughout the country. The Agency has not stipulated how centres should apply the reduction in funding. The family resource centres are asked to focus, in particular, on addressing the scope for greater efficiency and for reduction in the administration and overhead costs associated with the day-to-day running of the centres. The Agency has acknowledged, however, that, given the extent to which funding for individual centres is accounted for by staff costs, boards of management may have to consider cutting salaries, in order to remain within budget over the period 2012-2014.

The Family Support Agency has advised that family resource centres should work with the two regional support agencies that provide support and training to them and are available to provide guidance to assist centres to manage within the resources available.

In 2012 an allocation of €26.465m has been made available to the Family Support Agency to fund its services for families. This includes funding of over €15m for the Family Resource Centre Programme.

**Appointments to State Boards**

518. **Deputy Gerald Nash** asked the Minister for Children and Youth Affairs if she will provide details on the number and names of all semi-State companies and statutory agencies under the remit of her Department; if she will provide a list of all members of the board of...
such organisations for the years 2007, 2008, 2009, 2010 and 2011; if she will provide a list of all expenses associated with membership of these boards on an individual basis for the relevant years; if she will provide information relating to the profession or occupation of all such members of the relevant State companies and statutory agencies; and if she will make a statement on the matter. [13500/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I would like to inform the Deputy that the position in respect of my Department is that four agencies 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 children detention schools as provided in Part 10 of the Children Act 2001. They are also funded through my Department’s Vote and I am responsible for the appointment of their Board of Management.

The Deputy should note that the Board of the AAI was only established on 1st November, 2010. The Office for the Ombudsman for Children does not have a Board of Management.

All Board members are paid travel and subsistence as appropriate, in accordance with the provisions of the governing legislation, for attendance at Board meetings. A record of attendance at all meetings is maintained. I cannot provide a list of all expenses associated with membership of these boards on an individual basis and could not compile such without a disproportionate use of my Department’s staff resources. The accounts of each of the bodies in question are audited by the Comptroller and Auditor General.

I have set out in tabular format below a list of all appointments for the Boards of Management as described above.

<table>
<thead>
<tr>
<th>Member</th>
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</thead>
<tbody>
<tr>
<td>NEWB Board members for all or part of 2007</td>
<td></td>
</tr>
<tr>
<td>Ian Murphy</td>
<td>Department of Education and Science</td>
</tr>
<tr>
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| Eileen Randles | JMB |
| Billy Sheehan | INTO |
| Sonja Croke | NEWB |
| Catherine Hazlett | Department of Community Equality and Gaeltacht Affairs |
| Declan Dunne | Ballymun partnership |
| Fionnuala Anderson | FAS |
| Ruairi Gogan | Irish Youth Justice Service, Department of Justice Equality and Law Reform |
| Michele Clear | HSE |
| Cathal Flynn | Retired |
| Marie-Claire McAleer | National Youth Council of Ireland |
| Pat McSitric | Department of Education and Skills |

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</tr>
<tr>
<td>Suzanne Phelan</td>
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</tr>
<tr>
<td>Helen Casey</td>
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<tr>
<td>Barry Cogan</td>
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<tr>
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<td>Bus Eireann Official</td>
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<td>John Grant</td>
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<tr>
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<tr>
<td>Martina Coombes</td>
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<td>Councillor</td>
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<tr>
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<td>Deirdre Keyes</td>
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<tbody>
<tr>
<td>Micheal O’Kennedy</td>
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</tr>
<tr>
<td>Clare Cashman</td>
<td>FRC Project Co-Ordinator</td>
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<tr>
<td>Paddie Connellan</td>
<td>Nurse, Reflexologist and Aromatherapist</td>
</tr>
<tr>
<td>Maria Corrigan</td>
<td>Psychologist and Member of Dun Laoghaire Rathdown Co. Council</td>
</tr>
<tr>
<td>Geoffrey Corry</td>
<td>FSA staff member (Mediator)</td>
</tr>
<tr>
<td>Helen Faughan</td>
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<tr>
<td>Angela Gaule</td>
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<tr>
<td>Rita Hayes</td>
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<tr>
<td>Dick Hickey</td>
<td>Director, St Brigid’s Family Resource Centre</td>
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<tr>
<td>Member</td>
<td>Board</td>
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</tr>
<tr>
<td>Colm O’Connor</td>
<td>Clinical Psychologist and Director of Cork Marriage Counselling Centre</td>
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<tr>
<td>Brid Rocks</td>
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<td>Yvette O’Malley</td>
<td>Staff member, Mediator</td>
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<td>Brid Rocks</td>
<td>Principal, Scoil Ui Mhuiri</td>
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<td>Caroline Murphy</td>
<td>Organisational Psychologist, Journalist</td>
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<tr>
<td>Muriel Walls</td>
<td>Solicitor and Family Law Specialist</td>
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### Member

**FSA Board members for all or part of 2011**
- Micheal O’Kennedy
- Marie Fenlon
- Catherine Hazlett
- Dick Hickey
- Imelda Martin
- Yvette O’Malley
- Brid Rocks
- Caroline Murphy
- Muriel Walls

**Adoption Board members for all or part of 2007**
- Judge James O’Sullivan
- Margaret Dromey
- Assumpta Hogan
- Siobhan Keogh
- Tony Lynam-Loane
- Dr. Valerie O’Brien
- Geoffrey Shannon
- Orlaith Traynor
- Fachtna Whittle

**Adoption Board members for all or part of 2008**
- Judge James O’Sullivan
- Margaret Dromey
- Assumpta Hogan
- Siobhan Keogh
- Tony Lynam-Loane
- Dr. Valerie O’Brien
- Geoffrey Shannon
- Orlaith Traynor
- Fachtna Whittle

**Adoption Board members for all or part of 2009**
- Margaret Dromey
- Assumpta Hogan
- Siobhan Keogh
- Tony Lynam-Loane
- Dr. Valerie O’Brien
- Geoffrey Shannon
- Orlaith Traynor
- Fachtna Whittle

**Adoption Board members for all or part of 2010**
- Margaret Dromey
- Assumpta Hogan

### Board

- Senior Counsel
- Director of La Cheile Resource Centre
- Department of Community, Equality and Gaeltacht Affairs
- Director, St Brigid’s Family Resource Centre
- Staff member, Mediator
- Principal, Scoil Ui Mhuiri
- Organisational Psychologist, Journalist
- Solicitor and Family Law Specialist
- Retired Judge (retired September 2007)
- CEO
- Nurse
- Child Care Manager
- Accountant
- Lecturer
- Solicitor
- Solicitor
- Solicitor
- Solicitor
- CEO
- Nurse
- Child Care Manager
- Accountant
- Lecturer
- Solicitor
- Solicitor
- Solicitor
National Children’s Strategy

519. **Deputy Michael Colreavy** asked the Minister for Children and Youth Affairs the timeframe for the youth policy framework; and if she will make a statement on the matter. [13516/12]

520. **Deputy Michael Colreavy** asked the Minister for Children and Youth Affairs the engagement with the youth sector that is planned with regard to the youth policy framework; and if she will make a statement on the matter. [13517/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 519 and 520 together.

My Department is currently developing an overarching Children and Youth Strategy 2012-2017 which will contain discrete, but complementary, strategies i.e. a Youth Policy Framework and a National Children’s Strategy. It is expected that these will be published later in 2012.

Two working groups are currently assisting my Department in the development of the youth strategy i.e. an International Expert Reference Group, comprising national and international youth sector interests, is providing expert guidance and direction to the Youth Affairs Unit in the development of the Youth Policy Framework. In particular, the Group is providing impartial and independent advice concerning scientific, technical, conceptual and practical questions and issues. Secondly, a Task Group has been established under the auspices of the National Youth Work Advisory Committee to offer advice to that Committee and the Department on emerging developments and findings regarding youth work and related practices in the youth sector during the development phase of the Youth Policy Framework.
As part of the development of the Youth Policy Framework, my Department has commissioned a review of international best practice in the field of youth development and support. Building on the findings from this international literature review, my Department, with the assistance of the Centre for Effective Services, is organising a Symposium on Youth Development Outcomes in July 2012. The purpose of the Symposium will be to provide a forum for practitioners and managers of young people’s services, academics, researchers and others to learn from three leading commentators in relation to specific topic areas, for participants to reflect on their own practice in light of the inputs from the international commentators, and for participants considerations to inform the development of the Youth Policy Framework. A further consultation process with youth interests including voluntary and statutory agencies and young people is also envisaged.

Youth Services

521. Deputy Clare Daly asked the Minister for Children and Youth Affairs if she will reverse the 6.5% cut in funding for youth services which will mean that many projects will have to axe summer projects and other vital youth support services at a time when there is increasing demand. [13633/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Youth Affairs Unit of my Department provides a range of funding schemes, programmes and supports to the youth sector. Funding of €56.806m on current expenditure and €1.5m on capital expenditure is available in 2012 to support the provision of youth services and programmes to young people throughout the country including those from disadvantaged communities.

In light of the significant reduction in the overall current budget for the youth sector the emphasis has been on preserving front line youth services. In determining financial allocations to initiatives and schemes in 2012 officials from my Department have met with representatives of the youth sector on an ongoing basis with a view to determining how best to minimise the impact of the reduction in the 2012 budget on youth services. As Minister for Children and Youth Affairs, I am committed to providing continued support for the provision of quality youth services to young people. As it is unlikely that there will be any increased funding available in the foreseeable future, it behoves us all to use the resources available to the maximum benefit of young people. My Department is currently developing a new youth policy framework. In that context, it is my intention that this framework will facilitate and promote co-ordination and cohesion across Departments and services which will enable the most effective use of the resources available.

Adoption Services

522. Deputy Dominic Hannigan asked the Minister for Children and Youth Affairs the reason persons (details supplied) in County Meath have to wait until the autumn for an adoption social worker to meet them and assess their case even though they completed the preparation course in 2011; and if she will make a statement on the matter. [13759/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): As this is a service matter, I have asked the Health Service Executive to respond directly to the Deputy with the most up-to-date information.

Missing Children

523. Deputy Finian McGrath asked the Minister for Children and Youth Affairs the position regarding the 116000 number (details supplied). [13761/12]
525. Deputy Maureen O’Sullivan asked the Minister for Children and Youth Affairs the date on which the first meeting of the joint project team took place on the 116000 missing children’s hotline; the reason for the delay in implementing the hotline; and if she will make a statement on the matter. [13928/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I propose to take Questions Nos. 523 and 525 together.

Under EU telecoms rules agreed in 2009, the 116000 numbers are reserved in all EU member states for certain services that have a social value by using the same recognisable numbers in all member states. Article 27A of the Universal Service Directive makes provision in relation to all 116 numbers. Articles 27A (4) and (5) specifically refer to the 116000 service regarding a hotline for missing children. These provisions were not transposed in the Universal Service Regulations as they are deemed to be transposed administratively. 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 project team first met on 11th January 2012.

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

524. Deputy Dominic Hannigan asked the Minister for Children and Youth Affairs when she expects the bilateral agreement on adoptions to be signed between Ireland and Russia; and if she will make a statement on the matter. [13839/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): Initially I should state that a limited number of adoptions from Russia are currently being processed under transitional arrangements as provided for in the Adoption Act 2010. Under the provisions of the legislation, such adoptions may take place up to the end of October 2013.

As regards adoptions thereafter, Russia has not ratified the Hague Convention and there appears to be no immediate prospect that this will happen. Therefore, future adoptions from Russia, beyond those provided for under the transitional arrangements, may only be possible under a bilateral agreement developed to the standards of the Hague Convention.

An official delegation from Ireland recently visited Russia and held preliminary discussions regarding the potential for a bilateral agreement. I am awaiting an assessment from the Adoption Authority which will inform the next steps to be taken in relation to this matter. The immediate priority of the Adoption Authority is the development of administrative arrangements with other countries which have ratified the Hague Convention. Any future bilateral arrangements which might be entered into would also be required by law to meet the minimum standards set out in the Convention.

Question No. 525 answered with Question No. 523.

Public Service Staff

526. Deputy Pat Breen asked the Minister for Children and Youth Affairs if she will report
on the number of public servants from County Clare who retired as part of the Croke Park early retirement scheme from positions in her Department or from State bodies under the aegis of her Department. [14196/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I can confirm to the Deputy that none of the people in my Department or from State Bodies under the aegis of my Department who retired before the end of February last was based in Co. Clare.

Children in Care

527. Deputy Jonathan O’Brien asked the Minister for Children and Youth Affairs the number of children in the care system who have been placed with lesbian, gay, bisexual and transgender foster parents; and if she will make a statement on the matter. [14251/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): My Department has sought the information requested by the Deputy from the HSE and I will provide the Deputy with the information as soon as it is received.

Adoption Services

528. Deputy Jonathan O’Brien asked the Minister for Children and Youth Affairs if her attention has been drawn to the lack of clarity in Irish law by which same-sex couples who adopt in the UK may not have their adoption automatically recognised by this State; her plans to rectify this situation; and if she will make a statement on the matter. [14252/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): In accordance with the provisions of the Adoption Act, 2010, the Adoption Authority of Ireland is the body with responsibility for the performance of the functions conferred on it under the legislation.

Section 57 (2) of the Adoption Act, 2010, provides that an inter-country adoption effected outside the State, which conforms to the conditions specified in that section, is recognised and is deemed to have been effected by a valid adoption order, unless the adoption is contrary to public policy.

Under Section 33 of the Adoption Act, 2010, the Adoption Authority shall not make an adoption order or recognise an inter-country adoption effected outside the State for joint applicants unless the applicants are a married couple who are living together.

The issue of same sex marriage is a matter which will be examined in the context of the Constitutional Convention.

Eating Disorders

529. Deputy Derek Keating asked the Minister for Health the contribution the food industry, food processing companies and food manufacturers can make to deal with the issue of obesity in children; his views that legislation or regulation is needed; and if he will make a statement on the matter. [13523/12]

Minister for Health (Deputy James Reilly): In 2011, the Special Action Group on Obesity (SAGO) was established, comprising key stakeholders, and chaired by the Department of Health. The group includes a representative from the Department of Children and Youth Affairs, the Department of Education and Skills, the Health Service Executive, the Food Safety Authority of Ireland and safefood. It focuses on a specific range of measures including Healthy Eating Guidelines for the Irish population, restricting the marketing of food and drink high in
fat, sugar or salt to children, nutritional labelling, calorie posting on restaurant menus, the promotion of physical activity and the detection and treatment of obesity. Many of these measures do not require legislation, however, the group will consider the need for legislation, if appropriate.

SAGO identified calorie posting on restaurant and coffee shop menus as one of the issues which could have a positive impact in addressing the problem of our rising levels of overweight and obesity and as a means of educating the general public on the calorie content of food portions. Following in the footsteps of the US and the UK, in October 2011, Fast Food chains operating in Ireland were written to requesting that they introduce calorie posting in their restaurants immediately. A consultation process involving the FSAI has recently been completed to inform the next steps in the process.

The Food and Drink Industry Ireland and its members have met with the Minister and with the Special Action Group on Obesity to discuss the Minister’s action priorities.

A Health Impact Assessment will be initiated on the potential effects of a tax on Sugar Sweetened Drinks which will provide a strong evidence base for such a tax. The Institute of Public Health has agreed to lead the HIA Project Group and the WHO Europe has indicated that their expertise will be available to the Department.

**Proposed Legislation**

530. **Deputy Mary Mitchell O’Connor** asked the Minister for Health how cosmetic surgery clinics are currently regulated and if, in view of the recent defective breast augmentation procedures, he plans to update the current regulation regime; and if he will make a statement on the matter. [13722/12]

573. **Deputy Mary Mitchell O’Connor** asked the Minister for Health how cosmetic surgery clinics are currently regulated; in view of the recent defective breast augmentation procedures, his plans to update the current regulation regime; and if he will make a statement on the matter. [13728/12]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 530 and 573 together.

The Madden Commission on Patient Safety identified cosmetic surgery as one of the priority areas that should be addressed by a new system of licensing. My officials are currently working on the Licensing of Health Facilities Bill which will provide for a mandatory system of licensing for public and private health service providers. The legislative proposals are being prepared broadly in line with recommendations made by the Madden Commission and are designed to improve patient safety by ensuring that health care providers do not operate below core standards which are applied in a consistent and systematic way. The intention is to have a proportionate system which has the confidence of the public. Standards and other requirements will be enforceable through inspection and imposition of sanctions as necessary. Licensing will be targeted at areas which are not currently subject to regulation. I expect to receive outline proposals for the new system of licensing shortly.

Regulation of medical devices, including the PIP breast implants at the centre of current concern, is governed by EU legislation which has been transposed into Irish law. Under the regulatory system in place, the Irish Medicines Board is the competent authority for medical devices in Ireland and is responsible for post market surveillance of medical devices and sale. Medical devices may be placed on the market anywhere in the EU, including Ireland, following
certification by a notified body which awards the medical device a CE Mark. The IMB has no direct role in the authorisation of any medical device before it comes to market.

The EU Commission is in the process of revising the Medical Devices Directives and hopes to have proposals later this year. In January 2012 the Commission announced their plans to “stress test” the proposals to ensure that they are suitable to detect and resolve the issues highlighted by the PIP implants case. In addition the Commission announced a number of immediate actions to strengthen the system in the short term.

In the interim the IMB continues to liaise with EU and International colleagues (including Australia, the UK and other EU and non-EU countries) regarding the testing of PIP breast implants which is currently ongoing and any issues of concern will be communicated immediately. Women with these implants are advised that if they have any concerns about their breasts or implants they should seek clinical advice from their implanting surgeon.

All health care professionals are required to be registered with their relevant professional regulatory body. The regulation of all medical practitioners is provided for under the Medical Practitioners Act 2007. Under this Act, medical practitioners, including cosmetic surgeons, who practice medicine in Ireland must be registered in the Register of Medical Practitioners which is maintained by the Medical Council. Furthermore, since May 2011 in accordance with Part 11 of the Act, all registered medical practitioners are required to maintain their professional competence on an ongoing basis. My Department is in the process of preparing legislation to make it mandatory for all medical practitioners engaged in clinical practice to have adequate clinical indemnity insurance. It is proposed to have this legislation in place in 2012.

It is also recommended that people who avail of the services of doctors performing cosmetic surgery should ideally discuss this decision in advance with their general practitioners and should endeavour to seek the services of reputable providers. When invasive procedures are being arranged, people are strongly advised to check that the services are provided by a medical practitioner who is registered in the appropriate division of the Register of Medical Practitioners with the Medical Council. Before agreeing to undergo any procedure, people should also ascertain the level of follow-up medical support which will be available to them after surgery.

**Medical Cards**

531. **Deputy Peadar Tóbín** asked the Minister for Health if it is his policy to means test medical cards. [13832/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** Payments made by the Department of Social Protection are funded by social insurance contributions and by the Exchequer. One of the core principles of social insurance is that, in return for the insurance contribution, payments will be made to the insured worker in the event of prescribed contingencies arising, such as unemployment, disability or old age. It is not my policy to means test such State entitlements as to do so would undermine the insurance policy upon which they based.

Entitlements funded by the Exchequer are paid subject to a means test, with some exceptions, most notably Child Benefit. Any changes to the schemes operated by the Department, including the means testing of schemes which are not currently means tested, will be considered by the Cabinet in the context of this ongoing review of expenditure and in the context of deciding the fiscal consolidation measures to be included in Budget 2013. That consideration
will be informed by, among other things, the Comprehensive Review of Expenditure, which was published as part of the Budget 2012 process.

Services for People with Disabilities

532. **Deputy Michael Healy-Rae** asked the Minister for Health with regard to children and the present reviews that are taking place, the payments that are used to buy occupational therapy, speech therapy and play therapy, as there are waiting lists in excess of eight months for these vital supports; and if he will make a statement on the matter. [14332/12]

533. **Deputy Michael Healy-Rae** asked the Minister for Health the reason assessments for children with autism are only up to the age of 48 months and there do not appear to be assessment criteria for children above this age; and if he will make a statement on the matter. [14334/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I propose to take Questions Nos. 532 and 533 together.

As the Deputy’s questions 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

534. **Deputy Martin Heydon** asked the Minister for Health if a medical card application will be expedited in the case of person (details supplied) in County Kildare; and if he will make a statement on the matter. [13455/12]

**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

535. **Deputy Tony McLoughlin** asked the Minister for Health the podiatry services available to non-medical card holders (details supplied); the reason this service was denied to them in the north west region; and if he will make a statement on the matter. [13473/12]

**Minister for Health (Deputy James Reilly):** I understand from the HSE that Podiatry services are available to medical card holders in the following categories:

(a) Persons aged 66 years of age and over with podiatric need.

(b) Persons with Diabetes, peripheral vascular disease, rheumatoid arthritis, persons who are immuno-suppressed with associated lower limb pathologies.

(c) Persons with a learning disability with podiatric need.

(d) Persons with a physical disability with podiatric need. Persons who have a Health Amendment Act Card.

Unfortunately, the HSE does not have the resources to provide podiatry services to non medical card holders in the Sligo/Leitrim area.

The National Diabetes Clinical Care Programme is a priority, including the provision of additional podiatry services for this area in 2012.
Appointments to State Boards

536. **Deputy Gerald Nash** asked the Minister for Health if he will provide details on the number and names of all semi-state companies and statutory agencies under the remit of his Department; if he will provide a list of all members of the board of such organisations for the years 2007 to 2011, inclusive; if he will provide a list of all expenses associated with membership of these boards on an individual basis for the relevant years; if he will provide information relating to the profession or occupation of all such members of the relevant State companies and statutory agencies; and if he will make a statement on the matter. [13507/12]

**Minister for Health (Deputy James Reilly):** The Opticians Board, National Treatment Purchase Fund, Food Safety Authority of Ireland, Pre-Hospital Emergency Care Council, Health Research Board, Medical Council, National Cancer Registry Board, Health Information and Quality Authority, An Bord Altranais, Pharmaceutical Society of Ireland, Health and Social Care Professionals Council, Dental Council, National Paediatric Hospital, Health Information Authority, Mental Health Commission, Irish Blood Transfusion Service, Irish Medicines Board, Food Safety Promotion Board (Safefood) and the VHI (Semi-State company) are the agencies and companies under the remit of my Department. The rest of the information sought by the Deputy is not routinely held by my Department, but is currently being collated and will be forwarded to the Deputy as soon as it is available.

Medical Cards

537. **Deputy Paudie Coffey** asked the Minister for Health the position regarding a medical card application in respect of a person (details supplied) in County Waterford; when this application will be processed; and if he will make a statement on the matter. [13519/12]

**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 Martin Ferris** asked the Minister for Health when a person (details supplied) in County Kerry will receive an appointment at Cork University Hospital; and if he will make a statement on the matter. [13520/12]

**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.
Questions— 13 March 2012.  Written Answers

Medical Cards

539. **Deputy Bernard J. Durkan** asked the Minister for Health, further to Parliamentary Question No. 264 of 15 February, the progress made to date in the determination of eligibility for a medical card in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [13524/12]

**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

540. **Deputy Billy Kelleher** asked the Minister for Health when a person (details supplied) in County Cork will receive the dental treatment they require; and if he will make a statement on the matter. [13526/12]

**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.

Vaccination Programme

541. **Deputy Peadar Tóibín** asked the Minister for Health if he will consider a request to meet with members of the vaccine damage steering group to discuss the recommendations of the report published by him last summer. [13531/12]

**Minister for Health (Deputy James Reilly):** All meeting requests are considered on receipt. My Department will presently make recommendations on the report of the vaccine damage steering group for my appraisal. Once I have examined the submission, a meeting request if received will receive consideration.

Hospital Waiting Lists

542. **Deputy Derek Keating** asked the Minister for Health when an operation will be scheduled in respect of a person (details supplied) in County Clare. [13538/12]

**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.

National Children’s Hospital

543. **Deputy Charles Flanagan** asked the Minister for Health if he will procure and publish
full and detailed particulars of all sums expended to date in respect of the proposed new national children’s hospital; and if he will make a statement on the matter. [13553/12]

Minister for Health (Deputy James Reilly): I can confirm that the overall costings on the National Children’s Hospital to end of December 2011 are €36.6 million. The final cost of the independent review commissioned by me in 2011 was €115,586.87 (inclusive of VAT). The specific data requested by the Deputy is not readily available in my Department. Therefore, I have referred the matter to the National Paediatric Hospital Development Board who will reply directly to the Deputy on the matter.

Health Services

544. Deputy Aodhán Ó Ríordáin asked the Minister for Health the reason a person (details supplied) in Dublin 5 has not received orthodontic treatment; the reason they were on a waiting list for more than three years; when the person will receive the required treatment; and if he will make a statement on the matter. [13554/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the HSE for direct reply.

Medical Cards

545. Deputy John McGuinness asked the Minister for Health if he will expedite an application for a medical card submitted online last July 2011 in respect of a person (details supplied) in County Kilkenny. [13570/12]

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.

546. Deputy Jim Daly asked the Minister for Health if he will reinstate medical card cover without delay in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [13571/12]

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

547. Deputy Brian Walsh asked the Minister for Health when a child (details supplied) in County Galway will receive their nine-month development assessment, which is currently six months overdue, as required by Health Service Executive guidelines; and if he will make a statement on the matter. [13575/12]

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

548. Deputy Caoimhghín Ó Caoláin asked the Minister for Health if he has issued or will issue instructions on medical card applications from persons who previously benefited from the free dispensing of psychiatric medication by mental health services in the greater Dublin area
and who, since the ending of this scheme, face large bills for medication and for general practitioner visits to obtain prescriptions, in some cases forcing persons to give up or consider giving up work to qualify for a medical card; if he will issue instructions to give special consideration to this cohort of patients; and if he will make a statement on the matter. [13596/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** Under the former Eastern Health Board, it was the practice to provide psychiatric medicines free to all patients who attended an outpatient clinic for services regardless of their eligibility status. Such arrangements were unique to the greater Dublin area. In all other former Health Board Areas, patients used either their medical card or Drug Payment Scheme card to access psychiatric medicines.

In 2009, the HSE decided to bring the arrangements for the supply of medicines to patients attending mental health outpatient clinics in the greater Dublin area into line with those operating in the rest of the country. These changes were introduced on a phased basis, starting in October 2010 when medical card holders in the HSE Dublin North East area requiring psychiatric medicines were referred to their own GP for a GMS prescription. This arrangement was extended to the Dublin Mid Leinster area in November 2011. Drug Payment Scheme cardholders are required to pay for their prescription up to the co-payment threshold of €132 per month. Medical card holders continue to receive their medication free of charge, subject to any applicable prescription charge.

People affected by these changes who cannot, without undue hardship, arrange for the provision of medical services for themselves and their dependants may be entitled to a medical card under the provisions of the Health Act 1970. The assessment for a medical card is determined primarily by reference to the means of the applicant and his/her dependants. In the assessment process, the Health Service Executive will take into account medical costs incurred by an individual or a family, including the cost of medication.

At the request of my colleague, Dr James Reilly, Minister for Health, the HSE recently set up a clinical panel to assist in the processing of applications for discretionary medical cards where there are difficult personal circumstances. This should be of particular benefit to persons diagnosed with mental illness whose income is in excess of the standard income guidelines. It is the Government’s intention to extend free GP services to the entire population during the course of this Government.

**Health Services**

549. **Deputy Catherine Murphy** asked the Minister for Health the arrangements being put in place in the Health Service Executive in County Kildare to cover the function of school liaison for children who are on the autism spectrum; how it is intended to accommodate children who currently attend the centre in Kill which is due to be sold; if a communications strategy is in place to include parents who have children with disabilities such as autism affected by the changes; and if he will make a statement on the matter. [13597/12]

**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.

550. **Deputy Catherine Murphy** asked the Minister for Health how he intends to implement the recommendations of the National Rehabilitation Strategy; the funding that has been allocated to this; if there will be an increase in specialist posts in 2012; his views on the fact that just one in every six of the 15,000 persons with severe conditions receive the rehabilitation they
require; his further views on whether this does not produce savings but produces care needs elsewhere in the service; and if he will make a statement on the matter. [13598/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** Last December, I welcomed the publication of the National Policy and Strategy for the provision of Neuro-Rehabilitation Services. The report recognises that given the current economic climate, the focus in the short to medium term has to be on reconfiguration of services, structures and resources and the enhancement of the skills and competencies required to meet the changing context.

The Strategy is focused on the specific needs of those with neurological illness or injury outside of stroke. Five of the more common neurological conditions were selected for detailed review and analysis in the report. The five conditions selected were:

- acquired brain injury (other than stroke);
- cerebral palsy;
- multiple sclerosis;
- idiopathic Parkinson’s disease; and
- spinal cord injury.

The HSE is committed to the implementation of the recommendations of the National Policy and Strategy and to achieve the objectives of the Rehabilitation Medicine Clinical Programme which aims to: improve the quality of care; improve access to services and improve cost effectiveness. In this regard, both clinical and executive leads have been assigned and a national working group comprised of a team of experts has been established.

The HSE National Service Plan for 2012 outlines the focus for service development as follows:

- The development of Regional Networks and local rehabilitation teams;
- Development of regional in-patient and out-patient rehabilitation facilities;
- Integration of services;
- Development of protocols that will have mandatory compliance across the delivery system;
- Reconfiguration of existing resources;
- Achieving greater cost-effectiveness through the development of greater competencies by those tasked with delivering services;
- Increased teamwork and using interdisciplinary approaches; and
- More inter-agency collaborative working.

Key to the success of these developments will be the assignment of Regional Rehabilitation Medicine Consultants who will ensure that national best practice is implemented in each regional network, crossing the boundaries between acute and community services. The four regional leads have been assigned, however, it should be noted that these are not new posts and the task has been taken up by existing Consultants. There is now a clear policy with a
recommended service framework, that, when implemented, will ensure that Neuro-Rehabilitation services are developed for those we serve in the most appropriate, effective and efficient way. I know that with the commitment of the Health Service Executive and service providers to the implementation process, we can achieve improved rehabilitation services for those persons with a neurological illness or injury or with a significant physical disability.

551. **Deputy Catherine Murphy** asked the Minister for Health his views on whether Health Service Executive cuts disproportionately affect neurological charities; his plans to review this in 2012; his further views that the loss of services will place an additional care need burden; if this has been factored into the HSE budgets; and if he will make a statement on the matter. [13599/12]

**Minister for Health (Deputy James Reilly):** The report entitled “National Policy and Strategy for the Provision of the Neuro-Rehabilitation Services in Ireland 2011-2015” was jointly commissioned by the Department of Health and the Health Service Executive (HSE) and published in December 2011. The report sets out a clear policy with a recommended service framework that, when implemented, will ensure that the services are delivered in the most appropriate, most effective and most efficient way.

The report recognises that given the current economic climate, the focus in the short to medium term has to be on reconfiguration of services, structures and resources and the enhancement of the skills and competencies required to meet the changing context.

The HSE is committed to developing an implementation plan and an implementation structure for the provision of neuro-rehabilitation services, in close collaboration with the HSE Rehabilitation Medicine Clinical Programme.

In the current economic climate it is not possible to provide additional funding to charities.

552. **Deputy Derek Nolan** asked the Minister for Health the progress made on the implementation of recommendations from the Irish Human Rights Commission report arising from the operation of a residential and day care centre for persons with a severe and profound intellectual disability, which was published in March 2010; and if he will make a statement on the matter. [13604/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As the Deputy is aware the Irish Human Rights Commission Enquiry Report into the provision of intellectual disability services by the Brothers of Charity Services to adults in the John Paul Centre, Galway was published in March 2010. The Report makes a number of recommendations which are directed at the Department of Health, the Department of Education and Skills, the Health Service Executive and the Brothers of Charity Services, Galway. It is a matter for each organisation to consider the recommendations, as appropriate.

From a Department of Health perspective, the Report raises important questions regarding the current arrangements for funding, accountability and standards in our disability services. It is acknowledged that, despite considerable advances in the standard of service provision in recent years, more needs to be done to improve services. A number of important current initiatives will further advance the ability of the health services to more fully focus on meeting the needs of people with disabilities. My Department’s ongoing Value for Money and Policy Review of Disability Services is considering how well the current substantial allocation of funding for disability services is being used, and is exploring the way forward for reconfiguration of these services, and their management and operation, so as to enable them to respond more
effectively to individual needs. It is expected that the Review will be completed in the first half of 2012.

With regard to standards for residential services, HIQA has prepared and published standards for the sector, which outline what is expected of a provider of services and what a person with a disability, his or her family, and the public can expect to receive from such services. They clearly set out what a quality safe residential service for people with disabilities should be and support the delivery of person-centred care in this sector.

The Government is committed to ensuring that vulnerable people with disabilities in residential services are safeguarded and protected, and that their quality of life is enhanced. With this in mind, the current Programme for Government commits to mandatory standards for this sector and inspections of services by HIQA.

As I announced on 16th June last, discussions have begun between the Department of Health and HIQA to progress this commitment. Given the complex nature of residential service provision for people with disabilities, ranging from congregated settings to dispersed housing in the community, careful consideration is being given to designing the most appropriate regulatory model and this work is ongoing. A target date of Quarter 1 2013 has been provisionally set for the commencement of the proposed regulatory scheme.

In regard to the wider health sector, the HSE recently published the following reports: (1) ‘New Directions- Personal Support Services for Adults with Disabilities’; (2) ‘National Review of Autism Services’ Provision within HSE’; and (3) ‘Respite/Residential Care with Host Families in Community Settings’. A Review of the case for moving people from residential institutions (Time to Move on from Congregated Settings — A Strategy for Community Inclusion) was published in July 2011, which the HSE is committed to implementing in a phased basis over the next 7 years.

Over the past few years disability service provision has begun to move towards a community-based and inclusive model and away from services delivered in institutional and segregated settings. The implementation of these reports by the HSE, alongside the Department’s pending Value for Money and Policy Review and the introduction of standards for residential settings, will provide a catalyst for achieving more effective, person-centred disability service provision, in line with international best practice. All of these initiatives are informed by the principles of ‘mainstreaming’, community inclusion and individual choice and have the potential to change the nature of disability service delivery and supports in the coming years.

Medical Cards

553. **Deputy John Lyons** asked the Minister for Health the position regarding a medical card application in respect of a person (details supplied) in Dublin 11; and if any further information is required for the application to be processed. [13611/12]

**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.

554. **Deputy Eric Byrne** asked the Minister for Health if he will review a decision to issue a doctor-only medical card to persons (details supplied) in Dublin 10; and if this matter will be investigated urgently. [13620/12]

**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

555. **Deputy Tom Fleming** asked the Minister for Health if all Health Service Executive offices in County Kerry will be retained; if current staffing levels will be maintained; and if he will make a statement on the matter. [13628/12]

**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.

Abuse in Hospitals

556. **Deputy Clare Daly** asked the Minister for Health if he will launch a full inquiry into the complaints of sexual abuse of patients in Our Lady of Lourdes Hospital, County Louth, which were first logged in 1995, as sought by him in Dáil Éireann on 30 June 2009. [13632/12]

557. **Deputy Gerry Adams** asked the Minister for Health if he will hold a public inquiry under the Commissions of Investigation Act in respect of cases of sexual abuse in Our Lady of Lourdes Hospital, Drogheda, County Louth. [13643/12]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 556 and 557 together.

Early in 2011, I indicated that the issues raised by the case of Michael Shine, former Consultant at Our Lady of Lourdes Hospital, Drogheda would be the subject of an inquiry by an Oireachtas Committee. This was dependent on the powers that had been proposed under the 30th Amendment of the Constitution. As it was not possible to proceed as proposed I am giving consideration as to how best to deal with the issues involved in the Michael Shine case. My Department is currently exploring the options in this regard including the possibility of a Commission of Investigation under the Commissions of Investigation Act 2004, subject to necessary legal advice.

558. **Deputy Gerry Adams** asked the Minister for Health the funding that will be made available in 2012 to Dignity 4 Patients, the support group for victims of sexual abuse in Our Lady of Lourdes Hospital, Drogheda, County Louth. [13644/12]

**Minister for Health (Deputy James Reilly):** My Department has a National Lottery discretionary fund in place which provides once-off grants to community groups and organisations, providing a range of health related services. Dignity 4 Patients received lottery funding of €69,000 from my Department’s 2011 allocation of National Lottery Funding towards the once-off cost of providing an office, a website, a helpline and office administration.

On-going funding for any service is a matter for the HSE and accordingly I previously asked Dignity 4 Patients to liaise with the HSE in this regard. I understand there has been frequent contact between the HSE and Dignity 4 Patients and as a result the HSE has agreed to provide funding to Dignity 4 Patients for their office expenses. I have now asked the HSE to engage further with Dignity 4 Patients to consider if any additional funding might possibly be provided by them to support activities that Dignity 4 Patients may be engaged in which are complimentary to services offered by the HSE, such as counselling services.

Medical Cards

559. **Deputy Dara Calleary** asked the Minister for Health the reasons for the delay in processing a medical card application in respect of a person (details supplied) in County Mayo; and if he will make a statement on the matter. [13649/12]
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**

560. **Deputy Colm Keaveney** asked the Minister for Health when the Health Service Executive plan to proceed with treatment in respect of a person (details supplied) in County Galway in view of the fact that this appointment has been cancelled twice already. [13665/12]

**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 in-patient 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.

**Hospital Staff**

561. **Deputy Jim Daly** asked the Minister for Health the position regarding a West Cork Hospital extension and the replacement of senior staff in the hospital (details supplied); and if he will make a statement on the matter. [13672/12]

**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.

**Charities and Voluntary Organisations**

562. **Deputy Gerry Adams** asked the Minister for Health the steps he has taken to address the high salary levels of the chief executives of charities who are in receipt of State funding from his Department. [13674/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I take it the Deputy is referring to the remuneration paid to the CEOs of voluntary disability agencies.

Disability services are provided directly by the HSE and by non-statutory disability providers funded under Sections 38 and 39 of the Health Act 2004. Staff of voluntary agencies funded under Section 38 of the Health Act 2004 are considered public servants and are covered by the standard salary scales for the health sector. Some of the agencies receive grants from the HSE under Section 39 but their employees are not public servants and are not specifically subject to the payscales approved for public servants.

A recent review by the Health Service Executive has found some anomalies in the salary scales being paid in a number of the Section 38 public service voluntary agencies. The HSE review found such anomalies across a number of grades of staff and it also included a small
number of CEOs. These issues are being followed up by the HSE. My Department has also asked the HSE to review other payments, including allowances.

Both my colleague Minister Reilly and myself are concerned to ensure that the State receives value for all monies invested in public services on behalf of the taxpayer. In the context of the current Value for Money Review of Disability Services we are seeking to work with all providers, whether funded under Sections 38 or 39 of the Health Act 2004, to further improve processes of accountability in the sector, with a view to achieving the most cost efficient and effective delivery of services for people with a disability.

563. **Deputy Gerry Adams** asked the Minister for Health if he will provide a breakdown of the charities he funds for the provision of services and the amount of money these groups received in 2011. [13675/12]

**Minister for Health (Deputy James Reilly):** My Department administers a National Lottery Discretionary fund from which grants are paid to community and voluntary organisations providing a range of health related services. The funding made available in 2011 including a list of each body in receipt of funding is set out on my Department’s website — www.doh.ie. The total amount paid in 2011 was €3.286m.

The HSE also provides funding to a large number of voluntary organisations, some of which would have charitable status. Details of all the organisations funded by the HSE are set out in its Annual Financial Statements, which are available at www.hse.ie.

**Hospital Waiting Lists**

564. **Deputy Martin Ferris** asked the Minister for Health when a person (details supplied) in County Kerry, who has been waiting on an emergency list for an MRI scan for 16 months, will be called for their appointment. [13685/12]

**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 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**

565. **Deputy John O’Mahony** asked the Minister for Health when a person (details supplied) in County Mayo will receive their general practitioner visit card; the reason for the delay in issuing the renewal card; and if he will make a statement on the matter. [13687/12]

**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**

566. **Deputy David Stanton** asked the Minister for Health the number of children aged five to 18 years awaiting occupational therapy services in the Health Service Executive South area
especially the County Cork region; the shortest, longest and average waiting times for such services in each HSE South area; and if he will make a statement on the matter. [13704/12]

568. Deputy David Stanton asked the Minister for Health the number of children aged five to 18 years awaiting speech and language therapy services in the Health Service Executive South area especially the County Cork region; the shortest, longest and average waiting times for such services in each HSE South area; and if he will make a statement on the matter. [13706/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): I propose to take Questions Nos. 566 and 568 together.

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.

567. Deputy David Stanton asked the Minister for Health the number of children aged five to 18 years awaiting physiotherapy services in the Health Service Executive south area, especially the County Cork region; the shortest, longest and average waiting times for such services in each HSE south area; and if he will make a statement on the matter. [13705/12]

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.

Question No. 568 answered with Question No. 566.

National Children’s Hospital

569. Deputy Pádraig Mac Lochlainn asked the Minister for Health the names of those representatives from parents’ groups, youth groups and children’s groups who will be participating on the review board headed up by a person (details supplied), which was set up following An Bord Pleanála’s planning refusal for the proposed National Children’s Hospital. [13710/12]

Minister for Health (Deputy James Reilly): I am currently in the process of establishing membership of the Independent Review Group to consider the implications of the decision of An Bord Pleanála received on 23 February 2012 to reject the planning application for the proposed construction of a national paediatric hospital on the Mater site. The terms of reference for the Review Group have been agreed by Cabinet. I have asked Dr. Frank Dolphin, Former Chair of the Board of the HSE, to chair the group. I will announce the full membership of the group shortly.

General Medical Services Scheme

570. Deputy Dessie Ellis asked the Minister for Health his plans to extend general practitioner visit cards to cover hospital and accident and emergency visits and stays. [13716/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): The GP visit card was introduced in 2005 as a graduated benefit, so that people on lower incomes who do not qualify for a medical card, would not be deterred on cost grounds from visiting their GP. I have no plans at present to extend the scope of the GP visit card to include exemptions to general hospital charges.

Health Services

571. Deputy Mary Mitchell O’Connor asked the Minister for Health if he will confirm that
the National Rehabilitation Centre will continue to provide music therapy services; if the senior music therapist’s (details supplied) contract will be renewed; and if he will make a statement on the matter.  [13721/12]

**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.

572. **Deputy Finian McGrath** asked the Minister for Health the position regarding support in respect of a person (details supplied).  [13725/12]

**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.

*Question No. 573 answered with Question No. 530.*

**Medical Cards**

574. **Deputy Brendan Griffin** asked the Minister for Health if medical expenses are retrospectively covered in view of the fact that their medical card is backdated in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter.  [13732/12]

**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.

575. **Deputy Bernard J. Durkan** asked the Minister for Health if and when a medical card will issue in the case of a person (details supplied) in County Meath who applied in October 2011; and if he will make a statement on the matter.  [13740/12]

**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 Negligence Cases**

576. **Deputy Jerry Buttimer** asked the Minister for Health then number of medical negligence cases involving mishaps at birth over the past five years; the settlement in each case; the amount paid in legal fees; the duration between lodging the claims and the judgments or settlements; and if he will make a statement on the matter.  [13741/12]

**Minister for Health (Deputy James Reilly):** The information requested by the Deputy concerning medical negligence cases is not readily available. Accordingly, I have asked the State Claims Agency to collate the information and it will be forwarded to the Deputy as soon as it is available.

**Health Services**

577. **Deputy Brian Walsh** asked the Minister for Health if measures will be put in place to prevent a serious impact on services following a significant number of retirements from the Orthopaedic Department at Galway University Hospital; if he will outline these measures; and if he will make a statement on the matter.  [13747/12]

**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

578. **Deputy Jim Daly** asked the Minister for Health when a decision for a renewal of a medical card will issue to a person (details supplied) in County Cork; the reason this particular applicant has to apply every 12 months in view of the nature of the long-term illness suffered by the applicant; and if he will make a statement on the matter. [13755/12]

**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.

579. **Deputy John McGuinness** asked the Minister for Health if a medical card will issue to a person (details supplied) in County Kilkenny; and if he will expedite the matter. [13763/12]

**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.

580. **Deputy John McGuinness** asked the Minister for Health if a medical card will issue to a person (details supplied) in County Tipperary; and if he will expedite the matter. [13764/12]

**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

581. **Deputy John McGuinness** asked the Minister for Health if incontinence sheets and other essential health care items will continue to be made available to a person (details supplied) in County Kilkenny; and if he will expedite a response. [13765/12]

**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.

582. **Deputy Alan Farrell** asked the Minister for Health if his attention has been drawn to the differences in length of time taken to diagnose and treat torticollis in hospitals across the country; and if he will make a statement on the matter. [13773/12]

585. **Deputy Alan Farrell** asked the Minister for Health the treatment options available to children with torticollis; and if he will make a statement on the matter. [13776/12]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 582 and 585 together.

As these are service matters, they have been referred to the Health Service Executive for direct reply.

Hospital Waiting Lists

583. **Deputy Alan Farrell** asked the Minister for Health if his attention has been drawn to the fact that a child (details supplied) will have to wait upwards of nine months for a repeat MRI at Our Lady of Lourdes Hospital, Drogheda, County Louth; and if he will make a statement on the matter. [13774/12]

**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 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.

**Health Services**

584. **Deputy Alan Farrell** asked the Minister for Health the reason orthotic helmets are not available to children here, who must instead seek treatment in the UK; and if he will make a statement on the matter. [13775/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** Orthotic helmets are custom made medical devices manufactured for specific patients on receipt of a prescription from an appropriately qualified health care professional. The Irish Medicines Board is the competent authority for medical devices in Ireland. There is one manufacturer of custom made medical devices registered with the IMB who has a product category “head orthosis”.

*Question No. 585 answered with Question No. 582.*

**Health Service Staff**

586. **Deputy John McGuinness** asked the Minister for Health if decision (reference DNZ 135-03) which confirms that Health Service Executive employees should be on a salary scale commensurate with their experience will be applied in the case of a person (details supplied) and based on precedent; the number of other employees in similar circumstances that have obtained approval; if he will expedite a response; and if he will make a statement on the matter. [13806/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

**Medical Cards**

587. **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. [13828/12]

**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.

588. **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. [13830/12]

**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**

589. **Deputy Michael Healy-Rae** asked the Minister for Health if he will review a matter
591. **Deputy Brendan Griffin** asked the Minister for Health his views on a matter regarding breast implants (details supplied); the action he will take to address the concerns of the persons involved; and if he will make a statement on the matter. [13879/12]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 589 and 591 together.

The Department is aware of the issues being raised by concerned recipients of PIP implants. Since concerns were first raised regarding the issue of breast implants provided by the now defunct French company Poly Implant Prostheses (PIP) the Irish Medicines Board (IMB) and my Department have been in constant touch with European and UK investigators of the matter and with any relevant initiative involved. Department and the IMB continue to liaise with the Health Security Committee’s Health Threats Unit which is maintaining the up to date position on the issue for all Member States. As information on PIP implantation worldwide and within the European Community emerges, my Department and the IMB are continuing to review advice for recipients of PIP implants. The advice remains consistent to date: that there is no evidence of increased risk of cancer for women with this brand of implant, the risk of rupture is low and anyone with a concern about their breast implants should discuss the matter with their GP or surgeon.

My Department is engaged at present in meeting all the treating clinics with a view to ensuring that best practice and patient support is paramount in the service provided to concerned recipients of PIP implants. Chief Medical Officer will arrange to meet the concerned client and colleagues as soon as possible with a view to assisting in the resolution of the concerns raised.

I am satisfied that all relevant emerging information and updates on the PIP implant issue are being thoroughly assessed and all concerned and interested parties kept aware of the emerging position.

### Medical Cards

590. **Deputy John McGuinness** asked the Minister for Health if he will expedite an application for a medical card in respect of a person (details supplied) in County Kilkenny. [13875/12]

**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.

*Question No. 591 answered with Question No. 589.*

592. **Deputy Finian McGrath** asked the Minister for Health the position regarding a medical card in respect of a person (details supplied) in Dublin 5. [13958/12]

**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

593. **Deputy Finian McGrath** asked the Minister for Health if he will review a matter (details supplied) regarding Beaumont Hospital, Dublin. [13959/12]
Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health service Executive for direct reply.

594. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health if his attention has been drawn to the statement by a member of the working group on the proposed medical assessment unit at Monaghan General Hospital that the working group has not met its terms of reference and that its recommendations cannot be accepted; if he will ensure that the development of the MAU will proceed, the requirement for such a unit having been well demonstrated long before the establishment of a working group; and if he will make a statement on the matter. [13962/12]

Minister for Health (Deputy James Reilly): I am not aware of the comments referred to by the Deputy. As I previously stated to the Deputy I want to ensure that as many services as possible can be provided safely in smaller, local hospitals. On this basis, the organisation of hospital services nationally, regionally and locally will be informed by the Clinical Programmes. These Programmes have been developed and implemented by a joint HSE/Departmental group which is currently developing a framework for the future development of smaller hospitals. Consultation with all the stakeholders, including patients and public representatives, will be an integral part of the process.

These inter-related programmes aim to improve service quality, effectiveness and patient access and to ensure that patient care is provided in the service setting most appropriate to individuals’ needs. The planned introduction of hospital groups will also provide further opportunities for inter-site cooperation.

Monaghan Hospital is an integral part of the Cavan and Monaghan Hospital Group and continues to play an important role in the delivery of clinical services in the Cavan Monaghan area and to other parts of the North East Region. The current level of activity will be maintained at Monaghan Hospital as part of the 2012 Service Plan. In addition, an increase in day services activity is also planned for 2012.

**Health Services**

595. **Deputy Seamus Kirk** asked the Minister for Health the current policy of disposing of orthopaedic items such as crutches that have been used once; and if he will make a statement on the matter. [13963/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the HSE for direct reply.

**Hospital Services**

596. **Deputy Seán Ó Fearghaíl** asked the Minister for Health if he will ensure that the Health Service Executive provides a rehabilitation bed for a patient (details supplied) in County Kildare, preferably at Peamount Hospital; if this can be done as a matter of urgency; and if he will make a statement on the matter. [13972/12]

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.

**National Drugs Strategy**

597. **Deputy Terence Flanagan** asked the Minister for Health if he will provide details of
funding given to drugs task force groups in the Dublin North East constituency, including details of the members of the boards; and if he will make a statement on the matter. [13979/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): The Dublin North East constituency area covers the Dublin North East Local Drugs Task Force and parts of the North Dublin City and County Regional Drugs Task Force. The funding allocations for 2012 are €1,228,782 and €826,087 respectively. Board members are set out in the table below:

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<th>Sector</th>
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Medical Cards

598. Deputy Aodhán Ó-Riordáin asked the Minister for Health the position regarding an application for a medical card in respect of a person (details supplied) in Dublin 5; and if he will make a statement on the matter. [13985/12]

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.

Hospital Staff

599. Deputy Gerry Adams asked the Minister for Health if insulin pumps funded by Co-operation and Working Together are currently sitting unused in Our Lady of Lourdes Hospital, Drogheda, County Louth, as a result of a shortage of diabetes nurse specialists and specialist dietitians; if it is the case that a dietitian post was advertised, offered and accepted but is now frozen due to the recruitment embargo and cutbacks; the number of pumps now unused in the hospital as a result of these cutbacks; the value of the equipment that is now sitting unused as a result of cutbacks; the number of children that are directly affected by this; and if he will make a statement on the matter. [13988/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Hospital Accommodation

600. Deputy Gerry Adams asked the Minister for Health the reason a bed has been left unoccupied in St. Joseph’s Nursing Home, Ardee, County Louth, for more than three months. [14032/12]

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

601. Deputy Gerry Adams asked the Minister for Health the reason the Health Information and Quality Authority recommendations for personal space requirements are being met with bed closures rather than an acceptance of the Health Service Executive obligations to meet the need to create the space required. [14033/12]

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.
Nursing Homes Support Scheme

602. Deputy Gerry Adams asked the Minister for Health if cost comparisons of the cost of public versus private nursing homes include the cost to the taxpayer of tax foregone to the Exchequer by way of tax reliefs. [14034/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): The Nursing Homes Support Scheme provides financial support towards the cost of long-term residential care services. The services which fall within the scope of long-term residential care and which are covered by the cost of care are:

- nursing and personal care appropriate to the level of care needs of the person,
- basic aids and appliances necessary to assist a person with the activities of daily living,
- bed and board, and
- laundry service.

The Nursing Homes Support Scheme Act 2009 requires the Minister to lay details of the goods and services which constitute long-term residential care services in public nursing homes before the Houses of the Oireachtas. The full list of goods and services which was laid before the Houses is available on the Department’s website at:


The list of goods and services set out in the Deed of Agreement between the National Treatment Purchase Fund (NTPF) and each private nursing home that is approved for the purposes of the Nursing Homes Support Scheme is consistent with the list of goods and services which was laid before the Houses.

Tax forgone is not included when calculating the cost of care. It is a matter for my colleague, the Minister for Finance.

Hospital Accommodation

603. Deputy Seán Crowe asked the Minister for Health the number of patients in Tallaght Hospital, Dublin, that are awaiting step-down beds; if he will provide information on the cost of providing step-down beds; if he will provide a breakdown of the waiting list on the basis of gender and age; and the average waiting time for patients. [14060/12]

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 Allowances

604. Deputy Mattie McGrath asked the Minister for Health when a decision will be made by the Health Service Executive national appeals office on a home care package appeal in respect of a person (details supplied) in County Tipperary; and if he will make a statement on the matter. [14062/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As this is a service matter it has been referred to the Health Service Executive for direct reply.
Hospital Staff

605. **Deputy John Paul Phelan** asked the Minister for Health when an appointment will be made for the replacement of a consultant orthopaedic and spine surgeon to Cappagh and Mater hospitals (details supplied) Dublin; and if he will make a statement on the matter.  [14072/12]

**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

606. **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; the reason for the delay in processing the further information submitted over a month ago; and if he will make a statement on the matter.  [14117/12]

**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.

Social Welfare Benefits

607. **Deputy Anne Ferris** asked the Minister for Health if his attention has been drawn to the alarm created among older persons by media reports suggesting the IMF was seeking the abolition of or cuts to a range of benefits provided by his Department to services to assist elderly persons, including pensions, free travel and medical cards; his response to any such request; if he is planning to implement any such cuts; and if he will make a statement on the matter.  [14120/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The Government has no plans to introduce changes to the assessment criteria for medical cards which would impact adversely on older people.

Departmental Properties

608. **Deputy Paul J. Connaughton** asked the Minister for Health the action that will be taken to protect persons (details supplied) in County Galway from having the land around their house flooded from water coming off Health Service Executive property, in view of the fact that this is causing damage to their land and is a health hazard because it is resulting in the overflowing of their septic tank; and if he will make a statement on the matter.  [14124/12]

**Minister for Health (Deputy James Reilly):** The matter referred to by the Deputy relates to flood water allegedly coming off a Health Service Executive property in the Galway area and is therefore a service matter. It has been referred to the HSE for direct reply.

Health Service Staff

609. **Deputy Clare Daly** asked the Minister for Health if he will commit that there will be no reduction in service, level of care, number of staff or beds in St. Joseph’s, Ardee, County Louth, in view of the fact that the early retirement scheme has resulted in savings of €250,000, which equates to 10% of the budget and exceeds the 7.7% targeted reduction.  [14138/12]

610. **Deputy Clare Daly** asked the Minister for Health the reason County Louth appears to be disproportionately subjected to cuts in older persons’ care, with two out of the 21 homes in DNE requiring special attention coming from County Louth.  [14139/12]
Minister of State at the Department of Health (Deputy Kathleen Lynch): I propose to take Questions Nos. 609 and 610 together.

As these are service matters they have been referred to the Health Service Executive for direct reply.

National Children’s Hospital

611. Deputy Shane Ross asked the Minister for Health if he has considered the existing Central Mental Hospital site in Dublin as a location for the national children’s hospital; and if he will make a statement on the matter. [14141/12]

Minister for Health (Deputy James Reilly): I am in the process of establishing an independent group to consider the implications of the decision of An Bord Pleanála received on 23 February 2012 to reject the planning application for the proposed construction of a national paediatric hospital on the site of the Mater Misericordiae Hospital. The independent group will, as part of their review, consider all issues relevant to the location of the new children’s hospital and will inform me of their findings on conclusion.

I wish to re-affirm my commitment to the construction of a national children’s hospital as a Government priority.

Proposed Legislation

612. Deputy Shane Ross asked the Minister for Health if he is reconsidering re-introducing the ban on below-cost selling of alcohol; and if he will make a statement on the matter. [14143/12]

Minister for Health (Deputy James Reilly): In its report on alcohol, the National Substance Misuse Strategy Steering Group recommended — among other things — the introduction of a legislative basis for minimum pricing per gram of alcohol. As minimum pricing is a mechanism of imposing a statutory floor in price levels for alcohol products that must be legally observed by retailers, its primary function would be thus to discourage at risk levels of alcohol consumption. This recommendation is being actively considered as part of the development of an Action Plan in advance of proposals being drafted for Government.

Health Services

613. Deputy Finian McGrath asked the Minister for Health the position regarding supports and services in respect of a person (details supplied) and if he will act on this case. [14154/12]

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.

Public Service Staff

614. Deputy Pat Breen asked the Minister for Health if he will report on the number of public servants from County Clare who retired as part of the Croke Park early retirement scheme from positions in his Department or from State bodies under the aegis of his Department. [14203/12]

Minister for Health (Deputy James Reilly): The Department of Health has only one office and this is in Dublin.
With regard to the Health Service Executive, as this is a service matter, it has been referred to the Executive for attention and direct reply to the Deputy.

**Medical Cards**

615. **Deputy Eric Byrne** asked the Minister for Health the position regarding a medical card application in respect of a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [14241/12]

**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.

**Genetically Modified Organisms**

616. **Deputy Eric Byrne** asked the Minister for Health the position with regard to GM food. [14249/12]

**Minister for Health (Deputy James Reilly):** My responsibility in this area relates solely to the safety of GM food. My Department adopts a positive but precautionary approach in relation to GM food based on the best available scientific advice as provided by the Food Safety Authority of Ireland. Each application for authorisation to place food consisting of, containing or produced from genetically modified organisms on the markets of EU Member States is considered on a case-by-case basis. The food in question must be deemed safe by the European Food Safety Authority before authorisation is considered.

**Hospital Waiting Lists**

617. **Deputy John McGuinness** asked the Minister for Health if an appointment for an operation will be given to a person (details supplied) in County Kilkenny without further delay. [14262/12]

**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.

**Animal Welfare**

618. **Deputy Seán Kyne** asked the Minister for Health the steps being taken to address the concerns of stakeholder organisations (details supplied) regarding the time taken to transpose the Directive 2010/63/EU, and in recognition of such organisations’ strong support for the ad hoc but comprehensive guidelines and procedures currently followed in most Irish laboratory
settings to be given a mandatory footing in the legislation giving effect to the directive.

Minister for Health (Deputy James Reilly): The Deputy may wish to note that following the publication of the 2010 Directive on the protection of animals for scientific purposes, the European Environment Commissioner Janez Potocnik said that it “ends a long negotiation process, which has shown how sensitive and important the issues at stake are. However, everyone agreed that it is vital to improve the situation for animals still needed in scientific research and safety testing, whilst maintaining a high standard of research and improving the focus on finding alternative methods to animal testing. The European Union will soon have the highest standards of experimental animal welfare in the world”. The Directive introducing these higher standards will be applicable in all 27 Member States.

My Department sought the views of the public and interested parties in July, 2009 on the proposed Directive. These views informed Ireland’s position as negotiations on the proposed Directive progressed at EU level. My Department again sought the views of the public and interested parties in October, 2011 after the adoption of the Directive. Many of the provisions set out in the Directive are mandatory.

The Directive is required to be transposed into Irish law by 10 November, 2012 and to take effect from 1 January, 2013. Work is continuing in my Department to ensure that the transposition of the Directive will be completed by the due date.

Medical Cards

619. 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; the reason for the delay in issuing same; and if he will make a statement on the matter. [14312/12]

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.

Services for People with Disabilities

620. Deputy Tom Fleming asked the Minister for Health if he will immediately appoint additional psychologists to address the waiting lists for children with autism in County Kerry, particularly for children in the age bracket of six years and over who are waiting the longest; and if he will make a statement on the matter. [14322/12]

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 Staff

621. Deputy Michael Healy-Rae asked the Minister for Health if it will be possible for the chief medical officer to meet with representatives of the Carers’ Association in order to discuss the long delays in dealing with cases and the number of refusals that are being issued. [14336/12]

Minister for Health (Deputy James Reilly): This matter comes under the remit of the Department of Social Protection. Having said that, any organisation wishing to meet the Chief Medical Officer should correspond directly with him.
Health Services

622. **Deputy Finian McGrath** asked the Minister for Health the position regarding home help in respect of a person (details supplied) in Dublin 5.  [14337/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

Hospital Accommodation

623. **Deputy Finian McGrath** asked the Minister for Health if any private hospitals have offered beds for cystic fibrosis patients as an interim solution while the new cystic fibrosis unit is being built at St. Vincent’s hospital.  [14338/12]

**Minister for Health (Deputy James Reilly):** Decisions on bed allocations are based on the clinical needs of cystic fibrosis patients. It is not practice to transfer cystic fibrosis patients to private hospital facilities for clinical reasons. The medical needs of the patients admitted to hospital require the full support of the multi-disciplinary team, all of whom would have specialist training to deal with CF patients.

Where it is not always possible to admit a CF patient to a designated CF bed, for medical reasons the patient is deemed to be still better off in an acute hospital bed where there is full access to the CF medical team and support staff.

Departmental Properties

624. **Deputy Billy Kelleher** asked the Minister for Health if he will provide a breakdown of land available at James Connolly Memorial Hospital, Dublin, for further development of the hospital’s services.  [14346/12]

**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.

Medical Cards

625. **Deputy Brendan Griffin** asked the Minister for Health if he will confirm whether child care expenses paid to an unregistered childminder are considered as an allowable expense in the medical card application means test.  [14347/12]

**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.

626. **Deputy Jerry Buttimer** asked the Minister for Health when an application for a medical card will be processed in respect of a person (details supplied) in County Dublin; and if he will make a statement on the matter.  [14354/12]

**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.

627. **Deputy Jerry Buttimer** asked the Minister for Health the reason an application for a medical card was refused to applicants (details supplied) who are over 70 years of age and are under the income guidelines; and if he will make a statement on the matter.  [14355/12]
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.

Marine Accidents

628. Deputy Kevin Humphreys asked the Minister for Transport, Tourism and Sport if the Russian Federation reimbursed the Irish State for the €250,000 bill incurred due to an oil spill off the coast of Ireland, involving the Russian aircraft carrier Admiral Kuznetsov in February 2009; if not, if any attempts have been made to have the moneys reimbursed; and if he will make a statement on the matter. [13781/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The Russian Navy accepted responsibility for the oil spill in relation to the Admiral Kuznetsov incident in February 2009. Although there is no legal mechanism to require payment a request was made through the Department of Foreign Affairs to the Embassy of the Russian Federation in July 2009 to recover costs totalling €155,166.04. Although there have been discussions followed between the Department of Foreign Affairs and the Russian Embassy no payment has been received to date.

Driver Safety

629. Deputy Liam Twomey asked the Minister for Transport, Tourism and Sport the length of time a patient must be free of any fit in order that they can drive again; and if he will make a statement on the matter. [14050/12]

630. Deputy Liam Twomey asked the Minister for Transport, Tourism and Sport, if someone suffers a cardiological or neurological blackout, the length of time they are expected to not drive; the conditions that would allow them to go back to driving; and if he will make a statement on the matter. [14051/12]

631. Deputy Liam Twomey asked the Minister for Transport, Tourism and Sport if a patient with diabetes suffers a blackout but has controlled blood sugar, the length of time they are expected not to drive for; and if he will make a statement on the matter. [14052/12]

632. Deputy Liam Twomey asked the Minister for Transport, Tourism and Sport if there are no protocols with regard to patients who are unable to drive because of cardiological, neurological or diabetes-related blackouts; if it would be advisable that such a protocol be drawn up immediately in order that patients could be assured of when they could be allowed to drive again; and if he will make a statement on the matter. [14053/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I propose to take Questions Nos. 629, 630, 631 and 632 together.

Irish law regarding medical criteria for fitness to drive operates under EU law, as transposed into national law. The most recent updating of these criteria was via the Road Traffic (Licensing of Drivers) (Amendment) (No. 2) Regulations 2010 (S.I. No. 544 of 2010). The issues the Deputy raises are dealt with in the Regulations, which are in the public domain, and I would refer the Deputy to the Regulations.

Appointments to State Boards

633. Deputy Gerald Nash asked the Minister for Transport, Tourism and Sport if he will provide details in respect of the number and names of all semi-State companies and statutory
agencies under the remit of his Department; if he will provide a list of all members of the board of such organisations for the years 2007, 2008, 2009, 2010 and 2011; if he will provide a list of all expenses associated with membership of these boards on an individual basis for the relevant years; if he will provide information relating to the profession or occupation of all such members of the relevant State companies and statutory agencies; and if he will make a statement on the matter. [13513/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Details of the semi-State companies and statutory agencies under the remit of my Department are available on my Department’s website www.dttas.ie. Details of all current State Board appointments are also on the site.

Details of Board membership for the years 2007, 2008, 2009 and 2010 can be found in the Annual Reports and Accounts of the relevant organisations together with details of all expenses associated with membership of these boards. Annual Reports and Accounts for 2011 will be available for most agencies by mid year which will contain 2011 details.

In respect of the skills and expertise that individual appointees bring, I will shortly be laying a document before the Houses of the Oireachtas which will set out a brief summary of such in respect of those appointments made by myself over the course of the past year. In respect of appointments before that time, that information is not readily available and would require significant diversion of resources to collate.

**Road Improvement Schemes**

634. **Deputy Tom Fleming** asked the Minister for Transport, Tourism and Sport if he will reallocate all unspent winter maintenance funding, namely, moneys allocated for salting and gritting roads, to the local improvement scheme programme; and if he will make a statement on the matter. [13555/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The Local Improvements Scheme provided funding for non-public or private roads. The maintenance and improvement of the roads that this funding would have been used for is, in the first instance, a matter for the relevant landowners and users.

The State funding to local authorities is provided under several categories. Local authorities may not transfer funding between these categories without prior written approval. As the Local Improvements Scheme has been suspended for 2012 and no State funding is being provided for it this year, there is no option to transfer any monies to this grant category. However, it is open to the individual local authorities to fund this scheme from their own resources.

Given that the funding provided for severe weather events is for the year from December 2011 to November 2012 it is impossible at this juncture to anticipate weather conditions in the latter part of the funding period. Given weather conditions in recent years, I do not consider the Deputy’s proposal to be prudent. It should be noted that the allocation to Kerry County Council in 2012 in respect of Winter Maintenance is €354,000.

635. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport if he will provide the full costs of the repair work carried out on the two culverts on the N60 at Fort Augustus, Castlerea, County Roscommon; and if he will make a statement on the matter. [13582/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As Minister for Transport, Tourism and Sport, I have responsibility for overall policy and funding in relation to the
national roads programme. The planning, design and implementation of individual road projects is a matter for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned.

Noting the above position, I have referred the Deputy’s question to the NRA for direct reply. Please advise my private office if you don’t receive a reply within 10 working days.

Railway Stations

636. **Deputy Dessie Ellis** asked the Minister for Transport, Tourism and Sport his view on the lack of consistency in ticketing practice on the Irish Rail network which means some stations do not have ticketing machines or desks and passengers must buy their tickets on board despite this being a fineable offence at any other station (details supplied). [13586/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The issue raised is an operational matter for Irish Rail. 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.

Services for People with Disabilities

637. **Deputy Peadar Tóibín** asked the Minister for Transport, Tourism and Sport if his attention has been drawn to the fact that a number of bus stops are not compatible with the ramps needed to allow wheelchair access to wheelchair-enabled buses; and the steps being taken by him to resolve this matter. [13625/12]

638. **Deputy Peadar Tóibín** asked the Minister for Transport, Tourism and Sport the number of stops that are not compatible with the ramps needed to allow wheelchair access to wheelchair-enabled buses. [13626/12]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):** I propose to take Questions Nos. 637 and 638 together.

My Department is funding an ongoing programme of accessibility improvement grants to upgrade existing public transport infrastructure and facilities. This includes funding for the provision of upgraded bus stops to facilitate wheelchair accessible buses (Dublin Bus) in the Greater Dublin Area (GDA) and wheelchair accessible coaches (Bus Éireann) at locations both inside and outside the GDA.

This programme is being administered on behalf of my Department by the National Transport Authority (NTA), and in light of their day-to-day involvement in the operation of the scheme 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 don’t receive a reply within 10 working days.

Departmental Funding

639. **Deputy Peadar Tóibín** asked the Minister for Transport, Tourism and Sport the funding available for the Kells and District Motor Cycle Racing Club annual road race (details supplied). [13646/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The matter raised is an operational matter for Fáilte Ireland. I have referred the Deputy’s Question to the agency for
direct reply. Please advise my private office if you do not receive a reply within ten working days.

**Taxi Regulations**

640. **Deputy Peter Mathews** asked the Minister for Transport, Tourism and Sport his views on matters regarding taxi regulation (details supplied); and if he will make a statement on the matter. [13667/12]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):** The regulation of the taxi industry, including issues pertaining to the renewal and transfer of vehicle licences, is a matter for the National Transport Authority (NTA) under the provisions of the Public Transport Regulation Act 2009.

Currently, certain categories of SPSV vehicle licences are non-transferable, meaning they are individual to the person to whom they are issued and cannot be sold to a different person. A similar arrangement exists for taxi licences issued since January 2009 but an anomaly does exist in that taxi licences issued prior to the 1st January 2009 can be sold or transferred on one occasion.

It was considered by the Review Group that it was necessary to move away from a system whereby a licence will have value in itself — a licence should determine a person’s suitability to carry out a function and it should not have monetary value or be traded on the open market. As a result, the Review Group agreed to introduce a prohibition on the transferability of taxi vehicle licences such that after 1st October 2012 all taxi vehicle licences will be unique to the person to whom the licence has been issued and cannot be transferred or sold to another individual.

I do not intend to introduce a scheme for buying back SPSV licences.

I will arrange for your correspondence to be forwarded to the NTA for any additional information the NTA considers appropriate. If you do not receive a reply within ten working days please notify my private office.

**Public Transport**

641. **Deputy Peter Mathews** asked the Minister for Transport, Tourism and Sport if he will ensure this Deputy receives a response from Dublin Bus regarding a matter (details supplied); and if he will make a statement on the matter. [13671/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The issue raised is a matter for Dublin Bus. 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 10 working days.

**Pension Provisions**

642. **Deputy Finian McGrath** asked the Minister for Transport, Tourism and Sport the reason former Aer Lingus staff who went to SR Technics and were then laid off are not getting any of their pensions. [13724/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The staff referred to would have been members of the Irish Airlines Superannuation Scheme (IASS). Pension entitlements for members, deferred members and pensioners of the IASS are a matter for the Trustees of the scheme to address. I understand the relevant parties are in discussions on this
matter, which are being facilitated by the Labour Relations Commission. However, I have no function in this regard and my Department is not a party to these discussions.

Departmental Schemes

643. Deputy Sean Fleming asked the Minister for Transport, Tourism and Sport if there will be funding available in 2012 under the smarter travel jobs initiative scheme as was available in 2011; if he will give an indication of the amount of funding that is available under this heading and the process involved for local authorities to make an application for funds; and if he will make a statement on the matter. [13769/12]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly): There is no specific funding support available under a Smarter Travel Jobs Initiative Scheme in 2012. However, I am also pleased that strong levels of investment in smarter travel have been secured under the multi-annual capital funding framework to 2016 which will be invested in smarter travel infrastructure under a range of new programmes to be established this year. The total Smarter Travel investment funding available to the National Sustainable Travel Office in my Department is €65 million over 5 years. The National Transport Authority also has a significant budget for sustainable transport improvements in the Greater Dublin Area and the regional cities to 2016 providing opportunities for authorities to fund smarter travel investment. Along with infrastructure investment, my Department supports a number of initiatives to promote and develop smarter travel behaviour such as Bike Week, the smarter travel workplaces project and the Green Schools Travel programme.

Marine Safety

644. Deputy Kevin Humphreys asked the Minister for Transport, Tourism and Sport the position regarding COM(2011) 566, which was agreed by the Joint Oireachtas Committee on the Environment, Transport, Culture and the Gaeltacht on 8 December 2011; and if he will make a statement on the matter. [13782/12]

645. Deputy Kevin Humphreys asked the Minister for Transport, Tourism and Sport if he will bring forward legislation to ban all single-hulled tankers from Irish territorial waters by 2015 as is currently the case in the United States; and if he will make a statement on the matter. [13784/12]

646. Deputy Kevin Humphreys asked the Minister for Transport, Tourism and Sport the number of single-hulled oil tankers that deliver to Irish ports and the number of single-hulled tankers that have passed through Irish territorial waters on an annual basis since 2007; and if he will make a statement on the matter. [13785/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I propose to take Questions Nos. 644 to 646, inclusive, together.

As the Deputy is aware, there is currently a proposal for a new regulation of the European Parliament and of the Council on the accelerated phasing in of double hull or equivalent design requirements for single hull oil tankers being negotiated at EU level, COM(2011)566. This proposal is in fact a codification or recast of Regulation (EC) No. 417/2002 of the European Parliament and of the Council of 18 February 2002 on the accelerated phasing in of double hull or equivalent design requirements for single hull oil tankers and repealing Council Regulation (EC) No. 2978/94.
The new regulation will codify the parent regulation and its seven amending regulations, and allow the EU Commission to incorporate future changes to MARPOL Annex I which fall within the scope of Regulation (EC)417/2002. MARPOL is an international Convention of the International Maritime Organization (IMO), the United Nations agency with responsibility for the safety and security of shipping and the prevention of marine pollution by ships. Under the regulation, the requirement for double hull tankers is dependent upon vessel category, size and cargo. The regulation applies to all tankers of 5,000 tonnes deadweight or above, which enter or leave a port or offshore terminal, or anchor in an area under the jurisdiction of an EU country, irrespective of their flag, or which fly the flag of an EU country. The regulation shall also apply to oil tankers of 600 tonnes deadweight and above for the transport of the heavy grades of oil. The regulation states that no oil tanker may operate under the flag of a Member State, nor shall any oil tanker irrespective of its flag be allowed to enter the port of a Member State, after certain specified dates up until 2010, unless a ship is a double hull tanker. Up until 2015 a small number of single hull tankers are permitted to operate in EU waters but single hull tankers will not be allowed to operate in EU Waters after 2015.

The new regulation is being dealt with by Council and European Parliament at the same time by co-decision. Ireland is working with other Member States through the working parties that feed back into the Council. Discussions are continuing at EU working party level and the shipping working group at which Ireland is represented recently met on the 24th February 2012. Negotiations are currently underway to reach a first reading agreement.

In relation to tanker numbers, there is an IMO mandatory ship reporting system established in the Western European Particularly Sensitive Sea Area which includes the seas around Ireland. This is known as The West European Tanker Reporting System (WETREP). All tankers in Irish waters must report through the WETREP system. However, there are no specific statistics for single hull tankers as the under WETREP vessels can report to any of the six member states where WETREP applies, and, they are not required to specify if they are single or double hull tankers. The number of tankers that reported directly to the Irish Coast Guard when entering the WETREP area are by year are as follows: 533 in 2011, 510 in 2010, 375 in 2009, 378 in 2008 and 385 in 2007.

Ireland ensures compliance with double and single hull requirements through its port State control Inspection regime as specified in S.I. No. 656/2010: European Communities (Port State Control) Regulations 2010.

Public Transport

647. **Deputy Kevin Humphreys** asked the Minister for Transport, Tourism and Sport when he expects a student and scholar rate to be available via the Leap card; and if he will make a statement on the matter. [13819/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The issue raised is a matter for the relevant transport providers involved, in conjunction with the National Transport Authority. I have referred the Deputy’s question to the National Transport Authority for direct reply. Please inform my private office if you do not receive a reply within ten working days.

Services for People with Disabilities

648. **Deputy Peadar Tóibín** asked the Minister for Transport, Tourism and Sport if it is the case that wheelchair-accessible intercity buses do not have the capacity to transport a wheelchair user and their wheelchair. [13829/12]
Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The issue raised is a matter for Bus 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.

Pension Provisions

649. Deputy Aodhán Ó Ríordáin asked the Minister for Transport, Tourism and Sport if he will provide an update on the ongoing discussions in Aer Lingus regarding pensions plans; the problems this pension scheme faces with regard to its deficit; and if he will make a statement on the matter. [13971/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I have no function in relation to the Aer Lingus pension schemes and therefore have no role in the ongoing discussions between the relevant parties and the Labour Relations Commission. This is a matter for the Trustees of the scheme, the members and the companies involved to address.

Tax Code

650. Deputy Timmy Dooley asked the Minister for Transport, Tourism and Sport his policy regarding the air travel tax; and if he will make a statement on the matter. [14076/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The Government remains open to the abolition of the Air Travel Tax when conditions are right. The 2011 Jobs Initiative included a three-pronged plan to enhance overseas access and thereby promote inbound tourism through:

- abolishing the travel tax conditional on clear commitments by airlines to increase inbound capacity from our source markets;
- the introduction of a new growth incentive scheme by the Dublin Airport Authority; and
- more targeted co-operative marketing of new routes from key source tourism markets by Tourism Ireland, DAA and the airlines to encourage more tourists to fly into Ireland.

Subsequently, the Government agreed, in the absence of a sufficient response from the airlines, to retain the air travel tax and to avail of part of the receipts from its retention to fund additional cooperative marketing activities. A €9 million overseas tourism marketing campaign over the 2011/12 Autumn/Winter period was led by Tourism Ireland, inclusive of matching funding provided by partner companies, including Ryanair, Aer Lingus and Aer Arann, overseas airlines, tour operators and online travel agents, and ferry companies.

The Government would like to see efforts made by all airlines serving the Irish market to increase capacity on existing inbound routes from key tourism markets and to develop new routes from those markets. There has been some progress on additional access for summer season 2012 and the Government continues to closely monitor the capacity being made available by the airlines, and is keeping the matter of the abolition of the travel tax under review.

State Airports

651. Deputy Timmy Dooley asked the Minister for Transport, Tourism and Sport his policy on the separation of airports; and if he will make a statement on the matter. [14077/12]
Deputy Timmy Dooley asked the Minister for Transport, Tourism and Sport his policy on the ownership and operation of Cork Airport; and if he will make a statement on the matter. [14100/12]

Deputy Timmy Dooley asked the Minister for Transport, Tourism and Sport his policy on the ownership and operation of Shannon Airport; and if he will make a statement on the matter. [14101/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I propose to take Questions Nos. 651, 673 and 674 together.

As the Deputy is aware, following receipt of the Booz Report on the future ownership and operation of Cork and Shannon airports, my Department is currently involved in detailed engagement with all relevant stakeholders on the issues involved. When that process has been concluded, I will then be in position to bring proposals to Government on future policy regarding the separation of the State airports.

Sale of State Assets

Deputy Timmy Dooley asked the Minister for Transport, Tourism and Sport his policy on the sale of the State’s 25% share in Aer Lingus; and if he will make a statement on the matter. [14078/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The Government has decided to include its 25% shareholding in Aer Lingus as part of its Disposal of State Assets Programme. The exact time-frame for any sale has not been decided and it will only take place when conditions are favourable and at an acceptable price.

Public Transport

Deputy Timmy Dooley asked the Minister for Transport, Tourism and Sport his policy on the metro north project; and if he will make a statement on the matter. [14080/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): Following the comprehensive review of capital expenditure carried out in 2011 and against the background of new funding realities a decision was taken to defer the Metro North project together with a number of other proposed new projects. The main priority to 2016 is to protect investment made to date and to maintain safety standards.

The revised capital programme for transport is set out in Infrastructure and Capital Investment 2012-2016 Medium Term Exchequer Framework published in November 2011. While Metro North was being procured as a Public Private Partnership (PPP) it also required a significant Exchequer contribution to support the PPP. This Exchequer contribution is not affordable within the funding envelope now available for transport projects to 2016. In addition, the successful awarding of a major PPP contract involving private funding is challenging at any time but is particularly challenging in current circumstances.

Metro North is postponed, not cancelled. It will be reviewed in advance of the next capital programme which will be drawn up in 2015 to cover the period from 2016 onwards. The project remains a key element of the overall integration strategy for the Greater Dublin Area (GDA) and is included in the new National Transport Authority (NTA) Draft Transport Strategy for the GDA to 2030.
654. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport his policy on the Dart interconnector; and if he will make a statement on the matter.  [14081/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The Dart Underground PPP was cancelled in December 2010 arising from decisions by the previous Government in the context of the reductions in spending under the then National Recover Plan. I note with interest that this decision was condemned by the Deputy’s party at its recent Ard Fheis. Unfortunately DART Underground which was to be procured as a PPP with significant Exchequer support is not currently affordable given the level of resources available for investment. Moreover the successful awarding of a major PPP project is challenging at any time but is particularly challenging in current circumstances.

The project will be reviewed again in 2015 in advance of the next capital plan from 2016. It remains a key element of the overall transport integration strategy and would deliver a quantum improvement in rail accessibility to the city centre with benefits for each of the four rail corridors radiating from the city centre. Dart Underground is included as a key project in the National Transport Authority’s Draft Strategy for the Greater Dublin Area (GDA) to 2030.

655. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport his policy on the Luas BXD link-up; and if he will make a statement on the matter.  [14082/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Luas Broombridge (BXD) has been included in the Infrastructure and Capital Investment Plan to 2016 on the basis that it will be affordable and will deliver benefits by creating a link between the existing LUAS Red and Green lines, extending the network through the city centre to Grangegorman, Phibsborough and Cabra. It will also integrate with rail services on the Maynooth and Dunboyne lines as well as Quality Bus Corridor cross city/city centre bus services. The Business Case is strong and it is projected to operate without any operating subsidy. Luas BXD will result in up to 10 million extra trips on the Luas network, exploiting the true value in the investment made to date in Luas infrastructure. The Railway Order application for this project was submitted to An Bord Pleanála (APB) in June 2010 and the oral hearing for the scheme concluded in April 2011. On 3rd February 2012 ABP wrote to the Railway Procurement Agency (RPA) requesting additional information in relation to the interaction with the proposed Metro North and Dart Underground projects and seeking a response by 30th March 2012. ABP have also indicated that they will undertake an independent review of alternatives to the overhead cable system in the city centre. Key decisions and actions which will determine the construction start date must await the outcome of the planning process.

656. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport his policy on competitive tendering of bus routes; and if he will make a statement on the matter.  [14083/12]

661. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport his policy on the procurement of public service obligation contracts; and if he will make a statement on the matter.  [14088/12]

680. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport his policy on achieving greater competition in the bus market; and if he will make a statement on the matter.  [14107/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I propose to take Questions Nos. 656, 661 and 680 together.
Under EU law and the Dublin Transport Authority Act 2008, as amended, existing public service obligation (PSO) bus services can be procured by the National Transport Authority (NTA) through direct award contracts and any other new subvented services must be procured by way of open tendering.

At the expiry of the current 5 year direct award contracts for the provision of PSO services with Dublin Bus and Bus Éireann the NTA have discretion to renew, modify or terminate the direct award provision of bus services following a consultation process with interested parties under which the NTA is obliged to justify its approach.

The NTA published, in November 2010, new Guidelines for the licensing of public bus services which set out the basis for a reformed licensing system for commercial bus passenger services in the State. The Guidelines identify commercial bus passenger services as a key part of public transport services in the State.

In accordance with the commitment in the Programme for Government to explore the benefit to the public transport passenger of more diverse bus service provision, I will be consulting with my Ministerial colleagues soon on the future options for procurement of PSO bus services.

### Vehicle Clamping

657. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport his policy on the regulation of the vehicle clamping industry; and if he will make a statement on the matter. [14084/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** In line with the commitment in the Programme for Government to regulate the vehicle clamping industry, I presented a discussion document to the Joint Oireachtas Committee on the Environment, Transport, Culture and the Gaeltacht in December 2011 in which I outlined the issues which I feel need to be addressed in regulating the industry, my proposals on the shape of appropriate legislation and inviting their views. I understand that the Committee has consulted with a number of relevant stakeholders in the matter and is due to report back to me shortly. When the Committee’s response has been received, I will submit draft legislation to the Government for approval and I hope to be in a position to bring a Bill before the Oireachtas this year.

### Cycling Policy

658. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport his policy on extending the Dublinbikes schemes to other cities; and if he will make a statement on the matter. [14085/12]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):** Recognising the success of the Dublinbikes scheme, the Programme for Government commits my Department to look to extend the scheme to other cities and integrate the scheme more effectively with public transport links. Following an analysis, carried out at my request, on the potential for the expansion of the Dublinbikes scheme to other cities, consultations on the potential for and means of securing new city bike schemes were launched in November 2011 with symposiums held in Cork, Galway, Limerick and Galway to inform and involve key business and civil stakeholders.

My Department and the National Transport Authority have considered the responses, including the key issues identified, such as the changed commercial environment to that which existed when the Dublinbikes scheme was negotiated and different characteristics of scheme
provision in smaller cities. Further technical analysis will now be undertaken by the NTA to
detail and specify proposed schemes (including costs) providing more complete information to
allow decisions be taken on how best to proceed.

State Airports

659. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport his policy
on reducing airport charges; and if he will make a statement on the matter.  [14086/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The Commission for
Aviation Regulation (CAR) regulates airport charges levied at Dublin Airport since 2001. Airport charges at Cork and Shannon Airports are set by the relevant airport authority while charges at the six regional airports, which are owned and operated independently, are a matter for each airport concerned.

Within the limits of the overall price cap, the Dublin Airport Authority (DAA) sets variable
annual charges in respect of specific services such as passenger charges, aircraft charges etc. Under regulations I introduced last year, the DAA is required to consult on proposed changes to airport charges. This process has been completed in relation to 2012 charges with the result that there is no overall increase in charges at Dublin airport for 2012 relative to the price cap set by CAR for 2011. The 2012 price cap set by CAR is €10.76. The DAA has however, kept the headline charge at the 2011 rate of €10.43 which is 3.2 % below the cap for 2012.

The Jobs Initiative launched by the Government last year includes a three-pronged strategy to encourage inbound tourism. One element of this is a new growth incentive scheme intro-
duced by the DAA. This scheme which is due to run from 2011-2014 was designed to encourage
growth in passenger numbers. DAA recently announced that it will be paying a rebate of €1.5
million to the 30 airlines that grew their business from Dublin last year. Among those receiving
rebates are Aer Arann, Aer Lingus, Etihad Airways, Lufthansa, Norwegian, SAS, Swiss, Turkish Airlines and US Airways.

Regional Airports

660. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport his policy
on regional airports; and if he will make a statement on the matter.  [14087/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Since coming to Office,
this Government has set very clear policy in relation to future Exchequer support for regional
airports. This support is provided under the Regional Airports Programme which includes
the Operational Expenditure Subvention (OPEX) Scheme, the Capital Expenditure Grants
(CAPEX) Scheme and a Scheme for subventing Public Service Obligations (PSO) air services
operating between Kerry and Dublin and Donegal and Dublin. Over the period 2012 to 2014,
a total of some €42m is being allocated for these Schemes.

While the number of airports being supported has been rationalised for a number of reasons,
I have made it clear to the remaining four regional airports that are in receipt of Exchequer
support that they need to work towards achieving viability. This is particularly important given
the fact that the availability of funds for regional airports is on a downward trend due to the
current financial constraints.

I believe that the improved surface transport network which now exists in Ireland together
with the more consolidated network of regional airports, along with the State Airports at Cork,
Shannon and Dublin, provides the necessary transport access to underpin Ireland’s economic
recovery.
Road Network

662. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport his policy on the improvement and maintenance of local and regional roads; and if he will make a statement on the matter. [14089/12]

663. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport his policy on the national roads programme; and if he will make a statement on the matter. [14090/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I propose to take Questions Nos. 662 and 663 together. As Minister for Transport, Tourism and Sport, I have responsibility for overall policy and funding in relation to the national roads programme. The planning, design and implementation of individual road projects is a matter for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned.

In relation to regional and local roads, the improvement and maintenance of regional and local roads is a statutory function of each road authority in accordance with the provisions of section 13 of the Roads Act, 1993. Works on such roads are a matter for the relevant local authority to be funded from its own resources supplemented by State road grants.

As outlined in the Infrastructure and Capital Framework 2012-2016, out of necessity capital expenditure on roads is being scaled back significantly over the period to 2016. A key challenge is, therefore, to protect the investment made to date in the road network. For this reason the bulk of available resources will be directed towards maintaining and restoring the existing national, regional and local network with some targeted improvement schemes.

664. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport his policy on increasing motorway tolls; and if he will make a statement on the matter. [14091/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As Minister for Transport, Tourism and Sport, I have responsibility for overall policy and funding in relation to the national roads programme. The implementation of individual national road projects is a matter for the National Roads Authority (NRA) under the Roads Acts 1993-2007, in conjunction with the relevant local authorities concerned.

In particular, the statutory power to levy tolls on national roads, to make toll bye-laws and to enter into toll agreements with private investors in respect of national roads is vested in the NRA under Part V of the Roads Act 1993 (as amended by the Planning and Development Act 2000 and the Roads Act 2007). The maximum tolls for each toll year are set in accordance with the toll bye-laws made by the NRA under Section 61 of the Roads Act. Aside from the annual adjustments made in accordance with the bye-laws, there are currently no proposals to increase tolls on national roads.

Stadium Projects

665. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport his policy on developing a national sports campus at Abbotstown, Dublin; and if he will make a statement on the matter. [14092/12]

693. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport if he will provide a detailed breakdown of the land usage at the national sports campus site at Abbotstown, Dublin. [14343/12]
Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I propose to take Questions Nos. 665 and 693 together.

At its meeting on 21 June 2011, the Government approved my proposals for the development of the National Sports Campus at Abbotstown/Blanchardstown on an incremental basis.

I have asked the Campus Authority to continue to pursue the policy of developing elements of the Development Control Plan in partnership with the GAA, FAI, IRFU and Irish Hockey Association, as well as developing its own community and training pitches on site.

As provided for in Section 7(8) of the National Sports Campus Development Authority Act, 2006, the Department of Agriculture, Fisheries and Food is currently finalising the transfer of the land to the NSCDA. Abbotstown House is a protected structure under the Fingal County Development Plan. I believe that Abbotstown House would benefit from having an anchor tenant and that the Irish Sports Council would be an ideal tenant in this regard. This matter is being examined by the NSCDA in consultation with the ISC and the OPW.

In parallel with the core National Sports Campus project, the Campus Authority is also continuing its strategy of redeveloping and refurbishing existing buildings on the Abbotstown site for use by the wider sporting community, in particular the National Governing Bodies of Sport. The OPW has awarded a contract for the refurbishment of the former Marine Institute Building as the Sports HQ. It is expected that work on the project will commence in the coming weeks and will be completed in the Autumn.

I have asked the National Sports Campus Development Authority (NSCDA) to proceed with the development of a National Indoor Training Arena, which would include an Indoor Track. I am acutely aware of the difficulty of securing capital funding from the Exchequer because of the financial difficulties facing the Government. I have, therefore, asked the Campus Authority to explore other avenues of funding such as philanthropy and/or sale of some of the land. A copy of the Masterplan for the National Sports Campus is published on the Authority’s website www.nscda.ie.

Sports Capital Programme

666. Deputy Timmy Dooley asked the Minister for Transport, Tourism and Sport his policy on the sports capital programme; and if he will make a statement on the matter. [14093/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I recently announced that I will be advertising two new rounds of the Sports Capital Programme between now and 2016. I am currently making the necessary arrangements with a view to launching the next round of the SCP shortly. Once these necessary arrangements are in place I will make the relevant announcement.

Tourism Promotion

667. Deputy Timmy Dooley asked the Minister for Transport, Tourism and Sport his policy on tourism promotion; and if he will make a statement on the matter. [14094/12]

668. Deputy Timmy Dooley asked the Minister for Transport, Tourism and Sport his policy on increasing tourism numbers; and if he will make a statement on the matter. [14095/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I propose to take Questions Nos. 667 and 668 together.

The Government recognises the contribution that the tourism sector can make to Ireland’s economic recovery. With that in mind, the Government’s jobs Initiative last year introduced a
number of measures specifically designed to stimulate the sector and improve the sector’s international competitiveness. These included a reduction in the level of VAT which applies to a range of labour-intensive tourism services from 13.5% to 9%, significantly reducing the cost of employing people by halving employers’ PRSI for those on modest wages and the introduction of a Visa Waiver Scheme which makes Ireland more accessible for tourists from important new and emerging markets.

The indications are that the measures are working as last year showed growth in the number of visitors to Ireland for the first time since 2007. According to the Central Statistics Office, the number of overseas visits to Ireland in 2011 was over 6.5 million, which was an increase of 7.8% on 2010. The number of visits grew from all our main market areas, including Great Britain. Our target for this year is to increase visit numbers to Ireland by a further 4.5%.

To achieve these targets, Tourism Ireland is undertaking a range of promotional activities throughout the year, including a major promotion for the forthcoming St. Patrick’s Day festivities. Their ‘greening’ initiative takes place again this year which will see iconic buildings and attractions ‘go green’ to mark St. Patrick’s Day. Some famous additions this year include Niagara Falls and the TV Tower in Berlin. This will kick — off Tourism Ireland’s major first half promotional drive to grow tourism from overseas.

As the deputy will be aware, ‘The Gathering Ireland 2013’ will be the biggest tourism initiative ever staged in Ireland and will consist of a year-long programme of festivals, events and other gatherings in every region of the country. The aim is to bring an incremental 325,000 overseas visitors to Ireland in 2013. I will be launching the event in London later this week and it will be promoted at every suitable opportunity for the remainder of the year.

In terms of general promotion of tourism, I was pleased to secure over €39m for the Tourism Marketing Fund this year. As Tourism Ireland is the agency with primary responsibility for the use of this money, I have referred the Deputy’s questions to the agency for additional reply. If you have not received a response from them in ten working days, please inform my private office.

Road Safety

669. Deputy Timmy Dooley asked the Minister for Transport, Tourism and Sport his policy on reducing road deaths; and if he will make a statement on the matter. [14096/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): Many of the initiatives in relation to improving road safety are contained in the Road Safety Strategy 2007-2012. The Strategy identifies a number of Actions, and the bodies responsible for their implementation, that will contribute to safer roads. The core objective of the Strategy is to reduce road deaths to 60 fatalities per million of population by 2012, thereby bringing Ireland in line with best practice countries in road safety terms. This equates to an average of 21 road fatalities per month or 252 per year.

2011 was the safest year on our roads since records began, with 186 road fatalities or an average of 15 fatalities per month. This downward trend has continued in 2012 with 29 road fatalities recorded up to the 9th March, a reduction of 14 as of the same date in 2011. Of course, we cannot be complacent about this issue and the challenge for all of us stakeholders is to do our utmost to ensure that all necessary steps are taken to keep road fatalities at the lowest level possible.

I have asked the Road Safety Authority to prepare the next Road Safety Strategy covering the period 2013 to 2020. I understand that a consultation process has begun in relation to the content of the Strategy and I expect to see a first draft in the coming months.
Road Network

670. Deputy Timmy Dooley asked the Minister for Transport, Tourism and Sport his policy on funding for the A5 road project; and if he will make a statement on the matter. [14097/12]

671. Deputy Timmy Dooley asked the Minister for Transport, Tourism and Sport his policy on investment in cross-Border transport projects; and if he will make a statement on the matter. [14098/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I propose to take Questions Nos. 670 and 671 together.

Transport is one of the areas of co-operation under the North South Ministerial Council (NSMC) process. Regular meetings of the Transport Sectoral Council are held, where transport issues, including investment, are discussed. The next Transport Sectoral is due to take place on 20th April 2012. In relation to the A5 cross-border roads project, as the Deputy will be aware in 2006 the previous Fianna Fáil led Government gave a commitment to co-fund the construction of the A5. However, they made no provision to meet the costs of the A5 post 2012 in either the Four Year Plan or the Infrastructure Investment Priorities Plan 2010 to 2016. Given that £400 million sterling was due to fall between 2013 and 2016 and given the current state of the country’s Exchequer, it is not feasible to provide this level of funding in the coming years.

Therefore, at the North South Ministerial Council Plenary meeting on 18th November 2011, Ministers noted that the provision of further funding by the Irish Government for the A5 road was being deferred but that the Irish Government will provide £25m per annum in 2015 and 2016 towards the project. It was also noted that a new funding and implementation plan for the project would be prepared for agreement at the next NSMC Transport meeting with endorsement at the next NSMC Plenary meeting.

Rail Network

672. Deputy Timmy Dooley asked the Minister for Transport, Tourism and Sport his policy on extending the western rail corridor; and if he will make a statement on the matter. [14099/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The programme for the funding of capital projects to 2016 is set out in the Medium Term Exchequer Framework 2012-16. Due to the overall reduction in funding for transport infrastructure the priority to 2016 is to protect investment made to date and to maintain safety standards. The limited funding available over and above this priority will only be provided for projects which are affordable, meet overall transport objectives and deliver the best return in terms of economic recovery and job creation. Moreover the ability to operate profitably and without the need of any subsidy would also be a key consideration for any new rail projects or extensions.

In the circumstances, Phase 2 of the Western Rail Corridor has been deferred for consideration in 2015 in advance of the next Public Capital Programme. However, the construction of new stations at Crusheen and Oranmore which were approved under Phase 1 have been included in the Capital Programme to 2016. I understand that Oranmore Station construction works have been tendered and a contract should be awarded for construction to begin in Quarter 2.

Questions Nos. 673 and 674 answered with Question No. 651.
Rural Transport

675. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport his policy on rural transport services; and if he will make a statement on the matter.  [14102/12]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):**

The Programme for Government 2011 recognises the importance of the rural transport network as being “vital for rural communities as a reliable and sustainable transport service” and includes a commitment to “maintain and extend the Rural Transport Programme with other local transport services as much as is practicable”.

Following a recent Government Decision, I announced plans on 28th February 2012 to achieve greater levels of transport integration and co-ordinated delivery across a range of exchequer funded local and rural transport services incorporating the RTP, HSE non-acute transport, school transport and voluntary transport initiatives.

A key element of the Government decision was that the National Transport Authority (NTA) would assume a national role for integrated local and rural transport and is this regard is taking over responsibility for the Rural Transport Programme (RTP). The NTA will also develop proposals for future integrated local and rural transport services based on a series of pilots, which will trial how integrated local and rural transport services can operate and how savings can be achieved across various transport services.

I am also establishing a high level committee of key stakeholders to oversee the initiative and this will be chaired by the NTA.

My Department has provided €9.77 million for the support of the RTP nationally, for 2012 and thirty five community transport groups around the country are currently being funded under the RTP. By co-ordinating resources across a number of areas, I firmly believe the transport service offering in rural areas can be further enhanced and optimised, whilst achieving necessary efficiencies.

Developing a more integrated and effective rural transport programme is now a priority for Government.

Appointments to State Boards

676. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport his policy on appointments to State boards under his remit; and if he will make a statement on the matter.  [14103/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** In April 2011, I announced new procedures for appointments to boards of State Bodies under the remit of my Department which are designed to widen the pool of suitable candidates for consideration when a Board vacancy arises; to bring a real opportunity for suitably qualified and experienced people to shape the policy and direction of the Bodies; and to bring a new impetus and freshness of approach to these Boards.

The procedures provide for any qualified individual to make an expression of interest and join a panel of candidates for consideration when a Board vacancy arises. I have made a substantial number of appointments from the panel. However, given the importance of ensuring the right mix of skill sets on every board, appointments are not necessarily confined to those who have made an expression of interest under the new procedures.

Departmental Agencies

677. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport his policy...
on pay caps for chief executives in semi-State agencies under his remit; and if he will make a statement on the matter. [14104/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): In light of the ongoing severe economic conditions facing the country, it is Government policy that there is a need for leadership to be shown by those who hold high office across the public sector in relation to pay restraint within the sector, including the application of the pay caps announced by Government in June of last year. These included a general pay ceiling of €200,000 for future appointments to higher positions across the public service and a general pay ceiling of €250,000 for future appointments to CEO posts within Commercial State Companies.

In a small number of cases exceptions may be necessary. Such exceptions will be limited to instances where the exception is for a role of substantial importance in the public service or a Commercial State Company and the person whose appointment is sought brings exceptional or scarce expertise and/or qualifications to the proposed role. Any such exceptions are subject to the prior approval of the Minister for Public Expenditure and Reform. I have not to date sought such an exception for any appointment relating to the State agencies for which I have responsibility.

The Government also sought voluntary waivers of 15% of salary from incumbent CEOs who are earning in excess of the above ceilings, or a lesser amount if the application of the full 15% reduction would bring the salary levels of such individuals to below the relevant pay ceiling.

Driving Licences

678. Deputy Timmy Dooley asked the Minister for Transport, Tourism and Sport his policy on plastic card driving licences; and if he will make a statement on the matter. [14105/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): Under EU law, Ireland is required to introduce a plastic card format of driving licence by 19 January 2013. My Department decided that the transition to a plastic card licence provided an opportunity to review the way in which driving licences are issued. Consultants were engaged to examine the options, and recommended a transition from the present system, under which licences are issued by the Motor Taxation Offices of the Local Authorities, to a centralised system. I am satisfied that this will deliver greater efficiency and cost-effectiveness.

Last May, the Government decided to proceed with the centralisation of the driver licensing system, with the Road Safety Authority (RSA) as the body to be responsible for the new system. At the same time we asked the RSA to expedite the transition to the new plastic card. This work involves three aspects: card production, front office (engagement with the customer) and back office (for processing applications). All three functions will be operated under contract, and the RSA has begun the tendering process.

A Steering Group has been established to assist the RSA, comprising representatives of my Department, the RSA, the Department of Public Expenditure and Reform, the Department of the Environment, Community and Local Government, and the City and County Managers Association. Other stakeholders are being consulted as required.

The plastic card licence is on course for introduction in January 2013, and the new centralised licensing system will come on stream during next year. Once the plastic card licence is introduced, all new licences will be in this format. However, existing paper licences will remain valid until their date of expiry.
Ports Sector

679. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport his policy on ports; and if he will make a statement on the matter. [14106/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As Minister for Transport, Tourism and Sport I see two principal aspects to my relationship with the ports sector. Firstly and most importantly given the crucial importance of ports to the traffic of goods and people into and out of this island, it is to ensure that we have a ports sector which can facilitate this traffic in as efficient and competitive manner as possible. This is essential to the economic well-being of the State, given the openness of our economy.

Secondly, as the share-holder either directly or indirectly in all of the state’s ports, it is my intention to ensure that the assets are maintained and, where commercially viable, improved in and there is an appropriate return to the State through the payment of dividends. As shareholder, it is my policy that ports must operate on a commercial basis and that there will be no provision of operating subsidies and capital grants to port companies.

In order to ensure the achievement of these goals, my Department is currently preparing a new ports policy. The purpose of this is to ensure that we have a strong ports sector which is capable of developing appropriately in the long-term in line with the above framework. The consideration of the new ports policy is well advanced and in this regard I intend to meet with the ports and other relevant stakeholders shortly to discuss these matters in more detail. Following these meetings, it is my intention that a revised ports policy document will be published in the first half of this year.

*Question No. 680 answered with Question No. 656.*

Departmental Schemes

681. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport his policy on smarter travel; and if he will make a statement on the matter. [14108/12]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):** The promotion of smarter travel is a key policy objective of my Department, and indeed of the Government. Our aim is to make smarter travel choices available for all, by establishing safe walking and cycling routes, by funding national and local public transport services and by actively promoting smarter travel.

Smarter travel choices benefit the individual as they are cheaper and healthier, benefit our communities and economy due to reduced congestion and pollution and improved road safety, and will help us to meet our energy consumption and emission reduction targets.

My Department is pursuing the smarter travel agenda through programmes which use local expertise, guided by international best practice, to develop infrastructure in towns and villages to support sustainable transport, such as bike lanes and improved pedestrian facilities.

The Smarter Travel Areas scheme is the Department’s flagship project for smarter travel development, under which three towns — Limerick, Dungarvan and Westport — have been awarded substantial funding for sustainable transport facilities and support measures. The experiences in these towns will be evaluated to develop national best practice for sustainable transport investment.
The provision of funding for infrastructure is supported by programmes to inform people of the smarter choices available to them, including the Smarter Travel Workplaces programme, the Green Schools initiative and the nationwide promotion of cycling through the annual Bike Week.

Encouraging a shift to Smarter Travel is a policy objective across Government. Examples of how other Departments and agencies are promoting this policy include the cycle to work tax relief scheme and the promotion of the health benefits of walking and cycling.

**Departmental Agencies**

682. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport his policy on merging the Irish Aviation Authority with the Commission for Regulation; and if he will make a statement on the matter. [14109/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The Government has decided, in the context of its plans for the Rationalisation of State Agencies, that the Irish Aviation Authority and the Commission for Aviation Regulation should be merged. My Department is in consultation with the agencies involved and is examining the measures, including legislation, needed to implement such a merger.

683. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport his policy on merging the National Roads Authority and the Railway Procurement Agency; and if he will make a statement on the matter. [14110/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The proposed amalgamation of the National Roads Authority and the Railway Procurement Agency is in line with proposals in the Programme for Government to reduce the number of State agencies and this commitment was reaffirmed under the Government’s Public Service Reform Plan, which was announced on 17 November 2011. A number of options relating to the restructuring of NRA and RPA are currently being considered. A final decision on the matter will be taken shortly.

684. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport his policy on Shannon Development; and if he will make a statement on the matter. [14111/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As part of the Public Service Reform Plan published last November, the Government decided to review the role of Shannon Development in relation to its tourism functions and possible merger of those functions with Fáilte Ireland.

I have asked Fáilte Ireland — in consultation with Shannon Development — to commission an independent review of Shannon Development’s tourism role. The review is now underway and I look forward to receiving the report in the coming months.

**Public Transport**

685. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport his policy on rolling out real-time passenger information; and if he will make a statement on the matter. [14112/12]

[Deputy Alan Kelly.]
Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):
Following the establishment of the National Transport Authority (NTA) on 1st December 2009, the implementation of infrastructure projects in the Greater Dublin Area (GDA), such as Real Time Passenger Information (RTPI), now comes under the remit of the NTA.

The Authority’s functions were subsequently extended by Ministerial Order to include provision of RTPI to the four major regional cities of Cork, Galway, Limerick and Waterford and the contiguous areas of those counties.

My Department is providing Exchequer funding for the development of RTPI both in the GDA and in the four regional cities. The project, whereby electronic bus stop signs tell passengers when their bus is due to arrive, is well advanced in the GDA and I recently launched the pilot phase of a new RTPI service for Cork. The other regional cities of Waterford, Limerick and Galway will follow during the course of 2012 and remains a priority for the Government.

In light of the NTA’s responsibility in the matter, I have referred the Deputy’s question to the Authority who will respond directly with details of the ongoing development of the RTPI system. Please advise my private office if you don’t receive a reply within 10 working days.

Public Sector Staff

686. **Deputy Pat Breen** asked the Minister for Transport, Tourism and Sport if he will report on the number of public servants from County Clare who retired as part of the Croke Park early retirement scheme from positions in his Department or from State bodies under the aegis of his Department. [14209/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I am providing information for my Department’s staff who worked in Shannon, Co. Clare. In this regard, four members of staff retired between 1 January 2010 and 29 February 2012 which is known as the “grace period”.

I have asked the State agencies under the aegis of my Department to provide the Deputy with the information requested. If you do not receive a reply from the agencies within ten working days, please advise my private office.

Road Network

687. **Deputy Michael Healy-Rae** asked the Minister for Transport, Tourism and Sport, with regard to local improvement scheme funding for local roads, which has been suspended for 2012, if he will give an assurance that this scheme will be funded again out of next year’s road money in order to deal with the long waiting list that we have in every country including County Kerry; and if he will make a statement on the matter. [14218/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The current and capital expenditure for regional and local roads will be reduced significantly over the next few years. In making adjustments to the regional and local roads budget the primary aim has been, and will continue to be, as far as is possible, to protect previous investment in the road network and use the available funding to maintain and restore public roads, including those in rural areas.

As you are aware, the maintenance and improvement of non-public roads is, in the first instance a matter for the relevant landowner. Given this, the decision was taken to suspend this scheme in respect of 2012. If and when the financial position of the State improves, I will examine the possibility of re-opening this scheme.
Any new scheme would have to take account of the large number of non-public residential roads and management company estates in urban areas which did not avail of the LIS in the past, and have to pay for the repair and upkeep of their roads through management company fees and on off levies, etc. In the interim, it is open to individual local authorities to fund this scheme, or a version of it, from their own resources.

**Road Signage**

688. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport when the new signs will be erected for Dingle, County Kerry, with its bilingual name; the timeframe for same; and if he will make a statement on the matter. [14219/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The improvement and maintenance of regional and local roads, including the provision of road signage, in its area, is a statutory function of each road authority in accordance with the provisions of section 13 of the Roads Act, 1993. Works on such roads are a matter for the relevant local authority to be funded from its own resources supplemented by State road grants. The provision of road signs on regional and local roads is also a matter for each road authority within its functional area.

In respect of national roads, these 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.

**Penalty Points**

689. **Deputy Thomas P. Broughan** asked the Minister for Transport, Tourism and Sport when he will commence Parts 3 and 5 of the Road Traffic Act 2010; if any of the 87,365 unassigned penalty points from 2009 to 2012 will be applied retrospectively to drivers holding non-Irish licenses; and if he will make a statement on the matter. [14225/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** It is my Department’s intention to retrospectively associate penalty points accumulated by the holders of non-Irish driving licences with the records of the National Vehicle and Driver File (NVDF) and any driver who has accumulated twelve penalty points will be disqualified from driving. The Deputy will appreciate that it is essential that this task must be carried out with extreme care to ensure that the penalty points are designated properly and that the points are not improperly assigned to individuals who did not incur them.

**Road Network**

690. **Deputy Brendan Smith** asked the Minister for Transport, Tourism and Sport if he will outline the funding provided to Cavan County Council for non-national roads in 2010, 2011 and 2012; and if he will make a statement on the matter. [14264/12]

691. **Deputy Brendan Smith** asked the Minister for Transport, Tourism and Sport if he will outline the funding provided to Monaghan County Council for non-national roads in 2010, 2011 and 2012; and if he will make a statement on the matter. [14265/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I propose to take Questions Nos. 690 and 691 together.
The information requested by the Deputy in relation to regional and local roads funding provided to Cavan County Council and Monaghan County Council in 2010, 2011 and 2012 is available in the Dáil library.

**Departmental Bodies**

692. **Deputy Pádraig Mac Lochlainn** asked the Minister for Transport, Tourism and Sport if he will provide a breakdown of grant allocation by Fáilte Ireland on a Dáil constituency basis for the past three years — 2009, 2010, 2011 — and also for 2012. [14269/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** This is a day to day administrative matter for Fáilte Ireland. I have, accordingly, referred the Deputy’s Question to the agency for direct reply. However, given that the level of detail requested by the Deputy would not be readily available to Fáilte Ireland (i.e. breaking the allocations down by constituency), I have therefore asked them to, instead, provide the details of the individual grants paid in the years requested. If the Deputy does not receive a response within 10 days he should contact my private office.

*Question No. 693 answered with Question No. 665.*

**Light Rail Project**

694. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport the current status of the metro west project; the projected cost of completing this project; and the projected timeframe for completion if the go-ahead is given by Government. [14344/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** On 23rd September 2011, on my instructions, the Railway Procurement Agency withdrew the Railway Order application for Metro West from An Bord Pleanála. I took this decision as this project is unlikely to proceed for some considerable time having regard to current economic circumstances and higher priorities.

Metro West was proposed as an orbital Metro connecting Tallaght in the west of Dublin with the proposed Metro North via Dublin Airport to Swords. It was to be procured as a PPP. However a significant Exchequer contribution would also have been required. Metro West has always been considered a longer-term project, for delivery after Metro North.

The overall projected cost of completing Metro West will depend on a number of factors including the timescale for implementation, the outcome of the statutory planning process and the outcome of whatever procurement process it is decided to adopt at the appropriate time in relation to this project. Prior to last year’s decision to postpone this project, the overall budget estimate for Metro West was approximately €1.4 billion. Expenditure on the project to date is €18.7 million.

Metro West will be examined again at a future stage when the country’s finances have improved.

**Road Network**

695. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport if he will supply details of the contract for the development of the N2-N3 link road, including cost and a breakdown of the timeframe for completion of this project. [14345/12]
Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The Contract for the N2-N3 Link Road was awarded to Roadbridge on 1st September 2011. The estimated cost of this project is €24 million (€6m of which is the Department of Transport, Tourism and Sport’s contribution) and the Council anticipates that it will be completed by February 2013.