



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

*Dé Céadaoin, 21 Márta 2012.*

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# DÁIL ÉIREANN

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### TUAIRISC OIFIGIÚIL OFFICIAL REPORT

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*Dé Céadaoin, 21 Márta 2012.*  
*Wednesday, 21 March 2012.*

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Chuaigh an Leas-Cheann Comhairle i gceannas ar 2.30 p.m.

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*Paidir.*

*Prayer.*

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#### **Ceisteanna — Questions**

##### **Priority Questions**

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##### **Milk Quota**

1. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine the progress he has made on the milk quota and butterfat correction issue; and if he will make a statement on the matter. [14692/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** This is not the first time Deputies Moynihan and Kirk have raised this issue, understandably so, because it is an important one.

In the past year my Department and I have been extremely active in raising at every appropriate opportunity the question of an adjustment to the milk quota regime. We have made determined efforts to secure a soft landing for all member states in the lead-up to milk quota abolition in 2015, as envisaged in the 2008 CAP health check agreement. I have discussed the matter extensively with other EU Agriculture Ministers, including in bilateral meetings with my Danish, French, German, Estonian and Finnish counterparts. Furthermore, officials from

[Deputy Simon Coveney.]

my Department have raised the issue at EU level meetings and at bilateral meetings with other member states. We will continue to pursue it at every opportunity.

Among the options being discussed in relation to a soft landing are the front-loading of the remaining quota increases, a reduction in the super levy fine that may be imposed, a further reduction in butterfat correction levels, or a type of EU flexi-milk arrangement which would operate provided EU production overall was within quota. Most attention has been focused on the butterfat correction which would be the most straightforward option from a procedural position. In December a coalition of member states involving Ireland, Denmark, the Netherlands, Belgium and Cyprus formally put a specific proposal to the Special Committee for Agriculture for an adjustment to the butterfat correction mechanism.

Unfortunately, the Commission has consistently resisted attempts to reconsider this issue, as it has resisted attempts to revisit the outcome of the 2008 CAP health check generally. That view is supported by a number of member states which, unfortunately, are influential ones. I have spoken about this on numerous occasions. While it is important to recognise that there will be no magic solution to milk quota problems we may have in the remaining weeks of this quota year, farmers must do everything they can in the next ten days or so to remain within quota.

We will continue to pursue this agenda next year, proactively and aggressively at times. There will be a review of the milk health check towards the end of this year. I assure Members that the country will lead the discussions in an effort to try to alter the soft landing policy that is not currently delivering a soft landing for at least six EU member states.

**Deputy Seamus Kirk:** I thank the Minister for his reply. We have discussed this matter in the House on a number of occasions over recent months in anticipation of the superlevy threat that is hanging over the dairy sector in Ireland.

Denmark assumed responsibility for the Presidency of the European Council in January last. Significantly, Denmark, the Netherlands, Austria, Cyprus and Luxembourg exceeded their dairy quotas in 2010-2011, resulting in a superlevy bill of €55.5 million having to be paid. In this current year, Europe will be an estimated 5.5% under quota. It is clear that quite a significant number of dairy farmers will be in serious difficulty if one is to judge from newsletters issued, for instance, by Glanbia, one of the major dairy companies in the country. In Leinster and a good part of Munster, where a significant volume of milk is produced, they are seriously over quota. In many instances, it will be a bridge too far to make the sort of adjustments that seem to be necessary between 7 March and 31 March. Has the Minister a responsibility, having regard to his reply to questions way back in October where the issue of the butterfat adjustment was very much under consideration? Would it be timely to bring forward an initiative in that regard?

**Deputy Simon Coveney:** The initiative is under way in that regard. I have mentioned the butterfat issue at practically every Council meeting I have been at. We have been taking Ministers aside on an informal basis and also setting up the formal bilateral meetings that I outlined in the answer to the question.

The problem is there is no mechanism to force the EU to accept a butterfat correction. The reason we have chosen to focus on butterfat correction is that the Commission has the capacity to introduce that measure without having to seek a vote in Parliament or in Council. It could have introduced it through regulation, which would have given Ireland breathing space of 1% to 1.5% extra on top of our current increase of 1% in quota. Unfortunately, that has not

been possible, mainly because big powers, such as France and Germany, do not want to see this happen.

Countries are saying that there is a formal review of the health check coming up at the end of 2012 and that is the time to discuss these issues. Despite the fact that Ireland and the Netherlands, Denmark, Luxembourg and Cyprus, which have strongly supported us on this, have been pushing hard, the Commission has stated essentially that it is not up to it to change this and if a majority of member states come to the Commission and say they want it changed, the Commission will look at it. Unfortunately, we do not have that majority at present. That is the political reality. There are countries which do not want to see any more flexibility in the quota system because they think that will impact on price. Ireland disagrees with that, but we do not have sufficient numbers in Council to be able to force a change in policy.

**Deputy Seamus Kirk:** Has the issue of the butterfat adjustment been brought up directly with the Danish Presidency and, if so, what has been the response?

**Deputy Simon Coveney:** It has been brought up directly with the Danish Presidency but it has also been brought up repeatedly directly with the Commissioner by me. The Commission position is straightforward. The Commission states that the Council voted in 2008 on a milk health check which guides policy, and if the Council wants to change that, the Council can do so but that must come from Council, not from the Commission. The Commission has in place a review mechanism at the end of this year for the health check policy and it states that is when we will have an opportunity to do this. Make no mistake, we are trying to progress this issue. We are pushing as hard as we can.

I have been consistent on this and I do not think anyone can accuse me of raising expectations around butterfat correction levels. I have been consistent on this, that this would always be a difficult political ask but that we would continue to try to push the door open on this issue, and we are continuing to do so. However, for this quota year, it will not be a factor. That is the reality.

**An Leas-Cheann Comhairle:** I call Deputy Colreavy.

**Deputy Seamus Kirk:** I have one brief supplementary.

**An Leas-Cheann Comhairle:** Is it a “Yes” or “No”?

**Deputy Seamus Kirk:** It will be very brief. During the health check discussions in 2008, the Minister’s predecessor in the Department, Deputy Brendan Smith, raised this issue of the butterfat adjustment. At that stage, quite clearly, it entered as a major consideration in any adjustment and in any situation where quota would be exceeded, such as there possibly will be in our case. What is the position having regard to the fact there was an acceptance of the point in 2008?

**Deputy Simon Coveney:** The position is clear. Unless the Commission can be persuaded to change the regulation on the treatment of butterfat levels, they will remain as they are. This puts Ireland under pressure, which I acknowledge. When I last looked at the figures, we were 0.006% under quota. There has been a very early grass growing season this year — we are about one month ahead of schedule in some parts of the country. This is putting farmers under huge pressure to try to control milk output in order to stay within quota. While I agree with the Deputy in terms of what he wants to do, I have a responsibility to give a realistic assessment of what is possible politically in the next couple of weeks.

### Animal Diseases

2. **Deputy Michael Colreavy** asked the Minister for Agriculture, Food and the Marine the steps he has taken to prevent the Schmallenberg virus spreading to farms here; and if he will make a statement on the matter. [14691/12]

**Deputy Simon Coveney:** The Deputy raises the important issue of the Schmallenberg virus, SBV, which was confirmed in December 2011 following the birth of deformed lambs in the Netherlands. Its manifestation in adult cattle had been under investigation in Germany and the Netherlands since the summer-autumn of 2011. It has now been recorded in eight member states — Germany, Belgium, France, Luxemburg, the United Kingdom, the Netherlands, Spain and Italy — on about 2,000 farms in total. It is not what is called a notifiable disease as it does not meet the OIE — World Organisation for Animal Health — criteria for notification. There are currently no trade implications for the movement of animals or products within the European Union and animals may move subject to normal health inspection and certification systems.

The Schmallenberg virus is newly emerged and we are still trying to understand it fully. The information available on it suggests it is part of the Simbu sero-group of viruses which are mostly found in ruminants in Asia, Australia, Africa and the Middle East and primarily transmitted by insect vectors, most commonly midges, with no direct transmission from animal to animal. Vertical transmission is suspected, given the infections of foetuses. The virus can be identified through PCR testing. There is currently no blood test available for large-scale testing, but work is in place to develop one. No vaccines are available.

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

The European Commission, in collaboration with member states through the Standing Committee on the Food Chain and Animal Health, has published a guidance document on its website in which it sets out full details of the knowledge to date on the virus and procedures for providing surveillance data for the European Food Safety Authority which has been tasked with providing a full report on the virus by the end of May. An interim report is due by 31 March. The Commission is also working to dissuade third countries from placing restrictions on trade, as, in line with OIE recommendations, there is no justification for a ban on milk or meat as these commodities do not pose a risk for Schmallenberg virus transmission. The Commissioner briefed yesterday's Agriculture Council on this point.

There is no evidence to suggest the disease is transmissible to humans. To date, people who have been in close contact with infected animals, for example, animal workers, farmers and veterinarians, have not reported any unusual illness. The European Food Safety Authority, the European Centre for Disease Control and the animal and human health authorities at national level are collaborating to ensure rapid detection of any change in the epidemiology of animals and humans.

There is no evidence the virus is present in this country. Equally, there is no proof in the absence of tools for sero-surveillance that it is not present here. My Department has notified relevant persons such as veterinary staff and PVPs to report and submit samples of any animals showing unexplained clinical symptoms of SBV or suspect birth defects. Samples from 63 animals tested to date in the Department's laboratory from animals presenting with clinical signs that may be associated with infection have tested negative.

Applying additional controls at entry points would not add anything by way of increased bio-security. Such a move would also be contrary to European animal health law. Single Market rules preclude member states from interfering with intra-Union trade in animals, except on legitimate animal health grounds. Accordingly, animals are free to move in trade in the Union

provided they are certified as being compliant with animal health rules. My Department always urges importers to ensure imports are fully compliant with EU rules and that they operate to the highest standards of bio-security to ensure no diseases are introduced to Ireland via such imports or the vehicles transporting them.

We will continue to monitor the developing situation, maintain close contact with the Commission and our EU colleagues, including in Northern Ireland, and review and modify our response, as appropriate, in the light of new information that becomes available or with the development of new testing capabilities.

**Deputy Michael Colreavy:** I find it extraordinary that a disease which can damage international confidence in a nation's agricultural output is not notifiable. I, therefore, encourage the Minister to press hard to ensure it is made notifiable.

What emergency plans will be put in place? Are there discussions taking place with our counterparts in the Northern Ireland Executive to ensure the virus will be kept off Irish farms? I am sure the Minister agrees that the international perception of the quality of Irish agricultural produce is all-important. The USA is thinking of opening up markets and the Minister is travelling to China to discuss increasing our market share there. Therefore, the international perception of the purity and quality of Irish agricultural produce must be protected. This is one of the risks to it. I suggest other risks are presented by the proposed trials on the genetic modification of potatoes and fracking in agricultural areas in north Leitrim and County Cavan.

Will the Minister press to make sure the virus is made a notifiable disease? Will we have plans in place should it be identified on a farm in either the Six Counties or the Twenty-six Counties?

**Deputy Simon Coveney:** I have discussed this issue with my counterpart in Northern Ireland. It is a good example of where we can take a fortress Ireland approach. Diseases do not respect borders, but our geographical location is sometimes fortunate in that we are isolated from the British mainland and Europe and thus receive protection in terms of the spread of certain contagions. My understanding is that the Schmallenberg virus spreads via flies and midges on the skin of animals. There are risks in this regard in that efforts by many farmers to increase herd size have led to an increase in the importation of calves. As such, I am very conscious that we must review the controls in place at ports. However, I am also realistic about what is possible in terms of identifying the disease given that there is currently no blood test for it, thus making it difficult to test cattle and sheep for infection.

I have asked my officials to put together a clear guideline document which will inform persons who import livestock from other parts of Europe or the United Kingdom of the areas in which the Schmallenberg virus has been identified. This will help us to be more targeted in importing livestock. While the numbers of detected infections seem to be decreasing across the European Union, this may simply be a consequence of the approaching end of the lambing season.

### **Grant Payments**

3. **Deputy Luke 'Ming' Flanagan** asked the Minister for Agriculture, Food and the Marine the reason after dealing with 11 members of his Department's staff and after being promised since early December that their agri environmental options scheme payment would be processed, that a person (details supplied) has still not received payment; the reason his Department has yet to process payments for more than 2,000 farmers in respect of 2010 payments; if he will outline the problem be it technical, is it resources, is it lack of accountability that has caused these delays, in view of the fact that farmers are now in their third year of the scheme

[Deputy Luke 'Ming' Flanagan.]

and still unpaid for the first year and the situation has gone on for two years; his views that if the work was to be done by hand without computer or photocopier, all 8,000 applications should have been processed by the 11 staff members listed in the details supplied; and if he will make a statement on the matter. [14593/12]

**Deputy Simon Coveney:** By way of background, the situation in regard to payments under the agri-environment options scheme, AEOS, is that the European Union regulations governing its administration require that full and comprehensive administrative checks, including cross-checks with the land parcel identification system, LPIS, must be completed before any payment can issue. EU audits have made it absolutely clear that compliance with the regulations must be strictly adhered to and that all checks must be passed and eligibility conditions met before payment issues. This means that individual payments may not be made until all aspects of a farmer's application are in order, all outstanding documentation provided and all queries resolved.

AEOS represented a departure from the traditional agri-environment scheme and presented a significant administrative challenge for the Department and farmers alike. Particular difficulties arose in regard to the redigitisation of land parcels and the submission of receipts in respect of capital investments. Furthermore, it was necessary to develop a computerised payment system that would facilitate payment not only for year one of the scheme but for each of the five years the scheme will run. While this development work delayed the commencement of the initial part-year payments by four months, it facilitated the commencement of the first full-year payments to clear cases in a timely fashion. Indeed, payment in respect of 2011 commenced before the end of 2011 to applicants who had successfully passed the administrative checks.

The AEOS application of the person named was received in my Department on 17 May 2010. The actions selected by the applicant included species-rich grassland and traditional hay meadow, both of which are classed as area-based actions. Under the scheme's terms and conditions, these area-based actions must be carried out on full LPIS parcels, as recorded by the Department. The area-based actions chosen by the person named were not on full LPIS parcels and, therefore, required digitisation. An amendment form was submitted by the applicant to the single payment section, SPS, to have the area-based actions on the AEOS application redigitised. However, following completion of this digitisation, discrepancies were discovered between the SPS areas declared and found. These discrepancies were satisfactorily investigated and have been resolved. Payments in respect of 2010 amount to €894.93, comprising the first 75% instalment, issued on 28 February 2012, and the 25% balancing payment of €298.03, issued on 1 March 2012.

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

**Deputy Simon Coveney:** I do not normally read long replies but the Deputy asked about a specific case and I wished to give a specific answer and there is a lot more detail on that case. I have been frustrated by the roll-out of some payments relating to the agri-environment option scheme, AEOS. There have been genuine reasons for this and I assure the Deputy I have been pushing staff in my Department as hard as I can to get these issues resolved. They mainly revolve around the fact that mapping pertaining to applications for the single farm payment did not match mapping related to applications for AEOS. It was necessary to resolve this issue and then redigitise the maps for both single farm payments and AEOS schemes. This has taken

time and has been frustrating. While I am unhappy about this, now that the mapping issues have been resolved it will mean that in future years, people will get payments early.

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

In regard to payment for the 2011 scheme year, a number of queries were identified on the capital investment forms and receipts submitted by the person named. A letter issued to the individual on 23 February 2012 in regard to these queries and they have been also satisfactorily resolved. The 75% payment totalling €3,749.99 in respect of 2011 issued to the person named on 12 March 2012 and the balancing 25%, totalling €1,249.99, issued on 14 March.

My Department has made every effort to assist farmers in regularising their applications and has devoted extra resources to dealing with query cases. However, in many cases the issues associated with individual applications, as with the application of the person named, require redigitisation of land parcels. This is a complex issue which can impact not only on a person's agri-environment application but also on his or her single farm payment or disadvantaged area scheme payment, or both. While these complexities can have an impact on individual cases, I am sure the Deputy will recognise the success of my Department in making timely payments under a variety of different schemes. In the case of the single farm payment, for example, while the earliest payment date provided for under EU rules was 1 December last year, I successfully sought the approval of the Commissioner to have advance payments made as and from 17 October. This was the earliest possible legal date for making payments, it being the start of the new EU financial year.

That said, I am conscious of the importance of payments to farmers' incomes and every effort is made to resolve queries as quickly as possible. At this stage €6.033 million has issued in respect of the initial part-year payment to the 7,681 applicants who have been cleared for payment. A further 1,092 cases remain unpaid. In these cases, the particular difficulties have been identified and the Department has made contact with the applicants to outline the nature of the query and the actions required to facilitate payment. I have given the highest priority to finalising all of these cases as quickly as possible.

In addition, €14.262 million has been paid to 3,720 of the 8,236 applicants remaining in AEOS I who are due a payment in respect of 2011. Unpaid farmers in year two are largely those with problems associated with their capital investment claims. My Department is currently dealing with queries associated with capital investment claims already submitted or is urging farmers to submit the necessary documentation as quickly as possible. Payments in respect of both years will continue on an ongoing basis as queries are resolved.

**Deputy Luke 'Ming' Flanagan:** I thank the Minister for his reply. I note that apart from my constituent, others also contacted me about this issue. When people rang the Department, it was accepted that they had not provided incorrect information or anything like that. It was accepted that it was a problem within the Department, that it would be sorted out within a couple of days and that the people would get their payments. My constituent rang the Department repeatedly and was told the same thing again and again. The individual contacted the Department at least 11 times and was told about the problem with digitising. Although the Department accepted that my constituent had not provided incorrect information and would be paid, the individual concerned still was not paid.

I do not know whether the Minister is familiar with the television programme, "Little Britain". One of the characters it features is a person who works for a travel agent. Every time a customer asks for something, the person working behind a desk looks up and says, "the computer says No". This is what is happening in the Department of Agriculture, Food and the Marine. Even though it is accepted that a problem exists when a human speaks to a human

[Deputy Luke 'Ming' Flanagan.]

down the telephone line, on the replacement of the telephone receiver, the computer system takes over again and the computer says "No". That cannot be acceptable and makes a joke out of civil servants.

**Deputy Simon Coveney:** First, it is not acceptable if this has happened.

**Deputy Luke 'Ming' Flanagan:** Good.

**Deputy Simon Coveney:** If someone from my Department tells a farmer that he or she will be paid within days, I expect that to happen. I note that last year, payments in general in my Department were way ahead of any previous year on record. I refer to the timeliness of payments such as disadvantaged area payments, single farm payments and those AEOS payments that could be made on time. They were significantly ahead of the previous year.

A specific problem arose by which the Deputy's constituent or client was frustrated, and understandably so. I believe that approximately 1,500 people were in that category. I was not happy about this because it led to a perception that my Department was not dealing in an efficient way with payments in general. I have tried to change this and the AEOS team has been in my office on numerous occasions to try to find a way to get this job done quicker. The issue has pertained to mapping, the fact that the Department tenders out the digitisation services for that mapping, as well as the interaction between the Department, farmers and the company that provides the digitising for the Department. All I can tell the Deputy is the likelihood of a repeat of such delays is extremely slim now that maps have been digitised and full data are available on a computer screen.

**An Leas-Cheann Comhairle:** If Deputy Luke 'Ming' Flanagan wishes to ask another question, he should be very brief, as we are running out of time. I apologise but the question had a lengthy reply.

**Deputy Luke 'Ming' Flanagan:** This does serious harm to the reputation of civil servants. The constituent with whom I was dealing now has a highly negative view of civil servants, which is not right because it is not the case across the board. As the Minister responsible, Deputy Coveney must guarantee this does not happen again. More importantly, the person concerned is a citizen who was demeaned by this process. Will the Minister write to the individual in question and state this will not happen again on his watch? I am sure the person would be satisfied with such a response.

**Deputy Simon Coveney:** In the first instance, it is important to place on record that this person has been paid.

**Deputy Luke 'Ming' Flanagan:** That is correct.

**Deputy Simon Coveney:** The issue is that there were delays in respect of the payment. Such delays should not have occurred but there were genuine reasons for them. I would certainly not criticise the staff of my Department in that regard. The latter have worked overtime in trying to issue these payments.

**Deputy Luke 'Ming' Flanagan:** How is it possible to make 11 mistakes in a row?

**Deputy Simon Coveney:** The issue arose in the context of a process problem which related to changing maps, in the first instance, and then digitising those changes. Delays arose as a result of the problem to which I refer. I accept that it may have taken longer than should have been the case to arrive at a resolution in respect of this problem. However, that resolution will

ensure that there are unlikely to be delays in respect of AEOS 1 or AEOS 2 in the future because digitised maps are now available to the Department and to the farmers concerned.

What happened in this case was a classic teething problem. We may have further such problems in future when we move to a new CAP, which has the potential of bringing with it an entirely new set of environmental schemes. We need to learn lessons from the AEOS experience in order to try to minimise the likelihood of a recurrence of delays such as that under discussion. On the whole, my Department is more efficient now than it ever has been in the context of issuing payments. A particular issue arose in this instance which is unfortunate but we are trying to correct matters.

**Deputy Luke ‘Ming’ Flanagan:** The Department is using——

**An Leas-Cheann Comhairle:** Before we proceed, I remind everyone that there are six minutes per priority question. Those six minutes include two minutes for the Minister’s initial reply. With co-operation from Members, I am sure we will make some progress.

### **Fisheries Protection**

4. **Deputy John Browne** asked the Minister for Agriculture, Food and the Marine if his attention has been drawn to the unsustainable fishing practices by Iceland and the Faroe Islands for mackerel in the north east Atlantic; the steps he is taking to protect the interests of the Irish pelagic fleet; and if he will make a statement on the matter. [14725/12]

**Deputy Simon Coveney:** I thank Deputy Browne for tabling a question on this extremely topical matter. I have set out for the House on numerous occasions the background to the mackerel dispute with Iceland and the Faroe Islands, most recently last week during a Topical Issue debate with Deputy Harrington. I have also set down the importance of the mackerel fishery for our fleet and the serious concerns we have about the current unacceptable situation.

It is clear that the irresponsible actions of Iceland and the Faroe Islands cannot be allowed to continue unchecked and we have to deploy all effective means to persuade them to re-examine fundamentally their position in this matter. I have called for and broadly welcome the EU Commission proposal for a regulation of the European Parliament and of the European Council which will allow for the introduction of trade sanctions against third countries engaged in irresponsible or illegal fishing activities which may lead to depletion of the fish stocks.

In conjunction with my UK colleagues, I placed this issue on the agenda of Monday’s EU Fisheries Council. I took the opportunity to explain to my EU counterparts that this mackerel crisis relates to four issues, namely, jobs, economics, sustainability and, most importantly, fairness. I made it clear that EU member states cannot accept the Faroe Islands’ and Iceland’s unjustifiable and unsustainable fishing of mackerel stocks. Ireland and Norway share those stocks with the Faroe Islands and Iceland. I received strong support from Commissioner Damanaki and Ministers from other member states which have been impacted by this for my call for the EU to fast-track the adoption of effective trade sanctions against Iceland and the Faroe Islands for continuing unsustainable fishing practice. I also made clear that Ireland is a strong supporter of Icelandic accession to the European Union. Given that it is another island in the north-east Atlantic, I am of the view that Iceland’s interests and those of the EU would be best served by it being a member of the Union. That said, I made it clear at Council that I find it difficult to accept that we could move ahead, in good faith, in opening a fisheries chapter in the EU’s accession negotiations with Iceland while the issue relating to mackerel remains unresolved.

[Deputy Simon Coveney.]

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

I received support from Commissioner Damanaki and fellow Ministers for my position in relation to fast-tracking trade sanctions against both Iceland and the Faroe Islands. Some member states, including Germany, also expressed concern about opening the fisheries chapter in the EU's accession negotiations with Iceland in the current context.

I consider that we have now reached a point where the EU, working in partnership with Norway, must set out actions it is prepared to take in order to make it unacceptable for Iceland and the Faroe Islands to continue their current irresponsible fishing activity. I am satisfied, after these discussions at Council this week, that there is a strong commitment from both Commissioner Damanaki and fisheries ministers of other countries that have been impacted upon to pursue vigorously and urgently available actions that will be seen to be proportionate and will be effective.

**Deputy John Browne:** I thank the Minister for his reply and I recognise that for 2012 he secured for fishermen the same quota which obtained in 2011. However, there are serious concerns among those in the north west that the unsustainable fishing practices being engaged in by fishing vessels from Iceland and the Faroe Islands will eventually destroy the industry here. In a joint statement issued on 16 February last, Commissioner Damanaki and the Norwegian Minister for Fisheries, Ms Lisbeth Berg-Hansen, said "In spite of five rounds of consultations in autumn 2011 and early 2012...it is particularly disappointing that neither Iceland nor the Faroe Islands really engaged in the negotiation process." Has there been any movement in the interim? Have the two parties in question been encouraged to return to the table in order to engage in the negotiation process in a meaningful way?

Is it the case that the Commission has proposed that sanctions should only relate to mackerel being imported into the EU?

That is tantamount to doing nothing as 95% of the mackerel exports are sent outside the EU.

**Deputy Simon Coveney:** What I have been doing with this issue, I do not do it lightly. We have made statements that I am sure make some people in Iceland uncomfortable and angry but we cannot stand by and allow the plundering of a hugely valuable stock, worth €1 billion in terms of quayside value to the European Union, Norway, the Faroe Islands and Iceland. There have been changes in the migratory pattern of mackerel which has resulted in stocks moving north to Icelandic and Faroese waters, and the European Union accepts that there must be an upward reallocation of mackerel quota to Iceland and the Faroe Islands. What is being sought is none the less totally unrealistic.

The EU, in an effort to achieve a deal, offered a 2,000% increase in Iceland's quota. It was at 0.3% and the offer was made to increase it to 7%. In addition, the Faroese were being offered a quota of 8%, having previously caught 4.7% or 4.8% of the quota. We are talking about offering a combined 15% of a €1 billion quota to countries that would previously have had approximately 5% access to the quota. The European Union has been more than generous in trying to find a resolution based on encouraging responsible fishing. Nevertheless, last year Iceland caught approximately 150,000 tonnes of fish from a recommended catch of approximately 630,000 tonnes or 640,000 tonnes. That is approximately 23% of the catch. This country would historically have had 0.3% or 4,000 tonnes of the catch but it decided to catch 150,000 tonnes last year. That country encouraged vessels from other parts of the world to help it catch large volumes of fish.

3 o'clock

It is totally unsustainable for us to allow this type of fishing of the most valuable stock in the Irish fishing industry. I will do what I have to in order to protect the industry's interests on the issue. We are taking the current approach to attempt to encourage future dialogue. We have had five rounds of negotiations on the issue in the past 12 months but got nowhere. The European Union must show some teeth at this stage, and that is why I am pushing the Commission and Council, and the reason I have got strong support from member states such as the UK, Germany, Portugal, Spain and the Scandinavian countries to fast-track sanctions.

**Deputy John Browne:** Is the Minister happy to support the European Parliament fisheries committee, which is led by our own MEP, Pat "The Cope" Gallagher, in initiating broader sanctions on Iceland and the Faroe Islands with regard to all types of fish and fisheries products?

**Deputy Simon Coveney:** Pat "The Cope" Gallagher is on a twin-track approach with me. We are both trying to increase the pressure. Sometimes we need to rattle cages to get things done. If we do not do what we are now doing, in two years people will be screaming and roaring because a mackerel quota will have been halved for Ireland. This quota is worth at the quayside, or in terms of landed fish, approximately €106 million per year to the industry. We must act now to try to force a resolution on the issue in order that we can progress with positive issues with Iceland, including accession to the European Union, which I hope can progress apace when we deal with the mackerel issue.

### Sugar Industry

5. **Deputy Michael Colreavy** asked the Minister for Agriculture, Food and the Marine if he will provide a stimulus for the sugar industry here; and if he will make a statement on the matter. [14690/12]

**Deputy Simon Coveney:** I do not need to read a script as I am very familiar with the sugar industry as it was and, I hope, as it will be in future. Last summer I had two professional feasibility studies done on the building of a factory and relaunching a sugar industry in Ireland. This would be a sugar and ethanol industry. The groups which financed and drew up the feasibility studies did a good job in progressing a serious discussion on this issue.

For the past 18 months the European Union has experienced a serious shortage of sugar. At one stage, the price of processed sugar reached approximately €800 per tonne or twice the level at which it stood when Ireland exited the sugar business at the time of the EU reform of sugar policy which has been subsequently proved to be flawed. The European Union's sugar quota system will remain in place until 2015 and Ireland has been compensated for staying out of the sugar business until that year. The Commission is proposing to abolish sugar quota from 2015 onwards, which would allow Ireland to recommence processing sugar if it was commercially viable to do so. The rule of thumb, as the feasibility studies show, is that the price of sugar on the European or global market needs to exceed €500 per tonne for processing sugar in Ireland again to be a commercially viable proposition. We would also need to invest €300 million or €400 million to build a processing plant. If the price were to fall below €500 per tonne, the numbers would be difficult to stack up.

It is important that we do not provide subsidies to start up the sugar industry again only to find we must continue to subsidise it to keep it alive. As someone who delivered substantial amounts of sugar to a former factory in Mallow, I hope we will re-establish a sugar industry in this country, but it must be a commercially sustainable business. I believe this to be a strong likelihood and I am strongly supportive of the proposals. The industry, however, must stand on its own two feet commercially.

**Deputy Michael Colreavy:** I am aware of the Minister's interest in sugar beet. I view this issue from the perspective of creating an infrastructure to support job creation. One of the groups to which the Minister referred maintains that up to 5,000 jobs could be created. In addition to producing 150,000 tonnes of sugar annually, the sector could also help Ireland to achieve its 10% target for bio-fuels by producing 50 million litres of ethanol annually. A notable change in recent times was the indication given by the European Commissioner for Regional Policy, Johannes Hahn, that the European Union could provide support to reopen the Irish sugar beet industry.

While I note the Minister's comments on the changes that may take place after 2015, it is vital that we are ready and at the starting gate by that date. Will the Minister progress the process by engaging in preparatory talks and work and seeking to attract interest in this exciting proposal?

**Deputy Simon Coveney:** I concur with the Deputy. If we can access funding to cover the capital costs of building an infrastructure that can facilitate a sugar industry, we should consider the proposal. My responsibility is to ensure that post-2015 Ireland will have the capacity, from a quota point of view, to produce sugar again if it is commercially viable to do so. This will be challenging. While the Commission is proposing the abolition of quotas for sugar in 2015 in line with the abolition of milk quotas, the proposal is not supported by the majority of member states, most of which are seeking an extension of sugar quotas until 2020. While I am a strong supporter of the Commission's proposal, I am also a realist who accepts that a compromise date of 2017 or 2018 may be agreed for the abolition of quotas. Ireland has been compensated for staying out of the sugar production business until 2015. If the sugar quota mechanism is extended beyond 2015, the quota will have to be increased to address the shortage of sugar in the European Union. I will, therefore, make a strong case for allowing Ireland to access quota from a production point of view post-2015. It will be a political challenge to do that, but we will endeavour to do it until quotas go altogether, which will allow us do as we please.

## Other Questions

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### Food Industry

6. **Deputy Niall Collins** asked the Minister for Agriculture, Food and the Marine the progress made to date in the creation of an umbrella brand for Irish food and drink brand Ireland as outlined in July 2010 with the publication of Food Harvest 2020; and if he will make a statement on the matter. [14607/12]

**Deputy Simon Coveney:** Deputy Collins raises the issue of the need to create an umbrella brand for Irish food. We are lucky to have a body in Ireland responsible for branding Irish food, trying to build our international reputation as a sustainable, safe, green, tasty source of food. We are trying to create that image, whether it is in dairy, beef, lamb, seafood or whatever. I think Bord Bia is doing a particularly good job at that. I have travelled with Bord Bia extensively, as recently as the last few days in the Brussels, Luxembourg and the Netherlands. Wherever I go, the Bord Bia message is the same in respect of the brand it is trying to build around Irish food.

Bord Bia's motto is not just saying that Ireland has the most sustainable, high quality food in the world; it is about proving it. It is putting in place a series of mechanisms which can back up the public relations message with data. An example of this is the beef quality assurance scheme, whereby with every week that passes, we put a carbon footprint on another 500 farms.

By the end of this year, we will have put carbon footprints on 32,000 beef farms in Ireland. In other words, we can put a carbon label on the steaks that come from those farms, if we wish to do so in the future. We are about to do the same in the dairy industry. We are going to roll out a quality assurance scheme that will be about managing and calculating the carbon footprint of the herds that produce milk. It will not just be about climate change and emissions; it will also be about the responsible use of water. We also have a whole series of disease controls.

**Deputy Seamus Kirk:** Food Harvest 2020 recognised the need to develop and strengthen the pre-existing strengths of the agrifood industry in Ireland. It has set out very ambitious targets in the dairy sector and in all mainstream enterprises in agriculture. It states that the exports of food and beverages will increase by one third to €12 billion annually. We can increase the value of primary production by our farmers and fishermen by €1.5 billion and value added in processing by €3 billion. The ending of the milk quota system in 2015 — if we can get there safely — will see perhaps at least a 50% increase in the production of liquid milk and dairy products in Ireland.

**An Leas-Cheann Comhairle:** Have you a question, Deputy?

**Deputy Seamus Kirk:** Quite clearly, we are going to be in an entirely different and much more demanding marketing situation. The Minister's predecessor, Deputy Brendan Smith, initiated trade missions to China, Japan and the US. I would like the Minister to tell us about the successes and the establishment of the pathway which those missions set out to do, the progress that has been made, and the proactive marketing arrangements that have been put in place in these destinations.

**Deputy Simon Coveney:** I can understand why the Deputy would like to recognise the work of my predecessor, and I would like to do that too. Food Harvest 2020 was put in place during the lifetime of the previous Government. It was one of the really good things that was done during that period. I would like to think that we are implementing that document in a really ambitious way. In fact, we have upgraded some of the targets. For example, we have doubled the beef target from a 20% increase in the value of beef exports by 2020 to a 40% increase due to the increase in the commodity prices of beef.

The Deputy is right. After 2015, we will be operating in an open dairy market. We will have to find a buyer and a home for all of our increased production in volume terms, apart from in the specialist artisan foods areas where we target the home market. Many of those new markets for our product need to be in the new exciting markets we are currently exploring. I am going to China next month, the following month I will go to the United States and I will probably be in Russia in the autumn. Representatives of some 50 to 60 food companies will go to China with me next month.

The beauty of the Food Harvest approach is that whether one is a farmer, a processor, a co-operative or a seller of food abroad in the food sector or one is an academic or a civil servant, everybody operates to the business plan and to the same timeframe. Part of that business plan is to build a strong brand and reputation for Irish food that will result in our being able to increase our market share, particularly the premium market share where we can get more value for our food in the new markets that are emerging.

**Deputy Seamus Kirk:** Has the Minister had any discussions with State agencies such as Bord Bia and Bord Fáilte to progress what is envisaged in Food Harvest 2020 in terms of developing an umbrella structure for brand Ireland in the food sector?

**An Leas-Cheann Comhairle:** I will take two brief questions from Deputies Naughten and Luke ‘Ming’ Flanagan.

**Deputy Denis Naughten:** I have two brief questions for the Minister. What timetable does he envisage for the new distinctive brand Ireland, which is crucially important as a marketing tool? Has any consideration been given to establishing a separate quality brand that would be owned and controlled by our own food agencies but not specifically branded as Irish? Countries have a reputation for the production of certain artisan or other food products such as the French in the case of pastries, the Germans in the case of cured sausages and the Swiss in the case of chocolate. Companies in Ireland that can compete internationally at a competitive price level in the market for these food products but they need an overarching brand for that, one not necessarily associated directly with Ireland but controlled as a marketing tool on behalf of Ireland.

**Deputy Luke ‘Ming’ Flanagan:** The Minister mentioned how we might be able to get a premium from developing our brand. It is accepted that perception and brand are very close bedfellows. Given that is true, what good does the Minister envisage will come out of the GM potato trials in Carlow when it comes to our reputation and brand, bearing in mind that the perception in Europe is that this is not good thing? I am not referring to the science, whether that is good or bad, but to the perception and branding. How does the Minister think that will help us to get a premium?

**Deputy Simon Coveney:** I speak to Bord Bia about this issue all the time. The work on brand Ireland has already begun and is under way. When I am abroad I speak all the time about the beef quality assurance scheme and about the fact that Ireland is the first country in the world essentially to carbon footprint the food we produce. We are about to roll that out on the dairy side as well. It is important to make the distinction between a label, a slick PR message and a logo and what a brand is about. Reputations are hard won, particularly in the food industry.

**Deputy Patrick Nulty:** Hear, hear.

**Deputy Simon Coveney:** What we are about is winning that reputation by providing data, back-up and science to support our claims. That is tedious work in terms of going on to farms, crunching the numbers with farmers and being able to back up everything we say. That is the type of work that is ongoing at present. Added to that, we are trying to build a PR brand around the attractive imagery that should be coming from all the hard work we are doing around building that reputation. The brand attached to Irish food is essentially a promise that when one buys Irish food, whether it be Jameson Whiskey or a nutritional drink from the Carbery Group, one associates it with quality, top quality food science, safety and sustainability. They are the buzz words we are trying to build into one message. I would be hopeful that by mid-summer we will have a logo that tries to represent all those things. Bord Bia is working hard on it. It is, however, difficult to decide whether we should have a punchy, strong brand or whether we should have a watermark that covers the existing strong brands because Irish brands are already very strong in some areas, particularly in the drink side. Bord Bia wants to get that message right and wants buy-in from the industry. I hope we will have a logo to go with the message by the end of the summer.

People have raised their concerns about the GM issue and Teagasc has responded comprehensively to the concerns raised in the *Irish Farmers Journal* last week. I do not know if the Deputy had a chance to read it.

**Deputy Luke ‘Ming’ Flanagan:** I did indeed and I do not accept it.

**Deputy Simon Coveney:** The Deputy is entitled to that view.

**Deputy Luke 'Ming' Flanagan:** The vast majority of Europe has the same view, whether it is right or wrong.

**Deputy Simon Coveney:** There are perception issues with GM foods but we are also trying to develop a reputation for developing research capacity in food in Ireland. This is where the initiative comes from in Teagasc's view. If we can be at the forefront in developing crop varieties by using GM, we should not discount it because consumers have a perception of GM. It is about balancing the two.

### Common Agricultural Policy

7. **Deputy Patrick Nulty** asked the Minister for Agriculture, Food and the Marine if he will provide details of the consultative policy he will undertake with regard to reform of Common Agriculture Policy which will take place during the Irish Presidency beginning in January 2013; and if he will make a statement on the matter. [14600/12]

**Deputy Simon Coveney:** An initial consultation process was launched with stakeholders by my Department in July 2009 to obtain views on what EU agriculture policies would serve Ireland and the EU best in the years to come. The responses received are helping to inform our position in the negotiations on the future of the Common Agricultural Policy, CAP, after 2013.

In 2010, a consultative committee on the CAP after 2013 was set up by my Department comprising all the major farming and agriculture related representative organisations involved in social partnership as well as a number of academics. The committee has met on several occasions, most recently in November of last year. The most recent meeting provided an opportunity for all the stakeholder organisations to give their initial reactions to the formal Commission proposals. The committee also participated in the stakeholder events organised by my Department during the visit of Commissioner Ciolos in 2010 and again in January 2012.

Commissioner Ciolos also launched a public consultation process during 2010 providing an opportunity for all stakeholders and interested parties to give their views on the future of the CAP. My Department wrote to interested stakeholders in this regard advising them how to participate in this consultation process and encouraging them to do so to ensure Ireland's voice is heard at every opportunity. While it is still early days in the negotiations, my officials and I will continue to consult all stakeholders as the negotiations progress.

**Deputy Patrick Nulty:** It seems inevitable there will be radical reform of the Common Agricultural Policy but the nature of that reform is now contested. We need a fair and redistributive approach. Will the Minister consider the proposals that have been made by the United Farmers Organisation to place a threshold on the payment any individual can receive under the CAP? For example, in this State, the single biggest beneficiary of CAP payments is someone like Michael O'Leary, who is not struggling to get by in the current economic climate. In reforming CAP, we must target the resources we have to small farmers — those who need it — to preserve rural life and to ensure small farming continues to be a viable operation for people in this country. That requires leadership and the taking on of powerful interests to place a cap on the payments made to already wealthy individuals.

**Deputy Simon Coveney:** I know what the Deputy is getting at and I have no difficulty with introducing a cap on payments. There is a proposal to do that. The current proposal from the European Commission is to propose a cap for single payments of €300,000. Of the 123,000 Irish farmers in receipt of the single farm payment, less than 0.2% received more than €100,000.

[Deputy Simon Coveney.]

That means only four or five companies or individuals will be affected by the cap being proposed. That is why I have not used a lot of political capital on this issue. We have really important issues that affect practically all farmers in Ireland where we need results around greening, the redistribution of the single farm payment within the State and maintaining the overall budget. My view is that it is inappropriate that anyone would get €300,000 from a single farm payment. It is important, however that we focus on what is crucial to Irish industry in these negotiations. So few farmers in Ireland are affected by this that I have not focused on it. I have made clear that my view is there should be a cap in place to ensure we spend money on those farmers who need it most.

**Deputy Patrick Nulty:** I welcome the Minister's agreement in principle that a threshold should be in place for payments. I accept the numbers involved are small but in the current economic climate, there must be leadership. People find it difficult to get by while certain individuals and companies which receive massive benefits in other areas are getting these sums from CAP. That can lead to a negative perception of small farmers. I look forward to seeing the final proposals and hope a cap will be put in place.

**Deputy Denis Naughten:** Could the Minister outline the progress made to date in getting flexibility at member state level for the revision of CAP? There is concern that there are different issues in different member states. The levelling of payments between those at the higher and lower ends is of huge concern in Ireland to ensure commercial farmers can remain financially viable whereas the overall cap on payments is a bigger issue in some other member states. Has any progress been made on bringing flexibility into that?

**Deputy Michael Colreavy:** Could the Minister look at the average payment from a different angle? Could he look at what would be needed to bring the average income of the lowest paid farmers up to the average industrial wage?

**Deputy Simon Coveney:** We had a long discussion and debate in the European Council yesterday on greening, an area where there is a flagship change in policy on the part of the Commission by insisting on 30% of the single farm payment being for greening. Farmers would only get it if they met certain criteria in how they farm. We have some difficulties with that and we are trying to negotiate solutions to it.

The real issue for Irish agriculture is the switch to an area-based flat rate payment, which is what the Commission is proposing for every member state. Irish direct payments have developed on a historical productivity basis, with productivity determining support, and that became the basis of the single farm payment. Farmers in Ireland have huge discrepancies between what they are being paid in some areas and other areas. The idea that everyone would get the same payment per hectare farmed would mean those with large, lowly stocked hectarage, and very intense commercial farms would get the same payment. That does not reflect the fact that we should be trying to support food production. Ireland, Italy, Spain and a few other countries have a huge problem with what is called internal distribution of direct payments, in regard to which we are working with the Commission to try to have some flexibility.

We will, undoubtedly, have to redistribute money. People who have been doing really well owing to their level of productivity in 2002 and 2003 will lose some of their direct payments in order to increase the payments for those who traditionally or historically have not done so well because they were not as productive in the base years of 2002 and 2003. We must try to manage the losses and the gains in order that we can move everybody towards an average payment. However, we certainly cannot get there overnight because if we were to do so, approximately 50,000 farmers would lose on average 30% to 35% of their payment — many of them might

lose 60% or 80%, with the other approximately 80,000 farmers receiving an average increase in their payment of 60% or 70%. That type of redistribution of direct payments would impact in a very negative way on the productivity of Irish farmers in the context of Food Harvest 2020. There will be some redistribution, but we must put limits on it. That is the subject of the negotiations under way.

8. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine the developments in the Common Agriculture Policy reform post 2013; his plans to reduce the income loss in single farm payments to 10-15%; and if he will make a statement on the matter. [14603/12]

**Deputy Simon Coveney:** This question is about what I have just been discussing. The Deputy refers to the need to limit any reduction in the single farm payment for current recipients to 10% to 15%. I believe that figure comes from the *Irish Farmers Journal* of a couple of weeks ago following a farm talk I gave in Bandon in which I said I was hoping to try to limit the reductions in single farm payment support — outside the greening area; therefore, it is for the other 70% — to 10% to 15%, which would probably mean increases for others, perhaps 15% to 25% on average.

I was trying to get the message across that instead of having a drastic redistribution away from the historically productive sector of Irish farming to the less productive sector, although there is capacity for much of that sector to become much more productive, we would try to limit the transfer to make it more manageable. Many farmers will have taken out loans and made investment decisions on the basis of a single farm payment supporting their businesses. I do not wish to undermine the traditional productive sector of Irish agriculture because we want to achieve increased performance and efficiency from those farmers. However, I recognise that there must be some redistribution for equity reasons. One cannot have payments in 2019 based on productivity levels in 2002 and 2003. That would not be right either. This is about trying to manage the redistribution in order that the losers will not lose massively and the gainers will not gain to the extent that it will undermine the productive sector of Irish agriculture. It is difficult to get the balance right.

**Deputy Seamus Kirk:** The Minister has just made the point I wished to make. The new flat rate payment and the possible reduction of 10% to 15% for many of the farmers in what is the engine of the agriculture industry in Ireland, particularly the provinces of Leinster and Munster, mean there is every prospect that under the new arrangement farmers who are extremely productive — some of the best farmers in Europe reside in these areas — will be seriously and adversely affected by the proposals outlined. While the flow chart in the agriculture industry might be good and buoyant, as sure as Deputy Simon Coveney is Minister for Agriculture, Food and the Marine today, price volatility will kick in at some point in the future. The single farm payment provides the support that takes farmers through the difficult period when repayments and normal family expenses and costs must be met.

With regard to the reference year, the Commissioner for Agriculture and Rural Development appears to be adamant that it will be 2014. Having regard to the very significant amount of land in the rental sector each year in this country and the uncertainty and unpredictability this has introduced, does the Minister accept there is a need to address the issue urgently to give some certainty to individual farmers in the decision making that will be necessary shortly?

**Deputy Simon Coveney:** I am not quite clear on what the Deputy is asking. He is correct that there will be price volatility in the future. The price trends for food will continue to increase for dairy and meat products, but there will be dips at times which will cause problems.

[Deputy Simon Coveney.]

While farmers are doing well in the marketplace, we should be mindful that the average farm income is still relatively modest by any standard. Direct single farm payments as well as Pillar 2 rural development moneys form a very significant part of the income of farm families. Drastically changing that balance overnight, as would be the case if we were to implement the proposals from the Commission, would significantly unbalance Irish agriculture.

It is up to me to make a very persuasive case with all the necessary data to back it up. We are gathering that data to try to get the flexibility we need from the Commission. We can go some of the way with it in terms of rebalancing payments within Ireland, but we certainly cannot go as far as is being proposed without there being a very significant redistribution of money, which would undermine many farming practices. There is a better way of doing it which I hope the Commission will take on board. When the Commissioner for Agriculture and Rural Development came to Ireland, we spent a long time talking about this issue to ensure he understood the full consequences for Ireland of pursuing the policy he was advocating.

**Deputy Denis Naughten:** To pick up on what the Minister said in response to the earlier question about trying to manage the redistribution and the alliances he had built with a number of other member states in a similar position to Ireland, what hearing is he getting from the Commission? Is it not the case that even in counties such as Roscommon which would not be considered one of the most productive in the country, a number of farmers will lose significantly as a result of redistribution? The movement of the big payments will be towards large land banks and commonage areas on foot of a complete redistribution if there was a flat rate across the country. I am glad the Minister acknowledged the modest incomes of farm families. While product prices have increased, input costs have increased significantly and many farm families are on very moderate incomes, even taking account of current product prices.

**Deputy Simon Coveney:** The Deputy's final point is very relevant. It is also important to recognise that when prices were not so good, many farm families had alternative sources of income. A couple of years ago approximately 47% of farm families did not have an alternative income coming into the home; now the figure is approximately 56%. That is the obvious consequence of unemployment. Therefore, the income being derived from the land and through direct payments is more important than ever. This must be acknowledged.

On the Deputy's question as to whether I am making progress with the Commission, I have met the Commissioner to discuss this issue on a number of occasions. In fact, practically every time I meet him we discuss it. He has not decided to make significant compromises at this stage. That is a political decision. At some stage, however, he will have to compromise on a series of issues to get agreement in both the European Parliament and at the European Council because a co-decision is required. To date, we have been working hard to ensure he, his advisers and *cabinet* understand in detail why Ireland simply cannot work with the proposal as it stands.

We have received support from countries such as Spain, Italy and France which are very concerned about the level of redistribution that will occur as a result of these proposals. These are big, powerful countries and I am hopeful that at some stage towards the end of the year we will be making progress on this matter. I do not want to pretend, however, that the problem is solved because it is not. We are currently outlining in clear terms why this cannot work. I can assure the Deputy that many EU states are adamant that countries like Ireland and others will be forced to move away from a historical basis of payment because they see that as unfair competition in terms of the levels of payment that go with that. There is a political negotiation to be done here around flexibility. While Ireland wants flexibility in this area, we must understand that other countries want flexibility in other areas.

One of the advantages we have in trying to get a deal on this is that we will hold the EU Presidency for the first six months of next year, when the CAP will be agreed. Therefore we will be in a position to influence the compromises that will emerge, because I will be in the chair trying to do that. I hope that will allow us to find a solution to this problem for Ireland as well.

### **Disadvantaged Areas Scheme**

9. **Deputy Pádraig Mac Lochlainn** asked the Minister for Agriculture, Food and the Marine the environmental effects, such as over-grazing, he believes will be caused by increased stocking rates; and if he will make a statement on the matter. [14644/12]

**Deputy Simon Coveney:** This question concerns stocking rates in disadvantaged areas. I am fully satisfied that the proposed changes to the 2012 disadvantaged areas scheme, currently under discussion with the EU Commission, will have a positive environmental impact on the rural landscape in Ireland. The changes are specifically designed to provide tangible environmental benefits. It is clear from the evidence gathered by my Department and other State agencies operating in this field that, while there is some evidence of over-grazing of commonage land in isolated areas in western regions, there is also increasing evidence of under-grazing in other commonages.

In the event that the proposal to increase the minimum stocking density to 0.3 livestock units per forage hectare in respect of 2011 is adopted, following Commission agreement, specific measures will be implemented to grant a derogation to those farmers who did not meet the 0.3 livestock units per forage hectare in 2011 because of the impact of adherence to a lower stocking density required under an agri-environment plan, or where the productivity of the land is such that it is not capable of maintaining two ewes per hectare. These provisions will ensure the proposed changes will not lead to any over-grazing of commonages.

**Deputy Michael Colreavy:** The EU has put its money where its mouth is in trying to prevent over-grazing and soil erosion, particularly in disadvantaged area schemes along the western seaboard and blanket bogs. The Government seems to be going in the opposite direction, however. If one increases stocking density and duration there is a risk that land will be damaged because not all of it is fit for the proposed stocking densities. The Minister has said there will be an appeals process and that no genuine farmers, as he put it, will be turned down. Nonetheless, how many people who qualified under the existing stocking levels and durations will be ineligible under the new guidelines? I have not been able to get an answer to that question.

**Deputy Simon Coveney:** That is because I do not yet have an exact answer to that question. This is not just about an appeals mechanism. Any farmer who was required to have a lower stocking rate in 2011, because of a commonage framework programme or because they are in an SAC or NHA, than the threshold stocking rate we introduced, will automatically get a derogation. No appeal is required for that. In other words, farmers who are required to have low stocking rates in order to protect the environment are not subject to the proposed changes. It is important that everybody understands that. It is not a case of telling people we are going to cut their disadvantaged area payment because they had a low stocking rate last year, with farmers saying they were required to have it that low. Anyone who is required to have a stocking rate below 0.3 livestock units per forage hectare will automatically maintain their disadvantaged area payments if they were getting them.

It concerns people on other lands who do not have stocking rate restrictions, who had very low stocking rates. There were people who put the bare minimum stock on the land in order to draw down the disadvantaged area payment. In fact, it was the farmers who asked me to

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increase the stocking rate. It is important to say that we did not make this change lightly. We made the change having spoken to many farmers. Many stocking rates and commonage areas are being re-examined now by my Department and the Department of Arts, Heritage and the Gaeltacht. Hopefully, we will see new commonage framework plans being put in place that will recommend an increase in stocking rate levels. There is a lot of evidence to suggest that in much of the country we are under-grazing rather than over-grazing, which is doing as much damage.

**Deputy Pearse Doherty:** The Minister will be well aware that the agri-environment options scheme deals with under-grazing and over-grazing. The Minister has said he is actively considering bringing forward a new AEOS scheme. Some 1,040 farmers in Donegal who are out of REPS 3 do not have any support, so they are crying out for a new AEOS scheme. Can the Minister confirm that he will bring forward such a scheme and, if so, will it be before the May deadline for single farm payments? Will it be at the original level of 5,000, the previous level of 4,000 or is it likely to be reduced?

**Deputy Simon Coveney:** That is a whole new question so I hope you will give me the latitude to answer it, a Leas-Cheann Comhairle, because it will take a while.

**An Leas-Cheann Comhairle:** I am sorry, Minister, but I will have to ask you to be brief because we will be going on to Topical Issues next.

**Deputy Simon Coveney:** I will try to be brief. I have said consistently since budget day that we will not be opening an AEOS 3 in the same way as the previous two schemes worked. We do not have the money to do it, and that is the reality. I will try to put together an AEOS scheme which is purely based on giving financial support to farmers who are farming in restrictive conditions because they are in SACs, Natura areas or possibly in commonages also. If a person is farming under restricted conditions due to a land designation, there needs to be some financial recognition of that restriction. I would like to be in a position to put in place a new REPS scheme or a broad AEOS scheme for people coming out of REPS across the country, but we are not currently in a position to do that. The commitment I made is therefore quite a restrictive one. We are maintaining that restriction to SACs or designated areas. We will look at putting a payment in place for farmers operating under those conditions as a recognition of the fact that they are farming within the restrictions of an SAC or commonage framework.

*Written Answers follow Adjournment.*

### **Topical Issue Matters.**

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Michael Healy-Rae — the efforts being made to improve the visa situation for Irish emigrants to the United States; (2) Deputy Thomas P. Broughan — waste disposal services in Dublin city; (3) Deputy Willie Penrose — the need to provide additional funding for St. Christopher's Services, Longford; (4) Deputy James Bannon — the need to ensure that the scale is balanced in favour of communities, as opposed to developers, under NAMA legislation; (5) Deputy Patrick Nulty — the decision to close 21 beds in James Connolly Hospital, Blanchardstown, Dublin; (6) Deputy Éamon Ó Cuív — the need to ensure the inclusion of a new school building for Clifden community school, County Galway, in a five-year building programme; (7) Deputy Joan Collins — the provision of a new National Children's Hospital; (8) Deputy Dessie Ellis — the effect of cuts in capital funding to the Traveller community; (9)

Deputy Timmy Dooley — the need for a replacement paediatric neurologist at the Mid-Western Regional Hospital, Limerick; (10) Deputy Brendan Griffin — the need to safeguard the future of Valentia Community Hospital, County Kerry; (11) Deputy Richard Boyd Barrett and Deputy Clare Daly — the reduction of funding in respect of running the Luas; (12) Deputy Denis Naughten — the circumstances surrounding the escape of a prisoner from Loughan House, County Cavan, on 15 March 2012; (13) Deputy Simon Harris — the need to introduce comprehensive measures to prevent on-line card fraud; (14) Deputy Mattie McGrath — funding for the independent commercial sector and the need to review the distribution of the licence fee; (15) Deputy Colm Keaveney — the need to repeal Article 475 of the penal code in Morocco; (16) Deputy Nicky McFadden — the status of Coosan national school, County Westmeath, in view of the recently announced building projects; (17) Deputy Dara Calleary — the circumstances surrounding the escape of a prisoner from Loughan House, County Cavan, on 15 March 2012; (18) Deputy Michael Lowry — the need for a paediatric neurology service at the Mid-West Regional Hospital, Limerick; (19) Deputy Regina Doherty — the problem of dog litter; (20) Deputy Tom Hayes — the future of public nursing homes in South Tipperary; (21) Deputy Charlie McConalogue — the report of the Vatican on the apostolic visitation here; (22) Deputy Mick Wallace — capital funding for social housing, particularly in view of the cut in respect of funding for the regeneration of Ballymun, Dublin; and (23) Deputy Billy Kelleher — the actions being taken to tackle break-ins.

The matters raised by Deputies Michael Healy-Rae, Colm Keaveney, James Bannon and Charlie McConalogue have been selected for discussion and will be taken now. Deputy Healy-Rae will have four minutes for his initial statement.

### Topical Issue Debate

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#### US Visas for Irish Emigrants

**Deputy Michael Healy-Rae:** I thank the Ceann Comhairle for allowing me to raise this Topical Issue and the Minister of State, Deputy Creighton, for dealing with it. I wish to highlight the fact that so many young people are emigrating to various parts of the world. The USA is one such opportunity available to our people. US Senator Charles Schumer previously wrote legislation for the diversity visa programme while a member of the House of Representatives. He thus created the Schumer visa which was distributed to 50,000 people from countries with low rates of emigration to America. This bill is the first in 15 years — when the Morrison and Donnelly visa lottery programmes were cut — that focuses exclusively on Irish emigration to America. There is not a town or village in our country that has not lost young people to emigration in recent years. They are going to Australia, Canada, the USA, England and elsewhere. I would like to see the Government working closely with the people in America who are trying to introduce these visas. For young people travelling from Ireland to America, having a working visa, whereby they can work for two years or have that period extended, is of vital importance. It allows them to find bona fide work, be above board, have proper health cover and be covered if they have an accident or something unfortunate happens to them. It takes them out of the black economy and ensures them the freedom to avail of different employment opportunities that might arise. A person working illegally in the United States is restricted in what he or she can do.

I acknowledge the Taoiseach's recent trip to America which was good for the country. He portrayed the country in a good light and sent a good message to America, which is to be welcomed.

[Deputy Michael Healy-Rae.]

I have raised the issue of visas on previous occasions. I appreciate that a spokesperson for the Department of Foreign Affairs and Trade has said the Government is working with Irish American community activists and the embassy and consulates in the United States to advance the prospects of the Bill. This is vitally important. I ask the Minister of State to ensure the Government operates in a proactive way on this issue. It would be most welcome if 10,500 visas, or possibly more, became available in time.

We do not want to see our young people having to go, but there is nothing worse than seeing young people between the ages of 18 and 22 years unemployed. They will never get these years back. It is vital that they use their time productively. As long as there is no work available here, we want to see them getting on. We want to see them safe and happy and in work. It is in everyone's instinct to work and be productive every day.

I am relying on the Minister of State to work with her counterparts in America to ensure this work can come to fruition in order that we can offer the hope to many young people that they will be able to work in a safe and secure environment and be above board.

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Lucinda Creighton):** I thank the Deputy for raising this matter, in addition to his parliamentary question on the subject today. I also thank him for his generous comments on the Taoiseach's recent visit to the United States.

Addressing the position of the undocumented Irish and reforming our migration arrangements with the United States remain important priorities for the Government in its relationship with the US Administration and Congress. Enabling Irish people to apply for E-3 temporary US work visas has been a particular focus of our efforts in our ongoing exchanges on immigration related issues. E-3 visas are two year renewable non-immigrant worker visas and currently available to Australian nationals in possession of a third level qualification. The proposals under discussion, if passed by Congress, would allow Irish nationals to apply annually for up to 10,500 E-3 visas which would be valid for two years and could be renewed. The eligibility criteria for these visas are the subject of detailed discussions in the US Congress. The benefits that would derive from E-3 visas could be expected to arise for future potential Irish emigrants to the United States rather than the undocumented Irish directly, although there may be scope for at least some in the latter category to apply for such visas. The Deputy can be assured that the Government, including the Irish Embassy in Washington, is extremely proactive in pursuit of this goal.

As Deputies will be aware, the Taoiseach is today returning from a series of St. Patrick's Day engagements in Washington, Chicago and New York. In addition to promoting our economic and business agenda, he discussed progress on the proposed E-3 visas during his high level meetings with the Administration and Congress.

The Taoiseach and the Tánaiste discussed immigration issues with President Obama when they met him on 23 May last year in Dublin and the Tánaiste also did so in separate exchanges during the course of 2011 with Secretary of State Clinton and Senator Patrick Leahy, Chairman of the Senate Judiciary Committee.

During the Tánaiste's recent visits to Washington DC and New York he reviewed progress on E-3 visa issues during further separate contacts with Deputy Secretary Bill Burns of the US State Department and also with Senators Leahy, Scott Brown and Charles Schumer and members of the Friends of Ireland group at House of Representatives level. He also discussed the issue in detail with the congressional delegation led by leader Ms Nancy Pelosi during its visit to Dublin on 12 March.

Senators Schumer, Leahy and Durbin, as well as Senators Brown and Kirk, previously tabled draft Bills which would enable the provision of E-3 visas for Irish applicants. Both Bills have since been referred for examination by the US Senate's Judiciary Committee. In all our exchanges with them the Government thanked the Senators for their ongoing efforts in this regard and encouraged them to persist towards reaching a positive outcome. They have also been assured of the Government's continuing close interest and support in this connection which we are exercising through the Irish Embassy in Washington. In turn, the Irish Embassy is working in tandem with key stakeholder groups from throughout the Irish-American community. During his visits to the United States in February the Taoiseach met representatives from several of these groups, including the Irish Lobby for Immigration Reform, the Ancient Order of Hibernians, Chicago Celts for Immigration Reform and the Coalition of Irish Immigration Centres. He acknowledged and thanked all of them and others from within the Irish-American community for their vital help in rallying support for our collective efforts.

I am heartened by the advances made so far towards enabling Irish people to apply for E-3 visas. However, the Government is very conscious that the current US domestic political climate around immigration issues and the presidential elections taking place there later this year mean that passing any immigration related legislation will present very significant challenges.

**Deputy Michael Healy-Rae:** I thank the Taoiseach for discussing the E-3 visa issue during his recent trip and the Tánaiste for his efforts during recent trips to Washington and New York when he also discussed this important matter. I am aware of the difficulties surrounding emigration to America, particularly at this time. It was always recognised by American politicians that Irish people went to America with one thing in mind, which was to work and be valuable contributors to American society. The generations who left our shores made, through their work, a valuable contribution to that society.

I hope political efforts will, eventually, bring the visa issue to a successful conclusion. I look forward to the Government supporting these efforts. Having listened to what the Minister of State said, the Government is being proactive and workmanlike in dealing with this important issue. There have been a couple of slips such as when it was suggested people were leaving the country because of a lifestyle choice. There is no such thing. People do not want to leave. However, if they believe they have to leave in order to seek work, better themselves, keep themselves busy and make a contribution, we should support them in every way possible. I thank the Government for its efforts in this regard.

**Deputy Lucinda Creighton:** I reiterate that the Government places importance on addressing the position of the undocumented Irish and reforming our migration arrangements with the United States. In addition to the ongoing political contacts on emigration reform, the E-3 visas in particular, the Government also provides considerable financial support for the invaluable Irish community and welfare organisations which do so much to improve the lives of the most vulnerable members of Irish communities in the United States. In 2012 alone €11.6 million will be provided for organisations and projects aimed at assisting Irish emigrants and communities abroad under the emigrant support programme. The benefits that would derive from the passage of E-3 visa legislation would enhance the flow of migrants between our two countries. They would also create positive momentum and bode well for possible further progress on other wider emigration issues, including those of direct concern to the undocumented Irish. I am very much aware of the difficulties confronting them and the distress that they and their families, in the United States and Ireland, experience as a result of the situation in which they find themselves.

[Deputy Lucinda Creighton.]

I would urge anyone, however, who might be tempted to follow in the footsteps of the undocumented to take account of their plight and to refrain from seeking entry to the US for work purposes without having first acquired a relevant visa clearance.

I am grateful to the Deputy for his engagement on this issue. The House can be assured that the Government will continue to avail of every opportunity to pursue a successful conclusion to the debate in Congress on the E3 legislation and to find a solution for the undocumented.

### Human Rights Issues

**Deputy Colm Keaveney:** I wish to raise with the Minister of State with responsibility for European Affairs, Deputy Lucinda Creighton, the horrific and tragic case in Morocco that came to light recently where a 16 year old girl, Amina Filali, committed suicide after being pressurised by a court, and her mother, to marry her rapist. While the marriage was seen to be required for cultural and religious reasons by some of Amina's family — so as to avoid any damage to the family's honour — the impetus to resolve rape cases in this way is also prompted by an aspect of Morocco's penal code, which allows the rapist of a minor to shield himself from prosecution if he marries his victim. The relevant part of the penal code is Article 475.

Amina's father was against the marriage but was pressurised by the court to agree to it. One can only imagine the psychological trauma visited on the family and the child by having to marry her rapist. After the marriage, she was severely beaten by her rapist and his mother over a period of three and a half months. Then, on the 10 March, she took her life after swallowing 60 cent worth of rat poison. Women's groups in Morocco have been protesting outside the parliament in Rabat calling for an inquiry into the case and for the repeal of Article 475. They rightly point out that, "Marriage is not the solution for a rape, which is a crime", in this case one that went unpunished.

This week we are deciding on whether to introduce gender quotas to improve the participation of women in politics in this country. Our history on the treatment and equality of women is not without blemish; an example of which we heard last week was the matter of symphysiotomy. We have travelled far but we still have some way to go. I respect the fact that we must have due regard to cultural sensitivities and be cautious to avoid the mistakes and evils of colonialism committed by other countries in the past, which were often rooted in arrogance. However, we must be proactive as we owe it to those who are struggling around the world for justice. Poverty and a lack of educational opportunities are at the heart of many such actions, in particular in the case of women. In the midst of our financial and economic difficulties we should be also mindful of the obligations to those living in desperate poverty around the world, in particular to the family that is affected in Morocco.

I urge the Minister of State to call in the Moroccan representative to this country. As a fellow parliamentarian I ask her to indicate our displeasure and to add her voice to a call to have this reprehensible law repealed. Further, as Minister of State with responsibility for European affairs, I urge Deputy Creighton to encourage her European colleagues and the European Union itself to bring to bear as much political pressure as possible on Morocco to repeal a law that provides for a situation whereby a rapist can rape a minor and have an exit strategy as a consequence of a provision in civil law. I find that disgusting and reprehensible. I ask the Minister of State with responsibility for European affairs to take whatever action is necessary on behalf of this country and this House to highlight it to the Moroccan representative in this country and in Europe.

**Deputy Lucinda Creighton:** I thank Deputy Keaveney for bringing this horrendous case to the attention of the Dáil. I am sure I speak for everyone in this House in expressing my horror at the details of the case of Amina Filali. As the Deputy correctly pointed out, she was raped and then forced to marry her assailant so as to prevent him from being prosecuted for his appalling and heinous crime. She then suffered severe beating at the hands of the man who raped and subsequently married her. We can have no understanding of the depth of despair that Amina suffered which drove her to take her own life. She was stripped of her rights and punished for the wrongs of her abuser. She was abandoned and neglected by the legal system that should protect vulnerable members of society. She was left without the promise of a future. She was just 16.

Women have played an important role in the momentous changes we have seen across the Arab world in the past 12 months. They have stood shoulder to shoulder with their brothers and husbands and demanded freedom and equality. Their demands extend to gender equality and protection under the law. Strong encouragement must be provided by the European Union and other international actors to ensure real benefits flow for women from the Arab spring and that their overall position is advanced in Morocco and other countries undergoing reform and change.

Morocco has in recent years taken some steps to empower women in Moroccan society. The adoption of the family code in 2004 was a major milestone in improving the protection of women's right in Morocco, including by raising the age of marriage to 18 and prohibiting polygamy. The new Moroccan constitution, which was adopted by referendum last year, has for the first time recognised gender equality. Those are steps in the right direction but it remains clear that Morocco must take further steps to protect women that have been the victims of rape or domestic violence, including the repeal of Article 475 that permits such an appalling miscarriage of justice as was suffered by Amina. Amina's death was a heart-breaking tragedy but it has resonated considerably within Moroccan society and galvanised many Moroccans to seek changes to this draconian law. I fully support the calls of human rights defenders in Morocco and elsewhere seeking an immediate repeal of Article 475 and I also strongly urge the Moroccan authorities to launch a full investigation into the death of Amina and the important issues it raises.

Morocco will undergo the second review of its human rights obligations and commitments as part of the universal periodic review, UPR, process at the next session commencing in May this year. Ireland and our EU partners will engage with Morocco in the course of its UPR on the human rights situation in Morocco, including recommendations on necessary reforms to its penal code to ensure greater protection of women and reforms required to provide greater equality and empowerment of women in Moroccan society.

This country is committed to the achievement of gender equality and the empowerment of women and is involved in a variety of initiatives at international level to this end, such as playing an active role in the negotiation and adoption of resolutions at the UN General Assembly and the UN Human Rights Council aimed at promoting the rights of women and girls. This country was to the fore in promoting the establishment of UN Women, the new UN agency working for gender equality and women's empowerment, and has provided more than €1.8 million since its establishment last year for its work in developing countries.

**Deputy Colm Keaveney:** I thank the Minister of State for her objective, well researched and honest response. I call on her as a fellow Oireachtas Member whom I know shares my concern to call the Moroccan representative in this country to this House. I am sure it is a man; it is hardly a woman.

**Deputy Lucinda Creighton:** I have met him already.

**Deputy Colm Keaveney:** I would be grateful if the Minister of State would call the man from Morocco to her office to outline the palpable outrage of decent people in this country who are ashamed that in a contemporary, allegedly civilised society, courts of justice would provide an escape route for rapists to marry their victims to save face for families for cultural reasons. That form of abuse cannot be provided for in any society. I ask the Minister of State who has responsibility for European affairs to take whatever action is necessary to demonstrate with great ferocity our concern. This was an innocent child who, for reasons beyond our imagination, was forced to marry her rapist, imprisoned for three months in an horrific relationship and beaten consistently and her only way out was to take her own life. I ask the Minister of State to call in the officials attached to the Moroccan mission in Ireland and ask what are the plans to repeal this awful law.

**Deputy Lucinda Creighton:** I thank the Deputy once again for his contribution. I have no difficulty with either myself or the Tánaiste and Minister for Foreign Affairs and Trade calling in the ambassador. I will discuss the matter with the Tánaiste. As the Deputy correctly states, it is of such grave concern that it behoves the Government to take strong and decisive action. There is no doubt the case has resulted in widespread concern across the international community. In many ways, the case of Amina Filali can be compared with those of Mohamed Bouazizi in Tunisia and Wael Ghonim in Egypt which have helped to highlight the urgent need for reform and the greater promotion and defence of human rights in countries which are undergoing significant transformation as a result of what has come to be known as the Arab Spring. The important leadership role played by women in advocating for democratic reform and greater human rights has been much commented upon. The Tánaiste referred to the “striking and inspirational” leadership role played by women in the Arab Spring when he addressed the UN General Assembly last September. Ireland has been active in arguing at both EU and UN level that particular attention needs to be paid to promoting and safeguarding women’s rights and the position of women within these societies in measuring the changes taking place in those countries in transition. Strong encouragement needs to be provided by the European Union and other international actors to ensure real benefits flow from the Arab Spring for women and their overall position is enhanced.

In the case of Morocco, it is important to note that a process of change has commenced in the wake of the Arab Spring and in response to popular protests which, thankfully, have been peaceful overall. A new government headed by the moderate Islamist Party for Justice and Development, PJD, has taken office following last November’s parliamentary elections. A new constitution came into operation last July and King Mohammed VI who continues to exercise much influence in the country has identified judicial reform as one of his priorities, which is to be welcomed.

Ireland, with its EU partners, will continue to strongly encourage Morocco along the path of reform and democratic change. The European Union is engaged in an active human rights dialogue with Morocco as part of the EU-Morocco association agreement. Ireland will seek to ensure these structures are fully utilised in pressing Morocco to do more to improve its overall human rights record and introduce the fundamental reforms needed to prevent human tragedies such as that involving Amina Filali from occurring.

#### **National Asset Management Agency**

**Deputy James Bannon:** I thank the Ceann Comhairle for affording me time to discuss this important matter which is of topical interest to many — the need for the Minister for Finance to ensure the scales are balanced in favour of communities, as opposed to developers, under

NAMA legislation, giving local authorities or groups priority in the purchase of enterprise sensitive sites and properties to enable and enhance the economic renewal of such areas which have been decimated by the actions of banks and developers. While NAMA has cash reserves of over €4 billion, the country, as we all know only too well, is bankrupt. Strangely, NAMA plays dumb when asked to account for its increasing cash pile.

Prior to the general election the Taoiseach described NAMA as a secret society. Throughout history we have witnessed the destructive power of such societies and this one seems to be able to operate with impunity. Unless there are some checks and balances, NAMA stands to lose sight of its duty to the people. I am delighted that its officials have been called before the Joint Committee on Finance, Public Expenditure and Reform to account for its stockpiling of money at a time when providing an economic stimulus should be an essential part of its remit.

NAMA's success must mean success for the country in the short term. I speak on behalf of small enterprises throughout Ireland, particularly in my constituency of Longford-Westmeath, which could become local success stories and the driving force behind the economic recovery of their communities which have borne the brunt of the economic downturn, to the detriment of every man, woman and child in them. The fall-out will be felt in towns and villages for generations to come. I am aware that in my constituency there is a groundswell of opinion that NAMA must give local authorities and groups priority in the purchase of enterprise sensitive sites and properties, the retention of which is essential for the renewal of local economies. NAMA must be seen to be supporting the shop-and-work-local principle to aid economic recovery.

While developers rode on the crest of a wave, economies were decimated and businesses went to the wall. Now the balance must swing firmly in the direction of local enterprise, with properties being sold at realistic prices to local businesses and educational and cultural entities. As small and medium concerns are the lifeblood of local economies, developers must not be given priority in the purchase of key local sites. It is strange that NAMA was set up to recover money from developers, yet, from what I hear, they are still actively buying key properties from under the noses of local groups and individuals. Recovering money for the taxpayer is commendable; however, there must be a drip to allow some of the money which has been stockpiled to feed or filter back into the economy through the provision of stimulus packages. However, NAMA seems reluctant to do this. I seek a positive response from the Minister of State.

**Deputy Lucinda Creighton:** I thank the Deputy for bringing this issue to the floor of the Dáil.

NAMA has a commercial remit under the National Asset Management Agency Act 2009 and must dispose of assets in a commercial manner in order to repay the loans it has incurred in the acquisition of such assets. However, within the legal and fiscal boundaries in which it must operate and notwithstanding its commercial remit, it plays a role in creating balanced and desirable places to live, with obvious benefits for sustainable social values. It is developing strategies to achieve its objectives, taking account of the need to contribute to the social and economic development of the State in the broader context of the National Asset Management Agency Act 2009. In doing so, it seeks to balance commercial requirements with providing for better social advances in so far as this is possible.

Within the context of its commercial remit, NAMA is at all times open to proposals and actively contributes to public policy processes, aimed at supporting the achievement of wider social and economic objectives. NAMA advises that there are wide-ranging examples of this, including through the agency's engagement with the Department of the Environment, Community and Local Government and local authorities regarding unfinished housing estates and the broader issue of social housing provision.

[Deputy Lucinda Creighton.]

For example, following release of the report of the advisory committee on unfinished housing developments last June, the Minister of State with responsibility for housing established a national co-ordination committee to oversee action on unfinished estates and to monitor and drive progress. NAMA has two representatives on this committee, which meets regularly with the County and City Managers' Association.

The committee has focused its initial attention on the 243 estates categorised by local authorities as the most problematic from a public safety perspective — category 4. It is often assumed that the vast majority of unfinished estates are under the agency's control. However, only 29 — 12% — of category 4 estates are controlled by NAMA debtors or receivers. NAMA is funding, through its debtors and receivers, the cost of urgent remedial work on these 29 category 4 estates, which is estimated at €3 million, and very good progress has been made.

NAMA is also focusing attention on category 3 estates. Some 150 out of 1,500 estates in this category relate to NAMA debtors. Work is ongoing and at an advanced stage in regard to clarifying the status of each site and agreement of plans and timetables for optimum site resolution.

It is important to point out that NAMA's interest in the assets underlying its loan portfolio is that of a lender holding security rather than as an owner, except if a receiver has been appointed to a debtor or where a debtor has given express consent to NAMA. The agency is, therefore, bound by normal rules of banking confidentiality in most cases. This means NAMA, in general, will request debtors to engage directly with relevant groups in cases where a property that may be suitable for use by a public body is brought to the attention of the agency.

In exercising the commitment of the board to offer first option to public bodies, NAMA must be conscious of its overriding commercial remit, and the broader public interest also requires NAMA to maximise receipts for the taxpayer. Only a narrow sectional interest would be served by accepting a reduced price.

In December 2011, NAMA identified more than 2,000 properties as being available for social housing, representing, as the Minister for Environment, Community and Local Government described it at the time, potentially “one of the largest housing allocations made in the history of the State”. NAMA is working systematically with local authorities and the Housing Agency to determine the demand and suitability for the identified properties. This work is well advanced and units will be coming on stream in the coming months.

In the context of the NAMA board's stated commitment to offer first option to public bodies on the purchase of properties which may be suitable for their purposes, the agency also advises of additional examples in terms of exploring potential synergies and delivering sites and buildings in respect of schools, health care facilities, including primary health care centres, community and recreational amenities and civil buildings. Towards this end, NAMA advises of ongoing and constructive engagement with the Departments of the Environment, Community and Local Government, Education and Skills, Health, and Arts, Heritage and the Gaeltacht, and with the universities and the HSE, with a view to identifying possible solutions for them. Examples include the provision of sites for the Department of Education and Science, UCD and UCC, and the development of a primary health care centre and ambulance station in Tallaght for the HSE. NAMA debtors are also facilitated in engaging with, *inter alia*, local voluntary and community organisations and sporting organisations on an ongoing basis in terms of identified land and property that may be suitable for their specific purposes.

It is clear that NAMA is making some progress in meeting the broad social and economic objectives set forth in the National Asset Management Agency Act of 2009 while continuing to seek a commercial return on the properties under its control.

**Deputy James Bannon:** I thank the Minister of State for her comprehensive reply. She referred to NAMA's commitment to offer first option to public bodies on the purchase of properties. It is important that community groups should be included where there is community involvement.

Regardless of whether we like it, NAMA is perceived as being an exercise in cronyism directed at shoring up bankers and property developers who in many cases were the cause of the current economic crisis. Perhaps the Minister of State can confirm or deny a rumour that is circulating, namely, that NAMA properties are being sold back to developers and that the very developers who were responsible for the economic downturn have a less than healthy involvement in the administration of NAMA.

It is the responsibility of every agency in the State to do what is needed to get Ireland back on the road to recovery. NAMA should be playing a greater role and it must explore ways by which it can provide finance for commercial entities and, in particular, small and medium-sized businesses as part of all our efforts to restart the economy and support jobs. It is a role NAMA should play but that is not how its actions are perceived by the public.

I particularly want to see community groups involved. The Minister of State said there was a commitment to offer first option to public bodies but community groups feel they are not getting a fair crack of the whip. In small villages and communities, the option may never arise again for them to avail of such properties if they are, in turn, off-loaded to a developer.

**Deputy Lucinda Creighton:** I again thank the Deputy for his contribution and for his constructive suggestions. I will happily pass on his comments on the inclusion of community groups to the Minister for Finance. With regard to his question on whether properties are being sold back to developers, as I said, the details of sales will not be published because of commercial sensitivities, but I am not aware of any such cases. If the Deputy has concerns, he should furnish the details to the Minister for Finance and the issue can be looked at in more detail.

### **Vatican Report on Child Abuse**

**Deputy Charlie McConalogue:** I thank the Ceann Comhairle for ensuring this issue would be discussed today. It is entirely appropriate that, following on from the publication yesterday of the Vatican's report into the Catholic Church, the issue would get time on the floor of the Dáil. The publication of this report again brings to the fore the issue and the legacy in our country of child abuse in the relatively recent past.

The Vatican report does not add any new insight, as such, or bring much new to the table in regard to the perspective on child protection. It is, by and large, a report in regard to the future of the Catholic Church and how it is looking to rebuild in the country. The fact it does not bring new light from the perspective of the Vatican will be a source of disappointment to many of the victims of crimes of child abuse over the years. We can never apologise enough or be remorseful enough in regard to those people, and the church can never be remorseful enough to its victims of child abuse in the past.

Despite the fact the report does not bring new information to the table, it very much brings to the fore once again the issue of past child abuse and, in particular, how the State is dealing with child protection today. The Vatican report backs the work of its own National Board for Safeguarding Children and highlights the fact it is satisfied that all reports of child abuse have been reported to the civil authorities in the recent past. However, the responsibility for protecting children lies first and foremost with the State. The publication of the Vatican's report yesterday puts this once again on the agenda.

[Deputy Charlie McConalogue.]

In that regard, I would like the Minister to update the Dáil on certain issues and also to take up the issue of how we, as a country, are dealing with some of the most important issues of the present. Will the Minister indicate when the report of the Health Service Executive's child protection audit of the Catholic Church will be published? When will the heads of the Bill to implement the Children First guidelines be brought before the Oireachtas Committee on Health and Children? Will the Minister clarify when the referendum on children's rights will take place? Will she also clarify how many of the 62 social workers who were to be recruited last year are in post? The recruitment of these additional staff was initiated to ensure the remaining gaps in the child protection system would be filled. Unfortunately, there was too much foot dragging and lethargy in regard to the appointments. Moreover, the Minister announced on the floor of the Dáil during a recent Question Time that social workers taking early retirement would not automatically be replaced. That is a regrettable decision which flies in the face of the Government's stated intention to make progress in this important area.

In addressing the report of the Vatican, I ask the Minister to update Members on the action being taken by the Government in respect of the important issues to which I referred.

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I noted the publication yesterday of the Summary of the Findings of the Apostolic Visitation in Ireland. Like the Deputy, I have had some time to consider the report and its implications as they relate to child protection. There are several important points for us, as a Government and as legislators, to note in respect of the ongoing protection of children in this State. I am extremely aware of the ongoing pain and trauma for victims of abuse. The report states that innocent young people were abused by clerics and religious to whose care they were entrusted, while those who should have exercised vigilance often failed to do so effectively, not least various bishops and religious superiors. This wrong can never be put right. However, placing the protection of children above all other considerations is the most important demonstration step that can be taken.

I endorse the importance of what is in the report in regard to child protection. While much of the report is concerned with the renewal of the Catholic Church, there are important points to note in regard to child protection. In particular, I am pleased to note that the church intends to do further work with victims of sexual abuse. I have no doubt there is scope for such further work. The church can find new ways of engaging so that victims feel heard and have their issues dealt with. I also welcome the commitment in the report to support the work of the National Board for Safeguarding Children in the Catholic Church, to undertake an audit of church personnel files, to ensure the prompt referral of complaints to the civil authorities and to introduce a new programme of training in seminaries on child protection issues. I look forward to hearing how the church intends to progress these issues.

The lessons of the past show us clearly that we can never assume that children are being protected. As such, it is essential that there be robust safeguarding arrangements within all organisations working with children, backed up by a strong statutory requirement to report concerns. From the State's perspective, we must ensure there is no doubt as to the responsibilities of every organisation and individual to protect children and report concerns regarding abuse. To that end, my Department is finalising legislation to place the Children First national guidelines on a statutory footing, legislation which was first promised in 1998. Heads of a Bill for this purpose are being finalised in association with the Office of the Attorney General and will be submitted shortly to the Oireachtas Committee on Health and Children. The Government is determined that the law will unambiguously demand that the protection of children is the paramount concern for all organisations engaged with young people. The Children First

guidance will apply to all church organisations, voluntary organisations and sporting and cultural organisations which have direct contact with children.

The Catholic Church must continue to discharge its safeguarding responsibilities, particularly through the important work of the National Board for Safeguarding Children in the Catholic Church. I am pleased to note the visitation report's finding that the norms of the church's Safeguarding Children child protection policy document are being followed. The National Board for Safeguarding Children in the Catholic Church is engaged in the audit of the implementation of the Safeguarding Children guidelines within the Catholic Church. I strongly welcome the Vatican's endorsement of the work being undertaken by the board and the recommendation that this audit process be conducted in a prompt manner.

I also note the report's recommendation that the board must be adequately resourced and funded to do its work. That resourcing is a matter for the Catholic Church and I welcome the clarity the report has given on the essential need for the church in Ireland both to support and resource the board and to assist and co-operate with it fully in its important work. We have already received the board's audits of the six dioceses. This important visitation for the Catholic Church in Ireland should give a strong impetus to the work of auditing the remaining dioceses and the completion of the Health Service Executive's audit on child protection.

The executive, which has statutory responsibility for child welfare and protection, has conducted an audit into Catholic Church child protection policies and procedures and will present its report to me shortly. I had hoped to receive the report this month, but there has been a request for further time on the part of the church and the HSE due to the volume of work involved. I am happy to allow that time to ensure every opportunity to co-operate is afforded. I expect the finalised report to be delivered to me at the beginning of June. The chief executive officer of the National Board for Safeguarding Children, Mr. Ian Elliott, is working closely with the HSE's national director for children and family services, Mr. Gordon Jeyes, on church child protection matters.

I note the assurances of the archbishops of the visited archdioceses that all newly discovered cases of abuse are promptly brought before the civil authorities. This is in line with the Children First national child protection guidance, which applies to all organisations working with children in Ireland, including religious organisations. There is also an obligation under the Children First guidance to bring knowledge of previous abuse to the attention of the relevant authorities where there has been a failure to do so in the past. I thank the Deputy for raising this issue today and look forward to his contribution on the proposed legislation at the committee.

**Deputy Charlie McConalogue:** The Minister's indication that the heads of the Bill to implement the Children First guidelines are expected to come before the Oireachtas committee in the coming weeks is welcome. Unfortunately, on the other three issues I raised — the appointment of additional social workers, the referendum on children's rights and the HSE's audit of the church dioceses — we have thus far seen only procrastination, confusion and indecision. The Minister and her party promised there would be a referendum on children's rights within the Government's first year in office, with an initial undertaking to hold it at the same time as the presidential election. That did not happen. On 16 February 2012 the Minister embarked on a public relations push and announced it would take place this year. However, last week in this Chamber the Taoiseach would not stand by that commitment and instead said there was no timeframe for the holding of a referendum. Yet the Minister was telling the media earlier today that it will take place this year. There is a great deal of indecision and confusion surrounding the matter.

It was announced in December 2010 that the HSE's national child protection audit would be published in the spring of 2011. Following her appointment to office, the Minister announced

[Deputy Charlie McConalogue.]

in July last year that it would be published in September. When I questioned her in early December about the lack of progress, she said it would be published in the spring. Today she is saying it will be done in May or June. The Minister will forgive me if I do not hold my breath in anticipation of a referendum in 2012 or the publication of the HSE audit in May or early June.

I ask the Minister to bring clarity to the matters I have raised. The State must take its responsibilities seriously. It is not acceptable for the Government to continue pushing back dates unnecessarily and offering timelines to which it does not adhere.

**Deputy Frances Fitzgerald:** The Children First legislation was first promised by the Deputy's own party in 1998 but was not delivered.

**Deputy Ruairí Quinn:** Fourteen years ago.

**Deputy Frances Fitzgerald:** The referendum was first promised seven years ago and was not delivered. The commitment of the Government is to have a stand-alone children's referendum. There has been a Government decision to that effect and it is intended to hold such a referendum this year. As for the precise timing, the Government clearly has a decision to take in respect of a number of referendums. It is in this context that the decision on the precise timing will be taken. As I have explained with regard to the HSE audit, there was a request from the HSE and the church for further time due to the volume of material that was returned in the course of the audit. I agreed to the request from both bodies that this audit be published in June. I gave them the additional time because I considered that to be the best thing to do in the interest of co-operation and of getting a quality report that was able to deal with all of the material and provide an up-to-date position. I understand the intention was for the previous Government to publish it in October 2010. As it was not published then, it is better to wait and have an up-to-date report, which will be available in June.

### Leaders' Questions

**Deputy Micheál Martin:** At the outset, I wish to take this opportunity to extend my sympathies and those of my party to the family of the late, great Jim Stynes, who passed away on Tuesday after a long illness. He was a true sportsman who used his other skills to help others, particularly children and young people, who were disadvantaged. He was a proud Dublin man and an Irishman who became an Australian national hero. Ar dheis Dé go raibh a anam dílis.

Since the Government announced the introduction of the €100 household charge, it has been mishandled in a ham-fisted manner. It smacks of arrogance, carelessness and incompetence. Even though the announcement was made last July, the majority of households nationwide have yet to receive information leaflets and only ten days remain before the deadline. There has been no proactive campaign and not everyone has access to the Internet for information on how to pay or is aware of what choices are available. For example, as the Tánaiste is aware, there is total confusion about people being allowed to make payments at the post office. The Irish Postmasters Union has been commenting on this for weeks and its general secretary summed it up when he stated, "Minister Hogan...appear[s] to be going out of [his] way to make it difficult for people who want to pay to do so with ease". The only response from the Minister, Deputy Hogan, has been a pronouncement from on high that there would be no extension to the deadline. This is despite the fact that up to 11 a.m. this morning, his Department has indicated that only 280,000 have registered out of 1.8 million households that are obliged to register. Intense anger is growing across the country about the manner in which this charge has been handled.

The Government's attitude is practically Orwellian and the mantra appears to be "Big Phil is going to get you". The mantra emanating from the Government appears to be that no matter what, whether through utility charges or pay cheques, there will be nowhere to run or to hide. Big Phil is watching you and he will make you pay.

**Deputy Finian McGrath:** We are all trembling.

**An Ceann Comhairle:** Question, please.

**Deputy Micheál Martin:** I am sure the Tánaiste will agree this approach simply is not working. It is no way to treat the vast majority of law-abiding reasonable, responsible people who wish to obey the law. The Tánaiste should remember that before the election, the Labour Party sought exemptions for those in negative equity, those who had paid stamp duty and so on. Yet, when Fianna Fáil tabled amendments to the legislation in this House, the Tánaiste and Labour Party Members voted against them, despite also calling for such exemptions themselves.

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

**Deputy Micheál Martin:** Fianna Fáil tabled further amendments on welfare dependants and medical card holders, which also were voted down by Fine Gael and the Labour Party.

The Tánaiste might clarify whether it is possible to pay via the post office. I understand that Seán O'Rourke was obliged to clarify this point on the "News at One" radio programme after interviewing the Tánaiste. I believe the Tánaiste inadvertently may have made a mistake by stating that one could do so. Seán O'Rourke stated that lest anyone else be further misled, the Tánaiste may have made a mistake and that one cannot pay via the post office.

Will the Government agree to an extension of the deadline beyond 31 March in order that people be given a reasonable opportunity to pay and that such payment may be facilitated in much easier ways? Such an extension would allow greater information to be disseminated, would outline the choices for payment and would facilitate easier ways of paying.

**The Tánaiste:** First, I wish to join with Deputy Martin in expressing sympathy on the death of Jim Stynes. He was a great sportsman and great ambassador for this country in Australia. I am arranging, through our ambassador in Australia, for the State to be represented at the funeral as I am sure Deputy Martin would expect.

I acknowledge there have been difficulties with the payment of the household charge. I acknowledge there have been difficulties in respect of the communication of the household charge to households. To some extent, this is understandable in a situation in which this is a new charge, as is the method of its payment. The position is the legislation that was introduced and the arrangements put in place by the Minister for the Environment, Community and Local Government provide for a deadline of 31 March, by which time the charge is to be paid. No change has been made in that deadline. I spoke with the Minister for the Environment, Community and Local Government about it earlier today and no change is planned to that deadline.

It is possible to make the payment at the post office. I understand that arrangements have been made for the forms and so on to be in place in post offices and that people can make payment at post offices. This is in addition to the arrangement that is in place for paying it online. I acknowledge that not everyone is in a position to do this or to pay it by post.

**Deputy Micheál Martin:** I suggest to the Tánaiste that one reason there is a difficulty with this charge is that both the Labour Party and the Fine Gael Party made cast-iron guarantees and promises to people that such a charge would not be introduced. At the time, the present Minister for Social Protection, Deputy Burton, stated that a flat charge "is the unfairest possible

[Deputy Micheál Martin.]

way of all to introduce a property tax". Basically, if one states one thing before a general election, only to do the exact opposite having gone into government, it annoys people. The Tánaiste and Deputy Rabbitte may smile, but that is a factor. I was out and about last week and that is the common view. It creates difficulties for one when one executes a 180° U-turn and then tries to introduce something against which one railed recklessly a short time ago.

I note the Tánaiste stated he spoke to the Minister. What was the nature of his conversation with the Minister, Deputy Hogan? Is the Tánaiste suggesting to Deputy Hogan that he should extend the deadline? Is this now the Tánaiste's position? I listened carefully to what he said and the language was very coded. He simply stated there has been no change. He did not state there would not be any change and did not indicate what was the nature of his conversation with the Minister, Deputy Hogan. My party intends to bring forward simple legislation to amend the Act to extend the deadline to the end of September. Would the Tánaiste agree with that and would he be prepared to support such a simple amendment to facilitate people?

**Deputy Joe Higgins:** Why not make it Christmas Day?

**Deputy Micheál Martin:** Basically, can the Tánaiste explain what is his present position? This morning, I heard the Minister for Social Protection, Deputy Burton, state she thought there should be far easier ways to pay this charge than has been the case heretofore.

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

**Deputy Micheál Martin:** The Tánaiste has now acknowledged the change in respect of the post office. He should spell out to the Dáil what he said to the Minister for the Environment, Community and Local Government, Deputy Hogan. In coded language, the Tánaiste has criticised the operation of this charge thus far. Is it his view that an extension should be put in place and facilitated?

**Deputy John Halligan:** Right on the fence.

**The Tánaiste:** It is my normal practice, before taking Leaders' Questions and in anticipation of the questions that might be asked——

**Deputy Tom Hayes:** It was a fairly predictable question.

**The Tánaiste:** ——to check with the relevant Minister as to what is the up-to-date position.

**Deputy Timmy Dooley:** The Tánaiste is a member of the Cabinet.

**The Tánaiste:** This is what I did with the Minister for the Environment, Community and Local Government, Deputy Hogan.

**Deputy Micheál Martin:** The Tánaiste is the Deputy Leader of the Government.

**Deputy Timmy Dooley:** The Tánaiste is a member of the Cabinet.

**Deputy Micheál Martin:** I am sure he has some say.

**An Ceann Comhairle:** Deputies should address their remarks through the Chair.

**The Tánaiste:** It may be a new departure for Deputy Martin and his colleagues but this is a Government in which Ministers talk to each other.

*(Interruptions).*

**Deputy Micheál Martin:** In light of what was said on the “News at One” on RTE radio, that would not appear to be the case. Seán O’Rourke was obliged to correct the Tánaiste.

*(Interruptions).*

**Deputy Timmy Dooley:** Those in the Government talk at cross purposes.

**Deputy Micheál Martin:** Who talks to the Minister for Social Protection, Deputy Burton? She appears to have her finger on the pulse to a greater degree than her colleagues.

*(Interruptions).*

**The Tánaiste:** This is an issue about which people are concerned. They want to pay what they need to pay.

**Deputy John Halligan:** No, they do not.

**The Tánaiste:** They also require clarity in respect of the matter. That is why the Government has been clear about this matter. The deadline is 31 March and the household charge must be paid by that date. I acknowledge that there have been difficulties in respect of the method of payment. If Deputy Martin insists on making this a partisan issue, then there is a simple way to proceed.

**Deputy Timmy Dooley:** That is new territory for the Tánaiste.

**The Tánaiste:** This is a charge the current Government was obliged to introduce because the previous Administration agreed with the troika last year that a property tax would be introduced in 2012.

**Deputy Micheál Martin:** Labour stated that it would do its own thing in respect of this matter and Fine Gael had a different policy.

**Deputy Timmy Dooley:** What about Frankfurt’s way or Labour’s way?

**The Tánaiste:** It was not possible to introduce a property tax this year——

**Deputy Micheál Martin:** Of course it was not possible. Neither was it possible to introduce any of the exemptions that were promised.

**The Tánaiste:** ——because it is necessary to carry out preparatory work before such a tax can be brought in.

**Deputy Micheál Martin:** The Government has done no preparatory work. It has merely introduced the household charge.

**The Tánaiste:** The household charge is an interim measure pending the introduction of a property tax, and it must be paid. The property tax is being worked upon at present. There are those intent on giving the impression that if enough people do not pay the household charge, then no one will be obliged to pay it.

**Deputy John Halligan:** People do not want to pay it.

**The Tánaiste:** The reality is that it must be paid and the deadline in that regard is 31 March.

**Deputy Micheál Martin:** What about an extension?

**Deputy Mary Lou McDonald:** I join previous speakers in paying tribute to the late Jim Stynes who was a sporting hero, an Irish hero and a great Dubliner. I am sure that the thoughts, sympathies and solidarity of the Members of these Houses are with his family at what must be a very difficult time for them.

There are ten days left before the deadline and just over 80% of households have not paid the household charge. It is fair to state that the Government's handling of this issue has been shambolic. It is also fair to state that its desperation is evident, particularly when one considers the increasingly shrill tones used by Ministers in trying to frighten citizens into paying the charge. I put it to the Government that it should stop trying to bully the electorate and should instead try listening to it for a change. The reality is that in the context of this issue — as was the case with the DEIS schools — the Government has got it wrong.

It is not simply a matter of the way in which this issue has been handled. People know that the household charge is unfair, unjust and should be withdrawn. SIPTU, Unite, the CPSU, the Dublin Council of Trade Unions and others have called for this tax to be scrapped. Will the Government face facts? Will the Tánaiste inform me whether it is really intended to bring hundreds of thousands of citizens before the courts in respect of this issue, particularly when not a single banker has been jailed for causing the crisis in which we currently find ourselves? It is not a case of extending the deadline and neither is this a controversy with regard to whether the charge can be paid in a local post office. Will the Tánaiste accept that this unfair and unjust charge has failed and that it should be scrapped?

**The Tánaiste:** No, the charge will not be scrapped. It will be replaced by a property tax. The preparatory work in respect of the introduction of such a tax is under way.

**Deputy Richard Boyd Barrett:** People will be obliged to pay out even more money when that tax comes into being.

**The Tánaiste:** I look forward to hearing from the Deputy about Sinn Féin's proposals for a property tax. Information in that regard would be very helpful in the context of the discussions in which we are involved.

**Deputy Tom Hayes:** Sinn Féin is against a property tax.

**The Tánaiste:** The Government is not in the business of bullying anybody. However, we do want to be straight with people. Deputy McDonald, her party and those others who are campaigning against the household charge should do likewise. There is no point in misleading people into believing that the charge will not have to be paid, that it will be wished away or that it will be made to vanish. Households are required to pay the charge. If it is not paid, the normal penalties and interest charges that apply in respect of unpaid taxes will come into play. Those such as Sinn Féin and others who are encouraging people not to pay the charge are simply misleading them. As a result, households will incur increasing debts. That is not fair on the households concerned. It is fair enough if individuals adopt a political position of opposing the charge. Members can oppose it in the House and so on. However, Sinn Féin and others are going to great lengths to encourage and advise people not to pay the charge.

**Deputy John Halligan:** People are making up their own minds. It is an unjust charge.

**The Tánaiste:** Such people are being misled and, as a result, households will find themselves in greater debt than should be the case.

**Deputy Joe Higgins:** That is just what the Tánaiste and his colleagues did in the 1980s.

**Deputy Richard Boyd Barrett:** Exactly.

**Deputy Finian McGrath:** Be radical or redundant.

**Deputy Mary Lou McDonald:** Far from misleading people in respect of the matters to which the Tánaiste refers, we have clearly stated that the Government intends to levy this tax and that it will pursue people for fines and penalties. We also understand that it will introduce amending legislation to coerce the public into paying such penalties by making attachment orders to their wages or welfare payments.

**Deputy Robert Dowds:** What Sinn Féin expects them to pay in the North is far more substantial.

**Deputy Mary Lou McDonald:** The honest thing to say is that there are people who simply do not have the €100 required to pay the charge. There are others who will not pay the charge because they view it — quite correctly — as a flat and unjust tax. It is also honest to say that the Tánaiste is standing over something which he knows, in his gut, is unfair.

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

**Deputy Mary Lou McDonald:** This charge has been delivered in a shambolic way and people have responded accordingly. It strikes me that the sensible and equitable thing for the Government to do at this juncture would be to admit — as it has done previously — that it made a mistake and withdraw this charge and the threats to the effect that people will be pursued, either through the courts or via attachment orders, in respect of the charge. Such a move would be the stuff of honesty.

**The Tánaiste:** Deputy McDonald has a hard neck. The equivalent charge in Northern Ireland is ten to 15 times the equivalent of that which applies in this jurisdiction.

**Deputy Robert Dowds:** Hear, hear.

**Deputy Brian Stanley:** That money is for services.

**The Tánaiste:** The household charge in the city of Derry is €1,500.

**Deputy Colm Keaveney:** No.

*(Interruptions).*

**Deputy Eric Byrne:** Those in Sinn Féin did not pay the charge up there either.

**The Tánaiste:** Deputy McDonald should explain how it is acceptable that households on the part of the island governed and administered by her party should pay €1,500, while directly across the Border in Donegal——

**Deputy Mary Lou McDonald:** The systems are not comparable.

**The Tánaiste:** Of course.

**Deputy Pádraig Mac Lochlainn:** Did the Tánaiste——

*(Interruptions).*

**The Tánaiste:** That is for sure. They certainly are not comparable. There is no comparison between the €1,500 charge which applies in Derry and the €100 charge which obtains in Donegal.

**Deputy Mary Lou McDonald:** That is pathetic.

**Deputy Timmy Dooley:** The only difference is that next year the Government will be charging people a property tax of €1,000.

**The Tánaiste:** It is the height of hypocrisy for the Deputy to come before the House and utter all sorts of hyperbole about hundreds of thousands of people being taken to court, coerced, etc.

**Deputy Mary Lou McDonald:** The Tánaiste should tell me that I am wrong. He should indicate that people will not be taken to court.

**The Tánaiste:** Hundreds of thousands of people are not going to be taken to court and everybody knows that. If the charge is not paid by the deadline, however, people will incur penalties and interest. The latter is normal in respect of unpaid tax. The Deputy's party should not—

**Deputy Mary Lou McDonald:** How will all this money be collected?

**The Tánaiste:** —be encouraging people not to pay the charge because that will simply place them in a position where they will—

**Deputy Aengus Ó Snodaigh:** We are simply following the Tánaiste's lead from the past.

**The Tánaiste:** —incur penalties and additional interest.

**Deputy Pádraig Mac Lochlainn:** We are inspired by the Tánaiste.

**Deputy Aengus Ó Snodaigh:** The Tánaiste used to do that kind of thing quite regularly.

*(Interruptions).*

**Deputy Robert Dowds:** Did those in Sinn Féin pay their bin charges?

**Deputy Eric Byrne:** They are very good at wearing dark uniforms.

**Deputy Finian McGrath:** I join colleagues in offering, on behalf of the Technical Group, deepest sympathy to the family of the late Jim Stynes. Jim was a great sportsperson who played for Ballyboden St. Enda's, Dublin and Melbourne. He was also a great sporting ambassador for Ireland.

Today I raise the very important issue of the child sexual abuse report published yesterday. I am pleased the Vatican has admitted great shame over sex abuse in Ireland and I welcome the apology. It is still not accepting the reality of past cover-ups of sexual abuse of children, and that reality must be faced. There is also a common misconception that victims have been well looked after by the church but the church's legal teams are fighting tooth and nail to limit the financial exposure, with the victims suffering again. Is this true remorse and does the church need to address this issue?

With regard to guidelines, I welcome the improvements in good practice but we should not delude ourselves, and there is still a little boy or girl out there suffering from child sexual abuse as I speak. We have had many reports and recommendations but we must take action. What action will the Tánaiste take?

What is the Government's reaction to this report, particularly the aspects covering the silence and cover-up regarding child sexual abuse? Does the Tánaiste accept there are many good priests, nuns and lay people in the churches who were shocked by the actions of senior people in their church, and they too felt let down? Does the Tánaiste accept the State has a serious responsibility with this matter? Does he agree with the comments of the Minister for Children and Youth Affairs, Deputy Frances Fitzgerald, who today said that the State had failed these children too? What will be done about that?

**The Tánaiste:** The report issued yesterday was produced by the Vatican following the visitations with the Irish church and seminaries. It is, essentially, a report by the church authorities on the church itself. Therefore, it is not really a matter for the Government to have a view on it in so far as the report is about internal church matters.

I should be clear that the sexual abuse of children — the rape of children — is a crime. It is not a matter of theology and it is not a matter which is exclusively in the domain of a church. That is why this Government has been absolutely clear on this issue and in a statement last September we made it very clear that crimes which have been committed against children are matters that should have been reported to the Garda and authorities, and those who sought to obstruct such reportage were seriously wrong. I hope that arising from the report issued yesterday and other statements, there will never be a question in future of crimes of the kind we have seen and which were dealt with in the Cloyne report and elsewhere not being reported to the Garda and authorities.

As far as the Government is concerned, we are proceeding with the Children First guidelines, the measures announced by the Minister, Deputy Fitzgerald and, later this year, with a referendum on children's rights.

**Deputy Finian McGrath:** I thank the Tánaiste for his response and welcome his comments on such acts being a crime against children. Following this report, those of us in this State must improve child protection measures presented in the seven and a half page report. Does the Tánaiste accept this is about victims and their families, who need genuine support, compassion and practical action from the State? On the broader issue of child sexual abuse, how does the Tánaiste plan to deal with the sexual abuse cases which occur in broader society, with some saying in the region of 90% of all child sexual abuse happens in families, among relations and neighbours and in the wider community? How will the Government help and protect those children from such abuse?

Will the children's rights referendum deal comprehensively with children at risk in the family environment, which is a crucial aspect of 90% of child abuse cases? There is an untold story in this issue, which is the sexual abuse of children with an intellectual disability. Will the Government be a voice for those children? The Tánaiste has said this report has nothing to do with the Government but I ask him not to dismantle child protection services in the name of austerity in the current economic climate.

**The Tánaiste:** Deputy McGrath has asked a series of questions on how the Government is dealing with the protection of children and services for them. This Government established a new Department of Children and Youth Affairs and appointed a Cabinet Minister to oversee the issue of protecting children and the delivery of services to children and youths. The Minister, Deputy Fitzgerald, has announced Government legislation relating to the withholding of information and I described earlier the kind of crimes committed against children. The Minister for Justice and Equality, Deputy Shatter, has also brought forward legislation in this regard, and the child and family support agency will add to this. Supports are being provided for families, which is very important and has been a priority for the Minister, Deputy Fitzgerald.

[The Tánaiste.]

There is also a very strong emphasis on a new inspection regime dealing with the provision of services and supports for children.

In summary, this Government has given a top priority to the protection of children and the provision of support for children, and in time that will be reflected in the referendum on children's rights that is being progressed by the Minister, Deputy Fitzgerald.

### Order of Business

**The Tánaiste:** It is proposed to take No. 1, Electoral (Amendment) (Political Funding) Bill 2011 [*Seanad*] — Second Stage. It is proposed, notwithstanding anything in Standing Orders, that Private Members' business, which shall be No. 42 — motion re: European Stability Mechanism, shall also take place immediately after the Order of Business tomorrow and shall, if not previously concluded, be brought to a conclusion after 90 minutes on that day.

**An Ceann Comhairle:** There is one proposal to be put to the House. Is the proposal for dealing with Private Members' business agreed to? Agreed.

**Deputy Micheál Martin:** I note that last week a commitment was made to introduce legislation to provide for a constitutional amendment for voting rights for emigrants in a presidential election. The Tánaiste was reported as saying he favoured constitutional change in order that emigrants can be enabled to vote in this country's elections, and initially in a presidential election. Is the Government in a position to provide a timeline for its constitutional reform programme as it is becoming more confusing by the week with the announcements we get? In a presentation from the Taoiseach two weeks ago, he said the Government was committed to changing from 18 to 17 the age at which people could vote and that the term of presidential office would change from seven years to five years. Those two issues — and only those issues — would be considered by the constitutional convention. To be frank, I do not see the necessity of bringing 100 people together just to consider those issues; that is why we are elected. I would have thought the convention could deal with far more substantive issues but they seem to have been put on the long finger.

The Tánaiste has introduced a new issue that was not in the submission to us from the Taoiseach. There is a forthcoming referendum on the EU fiscal compact treaty and I would appreciate the Tánaiste updating us on any Government decision on the time for that. While the Tánaiste seems to be a little more optimistic about the children's rights referendum, we do not get a sense that it will take place this year. The Seanad referendum seems to have been pushed into 2013.

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

**Deputy Micheál Martin:** I am seeking clarity on what the Government is proposing in terms of amendments to the Constitution. Ministers are announcing whatever suits the particular audience to which they are speaking in terms of amendments to the Constitution——

**Deputy Michael Healy-Rae:** That is correct.

**Deputy Micheál Martin:** ——great constitutional reform and putting together a convention to discuss whether one can vote at the age of 17 years as opposed to 18 years.

**An Ceann Comhairle:** We cannot discuss these issues on the Order of Business.

**Deputy Micheál Martin:** I am not asking that we discuss them. It is reasonable to ask if we can have a programme. We have a programme for Government and I ask that someone please

outline what the Government will do in the next 12 or 18 months instead of making a series of announcements that never see the light of day and have far less substance than when they were originally communicated by the Government.

**The Tánaiste:** Deputy Martin has raised many issues. My comments on the possibility of emigrants having the right to vote in presidential elections were made in the context of that matter being considered by the constitutional convention. I am a little surprised that Deputy Martin seems to be so confused about the Government's intentions in respect of the constitutional convention as I understand the Taoiseach briefed him on this matter recently. I am sorry I missed the meeting.

**Deputy Micheál Martin:** I missed it too, although I had representatives at it.

**The Tánaiste:** That explains the position. If the Deputy had been at the meeting, the Taoiseach would have explained to him that it is intended to establish the constitutional convention and give it two issues to examine immediately. In other words, the intention is to get the convention up and running, operational and so on and it will then address the other issues that will be referred to it.

**Deputy Micheál Martin:** The Taoiseach stated the two issues I raised would be addressed in the first 12 months.

**The Tánaiste:** No, not in the first 12 months.

**Deputy Ruairí Quinn:** The Deputy should have attended the meeting.

**The Tánaiste:** It is intended that the two issues will be dealt with reasonably quickly and the constitutional convention will then get down to the rest of its work. The constitutional convention is a new and innovative approach to dealing with the discussion of constitutional issues. The Government does not want total ownership of the convention, which is the reason there is consultation on it with the Opposition if it has views on it.

**Deputy Micheál Martin:** I note the Tánaiste's use of the word "total".

**The Tánaiste:** On referenda this year, as the Deputy knows, the Government has announced its intention to hold a referendum on the euro stability treaty and the Government will decide shortly on the arrangements for that referendum.

**Deputy Micheál Martin:** What is the position on the referendum on the Seanad?

**The Tánaiste:** There is no date for a referendum on the Seanad.

**Deputy Mary Lou McDonald:** I seek clarification from the Tánaiste on a similar issue. On the fiscal responsibility Bill, the treaty establishing the European Stability Mechanism Bill and the European Communities Act 1972 (Amendment) Bill, will the Tánaiste indicate the order in which these Bills will be introduced and whether they will be taken before or after the referendum on the austerity treaty? Will he also indicate when the Referendum Commission will be appointed and when the legislation for the holding of the referendum on the austerity treaty will be published? The Tánaiste's colleague, the Minister for Social Protection, Deputy Joan Burton, indicated in New York that there were two possible windows for holding the referendum, namely, late May-early June and late June-early July. Will he oblige the House by indicating which of the two windows the Government will choose?

**The Tánaiste:** It is intended that the fiscal responsibility Bill, the legislation on the European Stability Mechanism and the European Communities Act 1972 (amendment) Bill will be published this session. No decision has been made on the order in which they will be published. As I indicated to Deputy Martin, the arrangements with regard to the holding of the referendum on the euro stability treaty will be made by the Government shortly. No decision has been made yet on the date on which the referendum will be held.

**Deputy Joe Higgins:** Is it the Government's intention to announce to the Dáil before the Easter recess the arrangements for the treaty in regard to fiscal responsibility, more properly known as the austerity treaty? Will the Tánaiste provide, if not the exact timetable for the treaty establishing the European Stability Mechanism Bill and European Communities Act 1972 (amendment) Bill, the order in which this legislation will be discussed and voted on by Dáil Éireann? In particular, will he indicate if the treaty establishing the European Stability Mechanism, into which the Government sneakily included a blackmail clause to deny funds to states which would not agree to the fiscal compact——

**An Ceann Comhairle:** The Deputy may not discuss the content of Bills.

**Deputy Emmet Stagg:** He did not listen to the Tánaiste's replies to previous questions.

**Deputy Joe Higgins:** Does the Government intend that the treaty establishing the European Stability Mechanism Bill will be taken before or after the referendum?

**Deputy Emmet Stagg:** The Deputy's question has been answered.

**Deputy Richard Boyd Barrett:** No, it has not.

**The Tánaiste:** Neither the treaty establishing the European Stability Mechanism Bill nor the European Communities Act 1972 (amendment) Bill has been published yet and no decision will be made as to when they will be taken in the House until they are published. As I stated, the Government will shortly make decisions on the arrangements for the euro stability treaty. When the arrangements have been decided they will be announced to the House.

**Deputy Joe Higgins:** Will it be before or after the Easter recess?

**The Tánaiste:** It will be when the Government has made a decision on the matter.

**Deputy Joe Higgins:** When does the Tánaiste anticipate the Government will make a decision?

**The Tánaiste:** I intend to bring a memorandum on the matter to Government shortly. It will then be a matter for the Government to consider the memorandum and make a decision on it.

**Deputy Joe Higgins:** An tseachtain seo chugainn mar sin?

**An Ceann Comhairle:** We cannot have chats on the Order of Business. Deputies must speak through the Chair.

**Deputy Joe Higgins:** Gabh mo leithscéal.

**Deputy Timmy Dooley:** Today's edition of the *Irish Examiner* carries a worrying article about the growth in illegal moneylending. It refers to exorbitant interest rates and intimidation imposed on those who avail of this service. This raises two questions which the Government needs to answer. First, does it intend to introduce legislation to strengthen its hand in dealing

with this illegal practice? Second, does it intend to revisit the area of banking by introducing a legislative proposal to ensure banks start lending again? The House has discussed this issue on many occasions.

**An Ceann Comhairle:** We are not dealing with the issue on the Order of Business.

**Deputy Timmy Dooley:** My substantive point is that if legislation were in place that resulted in banks lending to people, one would not have had significant growth in the activities of moneylenders.

**An Ceann Comhairle:** Is legislation promised?

**The Tánaiste:** The article to which the Deputy referred is very worrying. The Minister for Finance has asked his officials to prepare necessary legislation to regulate debt management and debt advice services. Subject to Government approval, it will be brought forward as a Committee Stage amendment to the Central Bank (Supervision and Enforcement) Bill 2011.

**Deputy Pearse Doherty:** The Minister for the Environment, Community and Local Government promised on the public record a raft of legislation to deal with the hundreds of thousands of people who have decided not to pay the household charge. He referred, for example, to the fines and data protection legislation. Will the Tánaiste outline which legislation the Minister will bring before the House to ensure people who decide not to pay the household charge will be pursued by the Government? How does this approach square with the Minister's earlier statement that hundreds of thousands of people will not be brought before the courts?

**An Ceann Comhairle:** Is legislation promised?

**The Tánaiste:** If the Deputy identifies the legislation to which he is referring, I will give him an answer.

**Deputy Sean Fleming:** No. 115 on the Government's legislative programme, which is in the name of the Taoiseach, is a Bill in respect of which heads have yet to be approved by the Government. It deals with the abolition of the Seanad. Given that the Tánaiste has not been able to give a commitment on this matter and the Taoiseach has indicated the referendum on the abolition of the Seanad may not proceed this year, will the Government withdraw its legislative programme and correct the record? Will it clarify whether it is proceeding with this legislation?

**An Ceann Comhairle:** To what exactly is the Deputy referring?

**Deputy Sean Fleming:** Will it place an accurate legislative programme before the House?

**An Ceann Comhairle:** I do not know what the question is but perhaps the Tánaiste will be able to answer it.

**The Tánaiste:** I think the Deputy is referring to the Bill to abolish the Seanad, which is in section C of the legislative programme. That Bill is unlikely to be published for some time.

**Deputy Sean Fleming:** Will the Tánaiste correct the programme?

**An Ceann Comhairle:** I call on Deputy Calleary.

**Deputy Dara Calleary:** Will time be given next week to debate the report that the Minister for Justice and Equality has commissioned into the transfer of a prisoner to Loughan House

[Deputy Dara Calleary.]

prison last weekend? Can the Tánaiste confirm if that report is being carried out? Has the Government any plans to increase the protection to gardaí on duty in the service of this State?

**The Tánaiste:** I thought for a minute that the Deputy was asking whether we would provide time next week for the debate on another report, the publication of which is said to be imminent.

**Deputy Dara Calleary:** I do not think that is appropriate in the context of my question.

**The Tánaiste:** I understand that the Prison Service will provide a report on the Loughan House incident to the Minister for Justice and Equality when he returns from his St. Patrick's Day commitments. I understand that the issue is also in the courts in another jurisdiction, so we need to be careful about what we say about it.

**Deputy Robert Troy:** Many businesses throughout the country are experiencing extreme financial difficulty and are fighting for survival. Many of their owners already feel let down by the Government in respect of the upward only rent reviews. When will the Government bring forward the valuation Bill? This will amend the Valuation Act 2001 and will ensure that we have a more equitable rates system in our country.

**The Tánaiste:** That Bill is currently being drafted. I do not have a date for publication.

**Deputy Mattie McGrath:** I would like to sympathise with the Minister for Justice and Equality following an intrusion into his home while he was abroad on official duty. This is happening up and down the country at an alarming rate and I had a Private Members' Bill on the issue some time ago. Does the Government have any promised legislation on this issue? Now that the chickens have come home to roost, it might have to deal with the huge distress being caused to families, as well as the damage to our archeological and precious historic sites throughout the country, following the theft of scrap metal and gold.

**Deputy Paul Kehoe:** I do not think they were looking for scrap metal in the Minister's house.

**Deputy Mattie McGrath:** They would not get much scrap metal, but they would get a lot of other things.

**The Tánaiste:** There is a long list of legislation promised by the Minister for Justice and Equality. I am not sure which specific Bill the Deputy is referring to. If he identifies the Bill, I will provide him with an answer.

**Deputy Michael Healy-Rae:** Is there promised legislation proposed to introduce a full property tax next year, as proposed by Labour Party Ministers? I would be totally opposed to this unjust tax, but I would like to know the Government's intentions in this regard.

Is there promised legislation from the Government to amend the Fines Act 2010? I hope there is not, but again I would like to know the Government's intentions.

**The Tánaiste:** The property tax arises from the agreement that the previous Government made with the EU and the IMF, for which the Deputy's predecessor gave full support. I do not have a date for the publication of any fines Bill.

**Deputy Éamon Ó Cuív:** I would like to ask the Tánaiste the number of Bills on the A list which have been published this session, the number of Bills which are expected to be published this session, and the number of Bills which are not on the A list but will be published this

session instead. Is it intended to introduce a Bill to amend the household charge Bill to ensure that Ministers are not exempt from paying this charge on their private residences?

I would like to get a reply to a simple question I asked the Taoiseach last week. When is it intended to publish draft regulations under section 70L of the Water Services (Amendment) Act 2012? Could I get a proper answer this time, rather than the rubbish I got from the Minister? He said that he did not publish the draft regulations as they may have proven to be confusing for some people.

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

**Deputy Éamon Ó Cuív:** We have a Bill that requires regulations so that it can be enforced.

**An Ceann Comhairle:** We cannot have a debate on the issue.

**Deputy Éamon Ó Cuív:** I agree with you, a Cheann Comhairle. How can we have a debate on regulations that the Minister is refusing to publish because he might not understand them?

**An Ceann Comhairle:** Will you please resume your seat?

**Deputy Éamon Ó Cuív:** The rest of us will understand them too well, and that is the problem.

**An Ceann Comhairle:** I have a bit of an ear infection. Would you remind resuming your seat? You are not helping me.

**Deputy Éamon Ó Cuív:** I know. In fairness, a Cheann Comhairle——

**An Ceann Comhairle:** In fairness to what? I am trying to get answers to your questions.

**Deputy Éamon Ó Cuív:** It is not very helpful to us when we ask a straightforward question on the Order of Business and we get an answer that does not answer the question. The reality is that what the Minister said——

**An Ceann Comhairle:** No. Sorry, Deputy, will you resume your seat?

**Deputy Éamon Ó Cuív:** I think this is important.

**An Ceann Comhairle:** No. Resume your seat.

**Deputy Éamon Ó Cuív:** The Minister said the consultation document was drafted in an easy to understand format in order that it was clear to everybody what the standards involved.

**An Ceann Comhairle:** Your microphone is switched off and nobody is listening to you. Will you resume your seat?

**Deputy Éamon Ó Cuív:** The consultation document contained reports on the regulations, but presented in an accessible form, and——

**An Ceann Comhairle:** As a senior Member of this House, would you please respect the Chair?

**Deputy Éamon Ó Cuív:** ——to issue a draft instrument may have proved confusing to some people in view of the legal format——

**An Ceann Comhairle:** Would you please resume your seat? I ask the Deputy to leave the House. The Deputy will leave the House.

**Deputy Éamon Ó Cuív:** —used in such circumstances.

**An Ceann Comhairle:** You will leave the House. Thank you.

**Deputy Éamon Ó Cuív:** I have to say that is an utter disgrace coming from the Minister and I am asking the Tánaiste when will these draft regulations be published.

**An Ceann Comhairle:** You will leave the House. Did you hear me?

**Deputy Éamon Ó Cuív:** I hear you perfectly. I am not leaving the House.

**An Ceann Comhairle:** If that is the case and you are disobeying the Chair, I have to name the Deputy. I have to say on the record that I am very disappointed that people are supporting ongoing complete disregard for the Chair. It is appalling.

### Suspension of Member

**An Ceann Comhairle:** I move: “That Deputy Éamon Ó Cuív be suspended from the service of the Dáil.”

Question put.

The Dáil divided: Tá, 86; Níl, 39.

Tá

Bannon, James.  
Barry, Tom.  
Broughan, Thomas P.  
Buttimer, Jerry.  
Byrne, Catherine.  
Byrne, Eric.  
Carey, Joe.  
Coffey, Paudie.  
Collins, Áine.  
Conlan, Seán.  
Connaughton, Paul J.  
Conway, Ciara.  
Coonan, Noel.  
Corcoran Kennedy, Marcella.  
Costello, Joe.  
Coveney, Simon.  
Creed, Michael.  
Creighton, Lucinda.  
Daly, Jim.  
Deasy, John.  
Deenihan, Jimmy.  
Deering, Pat.  
Doherty, Regina.  
Durkan, Bernard J.  
English, Damien.  
Farrell, Alan  
Feighan, Frank.  
Ferris, Anne.  
Fitzgerald, Frances.  
Fitzpatrick, Peter.  
Flanagan, Charles.  
Gilmore, Eamon.  
Griffin, Brendan.  
Hannigan, Dominic.  
Harris, Simon.  
Hayes, Tom.  
Heydon, Martin.  
Hogan, Phil.

Humphreys, Heather.  
Humphreys, Kevin.  
Keating, Derek.  
Keaveney, Colm.  
Kehoe, Paul.  
Kelly, Alan.  
Kyne, Seán.  
Lawlor, Anthony.  
Lynch, Ciarán.  
Lynch, Kathleen.  
Lyons, John.  
McCarthy, Michael.  
McEntee, Shane.  
McFadden, Nicky.  
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, Dan.  
Nolan, Derek.  
Nulty, Patrick.  
Ó Ríordáin, Aodhán.  
O'Donnell, Kieran.  
O'Donovan, Patrick.  
O'Dowd, Fergus.  
O'Mahony, John.  
O'Sullivan, Jan.  
Quinn, Ruairí.  
Rabbitte, Pat.  
Reilly, James.

Tá—*continued*

Ring, Michael  
 Ryan, Brendan.  
 Shortall, Róisín.  
 Spring, Arthur.  
 Stagg, Emmet.

Stanton, David.  
 Tuffy, Joanna.  
 Twomey, Liam.  
 Wall, Jack.  
 Walsh, Brian.

Níl

Boyd Barrett, Richard.  
 Browne, John.  
 Calleary, Dara.  
 Collins, Niall.  
 Colreavy, Michael.  
 Crowe, Seán.  
 Doherty, Pearse.  
 Dooley, Timmy.  
 Ferris, Martin.  
 Flanagan, Luke ‘Ming’.  
 Fleming, Sean.  
 Fleming, Tom.  
 Halligan, John.  
 Healy, Seamus.  
 Healy-Rae, Michael.  
 Kelleher, Billy.  
 Kirk, Seamus.  
 Kitt, Michael P.  
 Lowry, Michael.  
 Mac Lochlainn, Pádraig.

McConalogue, Charlie.  
 McDonald, Mary Lou.  
 McGrath, Finian.  
 McGrath, Mattie.  
 McGrath, Michael.  
 McGuinness, John.  
 McLellan, Sandra.  
 Martin, Micheál.  
 Murphy, Catherine.  
 Ó Cuív, Éamon.  
 Ó Fearghaíl, Seán.  
 Ó Snodaigh, Aengus.  
 O’Brien, Jonathan.  
 O’Sullivan, Maureen.  
 Pringle, Thomas.  
 Smith, Brendan.  
 Stanley, Brian.  
 Troy, Robert.  
 Wallace, Mick.

Tellers: Tá, Deputies Emmet Stagg and Paul Kehoe; Níl, Deputies Aengus Ó Snodaigh and Seán Ó Fearghaíl.

Question declared carried.

*Deputy Éamon Ó Cuív withdrew from the Chamber.*

### **Electoral (Amendment) (Political Funding) Bill 2011 [Seanad]: Second Stage**

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I move: “That the Bill be now read a Second Time.”

In commending the Electoral (Amendment) (Political Funding) Bill to the House I am asking Dáil Éireann to approve new, thorough and comprehensive restrictions and transparency measures for political funding in the State. I am also seeking approval for the single most significant measure ever brought forward to improve the participation of women in political life. The Bill has been given a thorough and testing examination in the Seanad and I look forward to a comprehensive examination of its provisions by the Members of this House.

The Bill will fundamentally change the way the political system is funded and conducted in Ireland. The role of corporate donations will be curtailed and what role they continue to play will be open to much greater public scrutiny. The Bill will ban all corporate donations above €200, unless the most strict and exacting conditions are met. The amount that can be accepted as a political donation by a political party and an individual politician or candidate is being more than halved. The threshold for the public declaration of donations by parties is being reduced by more than 70%. For politicians and candidates, the declaration threshold is being rounded down and reduced.

[Deputy Phil Hogan.]

All political parties will be required to prepare audited accounts which will be submitted to the Standards in Public Office Commission and published on the Internet. The income and expenditure of parties will be opened up for all to see.

Other measures included in the Bill provide for greater transparency by both donors and those in receipt of political donations. The current system of political funding regulation, with its lack of transparency, is stacked in favour of the donor and the political system and against the ordinary citizen. The donation limits are high — in fact, too high — and we are reducing them. The current system allows corporate and other donors to have a shield of anonymity. This is unhealthy for democracy and the public good. We do not know from where political parties get much of their funding and how it is spent because parties do not have to publish accounts. All of this is going to change. The political funding measures included in the Bill will tip the balance back in favour of the citizen. The Bill will restrict political funding and specifically curtail corporate donations. It will shine a light into the financial affairs of political parties.

The corporate funding of the political system comes at a price above and beyond the value of any one donation. It creates a perception that influence can be bought. It erodes public trust in democracy and politics. In many ways, the price for the failings of the current system has been and continues to be paid.

There has been no lack of advice during the years telling us about the shortcomings of our laws on political funding. Ireland is a member of the Council of Europe Group of States Against Corruption, GRECO. In 2009 this body undertook an evaluation study of Ireland's political system, specifically examining the issue of party funding. Among the recommendations made was that all registered political parties should prepare independently audited accounts that would be made public in a timely and accessible way. It also recommended that consideration be given to lowering the current disclosure threshold for political donations. Similar proposals have been made by the Standards in Public Office Commission. The Bill will directly respond to these recommendations. It will also address recommendations made in the Moriarty tribunal report published in 2011. If many of the problems with political funding have been clear for some time, the one thing lacking has been a willingness to act. This is not the case anymore.

Let me turn to the other significant measure contained in the Bill. Women are and always have been under-represented in politics. Just over 15% of the Members of Dáil Éireann are women. Small and all as this is, it is the highest level in this House in the history of the State. Most will agree that this cannot continue. As legislators, it is our duty to lead and, as Minister, my job to do what is necessary within my brief to help to rectify such a significant failing in our democratic system. That is what we are doing here. The gender balance measures linking the State funding of political parties with candidate selection at general elections represent a targeted initiative to help to redress a profound imbalance.

I look forward to hearing Deputies' views throughout the Second Stage debate. We will have an opportunity to scrutinise each section of the Bill in more detail on Committee Stage.

The Bill will reduce the current limits for the acceptance of political donations and the thresholds for the declaration of these donations. The Electoral Act 1997 is now almost 15 years old and the rules for political donations were incorporated into the Act in 2001. A major revision of the laws on political funding is long overdue. If one thing illustrates this point most, it is the fact that the financial amounts in the existing legislation are given in punts.

Part 1 contains standard provisions of a general and technical nature. Part 2 provides for changes to donation and declaration amounts and introduces new conditions for corporate donations. The maximum amount that can be accepted as a donation by a political party, an

accounting unit of a political party or a third party is being reduced to €2,500; the current figure is €6,348.69.

The maximum amount that can be accepted as a political donation by an individual is being reduced from €2,539.48 to €1,000. This donation limit will apply to a Member of either House of the Oireachtas or a Member of the European Parliament, as well as a candidate at a Presidential, Dáil, Seanad or European Parliament election. The €1,000 limit will also apply to local authority members and local election candidates through an equivalent measure in Part 3.

Provision is made for a ban on the acceptance of donations of more than €200 for political purposes from a corporate donor unless the donor has registered with the Standards in Public Office Commission. Such donations must be also accompanied by a statement confirming that the donation has been approved by a general meeting of the members of the body or by its trustees. Allowing corporate donations of up to €200 to be accepted without having to comply with the new requirements is based on practical considerations around implementation. Placing the additional disclosure and approval conditions on relatively small donations of under €200 from businesses or organisations would not be fair or practical. If there were no lower limit, a local business placing a poster in a shop window in support of a candidate, for example, could be regarded as giving a corporate donation by way of a benefit-in-kind. A shop owner who buys a raffle ticket or offers a small spot prize for a local function similarly could be regarded as giving a corporate donation.

An exemption is given from the new registration requirements to a provider of a programme of education and training or a students' union where they make a payment to a student society or club. This will allow colleges or students' unions to continue to provide financial support to student groups that promote political participation, without having to comply with the new corporate donor requirements. Members will agree that these grants to student societies can be hardly regarded as the sort of corporate donations which need to be restricted, and that this exemption does not contradict our objective of enhancing the openness and transparency of political funding in Ireland.

Provision is made for the establishment of a register of corporate donors. This register will be published so that people, especially voters, can know which corporate donors intend to provide funds to political parties, election candidates or elected representatives. The term "corporate donor", as defined in section 5, includes all corporate and unincorporated bodies and trusts. This definition embraces companies, partnerships, trade unions, trusts, co-operatives, societies, building societies, charitable organisations, non-governmental organisations, clubs, associations and any other unincorporated bodies of persons; in other words, all bodies and organisations other than natural persons.

To ensure the measures are as comprehensive as possible, an amendment was made by the Government on Committee Stage in the Seanad to provide that a membership fee paid to a political party will be treated as a donation for the purposes of this legislation. Membership fees paid to political parties are not explicitly mentioned in the Electoral Act 1997. Heretofore, the Standards in Public Office Commission, in applying the provisions of the 1997 Act, has not regarded membership fees as falling within the definition of a donation under the Act. A concern was identified in the drafting of the Bill that this could represent a potential loophole. It could allow corporate-type bodies to provide funding to political parties by way of membership fees. A new category of membership, namely, corporate membership, could be created and the fees paid would be exempt from the donation limits and restrictions and the declaration provisions. It was therefore necessary to take action.

While this will affect corporate-type contributions, however, it should not impact in any way on the individual members of political parties who are a vital part of our democratic system.

[Deputy Phil Hogan.]

In bringing forward the provision in this Bill, I wish to make it clear that the objective of the Government is to restrict the influence of corporate donations on politics in Ireland and to enhance the openness and transparency of the system of political funding. The Bill will do that to the maximum extent that is possible and constitutionally permissible. The approach being adopted is consistent with our commitments in the programme for Government.

Some Members on the Opposition benches have already advocated a total ban on corporate donations. I accept that it is the role of the Opposition to suggest that it would do things differently. However, the Deputies on that side of the House will be well aware from having been in Government just over a year ago that such a ban would run the risk of a legal or constitutional challenge. Were such legislation to fail on a legal challenge, we would be back to the drawing board. In fact, we would most likely end up back in the House introducing the measures that are contained in this Bill. It is the duty of the Government to bring forward laws that are robust and that bring a level of legal certainty. That is what we are doing. We are restricting corporate political donations and we are doing it in the most effective way we can.

I have already mentioned the reductions in the value of donations that may be accepted. In addition, the threshold at which donations must be declared by a political party to the Standards in Public Office Commission will fall from €5,078.95 to €1,500. The declaration threshold for a donation received by a candidate or elected representative is reduced from €634.87 to €600. There is provision for a reduction from €5,078.95 to €200 in the threshold at which donations must be reported by companies, trade unions, societies and building societies in their annual reports or returns. Part 2 also provides for a reduction in the threshold for donors other than companies, trade unions, societies and building societies in reporting donations to the Standards in Public Office Commission, from a figure of €5,078.95 to €1,500 for aggregate donations given in the same year. Part 3 provides for the necessary amendments to the Local Elections (Disclosure of Donations and Expenditure) Act 1999 to enable the new requirements on political donations to apply at local elections. All relevant elections, candidates and elected representatives will be therefore covered by the new requirements.

Part 4 provides for all registered political parties to prepare an annual statement of accounts and an auditor's report. These are to be submitted each year to the Standards in Public Office Commission for publication. In the event of non-compliance with these provisions, funding made available to political parties by the State under Part 3 of the Electoral Act 1997 is to be withheld. The format of the accounts will be based on guidelines prepared by the commission. In drafting these guidelines, there will be a consultation period for political parties and others to input their views. The guidelines will be then approved by the Minister and published. Having the accounts prepared in a standard format will enable like-for-like comparisons to be made between parties. This will enhance transparency for the public.

Part 5 is entitled "State Funding of Political Parties and Gender Balance". The proportion of men to women in the population of Ireland is approximately 50:50, yet this has never been reflected in Dáil representation. As I mentioned earlier, we now have the highest ever level of women's representation in this House. However, women comprise just more than 15% of the Members of Dáil Éireann. That is a long way from balanced representation and the situation will not change of its own accord unless we make it change. The provisions in Part 5 are designed to do just that and move us towards greater gender equality in elected representation in our national Parliament.

Parties that do not select at least 30% women candidates at the next general election will face losing half of their State funding. This would be for not just one year, but for the lifetime of a Dáil. To put into perspective the potential impact of non-compliance, the total that is available for disbursement to parties in 2012 is €5.456 million. Following the 2011 general

election, the four political parties that qualify for funding are Fine Gael, the Labour Party, Fianna Fáil and Sinn Féin. Any party that aspires to receive more than 2% of the vote at the next general election to qualify for State funding will have a very clear incentive to comply with the new requirements.

Part 5 deals with the fund paid to political parties. Currently, the amount available is increased when there is a general increase in Civil Service pay. There is no provision for a decrease to be applied if Civil Service pay is reduced. On Committee Stage in the Seanad the opportunity was taken to introduce a Government amendment to rectify this. This matter was originally raised in an amendment put forward by Deputy Catherine Murphy on Committee Stage in the Dáil during the passage of the Electoral (Amendment) Act 2011 in July 2011. I did not accept the amendment at the time but I undertook to give it further consideration, in consultation with Government colleagues, in the preparation of this Bill. The Government gave the matter consideration and the provision is now part of this Bill. I commend Deputy Murphy on bringing forward this matter.

The effect of the provision will be to enable any future general decreases, as well as increases, in Civil Service pay to be applied to the fund. However, the decreases that have occurred since 2008 would not be retrospectively implemented. While it is right that we are taking the opportunity to make this change, the gender balance provisions are the significant focus of Part 5. The programme for Government contains a commitment that “Public funding for political parties will be tied to the level of participation by women as candidates those parties achieve”. The Bill gives effect to this commitment.

I will explain the thinking behind how and why the measures in the Bill were framed in this way. In developing the gender balance provisions we have had regard to experience in other jurisdictions. We have drawn upon models that have succeeded elsewhere, while having particular regard to Ireland’s own legal and constitutional framework. The Government is particularly indebted to the work undertaken by the Oireachtas Joint Committee on Justice, Equality, Defence and Women’s Rights and its 2009 report, “Women’s Participation in Politics”. The work of that joint committee has informed the design of the legislation that is now before us. I will quote directly from the summary of the findings at chapter five of the committee’s report, which concludes:

It appears that the single most effective reform for women in Ireland would be the introduction of mandatory positive action measures through legislation requiring political parties to adopt gender targets or quotas in their candidate selection process. If such legislation were to be adopted in Ireland, its framing would be critical. In Belgium, for example, under the Smet-Tobback law, a maximum limit is placed on candidates of each gender, i.e. parties are penalised if more than two-thirds of their candidates are of one gender. This may be a better formula than provision for a minimum number of women candidates. A realistic sanction would also have to be imposed where political parties exceed the target prescribed, perhaps based on the French model of financial penalties.

As Deputies can see, a minimum representation of one third women and men was recommended in this report. We are starting with 30% and then moving to 40%. Since details of the Bill were published in June of last year, there has been a significant public debate on the gender balance provisions. In questioning the need for these measures, some have suggested that they may be unconstitutional. While I welcome the debate, I reject those views. To avoid any doubt, I want to state clearly that, in my view, the measures in this Bill are legally and constitutionally sound.

[Deputy Phil Hogan.]

Part 5 will make the funding provided to political parties under the Electoral Act 1997 conditional on achieving a gender balance in the selection of candidates at a general election. Funding to political parties under the 1997 Act is provided by the Oireachtas to political parties under legislation and it is open to the Oireachtas to make the funding subject to conditions. The provision in the Bill is designed as an incentive mechanism to encourage political parties to apply a better gender balance in the selection of candidates. It is a proportionate response to address a significant weakness in Ireland's democratic system.

By contrast with the questioning of the constitutionality of this provision, others have pressed for a similar measure to be put in place for other elections and for local elections in particular. I agree with the principle that is informing this view. We need to encourage more women to stand in local elections and, indeed, in other elections. However, I am not in a position to apply similar gender balance measures to candidate selection at other elections. Funding provided to political parties under the Electoral Act 1997 is linked to performance at general elections. The amount paid is determined based on the percentage vote received at a general election. The reduction in funding paid to political parties that do not meet the new gender balance requirements will therefore be linked to the gender of candidates of political parties at general elections. There is no direct funding mechanism attached to local election candidates or to political parties and groups contesting local elections.

Nevertheless, while the measures will not formally apply at local elections, I expect that, in practice, political parties will act. At a minimum, parties preparing candidates for a general election are likely to select a more balanced ticket for local elections. There is a clear incentive for them to do so now. It can be anticipated that an increase in the number of women candidates at local elections would follow as a consequence of this legislation.

As regards the timing of the coming into effect of the provisions, I believe that the Bill adopts both an ambitious and pragmatic approach. This is particularly so when bearing in mind the baseline from which we are starting. The gender balance figure will increase from 30% to 40%, with a minimum of seven years allowed for this change to come into effect. When we debated the Bill in the Seanad, it was suggested that the 40% provision should come into force after a shorter time period or even from the start. I did not agree with those proposals at the time. I want to explain why and to describe the rationale behind the approach adopted in the Bill.

The starting figure of 30% is ambitious. At the general election held in February 2011, 86 of the 566 candidates who sought election were women, representing 15.19% of the total. When the Bill is passed the intended outcome will be to effectively double that figure to 30% participation within one general election cycle. Section 16 of the Electoral Act 1997 provides that payments made to political parties under the Act are based on the performance of political parties at the "last preceding general election". The change from 30% to 40% therefore has to be made with reference to the holding of a general election, rather than to a fixed time period only. Otherwise there is the potential for a situation to arise whereby both the 30% and the 40% gender balance provision could end up being used as a criterion for payments to political parties arising from the same general election. In the interests of fairness and to ensure compliance with the legislation, the Bill has to be very clear about when the change from 30% to 40% will apply. The formula that is used in the Bill achieves that clarity in a balanced and fair, yet ambitious, way. We also need to allow sufficient time for the measure to bed down and become effective. I would ask that anyone who seeks to criticise the Bill for not going far enough, should bear those points in mind.

I have no doubt that there is a commitment on all sides of this House to the principle of what is in the Bill. There is a balance to be struck, though, between providing leadership by championing a measure that some people may not agree with while at the same time ensuring the legislation we enact can work both in theory and practice. We have to lead but we must bring people with us. Equally, we have to be ambitious and must also be pragmatic. The Bill meets those challenges and achieves the right balance. We are transforming the face of politics for the participation of men and women, and we are aiming to do that in a relatively short period.

How politics is funded is fundamental to the fair and effective operation of our democratic system. In many areas of Irish life we have learned the valuable lesson in recent years that light and limited regulation is likely to have light and limited results. That is why in this Bill we have adopted a detailed and comprehensive approach. The current system is badly in need of reform.

This Bill responds to what the people have been telling us. Each Part of the Bill contains separate provisions that are significant in their own right. However, when taken together, they become greater than the sum of their parts. The combined effect of these measures will be to shift the funding of election campaigns and political activity towards smaller-scale contributions from individuals. In respect of this particular legislation, it is as if, in some respects, we are dealing with two Bills in one. The new gender balance requirements are equally significant in their own right. However, they sit very well with the political funding reforms that we are also introducing in the Bill. Both are about making our democratic system better, stronger and more equal.

I ask Members of the House to give the Bill the consideration it deserves as vital and reforming legislation. I commend the Bill to the House.

**Deputy Niall Collins:** I wish to share time with Deputy McConalogue.

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

**Deputy Niall Collins:** I welcome the opportunity to speak on this important legislation. The Bill is timely given that tomorrow marks the first anniversary of the publication of the Moriarty report, and we are told that the Mahon report will be published tomorrow. In that context, it is opportune that we are discussing the funding of political parties.

Political parties are no different from any other organisations in the country in the sense that they all require money to be properly run, including communicating with the public about what we stand for and communicating with our membership in an upfront and transparent manner. I welcome any legislation which sets out to achieve those important goals.

On foot of what was contained in the Moriarty report, my party published legislation during the year which was rejected. The Bill before us contains many of the proposals we had set out, although the Minister's proposals do not go quite as far as we had envisaged. While we can debate that, it remains a fact that political parties require funding. It needs to be said that when people set out to support political parties in a *bona fide* manner, which is in the public interest, there is nothing wrong with that. Unfortunately, however, given the activities of a few people over the years, the concept of donating to political parties has been besmirched. There are many people who like to make small donations, which is their way of helping the political process. It is also their way of being involved in the political process and there is nothing wrong with that. Long may it continue. If people wish to give small amounts, let them do so openly and transparently in an upfront manner so that everyone knows about it. If we had had more

[Deputy Niall Collins.]

of that earlier, the country would not have found itself discussing the fall-out of the Moriarty report, while awaiting the fall-out of the Mahon report.

In his opening remarks, the Minister said that we will have a thorough examination of the matter, which is right. We must have a thorough examination of all the mechanisms involved because there are areas of political donations that are not completely black and white. In his speech, the Minister highlighted the example of membership fees for members of political parties. Advancing that point further, both Fine Gael and Fianna Fáil run members' draws. If one takes the membership fee and the cost of purchasing a ticket for the members' draw, one is adding two sums together which are going to the same destination. Are we therefore getting further into a donation process and will it push an individual over a limit? It obviously depends on the price charged for membership and the cost of a ticket, as well as whether an individual takes up membership and purchases a couple of tickets.

I will make two political points, although we do not have to put on our boxing gloves for this matter. Fine Gael promised before the election to ban corporate donations. I recall seeing the Minister, in one of the pre-election debates, promising to publish the Fine Gael accounts on the party website. I do not think that has been done to date.

**Deputy Phil Hogan:** The Deputy will see next week.

**Deputy Niall Collins:** I will check when I get back to my office, or did the hackers get in and wipe it off as soon as it was posted?

It is right and proper that all accounts are published by the Standards in Public Office Commission, SIPO. They must be independently audited by SIPO and available for independent scrutiny by the commission. People will be cynical if a political party publishes its own accounts through its own medium. There must be an independent verification. Let SIPO be the vehicle for that.

Will the Bill apply the same donation and funding restrictions to referendum campaigns as to election campaigns? We are currently in a referendum cycle and we will be dealing with a number of referendums in the next couple of years. Where do we stand with regard to recording donations to referendum campaigns? Concern has been expressed by members of the public about the analysis carried out of recent referendums. It is alleged that some campaigns received funding from questionable sources. Given that it is proposed to hold a referendum on the fiscal compact before the summer, a referendum on children's rights is planned and a couple of others are stacking up, as it were, we need to examine this issue. Will donations to referendum campaigns be dealt with under separate legislation or can the issue be incorporated into this Bill? We do not want to let time slip by.

Gender balance is a difficult nut to crack. The Minister quoted statistics on the number of women who stood in the most recent general election and related it to the number of women elected to the Dáil. The Minister acknowledges that the Bill is a blunt instrument in achieving gender balance. Any reasonable measure to improve gender balance is right and proper. However, we need to look behind the numbers at the reasons so few women offer themselves for election in the first instance. We must also scenario test the 30% figure. What if a political party does not have the required 30% of women offering for selection?

**Deputy Phil Hogan:** The Deputy's uncle would have to work it out.

**Deputy Niall Collins:** He might not any more. Politics is a career and lifestyle choice for men and women. We need to look behind those figures and see how we can address the structure of a political career to open it up to women. It is not the case that big bad political parties are

dominated by men in smoke-filled rooms conspiring to lock out women. That is not the case. In my own county, only one woman offered to stand for my party in the most recent local elections. She stood for election, but she was the only woman candidate. Should we penalise political parties who do not nominate women candidates? It may be that women do not offer to stand. There is a fundamental question over the lifestyle and career demands and constraints of this job. We need to have a debate about that and to look at the structures. I am in favour of any change that improves gender balance. We have to have it.

**Deputy Mary Mitchell O'Connor:** Good.

**Deputy Niall Collins:** It is a good thing and will bring balance. Women are under-represented in Parliament. Anything that will help that is good. One hears some organisations saying that politics is male dominated, which it is, and that there is a conspiracy by party hierarchies to keep it so. Promotion of gender balance is a very difficult issue. Gender balance should operate in both ways. Should the Bill require a minimum of 30% male candidates? It cuts both ways.

**Deputy Regina Doherty:** It does say that.

**Deputy Niall Collins:** If it says it, that is fine.

**Deputy Regina Doherty:** We need a few of you guys around as well.

**Deputy Niall Collins:** A few token men. Anything that will help is good.

The Minister addressed the issue of trade unions, which has been a bugbear for a long time. Trade unions were a major force in the funding of political parties for many years, and this was not acknowledged. It is acknowledged now, and rightly so.

My party tabled a number of amendments to the Bill when it was debated in the Seanad. We will resubmit some of those on Committee Stage in this House, particularly with regard to frontloading the 30% gender requirement for local elections.

**Deputy Charlie McConalogue:** I commend the Minister on bringing forward the Bill. It is positive, by and large. Some of its measures could go further, especially regarding political donations. As my party colleague, Deputy Niall Collins, said, we will be raising this matter on Committee Stage as the Bill progresses. The legislation, in its content and spirit, brings Irish politics in the right direction, if not as far as it should go.

The Bill deals with the two key areas of political funding and the chronic under-representation of women in the political system. We must make strong efforts to bring about improvements in these two areas because of their importance to the system as a whole.

I am disappointed the Bill does not go further with regard to corporate donations, although the Minister has come a long way from where things were before now. I am sure it is tiresome for the Minister to have people remind him of the pledges in the Fine Gael election manifesto where, as my colleague has pointed out, Fine Gael committed to ban corporate donations entirely and to introduce the legislative and constitutional measures necessary to do that. We have often heard that party manifestos are subject to negotiation with coalition partners and that compromises are agreed to. We must take it that it was the influence of the Minister's Labour Party colleagues that caused him to water down his election promises, unless he had a complete change of heart, which would be totally out of character. I must presume the Labour Party was influential in this instance.

The €200 limit on corporate donations will place new and trenchant obligations on companies and corporations to provide details of their membership and shareholders as well as copies of

[Deputy Charlie McConalogue.]

company accounts and annual reports. The Bill requires details of donors to be included in a register to be published on the Standards in Public Office Commission, SIPO, website, for each corporation to get the consent of its members for donations in excess of €200 and to publish all such donations in its annual report. Those changes will bring a significant sea-change to the level of corporate donations coming into the political system because it will make it more difficult for companies to make donations. That will be a healthy influence on politics because the influence of political donations in recent political history has been mostly negative. Tightening up the regulation of properly made donations, however, does not and cannot rule out the potential for more underhand and illegal donations to continue, but it will make it more difficult for that to happen and it will send a strong message on how politics should operate.

Ultimately, politics must operate on funding. Significant funding to the tune of millions of euro is given on an annual basis to the main parties. In recent years, up to €4 million or €5 million has been given to Fine Gael and similar levels of funding has been given to my party and the Labour Party. That is a by-product of introducing a system whereby we limit donations, but in as far as it is possible, the way we want Irish politics to operate is through a system of smaller donations from members of the general public because politics operates through the contributions of people, first by being a member of a party and then by getting out and campaigning for their preferred candidate at election time. I see nothing untoward with ordinary citizens making small contributions to political parties and their preferred candidates to fund the system, but it is critical that the amounts are small. The Minister could have gone further with the legislation in that regard.

It is unfortunate that gender quotas must be introduced and that we are at a juncture that legislation is required to force the issue and to bring about an improvement. In recent years there has been limited progress in terms of improving the gender ratio in Irish politics. In some ways the Bill is akin to taking a big stick to the table, but it will shake things up and lead to a definite change in the number of women that is elected.

It is interesting to focus on the statistics relating to the representation of women in politics and the electoral process in recent years. Historically, there appears to be a reduced success rate for female candidates in elections. In 1992, 18% of candidates were female but only 12% were successful in getting elected. The same statistics prevailed in 1997. Up to 2002, 18% of candidates were female and only 13% succeeded in getting elected. However, in the 2011 general election there was a significant change in that 15% of candidates were women, which was a much smaller percentage than in previous elections, but 15% of Deputies elected were female. Perhaps the result indicates a delayed representation in politics of what has happened in wider society in the past ten or more years whereby female participation in the workforce, in particular in many professions which had hitherto been male dominated such as medicine and law, has increased to the extent that a much higher proportion of women is entering both of those professions.

**Deputy Mary Mitchell O'Connor:** Justifiably so.

**Deputy Charlie McConalogue:** As the significant increase in female entrants to those professions in recent years filters through to the higher echelons of the courts and the consultant grades in the medical profession, women may come to dominate the courts, for example. If the level of new female entrants is anything to go by, we may get to the stage when we will consider the introduction of gender quotas to ensure men are represented in the Supreme Court and High Court.

Lack of confidence is often posited as a reason for fewer women becoming involved in politics but when one examines what has happened in other professions that are difficult to enter and require a high level of confidence and willingness to put oneself out there, it is clear that a lack of confidence has not been a barrier to the involvement of women in such professions. Deeper issues are at stake in terms of why women have not come to the fore to the same extent in politics. Ultimately, it may come down to the lifestyle involved and the fact that it is much more difficult to regulate politics in the same way one regulates a profession in terms of, for example, providing maternity and paternity leave, holidays, lifestyle and hours of work. An increase in the number of women participating in politics may lead to a change in the political culture which can feed into that. The ultimate arbiter of change is the voter. Most politicians accept that, on balance, the number of meetings attended, hours worked and sacrifices made pay off in terms of the vote garnered.

Ultimately, democracy is pure and to make the lifestyle more attractive to both male and female candidates is not something that could be easily done. It is, however, part of the issue. If, through the introduction of gender quotas there is an increase in the number of female candidates and a resultant increase in the number of female Oireachtas Members elected, this Chamber would be a different place. It would lead to a positive change in the political culture which could ensure change is more rapidly expedited than heretofore.

I commend many of the initiatives in the Bill, in particular the one that relates to corporate donations but the Minister could have gone further in terms of political donations. The Bill is, however, positive and is heading in the right direction.

**Deputy Brian Stanley:** I wish to share ten minutes of my time with Deputy McDonald.

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

**Deputy Brian Stanley:** I welcome the opportunity to speak on the Bill. With the arrival of Deputy Catherine Murphy, I note that women are in the majority in the Chamber given the presence of Deputies Mitchell O'Connor, Doherty, Tuffy and McDonald.

Overall, the Bill is positive. We have some issues with it but the overall thrust is in the right direction. The proportional representation system has been good in terms of electing public representatives. The gender issue, however, has been a significant problem. The current system has much to commend it in terms of ensuring that as many different strands of opinion as possible are represented and that small parties and niche views find their place in the Dáil and the Legislature. Clearly, the system has limitations. The people do not pick the list of candidates from which they can choose, in particular those who run on behalf of political parties, as it is the parties that select and nominate candidates. The people have shown time and time again that when female candidates are selected, and when they run for election, they are as likely to be elected as their male counterparts. The people do not tend to discriminate on the basis of gender and tend to vote on merit.

Certainly, it is not the case that women are less political or politically able than men. Indeed, I am sure many Members will agree that is often the case that the leaders in local communities, associations and societies are female. Women have the same interest in political matters, in advancing their community and in improving life for the people where they live.

Often it is said that men are dominant in rural areas, but the role of the ICA in difficult decades has been instrumental in Ireland.

**Deputy Michael Creed:** We might have to bring in a gender quota for men in the ICA.

**Deputy Brian Stanley:** It is a women's organisation. It has been a good organisation overall.

[Deputy Brian Stanley.]

It is within political parties and the political culture where our greatest failings lie. Representation of women in the Oireachtas has been held back by our political culture and by parties failing to allow sufficient numbers of women to have their names go forward. Females have never made up more than 15% of the membership of this House, which is their current standing, nor have recent years been especially positive. In the most recent general election only five more women were elected than in 1992. Of the 556 candidates who ran in the most recent general election, only 86 or 15% were women.

This Bill is an effort to circumvent that limitation by ensuring the people have a reasonable proportion of women from which to choose and that political parties take all possible measures to ensure there are sufficient female candidates on the ballot paper representing them. I believe these measures in the Bill are likely to meet with success in ensuring these Houses reach a minimum of 30% female candidates for the next general election.

In nearly any state that has introduced quotas, there has been a significant increase in the representation of women. In Sweden, 45% of MPs are female; in Germany, it is 32%; and in Norway, it is almost 40%. They are a long way ahead of us. In my party, we brought in a quota system a number of years ago. We wrestled with it for a long time. Many of us were against it, but it was the only measure that cracked the issue in terms of getting women into senior positions in the party. Male Members should not see gender quotas as a threat. We should embrace them as a means of bringing about equality in the Houses of the Oireachtas and in the political system. We must ensure women and the voice of women are properly represented in the Seanad, the Dáil and local authority chambers.

Women bring their own particular perspective to politics and to life, not because of any particular talents that are innate to them but on account of their life experience. Women are more likely to be carers, the majority of lower paid workers are female, and females are more likely to be closer to the community. In considering the very poor gender balance in this Oireachtas, which has historically been a huge problem, I welcome this move and commend the Minister on taking such a step.

I might, however, sound a note of caution that this will not be a silver bullet or a panacea to deal with all of these issues. While it is to be hoped the Bill will improve the representation of women in the Houses, and in all likelihood it will, it does not mean we will have significantly more women in politics. Elected representatives are only a small proportion of those involved in politics, and the obstacles that have held back the representation of women in these Houses will continue unless the broader issue is tackled. All of us are aware that the sinews that make up political parties and political organisations are important. Without them, none of us would be here. Even the Independents have their support groups, and rightly so. Women make up a large part of such groups and if one does not have that, there will not be proper representation, proper political structures or a proper basis on which to build a political system.

These are cultural issues within the Irish political system. Many of the women who run for election would not have wished to have done so because of the difficulties they faced in terms of income, child care and other factors. The culture of Irish political parties is male orientated, in terms of the way sittings and meetings are structured, when and where meetings are held, and many other respects. Indeed, these institutions are far from ideal in this regard. The long hours make it difficult for a young mother, or indeed a father, to be a Deputy. The long sitting days, the travel, the expectations and the constituency workload bear down on them. The reform of local government is important in this regard. Much decision-making and many issues that could be dealt with at local government level are currently dealt with by Deputies. The ending of the dual mandate was a positive move by a previous Government. It is to be hoped

we will soon revisit the reform of local government. I am not asking for the load to be lightened. I am asking, however, that we examine ways in which the work of these Houses and the work associated with being a Deputy can be made more flexible and easier for those with young families. In many ways, the Houses, as currently constituted, are anti-family. These measures will not change any of that. Papering over the cracks is only a temporary solution.

The issue of quotas is only a small part of what we need to do to ensure more women engage in politics, stand for elections and, importantly, join political parties. Political parties are voluntary organisations and it is honourable to be a member of any political party, regardless of what part of the political spectrum one is on. Funding, child care and unsocial hours have already been signalled by women as barriers to their engagement in politics, and this must be addressed. Some academics have coined the obstacles as the five Cs: child care, cash, confidence, culture and candidate selection. Many of us would agree this is accurate. While I do not oppose the introduction of these measures and the taking of positive measures to redress the balance, and while I note that they have been reasonably successful in other places, I would point out that they tackle and manage one of the symptoms of the problem and do not tackle the root causes of the under-representation of women or the more marginalised sections and classes of society. They still face significant obstacles in terms of child care, the times at which meetings are held, the time required to be dedicated to political activity and the male dominated culture of society at large and the networks surrounding politics. None the less, I welcome these measures as a positive step. I ask the Minister to consider my comments and to be emboldened by the legislation to work with other Ministers to tackle issues such as child care and to take measures to improve the involvement of women, not only in elected roles but in the political system generally.

They might also consider the question of whether it would be appropriate to extend these measures, along with other comprehensive proposals, to local elections and other elections. Many of the same cultural and social obstacles to the representation of women exist in other institutions, and we must examine ways in which these can be tackled to achieve greater representation of females in local government and public bodies. I was a member of a VEC for two terms, and it would sit at 4.30. If one wants to stop women from being involved, one should hold meetings at 4.30, the time when children are coming in from school and one is trying to get dinner ready. At that time, I was involved in the same activity. It creates considerable problems for women. Public bodies need to consider that as well.

I also want to touch on the other major part of this legislation which covers maximum corporate donations, the full disclosure of such donations and other such measures. I welcome that the Minister is reducing the maximum single donation a political party can accept in a year to €2,500, the requirement for audited accounts, the creation of a register of corporate donors and the reduction in the minimum donation that must be declared by a political party to €1,500 and by a candidate to €600. Political transparency is very important. We saw over many years the way in which the political system was tainted by allegations, substantiated facts on financial ambiguities, improper donations, lack of transparency and outright corruption.

Some political parties have been seen for many years as being far too close to big business. Indeed, many commentators would have noted that the Galway tent culture was a factor in creating the economic crash. In the eyes of many, the closeness of developers and bankers to the Government meant that no one cried halt at the soaring prices of houses or property, the unsustainable tax base, the reckless levels of borrowing in the major commercial banks, and the lack of regulation of those banks caused by that culture. Limiting the influence of big business and of a small number of wealthy individuals on our political system is essential for the protection of a fair democratic system. Where there is a culture of large corporate donations, this tends to influence policy decisions or, at the very least, access to political figures,

[Deputy Brian Stanley.]

which is not unique to this country and happens across the world. The policy objectives of such corporations or wealthy individuals will not always accord with the objectives of the people at large, whereas, at the end of the day, we are here to represent all sections of the community.

The less well-off will rarely have the same access to political figures or the same influence and, therefore, policy objectives which are in the interests of lower income groups will lose out. On that basis, while the limitations on corporate gifts and the new level for declared donations are welcome, I would ask the Minister to go further. There is a need to ban all forms of corporate donations. There is a commitment on page 22 of the programme for Government to that end and we will table amendments to put an end to corporate donations and to hold the Government to that commitment, with which we agree.

Corporate donations are capable of being a malign influence on the body politic, a fact the Government recognised when it made its commitment. It was said this was part of the election manifestos and I accept there must be compromises when a Government is being formed. However, it is there in black and white in the programme for Government and we would like to see it implemented. Why is the Government back-tracking on that position? Has the Minister been put under pressure to ensure important streams of revenue to the two parties in Government are not hampered? Has the Labour Party, worried about the ending of its trade union funding, put pressure on the Minister? I hope we get an answer to this question. We need to know why the Government has dropped a very important part of its election platform and a commitment in the programme for Government.

The Minister has a chance to remove the spectre of the Galway tent from Irish politics once and for all, and he should grasp it. We welcome how far the Minister is going in the Bill and we ask him to go a little further and to ban corporate donations. Overall, the Bill is a very positive move forward and we will be supporting most of what is contained in it.

**Deputy Mary Lou McDonald:** I thank Deputy Stanley for sharing his speaking time. I find myself in the very pleasant position of warmly welcoming the Bill, in particular the measures on gender quotas. I say all of this mindful that, in an ideal scenario, we would not be sitting here debating gender quotas. In an ideal scenario, the Dáil and the Houses of the Oireachtas would be truly representative but, as we all know, we are not at that place.

If I were to boil it right down, I support gender quotas because if we are serious about political reform and about full and equal representation, we have to do something that has a good chance of working. The evidence from other jurisdictions suggests that gender quotas deliver, and delivery is what we need at this juncture. Like many women in political life and outside it, I have lost count of the number of debates and conversations that have taken place, and all of the lamentations about the lack of women in public life. We have done the lamenting. We have all scratched our heads and wondered what to do. Now, in this legislation, we have at least a step — I believe it is an important step — towards putting matters right.

The focus of gender quotas on general elections alone ignores the reality that many elected representatives begin their political careers on local councils. I urge the Minister to take account of this fact, which holds true for women as well as men. We need a level of consistency. If gender quotas are to be applied in respect of the Dáil, there is no good reason they should not be applied in regard to local authorities.

Responsibility lies with all of us in political life to increase women's participation from the bottom up and the top down. This will mean political parties reconsidering how they organise their work and auditing their own internal procedures and practices. It will mean, at times, men stepping aside and making way for women. It will also mean Governments, when elected,

stepping up to the plate, looking at their Front Bench and undertaking a gender audit when making appointments to Cabinet or to committee chairs.

The linking of gender quota targets with party political party funding in this legislation is very important and is evidence, in itself, of the historic failure of politics to deliver equal participation of men and women in public life. Measures put forward by any Government to tackle the low numbers of women participating in national politics are very welcome but, if we are to truly change the culture of politics, gender quotas are only one part of an overall package of measures. A single “big ticket” item will not be enough to address the reasons women “don’t do politics”, as it is said.

The forthcoming constitutional convention offers a real opportunity for the Government to put meat on the bones of this legislative measure. While the smoke signals from the Government to date have not been encouraging, we have time to change this. If Fine Gael and Labour are serious about gender equality, and I believe they are, one simple expression of this would be an announcement by the Taoiseach that he will ensure the equal representation of women on the convention, as proposed by Sinn Féin.

Any new constitution arising from the convention must include maximum human rights guarantees. It must contain all the modern equality and human rights protections that reflect the full spectrum of our international obligations, including the rights of women to be represented and to be present in all of our political institutions. Politics needs to wake up and smell the coffee.

I have spoken on any number of occasions about the barriers that preclude women from taking part in politics but nothing prepared me for how stark the reality of inequality is and how it expresses itself in this House. I am one of just 25 women elected to this Dáil out of 166 members. Outside of this Chamber, women are in the majority, yet in here we make up just 15%. This is simply an unacceptable fact.

It was only when I came into the Chamber and took my seat for the first time that I truly realised how male dominated an institution this is. The reality of the maleness and the sheer inequality of it smacks right in the face. All of the party benches are dominated by men, the Government Front Bench is dominated by men and our most senior civil servants are still predominantly men. Despite this, when we speak about women in politics, the narrative sometimes still suggests we are a minority group. In this Chamber, which is very male and sometimes belligerently so, that is the truth. In the real world, however, we are the majority, with women making up just over half the population.

I believe there is no accidental confusion in the way this story is told; in fact, it is deliberate. It is a narrative created largely by men in power who want to hold on to power, locally and nationally, on the ground and within our political institutions. Political life is in many ways off limits for women, in particular women with children. The five Cs have been mentioned. Cash, child care, confidence and culture are all obstacles for women, as we know, although we have not done a whole pile about it. However, politics understands full well the reasons that women cannot and do not participate in public and political life. The five Cs are critical components in an overall strategy to empower women to get involved in politics. Above all, however, women must overcome the assumption that it is men who do power. Let us be honest in that regard. This is about power, the attainment and exercise of power and decision making, which in cultural and social terms in this country is considered a male responsibility. We must shift this assumption as a matter of urgency.

Politics is in crisis. Successive Governments have made — and continue to make — decisions that are not in the interests of the wider society. The financial wants of bankers, financiers, developers, business interests and of the European, international and domestic political insti-

[Deputy Mary Lou McDonald.]

tutions are prioritised ahead of the education and health needs of our people. Real values have been thrown to the wind and citizens are paying an unacceptable price. Women, alongside our men, can and must play an equal role in political and public life. Delivering parity of representation in politics will act as a lever for reshaping our society. I am not arguing for tokenistic representation which merely delivers a more colourful or attractive Chamber, although I am sure that would be welcomed by many. Fuller participation by women in political life can have a definitive influence in terms of the policy agenda and the policy decisions that are taken. That is why I warmly welcome the proposal for gender quotas.

There is a range of fantastic organisations willing and able to assist us in our task of achieving gender parity. The Irish Countrywomen's Association was mentioned by other speakers. The recently launched Women for Election is headed up by women who can only be described as a breath of fresh air. They are enthusiastic and committed to their objective of increasing women's participation in political life. The 50:50 Group, likewise, is dedicated to achieving equal representation in Irish politics. The National Women's Council of Ireland continues its excellent work of proactively engaging with representatives in its campaign work. I commend all these groups. The political system must engage in an open, honest and progressive way with all interested individuals and groups in order to make progress.

I support the comments made by my colleague, Deputy Stanley, in regard to local government reform. I draw the Minister's attention to another issue of concern, namely, the representation and participation of women in the media. The National Women's Council of Ireland's submission to the Broadcasting Authority of Ireland illustrates starkly that women continue to be marginalised from current affairs broadcasting. The findings in regard to RTE are extremely disappointing. Bottom of the class is "News at One" which, during the surveyed period, shows the lowest level of women's participation, at just 12.5%. Next was "Drivetime" at 21%, followed by "Morning Ireland" at 23% and Marian Finucane's programme at 30%. RTE is a public sector broadcaster. If it is unable to develop criteria to ensure equal representation of women in its programming, then it, like the political parties, must be incentivised to do so. If public funding to political parties is to be linked to efforts to achieve gender parity, there is no reason a similar linkage cannot be made in respect of RTE.

Every time the issue of gender quotas is debated, there are strong reactions, both strongly supportive and strongly oppositional. Sometimes it is women who argue most strongly against quotas because they do not want to be tokenised or undermined in any role they might take on in political life. Every woman elected to this House understands precisely why that is the case. However, the opposite to introducing gender quotas is simply to sit on our hands, complain about how terrible the current situation is and wish it were different. In 2012, we no longer have the luxury of such a stance. Politics, public discourse and public policy are all damaged by the absence of women. If we are to support and nurture a representative democracy in this State, we must all — women and men — insist on equal gender representation.

I commend the Minister on this legislation. The introduction of gender quotas is welcome as the first in what I hope will be a series of steps aimed unapologetically at increasing the number of women in the Dáil and Seanad and in local authorities throughout the State. To those who have fears and concerns, I urge them to consider the experience in other jurisdictions in which women and men were also opposed to the politics of tokenism but nevertheless took the plunge of introducing quotas and subsequently transformed the complexion not only of elected parliaments but of the tone and nature of political debate itself.

**Deputy Catherine Murphy:** All Members will recall the three main issues that were raised by citizens during last year's election campaign, political reform being one of them. That elec-

tion was unusual in that we saw an absence of local concerns, with a much greater focus than would normally be the case on national issues. In effect, we were given a prescription by voters for the type of reform that is expected. This is the second electoral amendment Bill we have had since then and it represents an opportunity to deliver on the radical reform sought by so many. Unfortunately, while it includes several welcome proposals, it amounts to a missed opportunity to deliver the radical change that was demanded and promised. There will be other opportunities to fulfil that commitment and I hope they will be taken.

It is important we attempt reform in a way which consolidates existing legislative provisions. The Council of Europe Group of States Against Corruption, GRECO, to which the Minister referred in his opening statement, has emphasised the importance of having consolidated legislation rather than a range of Acts which may make the system less transparent. A consolidated approach is more beneficial to anybody trying to understand the system. However, this Bill reflects the compartmentalised approach to reform that has come to typify the Government's approach. There is also a clear lack of ambition in proposals which amount to a mere tweaking of the political funding landscape. The Bill achieves the minimum required, for example, in regard to the Moriarty tribunal. Having said that, the provisions providing for a linkage between gender quotas and political funding are very welcome. There is a variety of views within the Technical Group in regard to quotas. It is my view that we have gone past the point of talking and that action must be taken. As such, I am supportive of that aspect of the Bill.

Notwithstanding my overall dissatisfaction with the proposals — perhaps I am in too great a rush to see political reform — there are other aspects of the Bill that are welcome. I thank the Minister for including an amendment I proposed last year and which he referred to in his opening statement.

It relates to section 28(a) in Part 5 of the Bill and allows for both decreases and increases, which is welcome. I am very pleased the Minister took this suggestion on board. I also am pleased that some of the Moriarty tribunal recommendations have been included, such as the

7 o'clock reduction in the maximum amounts that may be donated to a party or individual, a register of donors and real-time information, which is really important.

However, such real-time information must be accompanied by the ability to enforce something based on that information. For example, when running in general or by-elections, all Members will have experienced the phenomenon of having clear knowledge that someone is spending over the limits. However, one only begins to examine the figures after the event. While I acknowledge this point relates to donations, if one seeks a good outcome I believe the organisation enforcing this measure must be resourced adequately.

My real concern is that Members are engaging in a debate on political funding that only deals with private political funding. It appears as though they are whispering behind the very large elephant in the room, namely, the annual Exchequer funding to the political system. I believe this funding to be in need of urgent change, not least to ensure the population of Ireland, which is being bombarded with cuts and additional taxes, is aware the political classes also are experiencing a measure of belt-tightening. At a conservative estimate, approximately €60 million per annum in Exchequer funds goes towards political funding by way of cash and resources. I acknowledge fully it is essential that the political systems should function and that public funding be provided in order that private interests do not dominate. The Moriarty tribunal report has demonstrated to Members just how damaging this has been to the profession of politics. In this context, I note the Mahon tribunal report is about to be published this week, next week or tomorrow, if the whispers are to be believed.

However, I do not believe it is in the public interest to have an overly liberal provision of funding to the political system at a time when severe austerity is being experienced nationwide

[Deputy Catherine Murphy.]

and there is an expectation that something will be done in this regard. Furthermore, I have grave misgivings about the compartmentalised nature of the current funding model and the lack of transparency in the manner for which moneys received are accounted. I also mean by this comment that I consider it to be wholly unacceptable that no vouching option is available, for example, for the party leader's allowance or the leader's allowance for Independent Members. I certainly would have no difficulty in presenting what I spend from that allowance to the Standards in Public Office Commission, SIPO. Public money should be properly accounted for and I wish to make that point. I understand the first legislation pertaining to political funding was introduced in 1938 during the de Valera era. The funding system has been tweaked subsequently and is quite difficult to understand, to the point where it is hard to track down many of the allowances for which politicians and political parties qualify. It is important for politicians to be absolutely transparent in this regard because each time something new appears to be revealed about another allowance, people lose faith and it becomes too big a matter to absorb, which is really damaging.

The entire approach to political funding in Ireland must be questioned. This means reforming both the private and public funding models to ensure there is an even playing pitch for all who participate in politics and for those who may wish to so do in future. It may not be the model that is under consideration at present. One must challenge what one means by political reform and a debate is needed in this regard. I believe citizens understood such reform would cut out waste and would reduce the cost of Government. However, taken in isolation, the proposals contained in the Bill will not deliver on this objective and its provisions do not address that particular aspect.

According to the Bill's digest produced by the Oireachtas Library and Research Service, this funding is a contribution to the annual running costs, under the Electoral Act 1997, of each of the qualified political parties. In 2010, each received a basic sum, as well as a proportionate share of the sum of €4.9 million. This is not related to the number of seats won and I believe that to qualify, a registered or qualified political party must achieve 2% of the popular vote. It obviously is proposed to link this particular fund to gender quotas. I will revert to an aspect of this provision regarding gender quotas after noting that at present, Independent Members are excluded from this funding stream because they do not comprise a qualifying political party under the terms of the various legislative items dating back to 1938. However, I note a total of 17% of those who cast a vote in the last general election did so for independent candidates or for smaller parties. Consequently, it will come as a surprise that no savings accrue to the Exchequer on foot of the election of a very large number of Independent Members. What happens instead is the same pot of money is divided among a smaller group of people. In other words, the amount of funding does not reduce but the political parties simply get more. My question in respect of the gender quotas is whether the same approach will be taken if, for example, one party fails to reach the quota. Will that party experience a reduction in its share of funding while the other qualifying political parties share out the same pot? Alternatively, will it mean a reduction in the cost to the Exchequer? It should mean the latter, just as I believe there should be a change in the way it is done in respect of the large group of Independent Members who have been elected.

I thank the Oireachtas Library and Research Service for publishing a really useful Bill's digest on this legislation. It states:

A key problem with the current political finance regime in Ireland is that it has been relatively easy for parties to raise funds from private sources without disclosing them thereby defeating the purpose of the regime in the first place.

The digest also states that according to a SIPO report of 2008, “In spite of parties declaring over €10 million in campaign expenditure for the 2007 general election, just over €1 million was disclosed in donations”. It goes on to note “none of the three main parties disclosed any donations in 2009, in spite of the fact that it was an election year” and that in 2010, “None of the three main parties (Fianna Fáil, Fine Gael [and] the Labour Party) disclosed any donations at all”.

It continues by stating “In spite of this, SIPO’s report on expenditure during the February 2011 election revealed electoral expenses of €9.2 million disclosed by candidates and parties”. The three main parties were the biggest spenders, with Fine Gael at €3.1 million, Fianna Fáil at €2.1 million and the Labour Party at €1.9 million. Just last month, the *Irish Independent* produced a comprehensive report in this regard. Under a headline referring to the cash political parties did not tell people about, the newspaper claimed that at a conservative estimate, almost €500,000 had gone to the political parties over the past decade. The resourcing and ability of SIPO to investigate appears to be constrained. While the Bill under consideration makes some changes, I do not believe it goes far enough and I will come back to this point a little later.

The Whip system also gives a positive bias in the current funding model. When someone votes against the Government and loses the whip, the political funding, including the leader’s allowance, stays with the party. This appears to value the party above the individual mandate between the citizen and the public representative and I believe this must be challenged. Of course, as earlier legislation accommodates parties that dissolve or merge with other parties, there is a party political bias in this regard. In respect of the Whip system, I note that at present in this House, allowances are paid to Whips, Deputy Whips, Assistant Whips and so on. However, although the Technical Group comprises 12 Independent Members, no such Whip’s allowance is paid.

I make it clear that neither I nor the Technical Group is seeking to have such an allowance be paid. Nonetheless, some of the matters to which I refer must be addressed.

A set of accounts is to be submitted to the Standards in Public Office Commission each year. However, the format of these accounts is to be agreed between the commission and the political parties. This smacks of a lack of independence. There is a bias in favour of the political parties rather than an individual mandate, but there is no mention of such parties in the Constitution. One must question this, particularly because, as I have stated, the Constitution is the primary legal document in the State.

One must ask why citizens elected so many Independent candidates or candidates from smaller parties to the Dáil to such an extent that they now constitute 30% of the Opposition. The answer is that they wanted to inject some diversity into the Oireachtas. When one is an Independent or a member of a smaller party, one is obliged to compete against organisations with access to disproportionate levels of resources. This is a matter which must be addressed now and into the future.

A leader’s allowance is paid in respect of every Deputy, with the exception of the Ceannt Comhairle. I have made an estimate — based on some very complex calculations — of the amount of money involved in this regard. It is a large sum. There is a 33% reduction for parties in government. This is because the apparatus of the State is available to support the Government, which is fine. According to my calculations, however, the amounts involved are in the region of €2 million for Fine Gael, €1.3 million for the Labour Party, €1.2 million for Fianna Fáil, €600,000 for Independents, €900,000 for Sinn Féin, €140,000 for the Socialist Party and €140,000 for People Before Profit. The total is approximately €6 million and there is a need to consider how this money is accounted for.

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I examined the legislation relating to this matter and discovered a number of things which appear somewhat strange and must be investigated. Owing to my interest in this matter I tabled a number of parliamentary questions and have discovered that political parties can actually use the leader's allowance which is partly funded out of public money to contract services. In one of the other parliamentary questions I tabled I sought information on the mechanism in place to ensure the taxpayer would not be obliged to pay for things twice. The reply I received was silent in that regard. This is a matter which must be examined.

Each Deputy and Senator is allowed to recruit staff under a formula set down by the Houses of the Oireachtas Commission. That is fair enough because one cannot function without support staff. In addition, however, provision is made for the allocation of funding for a secretariat. The primary legislation is explicit in this regard and only makes provision for such secretariats in the context of registered political parties. Large groups of Independents are excluded from the provision. Even the allocation of speaking time is organised in the context of the fund to which I refer.

I understand an additional allocation of 0.8 in secretarial grade staff per Member is provided for the political parties. I do not dispute that there is a need for such staff to be provided. However, I question the extent of the allocation. I must also question how, under Standing Orders, the Houses of the Oireachtas provide for the formation of technical groups but exclude such groups from availing of the services of any staff. Not even one member of staff can be allocated to a technical group under Standing Orders, which is extremely unfair. Again, a party political bias is built into the primary legislation. This is despite the fact that the current Technical Group comprises 12 Independent Deputies who co-operate with each other in a recognised parliamentary group which, in operational terms, is equivalent to a parliamentary party. However, no staffing provision is made in running that group. I am informed that the budgetary limit of €20 million for Oireachtas staffing has almost been reached. This is despite the fact that the group of 12 to which I refer comprises 25% of the Opposition. Where did the money in question go? The answer is that it has been shared among the political parties which are, therefore, cushioned by the decisions made in this regard.

According to information in my possession, Fianna Fáil has three administrators, two chefs de cabinet, eight secretarial assistants and four administrative assistants, making a total of 17. This has nothing to do with funding for political parties and is in addition to it. Fine Gael has eight administrators, one chef de cabinet and four secretarial assistants, making a total of 13. This is at a time when it is in government. I will not list all of the details available to me in this regard which I obtained by way of replies to parliamentary questions, but I will state 52.3 people are employed in the grades to which I refer. This staffing provision accounts for a sizeable amount of public money. I do not believe the fund to which I refer should be expanded. However, the moneys from it should be distributed in a fairer way in order to allow the Houses to function in a more organised fashion. It is not possible to recognise a grouping such as the Technical Group without providing it with the resources to allow it to function. I understand some €2.5 million is allocated each year in the funding stream to which I refer.

One of the primary aims of the Bill is to respond to the recommendations of the Moriarty tribunal, although it is also designed to address the issue of gender quotas. I do not believe anyone in the country requires an education on the unhealthy influence big business can have if it is not controlled. While the report of the Moriarty tribunal focused on the second mobile phone licence, information also emerged on the plethora of tax breaks available to those in the construction sector. Fianna Fáil used to be regarded as being good for that sector. It was always stated it did well under Fianna Fáil. However, that assertion has become something of a cliché at this stage. The report of the Moriarty tribunal intimated that only a complete ban on private

funding would provide a cast-iron guarantee against corruption. In the light of our current circumstances, I do not believe such a ban is a realistic prospect. However, the tribunal did make a recommendation to the effect that tax allowances be introduced in order to allow large numbers of people to make contributions rather than limiting donations to those with plenty of money and thereby distorting and corrupting the political system.

There is another distortion to which I wish to refer, namely, that which relates to people who have a great deal of money more or less dominating the political agenda at the expense of those who are not in a position to exert any influence whatsoever. We are moving towards a more unequal — rather than an equal — society and this works against the common good. The system of funding must, therefore, be examined in that context.

The Bill aims to increase levels of transparency. Transparency International highlights, as critical to the fight against corruption, the availability of comprehensive, detailed, reliable, user friendly and widely accessible information. Simplification and consolidation are absolutely essential in this regard. People must be able to go to one location to obtain information rather than being obliged to consult a plethora of sources which have been amended during the years. Information obtained from a variety of sources can often become unintelligible. Information available from a central location is, as Transparency International recommends, both user friendly and widely accessible.

Consideration was to be given to providing in the Bill the Standards in Public Office Commission with greater investigative and sanctioning powers, as well as making provision for greater sanctions for breaches of the rules on transparency. The Standards in Public Office Commission is getting some moderately increased powers, which is very welcome. Considering the historical context, it is clear that enforcement is severely lacking, almost to the point where the office is irrelevant. I highlighted that political parties have found ways of not disclosing very large sums of money. This Bill proposes a new initiative where parties would make an annual declaration, but the new approval system and register of corporate donors represents a missed opportunity and we should really go for an electoral commission with much consolidation, including, for example, the electoral register and the boundary commission. There is much that could be put into an electoral commission and I hope that will happen.

I am very enthusiastic and hope there will be immediate action. I would like the Minister in his closing remarks to indicate he is determined to act in this way. Other countries, such as the UK, Canada, France, New Zealand, Australia and Sweden, have gone down this route and Ireland is fairly unusual in established democracies in not having a rigorous and well-designed regulatory regime for the funding of parties and operation of elections. I feel strongly on the matter.

The Bills digest which was circulated questioned the desirability of public funds and whether there should be a total ban on corporate donations. The Minister indicated his opinion that he thought this might be unconstitutional, and I understand Fianna Fáil Members have made similar comments arising from advice they got. The Bills digest mentions Sweden and Finland, where parties are considered voluntary civil society associations, which is exactly what they are here. They are private civil society associations and not public associations, so I find it strange that although there is no mention of political parties in the Constitution, this is seen as the only valid type of political model that can exist within this Parliament in an equal fashion. I would question the constitutional issues regarding how politics is funded, and we may examine that matter at another point.

I support the gender quotas, although there are a variety of views within the Technical Group on the matter. We must stop talking about increasing the numbers of women, and a number of issues have already been mentioned. Only 91 women have served in this Dáil since the

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foundation of the State, with only 12 serving in Cabinet. Some 16% of all members of local authorities are women, and there was a worsening of the rate in the 2009 local elections. In Kildare at the time there were 43 candidates, with six of these women, and there were electoral areas without a choice of a woman.

This is not exclusively about the five Cs. What we do, as much as anything else, is a bit of a turn-off. For example, our local authority system is very one dimensional. We tend to deal with many physical issues, such as roads, waste water treatment plants and physical planning, but we do not deal with areas where one sees women in abundance, such as the community and voluntary sectors, and softer issues such as the building of communities. We must fundamentally change our local government system because it is the entry point for most people into politics. We must change that entry point in terms of what we do at local government level. Building houses is easy but building communities is where the real and ongoing work happens. If we changed the kind of debates that local authorities engaged in, we would encourage a better cross-section of people, including a greater number of women, into the political system.

Our political system was designed by conservative men and it will take a sizeable number of women being introduced to the system to achieve a critical mass and change. Visibility is also important because if many people are seen in a role, it can become a valid choice for others. None of us is enthusiastic about having to put a sanction in place and I would rather this could be achieved without a sanction, although that will not happen. This is a welcome and necessary change that should alter our culture.

I am enthusiastic about reform and perhaps my cup is half full. I hope there will be other opportunities to amend our political system but I would like to see more consolidation rather than a piecemeal approach. If we continue with the latter, the process will become unintelligible to people and we would do ourselves a disservice.

**Deputy Mary Mitchell O'Connor:** I wish to share time with Deputy Tom Hayes, although I do not have much time left this evening.

**An Ceann Comhairle:** I will soon ask the Deputy to adjourn the debate. Is it agreed for the Deputy to share time? Agreed.

**Deputy Mary Mitchell O'Connor:** I hate quotas, the Ceann Comhairle probably hates quotas and, in general, we all probably hate quotas. Ms Viviane Reding, the European justice Commissioner, is no exception, and she is planning to legislate for quotas of women on private sector boards throughout Europe. She stated, "I am not a great fan of quotas but I like the results quotas bring about", which sums up this issue. The only thing quotas have going for them is that they work. They change the context in which we live, especially when it is a limiting or discriminatory context.

In a discriminatory position one can hope to change attitudes and behaviours through hard work and over the long haul, but sometimes that can be a very long process. We have been waiting 80 years for such change and we could be waiting for several more generations before parliaments — not just our own — heavily tilted towards male representation come anywhere near equal representation.

We cannot wait this out over several generations and accept inequity in the future as well as in the present. We can shout "Stop", and having done so we can introduce a quota system we do not like but which will work. In more than 50 countries throughout the world quotas stipulate a certain number of political party candidates for election who must be women. These quotas vary, with Nepal demanding 5%, Costa Rica demanding 40% and France demanding 50%. In

Ireland we are seeking 30% representation. It is just enough to push political parties into genuinely searching for women candidates and get them to acknowledge their obligation to let women emerge. The results can be seen in other countries, as the majority of nations with more than 30% female representation in parliament have implemented quotas. In other words, waiting and hoping for political parties to see the light and promote more women into the parliamentary ranks does not really work, but putting a quota system in place does work.

This is an interesting week in which to examine the issue, as the Equality Authority has come down like a tonne of bricks on a hotel group for discriminating against a female manager this week. The problem of the hotel group was that the manager got pregnant, which did not suit the employer. The hotel group took action, pressured the manager and limited her choices. The employer has been severely punished for those actions.

Debate adjourned.

### **Private Members' Business**

#### **European Stability Mechanism: Motion**

**Deputy Pearse Doherty:** I move:

That Dáil Éireann:

notes that:

- on 16 December 2010, the European Council agreed a two line amendment to Article 136 of the Treaty on the Functioning of the European Union allowing for the creation of a permanent emergency funding facility to be known as the European Stability Mechanism (ESM);
- the text of the amendment to Article 136 states clearly that the stability mechanism be “activated if indispensable to safeguard the stability of the euro area as a whole”;
- on 11 July 2011, the European Council agreed the final text of the Treaty Establishing the European Stability Mechanism which, when ratified by the 17 signatory states, would create a permanent emergency funding vehicle for EU member states known as the ESM;
- Recital (2) of the ESM Treaty incorporates the wording of the new Article 136 of the Treaty on the Functioning of the European Union, the effect of which is to make the overriding legal and policy mandate of the ESM the safeguarding of the stability of the euro area as a whole;
- under the terms of the ESM Treaty, the ESM would come into operation from July 2012 and would have a total fund of €500 billion of which Ireland would contribute €11 billion;
- neither the Article 136 Amendment to the Treaty on the Functioning of the European Union nor the ESM Treaty have been ratified by the Irish State;
- the ratification of the Article 136 Amendment will take the form of the proposed European Communities Act (Amendment) Bill 2012, which is due to come before the Oireachtas in this session;

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- the ratification of the ESM Treaty will take the form of the proposed ESM Bill 2012, which is due to come before the Oireachtas in this session;
- in January 2012 the European Council agreed to an amendment to the Treaty Establishing the European Stability Mechanism linking access to ESM funds to ratification of the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union, more commonly known as the “Austerity Treaty”;
- making ratification of the “Austerity Treaty” a condition of eligibility for ESM funds runs contrary to the letter and spirit of the amendment to Article 136 of the Treaty on the Functioning of the European Union and the European Council summit statement of 21 July 2011 which said that the European Council were, “determined to continue to provide support to countries under programmes until they have regained market access, provided they successfully implement those programmes”;
- the insertion of this controversial amendment into the ESM Treaty is intended to frighten public opinion into supporting the “Austerity Treaty” in the event of a referendum in any EU Member State;
- the Irish Government did not oppose nor seek to prevent in any way the insertion of this controversial amendment into the ESM Treaty; and
- while the Irish Government did not have a veto on the final text of the ESM Treaty, it did and continues to have a veto over the Article 136 Amendment to the Treaty on the Functioning of the European Union, and could have used this veto to secure the removal of the controversial amendment from the ESM Treaty;

states that the reason for the Irish Government’s acquiescence to this controversial amendment was to ensure that, in the event of a referendum in Ireland on the “Austerity Treaty”, the Government could use this issue to frighten people into supporting a treaty that, if assessed on its own merits, would not secure popular support; and calls on the Government to:

- confirm it will not ratify the Article 136 Amendment and the ESM Treaty until after the “Austerity Treaty” referendum, and will not bring forward the proposed European Communities Act (Amendment) Bill 2012 and the proposed ESM Bill 2012 until the people have had their say on the “Austerity Treaty”;
- debate the “Austerity Treaty” on its own merits and to desist from using the controversial clause in the ESM Treaty as a way of securing support for the “Austerity Treaty”; and
- state publicly that in the event of a rejection of the “Austerity Treaty” by the people in a referendum, it will seek to remove the controversial clause from the ESM Treaty, and will, if necessary, use its veto on the Article 136 Amendment to the Treaty on the Functioning of the European Union to secure the removal of the controversial clause.

The Government has yet to set a date for the referendum on the austerity treaty and already the scaremongering has begun. It started before the text of the treaty was even finalised. Last November, the Minister for Finance, Deputy Michael Noonan, stated the referendum would be a vote on Ireland’s continued membership of the euro. More recently, the Taoiseach suggested a “No” vote could jeopardise our membership of the European Union. Neither of these

claims is true. Our membership of both the European Union and euro is secure, as the Government knows. The reason for the scaremongering is the Government is unable to find a single positive reason for people to support the austerity treaty. How could they support it? If ratified, the treaty will result in even greater levels of austerity imposed on low and middle income families. It will mean up to €6 billion of additional cuts and tax hikes in the years after 2015, resulting in further cuts to front-line health, education and community services. It will lead to more stealth taxes and unfair charges, such as the household charge and septic tank charge, on families already struggling to make ends meet. It will also mean handing over more power to EU institutions, in this case the European Commission and European Court of Justice, to dictate the details of future Governments' fiscal and budgetary policy.

The Government always knew the treaty would be a hard sell, so much so that it actively sought to avoid a referendum at all costs. This is not speculation or an accusation made by members of the Opposition. The German Minister of State with responsibility for European affairs, Mr. Michael Link, confirmed to *The Irish Times* in February this year that European Union negotiators sought to design the treaty in such a way as to avoid a referendum in Ireland. To quote Denis Staunton of *The Irish Times* directly: "When asked if the fiscal compact agreed in Brussels last month had been designed in such a way that it would not need a referendum in Ireland, Mr. Link replied: 'Exactly'."

Unfortunately, the rights of the people enshrined in the Constitution are not so easy to circumvent and the Government thankfully failed in its attempt to deny the electorate the right to decide on the austerity treaty. However, the Government and its EU counterparts had a trick up their sleeve. They must have asked themselves how they could sell a treaty that would make people's lives even harder, while undermining their ability to choose alternative policies in future elections if they become dissatisfied with the policies of the current Government. The answer they arrived at was to insert quietly a blackmail clause in both the austerity treaty and treaty establishing the European Stability Mechanism, ESM. This clause states that access to future emergency funding from the European Stability Mechanism will be conditional on ratification of the austerity treaty. It was accepted last December without a single objection by the Government, which could have rejected it as unacceptable. It could have argued that to insert this clause would interfere with the ability of an electorate to assess and decide on the austerity treaty on its own merits. Crucially, it could have used its veto to block this blackmail clause but chose not to do so.

The Government is telling the electorate that if we reject the austerity treaty in the forthcoming referendum, we will be denied access to emergency funding from the European Stability Mechanism in future. This is not true. The primary function of the ESM, as outlined in the EU treaties and European Stability Mechanism treaty, is to provide funding to member states where such funding is "indispensable to safeguard the financial stability of the euro area as a whole." Denying a member state such as Ireland emergency funding would not only undermine the stability of our domestic economy but would also undermine the stability of the eurozone as a whole. To deny funding in such circumstances would be in direct contravention of the EU treaties and the ESM treaty. It is also a risk that no European politician would be willing to take.

It is important to remind people that the blackmail clause is not even written into the articles of the treaty establishing the European Stability Mechanism but contained in the recitals at the start of the document. According to the European Court of Justice, a recital of this nature "may cast light on the interpretation to be given to a legal rule [but] it cannot in itself constitute such a rule". In plain English, this means the blackmail clause does not have any legal standing, particularly if it is in conflict with the primary mandate of the European Stability Mechanism as outlined in Article 136 of the EU treaties.

[Deputy Pearse Doherty.]

It is stating the obvious that if Ireland is unable to fund itself come 2014, it will be because the first troika austerity programme failed. The explicit purpose of the current bailout programme is to assist our return to the sovereign bond markets. The idea that, having failed the first time, the Government would then sign up to a second programme based on the same conditions as the first, namely, crippling austerity and unlimited bank bailouts, is sheer madness.

It is also worth reminding people that the European Stability Mechanism is not the only source of emergency funding available to states frozen out of the bond markets. A number of economists have convincingly argued that the International Monetary Fund, through a number of different programmes, could provide emergency funding to the State if the ESM route was not open. This week, Tom McDonald of TASC and Michael Taft of UNITE published a short paper on the progressive economy website in which they discuss the details of this option. While it is not Sinn Féin's preferred option, the availability of the IMF option is an important fact about which people should be reminded. The ESM never was and never will be the only option.

Having said all of this, the matter of most immediate concern is the blackmail clause and the fact the Government has the ability to have this insidious clause removed from the ESM treaty if it so wishes. The Government has yet to ratify either the treaty establishing the European Stability Mechanism or, crucially, the amendment to the EU treaties that makes the ESM treaty legally possible. In December 2010, the European Council agreed to an amendment to Article 136 of the European treaties, allowing the establishment of the European Stability Mechanism. This amendment required the unanimous support of all 27 members of the European Council and, crucially, it must be ratified by all 27 member states. The Government intends to ratify the Article 136 amendment by way of the European Communities Act 1972 (amendment) Bill. Until this amendment is ratified, the treaty establishing the European Stability Mechanism and with it the ESM blackmail clause cannot come into effect.

Let us be clear on this matter. By refusing to ratify the Article 136 amendment, the Government could block the ESM treaty until such time as the blackmail clause is removed. What will the Government do? It has a number of options. It could seek to press ahead with the ratification of both the Article 136 amendment via the European Communities Bill and subsequently ratify the European Stability Mechanism treaty with the blackmail clause intact via the treaty establishing the European Stability Mechanism Bill. In so doing, it would use the threat of being denied ESM funds to influence the outcome of the referendum.

The second option for the Government is not to proceed with the ratification of the Article 136 amendment and the ESM treaty until after the referendum. This would allow the electorate to have an open and honest debate on the austerity treaty, free from scaremongering or blackmail. The Government could allow a frank and honest debate on the contents of the treaty and its implications for Ireland and the EU. Having allowed the people to make up their minds freely and democratically on the issue, it could then respect the will of the people.

If the austerity treaty is rejected in a referendum, the Government could then call for a further amendment to the ESM treaty to remove the blackmail clause. Its ability to secure this amendment would not only be strengthened by the referendum mandate but also by its veto on the Article 136 amendment to the European treaties. This would mean that irrespective of how people voted in the referendum, the issue of accessing emergency funding in the future and the conditions on which that funding is accessed could be debated after the referendum as a separate and free-standing issue from the austerity treaty.

It is the Government which will decide on whether the rejection of the austerity treaty will block access to ESM funding in the future, not the electorate. The Government has the power to remove this blackmail clause. The motion before the House calls on the Government to defer the ratification of the ESM treaty and the Article 136 amendment until after the austerity treaty referendum; to allow the people to have a free and fair debate on the austerity treaty free from scaremongering or blackmail; and, in the event of the people rejecting the austerity treaty, calls on the Government to seek the removal of the blackmail clause from the ESM treaty. Anything short of this would display contempt for the electorate and for the Constitution. I commend this motion to the House.

**Deputy Mary Lou McDonald:** Sinn Féin brings forward this Private Members' motion at a time when we are certain we will have a referendum, although we do not know the date. We are sure that the sole argument advanced by the Government to urge the people to support the austerity treaty is that it is a prerequisite to accessing the so-called EU bailout fund. My colleague has outlined both the context in which the motion is set and its substance.

While the background to the blackmail clause may appear complex, the central issue is very simple. The blackmail clause, which the Government allowed to be inserted into both the austerity treaty and the ESM treaty, has not yet come into effect and can only come into effect if the Government allows that to happen. My colleague has outlined the way in which the Government could insist on the removal of the blackmail clause from the ESM treaty. This, and only this, would allow for a free and fair debate on the austerity treaty, followed by a full consideration of the merits and problems of the ESM. In other words, each issue would be dealt with separately and on its own terms.

I would like to deal with a number of contradictions that are contained within the blackmail clause itself. The legal basis for the European Stability Mechanism is to be found in Article 136 of the Treaty on the Functioning of the European Union. In December 2010, the European Council amended this article, adding the words: "The Member States whose currency is the euro may establish a stability mechanism to be activated if indispensable to safeguard the stability of the euro area as a whole." This means that the sole function of the ESM is to safeguard the stability of the euro.

What happens if Ireland rejects the austerity treaty and, come mid-2013 or the start of 2014, is in need of emergency funding? Will the blackmail clause be invoked by the European Council to punish Ireland for the perceived indiscipline of our electorate? I believe the answer to that is "absolutely not". I say that because not only would there be a compelling economic rationale for the European Council to provide funding, there would also be a binding legal requirement to do so. Additional conditions on emergency funding contained in the ESM treaty would take second place to the primary legal and policy mandate as detailed in the EU treaty.

The blackmail clause is also in conflict with a commitment given by the European Council in its July 2011 summit. The Council stated that it was "determined to continue to provide support to countries under programmes until they have regained market access, provided they successfully implement those programmes".

Sinn Féin is firmly of the view that the blackmail clause is an empty threat. It was deliberately designed with the sole purpose of bullying people into supporting a treaty that they would otherwise reject. When the European Council decided to put the blackmail clause into the ESM treaty, it was trying to ensure that unruly parliamentarians in member states or, worse still, the Irish electorate in a referendum, would feel that they had no choice but to support the austerity treaty. That the Irish Government willingly signed up to this act of blackmail is nothing short of shameful. Parties that pride themselves in respect for democracy and the Constitution have actively colluded to undermine the integrity of the referendum process itself.

[Deputy Mary Lou McDonald.]

As the motion clearly states, the Government still has the power to remove the blackmail clause. Its veto over the Article 136 amendment and its ratification through the European Communities Act (amendment) Bill gives it the ability to say to the European Council that this blackmail clause must be removed. I urge the Government and its backbenchers to take this course of action. Let the people have a full debate. Let them consider the austerity treaty on its own merits, free from blackmail. Let us have an open and honest debate on the merits of the treaty and then, depending on the outcome, let the Government deal with the ratification of the ESM treaty as a separate issue. Our motion asks for nothing more than a full, free and informed debate without coercion or threats. We in Sinn Féin believe the people deserve no less.

**Deputy Brian Stanley:** At a time when Ireland has lost its economic sovereignty, when the majority of our citizens are forced to endure crippling austerity measures, and when billions upon billions are being handed over to pay for the casino capitalism of bankers, bondholders and speculators, we once again find ourselves facing a decision that will have far-reaching implications for the future prosperity of the nation. It is unfortunate that before the campaign has even started, we are already getting threats similar to those we received the time of the Lisbon referendum.

Clearly the Government did not want a referendum and this is reflected in its failure to set a date so that our citizens can make a decision on the fiscal treaty. Its reluctance to allow the Irish people to have their say has not prevented Ministers from attempting to create fear and confusion by claiming that if we do not ratify what is being forced upon us, we will not be able to access bailout funds in the future. The Government is failing to tell people that they by vetoing the Article 136 amendment on which the ESM treaty is based, it can stop Ireland having to institutionalise austerity into law and into the Constitution.

If we accede to the threats and demands of Sarkozy and ratify this treaty, it will result in the final death knell of our economic and fiscal sovereignty. It means Ireland will be restricted in running a structural deficit of no more than 0.5% of GDP which will have disastrous consequences in shackling us to the larger member states and preventing us from implementing an expansionary fiscal policy. If Ireland is to meet the targets set by the Commission by 2015, we will have to endure additional cuts of €5.7 billion. Having a longer timeframe to meet that target would simply mean even greater austerity which would have devastating consequences for the economy and the lives of countless citizens.

It also ironic that we are being asked to sign up to a treaty that will benefit reckless casino capitalists, bondholders, bankers and speculators who are nearly 100% responsible for the crisis in which we find ourselves. It means that from 2014 we will be forced to make an annual payment of €4 billion in principal debt repayments on top of interest payments that will amount to a total of €8 billion.

Somewhat perversely, the people are being asked to sign a treaty that will do nothing to curb the future excesses of the bondholders and speculators who caused the crisis. Let us be clear that, despite the misinformation being peddled by the Government, rejecting the treaty will not force Ireland out of the euro or the European Union. Put simply, the decision we face is whether we should sign up to even greater austerity or continue to suffer under the current reign of the troika. The treaty will impose even greater hardship on citizens through the imposition of even greater austerity measures and cutbacks. In particular, it will shackle us to the most power member states of the European Union such as Germany and France, the self-interests of which will always take precedence over those of small countries such as Ireland.

Let us be clear: the treaty is not about growth and economic stability in Europe, particularly not in Ireland. Rather, it is about making sure a larger chunk of public money will be available to pay the private debts of rogue bankers in Ireland who borrowed recklessly and were lent money recklessly by EU banks. We can veto the Article 136 amendment on which the treaty is based. The Government has the trump card and I urge it to use it.

**Deputy Martin Ferris:** That the Government is engaged in making threats to secure the passing of the referendum on the treaty is nothing new. We have become well used to being cajoled or bribed into supporting successive moves in the ceding of Irish sovereignty to the European Union. People will recall the wonderful promises made in the course of the first Lisbon treaty referendum campaign. Its passing, we were assured, would usher in a new era of plenty. We were told to “Vote Yes for Jobs”. All that now sounds rather hollow as, under the terms of the bailout programme, the European Union has become anything but a fairy god-mother. What we also learned in the Lisbon treaty referendum campaign was that the elite in this state and Brussels literally did not take “No” for an answer. The democratic decision of the people was not accepted and we had a second Lisbon treaty referendum but with fewer promises and more threats. In the current environment there are few promises, as can clearly be seen by comparing what the Government is doing with what it promised to do during the general election campaign and in the programme for Government. The threat is no longer implied but starkly outlined: the choice is to vote “Yes” or face even worse times ahead.

The fact that the Government has signed up to the treaty is a further illustration of the extent to which it has surrendered to the politics and economics of austerity. It also strives to give the impression that there is a consensus in favour of the treaty and that there is no alternative to it. In doing so it is ignoring a wide range of opinion across Irish society that opposes the politics and economics of austerity and instead supports a positive programme of utilising our own initiative and resources to stimulate growth.

It is somewhat ironic that on this issue the Labour Party is being outflanked on the left by respected members of the business community. I listened yesterday morning to what Mr. John Teeling, former owner of Cooley Distillery, had to say and do not believe he was a participant in the Occupy Dame Street campaign. He was making the same perfectly logical point my party, the trade union movement and a raft of economists have been making for the past few years — that austerity does not work. This has been proved historically and is being proved every passing day in the State, as the negative multiplier effect of taking money out of the economy leads to further business closures, higher unemployment and further social decline. The alternative is to stimulate the economy through investment which needs to be led by the State, rather than, as it is proposing to do, by shedding public companies and withdrawing more capital.

Mr. Teeling has also proposed that the State defer debt payments for the next six years and use the money saved and the window of opportunity that would open to get the economy back on its feet. However, such a proposal would be greeted with horror by the European Central Bank and the Government will do nothing to offend it. We seem content to genuflect every time it opens its mouth. What we are being offered instead is an endless vista of austerity, with even worse to come if we do not cede further powers to the European Union by passing the treaty.

While I do not expect the Members opposite to agree with Sinn Féin on the treaty, I urge them to support the call made in the motion not to ratify the amended Article 136 or the ESM treaty until after we have had a debate on the referendum free of these issues.

**Deputy Aengus Ó Snodaigh:** Tá sé rí-thábhachtach go ndéanfaimís díospóireacht ar an rún seo. Is rún an-thábhachtach é agus tá súil agam go bhfuil na páirtithe os mo chomhair, agus an t-Aire, sásta éisteacht cheart a thabhairt don díospóireacht seo, mar todhchaí na tíre atá i gceist againn. Tá súil agam go mbeidh todhchaí mhaith againn ach má leanann an Rialtas sa treo ina bhfuil sé ag dul beidh sé i bhfad níos deacra orainn agus ar na glúine atá ag teacht. Táim ag impí ar an Rialtas athrú poirt a dhéanamh.

Recently the Minister for Finance, Deputy Michael Noonan, said the economy “will take off like a rocket;” the Minister for Social Protection, Deputy Joan Burton said we were “marching towards recovery,” while the Minister of State, Deputy Shane McEntee, said “there are plenty of jobs available”. In their concerted efforts to deny reality these Ministers and many others because they are not the only culprits who are living in a dream world would have the public believe it is a lifestyle choice to emigrate. They should speak to the families of the 60,000 or 70,000 people who emigrated last year. They have also said it is a “lifestyle choice” to be on the dole, but they have not talked to the 450,000 on the dole. We even had one Minister say people with Down’s syndrome were “wayward”. These are not the only insulting comments made by Ministers. I could cite a number of other examples in the past year.

Are the Government benches populated by deluded fools or devious operators? That is the question I will ask at the end of my contribution.

**Deputy Phil Hogan:** The Deputy should look in the mirror.

**Deputy Aengus Ó Snodaigh:** I can look in the mirror and I am proud of who I am.

**Deputy Michael McNamara:** Does the Deputy know where the cartridges are?

**Deputy Aengus Ó Snodaigh:** I am no deluded fool; neither am I a devious operator. I am upfront and honest, unlike those sitting across from us.

*(Interruptions).*

**Deputy Phil Hogan:** The Deputy has proved that.

**Deputy Aengus Ó Snodaigh:** One thing is certain, however, that is, the Government is deluded if it thinks it will get away with blackmailing the people into voting for decades of counter-productive, austerity-driven misery. Tá breall ar Theachtaí an Rialtais. Déanfaidh an pobal a bheart nuair a thiofadh an vóta. Roimhe sin, ba chóir don Rialtas an reachtaíocht a chur a leataobh go dtí go ndéanfar an vóta sin agus deis a thabhairt dúinne eacnamaíocht cheart a thógaint amach anseo.

The Government is badly in need of a reality check. The latest ESRI quarterly commentary makes nonsense of the Government’s projections and shows that the recession is set to continue for the foreseeable future. Consumer spending will continue to fall through next year, as will the level of investment.

The ESRI’s employment projections are going in the opposite direction from those of the Minister and the Government. The ESRI projects that employment will fall, not grow, in 2012 and 2013. Average real wages for those lucky enough to hang on to their jobs are also set to fall. There are no rocket take-offs on the horizon for the Minister for Finance, not if he continues to choose austerity. CSO figures in the past 15 consecutive quarters have shown falling employment. So much for marching towards recovery. This is not a march, it is a death march led by the Minister for Jobs, Enterprise and Innovation if he continues to employ the austerity treaty as intended.

8 o'clock

If there are plenty of jobs available, as members of this Government claim, was the European Commission's vacancy monitor lying to the European public when it demonstrated that there is just one job available here for every 50 jobseekers? Does the Government think that one job between 50 people is plenty because the others will emigrate? Tá 50 duine dífhostaithe do gach uile fholúntas sa Stát seo; an meán san Aontas Eorpach go hiomlán ná 9 duine do gach folúntas. Tá Éire breis is cúig uaire níos measa as ná an tAontas Eorpach. Má fhéachaimid ar ár bpáirtneirí, siúd atá ag sciobadh an t-airgead uainn agus atá iarraidh fhlaithneas eacnamaíoch na tíre seo a sciobadh chomh maith, an Ghearmáin mar shampla, níl ach triúr duine dífhostaithe do gach uile fholúntas. Cén sórt comhpháirtíochta é sin?

If things were negotiated in a true spirit of partnership, access to the ESM would not be conditional on our signing up to legally binding austerity forever and a day. Austerity is precisely what is making the situation worse, it is stamping out demand in the local economy and every economic indicator proves austerity is not working.

“TINA” — there is no alternative — was once the mantra of Margaret Thatcher but it has been now adopted by the Labour Party and Fine Gael. There is no alternative if the Government legislates away our right to choose the alternatives or if it does not look at them. That is precisely what the Government has done since it took office a year ago. There are alternatives; the Government must grow them and stand up to Germany.

**Deputy Michael McCarthy:** Negotiate.

**Deputy Aengus Ó Snodaigh:** Grow them.

**Deputy Michael McCarthy:** Negotiate.

**Deputy Aengus Ó Snodaigh:** Grow them and stand up for Ireland. Negotiation should be done from a position of strength and we will be in a position of strength only when we look at the alternatives for the country instead of cutting the heart and soul from communities and local economies.

The economic approach of austerity or any detailed, not to mention highly suspect, fiscal formula has no place being articulated in our Constitution. The Irish electorate should be free to democratically select and mandate the economic approach it decides to choose at any general election in the future.

**Deputy Michael McNamara:** It is an enabling clause.

**Deputy Aengus Ó Snodaigh:** It should not be conditional on us signing-up to legally binding austerity for ever and a day. Austerity is precisely what makes our situation worse. Austerity is stamping out demand in the local economy. Pretty much every economic indicator proves that austerity is not working. Specifically, what the Government is doing in the forthcoming referendum is putting such an austerity measure into the Constitution. If the Labour Party and Fine Gael Members of this House are “devious operators” they are well aware of all the facts I have outlined and are consciously choosing to tie their own hands and undermine the ability of the public to select an alternative in future elections.

If they are deluded fools we cannot afford for them to remain so. I would advise all Members of the Government parties to check out progressive economist Michael Taft's blog “Notes on the Front” and they might learn something before it is too late. The Government must do the right thing and not pre-empt the people. It should delay the European Stability Mechanism Bill and the European Communities Act (Amendment) Bill until after the referendum.

**Deputy Caoimhghín Ó Caoláin:** Just over a year ago the electorate in this State voted for change. Voters rejected Fianna Fáil, which had done such catastrophic damage to the Irish economy and to Irish society.

**Deputy Michael McNamara:** Fianna Fáil still got more seats than Sinn Féin. Is that a rejection?

**Deputy Caoimhghín Ó Caoláin:** Many thought that real change was in prospect when the Fine Gael-Labour Party coalition was formed. Many are now sadly disillusioned.

We pointed out before the general election that Fianna Fáil, Fine Gael and the Labour Party already constituted a coalition for cuts because they agreed on the essentials of their economic policy. Crucially as far as this debate is concerned, they also agreed on the essentials of policy with regard to the EU. There is not a hair's breadth between them.

This should surprise no-one. These were the parties that united in support of the first referendum on the Nice treaty. When the people rejected that treaty, the three parties united again to brow-beat the people into accepting the second referendum in 2002. There was no opposition from Fine Gael and the Labour Party to the Fianna Fáil-led Government's blatant defiance of the people's will in the first referendum.

The same scenario was played out on the Lisbon treaty in 2009. The people rejected it but the so-called main Opposition parties marched obediently behind the "Yes" banner, more concerned as always to pander to the larger and more powerful member states of the EU than to implement the democratic mandate of the Irish electorate.

Fine Gael, Fianna Fáil and the Labour Party are the three brass monkeys of Irish politics, see no evil, hear no evil — how could they because they are never here — and speak no evil as far as the EU is concerned. They cannot be trusted to represent the national interest at EU level because they have no clear conception of what is that national interest. They cannot stand up for Ireland because they are in a permanently crouched position from decades of bowing to the Brussels bureaucrats.

The people gave Fine Gael and the Labour Party an unprecedented electoral mandate. It was a mandate to undo the disastrous legacy of the outgoing regime, including the outrageous impositions of the troika, the unlimited bank guarantee and the totally unjustified pledges to unguaranteed Anglo Irish Bank bondholders. What has the coalition done with that mandate? Nothing. Absolutely nothing. The ballot papers may as well have remained in the boxes.

**Deputy Michael McNamara:** Is the Deputy going back to the Armalite?

**Deputy Caoimhghín Ó Caoláin:** The straitjacket imposed by Fianna Fáil is still in place. Far from removing or even loosening the Fianna Fáil straitjacket, this Government wants to make it permanent by signing up to an austerity treaty that will tie this and future Governments to a narrow, rigid economic doctrine, condemning our people to more long years of economic stagnation, unemployment, poverty and emigration. It comes as no surprise that this is the position espoused by Fine Gael, and not for the first time, but the greatest vexation and annoyance for so many good people who used their votes wisely, as they thought, is that the Labour Party is complicit in all of this.

The Sinn Féin motion before the Dáil tonight exposes the pathetic weakness of this Fine Gael-Labour Party Government on the European stage. Instead of using the mandate of the people to demand our rights, it has crumbled. It has willingly accepted the blackmail clause in the European stability mechanism treaty to claim that an Irish rejection of the austerity treaty would see this State barred from emergency funding from the ESM, a claim that is clearly false.

This is yet another attempted swindle of the Irish people by the political establishment in both Dublin and Brussels. As our motion states, the Government agreed to the blackmail amendment to ensure that in the event of a referendum here, it could use this issue to frighten people into supporting an austerity treaty for fear of losing access to emergency funding. This was a disgraceful course for the Government to take, and it is under a moral obligation to reverse it. It is yet another reason for the people to vote “No” in the forthcoming referendum. We strongly urge them to do so and we urge all Deputies, irrespective of their politics, to vote with their conscience and in line with the mandate given to them and support the Sinn Féin motion.

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I move amendment No. 1:

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

“notes that:

- the European Stability Mechanism, ESM, treaty is an important part of the significant number of initiatives which have been taken at EU level to ensure the economic and financial stability of the euro area and the EU as a whole which include:
  - the establishment of a temporary support facility, the European Financial Stability Facility, EFSF, and also the extension of the use of the EU’s European Financial Stabilisation Mechanism, EFSM, facility;
  - the agreement to enhance the effectiveness of the EFSF through increased lending capacity and additional flexibilities;
  - the agreement to reduce the interest rates and lengthen the maturities for programme countries;
  - the agreement to establish a permanent support facility, the ESM, by July 2013 to replace the temporary EFSF and EFSM arrangements;
  - the agreement to include the new EFSF flexibilities in the ESM;
  - the agreement to accelerate the entry into force of the ESM treaty to July 2012, subject to ratification by member states representing 90% of the capital commitments;
  - the agreement at EU level to provide significant additional resources to the IMF;
  - the agreement to reassess in March this year the adequacy of the overall ceiling of the EFSF/ESM of €500 billion;
  - the agreement to provide substantial additional support to Greece and the enhancement of its debt sustainability;
  - the enhancement of economic governance with the strengthening of the Stability and Growth Pact through, for example, the six pack of legislative measures and also the agreement on the stability treaty; and
  - the ECB’s significant initiative to provide liquidity of up to €1 trillion in support to the EU banking system;

[Deputy Phil Hogan.]

- the Government has participated actively in the development of these initiatives, as appropriate, which are in Ireland's and in Europe's interests; and
- the Government will decide on the appropriate timing for legislation to ratify the ESM treaty in due course, with regard to the agreed timetable at European level for ratification."

I will hand over to the Minister for Finance.

**Minister for Finance (Deputy Michael Noonan):** I thank the Sinn Féin Party for moving this motion this evening. It gives me the opportunity to put some material in the public domain. First, there is a matter I wish to bring to the attention of the House as the Government has always committed itself to informing the Dáil about any development concerning the payment of the promissory note at the end of this month.

In recent months we have been involved in technical discussions on reducing the burden of debt associated with the recapitalisation of the banks. In particular, our focus has been on the promissory note arrangement that was put in place to fund the Irish Bank Resolution Corporation, IBRC, formerly known as Anglo Irish Bank and Irish Nationwide Building Society. This is an arrangement that requires the State to make cash payments of €3.06 billion each year to IBRC. There have been some developments on this issue during the day. The discussion with the European authorities on the general issue continues but we are also negotiating with the EU authorities and principally with the European Central Bank, ECB, on the basis that the €3 billion cash instalment due from the Minister for Finance to IBRC on 31 March 2012 under the terms of the IBRC promissory note could be settled by the delivery of a long-term Irish Government bond. The details of the arrangement have still to be worked out, but are being worked out.

I will now turn to the core of the motion before the House, the Government's extremely constructive engagement with the EU on whether we wish to put in place appropriate support mechanisms at European level. We all know these are needed, so I will recap on how Europe has reached its current position.

Europe, and indeed the broader global economy, has been in the throes of an economic and financial crisis for a number of years now. The approach of providing support mechanisms started with the Greek loan facility in early 2010. That was a specific measure for Greece. It was followed quickly by action to put in place a more general support facility, the EFSF, which could be used for any euro area member state. This was a temporary mechanism which will expire in 2013. It turned out that Ireland was the next country to require assistance, in late 2010.

**Deputy Michael McNamara:** Pearse, come back. It is good news.

**Deputy Michael Noonan:** By that time it was clear also that a permanent mechanism would be needed, and the discussion started on the ESM.

**Deputy Michael McCarthy:** He has gone out to get sick.

**Deputy Dara Murphy:** Come back, Pearse. We miss you.

**Deputy Pádraig Mac Lochlainn:** We were wondering why there were so many Labour Party Deputies in the House.

**Deputy Dominic Hannigan:** There will be more in the next Dáil.

**Deputy Michael Noonan:** Those lads walking from Donegal will have to get the bus home.

At the same time, there was a clear understanding that these types of support measures for countries in difficulty needed to be complemented by measures to promote more sustainable public finances. The six-pack is the new set of rules on enhanced EU economic governance which entered into force on 13 December 2011. The six-pack has four main aims: to strengthen the rules of the Stability and Growth Pact, SGP, which was designed to limit budget deficits and government debts, by introducing a much greater and stronger degree of surveillance at an early stage and to make it easier to initiate the excessive deficit procedure — the new rules will also give a greater importance to debt, and not only deficit, reduction and sustainable growth; to introduce new controls on macro-economic imbalances across the EU, such as housing bubbles and growing divergences in competitiveness between member states; to set standards to ensure the correct and independent compilation of statistics as this data is crucial to sound budgetary policy-making and monitoring of budgets; to enhance the transparency of the decision-making processes and the accountability of decision-makers.

It will be clear, therefore, that the direction in Europe was always towards providing support to deal with countries in difficulty but also to put in place measures to ensure this would not happen again. It is important to recognise that we are in uncharted waters here. That is why the approach is being adapted as it develops. I have been pointing out for some time that when the euro was put in place, the architecture to support it was not adequate. I stated clearly some of the elements that were required; lower interest rates for the programme countries and a substantial firewall were among those I mentioned. These, and other proposals I have made, have gained traction in Europe and are now part of mainstream thinking. This resulted in some amendment to the interest rates for the programmes in March 2011. This meant a reduction of almost €10 billion in the onerous burden that was placed on the Irish taxpayer.

At the same time, the discussions on the ESM continued and in early July 2011, Finance Ministers signed the treaty as it then stood. However, in parallel with this discussion, it became increasingly clear that the existing mechanisms needed to be greatly enhanced. This culminated in the decisions of the euro area Heads of State and Government on 21 July 2011 which agreed significant changes for the Greek loan facility and, more importantly for the broader European agenda, to the EFSF. Most notable among these was a reduction in the interest rates and the other costs associated with the EFSF and the change in its structure, while the maturities were lengthened. All of these measures aimed to enhance debt sustainability in programme countries. In addition, the EFSF was also granted additional flexibilities allowing it to act on the basis of a precautionary programme, finance recapitalisation of financial institutions through loans to governments and intervene in primary and secondary sovereign bond markets on the basis of an ECB analysis.

It was agreed at the same time that these flexibilities would also be included in the ESM. In order to do that, there was a need to reconsider the draft ESM treaty. These additional flexibilities and the establishment of a permanent support mechanism are clearly in our interest, and the reopening of the ESM discussions clearly brought potential benefits for us.

While that was taking place, discussions continued on the second Greek programme involving substantial additional funding and also private sector involvement, which is strictly limited to Greece. We discussed those measures recently when we considered the legislation on the second amendment to the Greek loan facility.

Of course, thinking was developing as to how further to underpin the EU's support programmes. The outcome was that, as part of the agreement to these broader measures, discussion started on a broader fiscal compact with the aim of ensuring that the level of fiscal irresponsibility, which brought about the current crisis, could not be repeated. This represents a development of the approach underlying the six pack, in the same way that the enhancement to the

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EFSF and the ESM represented a significant and important development in the approach to support mechanisms.

The measures in the fiscal arena have been complemented by the actions of the ECB. The low interest rates currently in place will help to offset the economic slowdown, which is affecting not just Europe but also the world economy. In addition, the ECB's longer term re-financing operation or LTRO, has provided some €1 trillion in liquidity to the European banking system.

Looking now to our own position, we are in receipt of substantial support from the EU mechanisms under our EU-IMF programme of financial support. This provides funding at rates well below those which would be available if we had to fund ourselves in the financial markets. In addition, the ECB continues to provide substantial liquidity support to the Irish banking system. It should therefore be clear that European solidarity is in our interests and to our benefit.

Our programme is working and we have met all our targets to date. Over 90 individual policy measures have been taken and put into effect. We have met the quantitative fiscal targets and we have implemented financial sector restructuring. We achieved banking recapitalisation at a significantly lower cost than initially envisaged. We imposed burden sharing on junior debt holders. We are implementing structural reforms with a view to enhancing the growth potential of the economy. We are introducing fiscal reforms to improve the management and control of our public finances.

The success of our programme implementation has been recognised by the financial markets. Our ten-year bond yields have remained below 7% for a number of weeks now. In addition, the NTMA has successfully re-engaged with the markets through the recent bond swap. These are all positive indications. They reflect our resolve to emerge successfully from our programme at the end of 2013 and to resume financing ourselves in the financial markets.

It is in Ireland's and in Europe's interest that there should be a strong firewall or safety net available to all euro area member states. I have argued for this consistently. The ESM provides this firewall. It provides reassurance to the financial markets and to all of us, thereby underpinning the confidence that is essential to healthy economic activity. It will also help to protect euro area member states which are in economic difficulty from market speculation.

Turning to the content of the ESM treaty, there is no basis for the assertions made in the Private Members' motion in relation to the inclusion of the cross reference to each other in the ESM and stability treaties. The linkage between the ESM and the ratification of the stability treaty was accepted in the context of the acceleration into force of the ESM by July 2012. It was of particular importance to a number of countries. 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. That is the position and the attempt to put any other gloss on it is both inaccurate and misleading.

I have clarified that the linkage of both the ESM treaty and the stability treaty refers to new applications for assistance under the ESM and will not affect the transfer to the ESM of undisbursed amounts under the European Financial Stability Facility — that is, the EFSF — for Ireland and other programme countries. The funding approved under the existing programme of financial support for Ireland is not therefore conditional on Ireland ratifying the fiscal compact but, as is currently the case, on Ireland successfully implementing its programme.

The ESM treaty will have to be ratified by the 17 euro area member states; it will enter into force and the ESM will become operational as soon as possible. The target date is July 2012, a year earlier than originally planned. As a permanent mechanism, the ESM will take over the tasks currently fulfilled by the European Financial Stability Facility and the European Financial

Stabilisation Mechanism. The ESM's lending capacity is currently set at €500 billion and this will be subject to reassessment later this month. This again reflects the continuing development of EU policy to which I referred earlier.

Sinn Féin tabled a motion to try to cast the Government's actions in a bad light. The Government has consistently acted to support the financial stability both of Ireland and the euro area. We have contributed constructively to efforts at European level to ensure the economic stability of the euro area, the financial stability of the European Union, and the safeguarding of the financial stability of the euro area as a whole. While the underlying economic and fiscal situations differ across Europe, it is imperative that countries restore their respective economies to health and their public finances to a sustainable position.

As our amendment to the motion makes clear, the decision on the timing of legislation for the ESM treaty, and also for the Article 136 amendment, has not yet been taken. However, it is clear that we will bring forward this legislation at the appropriate time. This will have regard to the target date for entry into force of the ESM treaty on 1 July.

The motion before the House seeks to sow confusion and doubt where none should exist. The Government's amendment places the ESM in its proper positive context of a series of developing EU measures to address the current crisis and to seek to avoid a future repetition of that crisis. The Government has played a constructive part in these discussions.

I commend the Government's amendment to the House.

**Deputy Dara Murphy:** I welcome the comments by the Minister for Finance in which he informed the House that the sum of over €3 billion that was due to be paid back next week will now be converted into a long-term bond. With that news, it is almost distressing to see half the membership of the Sinn Féin Party down tools and walk out of the Chamber. They do not share the satisfaction the rest of us have.

**Deputy Brian Stanley:** The Deputy has no maths.

**Deputy Caoimhghín Ó Caoláin:** Do not worry, we are here.

**Deputy Pádraig Mac Lochlainn:** What about the Labour TDs? Where have they gone?

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

**Deputy Dara Murphy:** Once again, this is a Sinn Féin motion. In their contributions, Sinn Féin TDs, including Deputy Ó Snodaigh, used terms such as "lies", "fools", "blackmail" and "dishonesty", in the face of yet another significant piece of work done on behalf of this State by the Minister, Deputy Noonan. It smacks of the hypocrisy that all of us who are democrats know is absolutely appropriate to how Sinn Féin has conducted its business — in a self-serving manner since their foundation.

**Deputy Pádraig Mac Lochlainn:** The Deputy used to be in Sinn Féin. Does he remember?

**Deputy Dara Murphy:** We see that in their language here today. Deputy Ó Caoláin speaks of hearing no evil, speaking no evil and seeing no evil. Yet the Sinn Féin Party can never hear any good, speak any truth or see any hope.

**Deputy Caoimhghín Ó Caoláin:** I cannot see any hope when I look across the floor at the Deputy.

**Deputy Dara Murphy:** That is what the rest of us can deliver on. In respect of the motion, the key message we will have over the next couple of months is truth, which is what people will get from this side of the House. Even before a date has been set for the referendum, we

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are already seeing more misinformation coming from Sinn Féin. When all the arguments and facts have been fully aired and debated, we believe the people will view ratification of the stability treaty as another step in the rebuilding of confidence in Ireland's economy and in our international reputation. That is why the Government is going to make an unprecedented effort to give the people the facts and the information they need to make an informed decision about this treaty.

At the heart of the treaty is a new compact for countries using the euro that is designed to restore stability, confidence and growth along with a commitment to support each other through times of crisis and market speculation. Member countries will agree to reinforce the rules and to cut out and prevent excessive Government borrowing. This is like a home insurance policy that protects families against risk but also requires that families minimise those risks by putting in place smoke alarms and proper locks. The stability treaty offers protection to countries that follow these rules.

A "Yes" vote offers the rules-based economic stability, certainty and investment that our recovery requires. It will keep us at the heart of the euro and the eurozone. A "No" vote is a step back into the unknown and into isolation and the financial and economic instability that brought the country to the edge of collapse under the previous Government. The Government will not allow that to continue. I congratulate the Minister for Finance on the excellent work he does on our behalf.

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Lucinda Creighton):** I commend the Government amendment to the House. The Minister for Finance, Deputy Noonan, has set out the logic and urgency of ensuring the Oireachtas plays its part in putting in place a viable stability mechanism to succeed the European Financial Stability Fund, EFSF, in order that EU member states have a clear and tangible insurance mechanism to restore stability to the markets and order to the eurozone.

I draw the attention of the House to a statement by the leader of Sinn Féin in the House on 29 February last when he said the European Council must ensure the European Central Bank, ECB, which has a responsibility in this, takes all necessary action to stabilise sovereign bond interest rates and ensure market access for all member states. I could not agree more. What Deputy Adams was advocating is precisely what the Government is doing. Although he is sadly alone in the Sinn Féin Party, I am glad that he, at least, understands the need for the Government, along with other member states and the ECB, to take all necessary action to stabilise the eurozone. That is precisely what we are doing. It is incredible, however, that three weeks later Sinn Féin puts this motion before the House, advocating that we do the very opposite.

It is important to set out what the European Stability Mechanism is. The ESM is the new eurozone rescue fund of €500 billion that has been put in place to protect countries from market speculation. The agreement to establish this mechanism, combined with the other measures at EU level, including the agreement of the six pack in particular, and the recent long-term refinancing operation, LTRO, undertaken by the ECB, has already brought greater stability to the eurozone.

Sinn Féin Members are speaking out of both sides of their mouths in this regard. On the one hand, their leader says he wants to stabilise sovereign bond markets. Either they have changed their minds or they are entirely inconsistent, because on the other hand they say they want to prevent the cornerstone of this stabilisation process from coming into force. Those are entirely inconsistent and contradictory positions. Perhaps, during the course of this debate, Sinn Féin Members might like to clarify what their leader had in mind. If it is not the stability mechanism that is proposed by the European Council and by the Government, what exactly does Sinn Féin propose to stabilise the markets and ensure access to the markets for Ireland and other countries currently in financial programmes?

The actions taken within the eurozone since last summer to minimise the crisis are beginning to work. Across the House, Members may not like to hear that, but it is a fact. The various stages that are clearly set out in the Government amendment and which have been adopted by the European Union are working. Yesterday, for example, we saw Spain sell €5 billion worth of six-month bills at the lowest interest rate achievable in two years. Demand was boosted by ECB lending which happened directly as a result of Europe's Governments implementing the structures and safeguards to protect the currency which culminate in the European fiscal compact. Across the European Union, bond yields are falling. Irish yields are, in fact, the best example of that. They have fallen to the lowest rate in over a year. This is envied by other member states. All yields across the eurozone are falling. The situation is stabilising because European Governments, including the Irish Government, have taken decisive action and joined together in a common purpose to try to resolve the eurozone crisis. The European Stability Mechanism will offer Ireland protection from market movements, the very movements against which Deputy Adams says he wishes to see the ECB and European Governments take action.

Theoretical access to the ESM will ease our return to the markets. That is a vital insurance policy and safety net, not just for Ireland but for all members of the eurozone, including those who are not in financial assistance programmes. Our exit from our programme is dependent on the existence of the ESM as a safety net. That cannot be disputed by the Opposition.

Not having access to external assistance would put the country into extreme austerity and would have severe economic and social consequences for all citizens. So, it is apt that Sinn Féin refers to the fiscal treaty as an austerity treaty because were we not to ratify it, the austerity the country would face would be quite grave and serious. It is important that Sinn Féin be honest about it. I hope Sinn Féin Deputies will be so, in the interests of transparency and of having a full and frank debate on the issue.

**Deputy Pearse Doherty:** Is the Minister of State conceding that we will need a second bailout?

**Deputy Lucinda Creighton:** The introduction of the European Stability Mechanism will safeguard stability in the eurozone while assisting us in calming the crisis. The fact that implementation has been brought forward by a year to July, along with the agreement for the fiscal treaty, has begun to have that effect. That is quite clear, as I have outlined.

It is inconceivable that Sinn Féin could think ratification of the ESM is not in our interest. It is in our interest even more than most other European countries. The ESM, like the fiscal stability treaty, is only part of the solution. No one is pretending that any single element of this is a solution in its own right. Together, all of these elements are vital to solving the eurozone crisis and to reinjecting stability into both the eurozone and the Irish economy. There is no magic bullet but these measures are yielding positive results.

I would like to quote a report on Bloomberg News that appeared at 4.30 this evening:

Europe's comeback from the brink is extending to the region's corporate debt market, where borrowers are selling bonds at the fastest pace in two years [...] The European Central Bank's injection of cash into banks through loans and Greece's debt restructuring is raising optimism that the region's sovereign crisis will be contained. The cost to borrow for European non-financial companies has fallen at a faster rate this year than for issuers in the US, Bank of America Merrill Lynch data show [...] "While Europe still faces many obvious challenges, there has been a combined regulatory and political response to euro area problems," [said a strategist from] Royal Bank of Scotland ... [The strategist further said] "The follow-on risk appetite has been reflected in robust new issuance."

That is a clear response to the fast-tracking of the introduction of the ESM and to the fiscal compact.

[Deputy Lucinda Creighton.]

There is a new decisiveness in the air among European leaders, something that had been worryingly absent. I was one of the many who had commented on it. There is now a willingness, joint effort and resolve among European leaders to save the euro, which clearly is in this country's interests, which is backed up by strong action.

The European Union is turning its focus to growth, but we must be honest that growth cannot be achieved without confidence and stability in the market and across the eurozone. Anyone who talks about growth in a vacuum is misleading and pretending that there are simple solutions. We must restore confidence and stability to the market in order to foster the environment we need to see growth within the eurozone. That is the Government's objective, on which we are delivering.

**Deputy Michael McGrath:** I wish to share time with Deputies Billy Kelleher and Timmy Dooley.

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

**Deputy Michael McGrath:** I welcome the opportunity to make a brief contribution to the debate on the Private Members' motion tabled by the Sinn Féin Party. Fianna Fáil set out its position on the fiscal stability treaty in recent weeks. We have made it clear that while the treaty proposal does not represent an overall solution to the eurozone financial and debt crisis, on balance, it should be supported. Limited and all as it is, it does recognise the core objectives already signed up to by the country in the six pack of measures and other European initiatives to ensure fiscal discipline is an important part of the eurozone and that the existing budget deficit figures — 23 of the 27 countries in the European Union are in breach of the terms of the European Stability and Growth Pact — are adhered to and that such breaches do not become a permanent part of the landscape on the map of the European Union.

That said, we have also been critical of the Government's handling of the negotiations. What lies at the heart of the Sinn Féin motion is the agreement by the Government to sign away access to European Stability Mechanism funding for countries that do not ratify the treaty. Such a strategy has increased the stakes considerably in the forthcoming referendum. If this country does not ratify the treaty on which the people will vote in future months, we will be exposed to the international markets over a period. That is an enormous risk to expose the people to. I note the inclusion in the July communiqué of a statement to the effect that the European Union remains committed to supporting countries currently in a programme through financing, provided they meet the programme conditions until they regain market access. The question arises as to where that commitment stands in the event that a programme country rejects the fiscal stability treaty. We are critical of the fact that the Government has signed away that insurance policy and safety net.

The bottom line is that it is not possible to say with any degree of certainty whether a second bailout will be required by this country. We will know this time next year or in 15 months or 16 months time whether the country is in a position to exit the programme and return to borrowing in international markets in the normal way. We hope that will be achieved, but it remains an open question. There are many variables, some of which are outside the country's control, which will determine whether we will be in a position to return to the markets. As a Parliament, we must ensure the country has access to funding in order that the State can continue to operate and function in the normal way. It would be disingenuous of anyone to suggest in some way that if we do not accept the treaty and that if we were not relying on our international partners for funding, there would be no need for austerity. That is not a realistic proposition either because the bottom line is that every country with a budget deficit will have

to eliminate it over a period. Either our international partners who are lending to us will insist on this or the international markets to which we would look for funding will insist on it.

Sinn Féin takes the view that it will be all right on the night; that if we reject the treaty, the European Union will continue to fund us, and even if it does not, there will be other sources of funding. It has cited the IMF as one potential such source, but its party leader has already said it should be sent home with its money. That would be the other potential source of funding for the country closed off. While we are critical of the way the Government has negotiated the treaty, the people must arrive at a decision based on what has been put in front of them. On balance, the treaty should be supported by them.

**Deputy Billy Kelleher:** Like the previous speaker, I welcome the opportunity to speak on the issue. It is an important debate to have in the House in setting out the stall of the Government and the political parties on the European fiscal compact treaty referendum to be held in the near future. It is important that we have an honest debate on the position of the country in the European Union, the supports we receive from it and the mechanism for governing the Union. We must also debate the perceived democratic deficit at the heart of the Union in ensuring citizens have direct access to decision-making processes at EU level.

When I spoke some months ago on the Finance Bill, I was critical of the European Commission. That is still the case. The Commission has been inept. It has not been capable of standing on its own two feet and flexing its muscles in the face of the Franco-German alliance that has been very much to the fore in recent times in dealing with the crisis. I accept that ultimately much of the money and support through our troika partners comes from the Germans, but the broader issue of democratic accountability is one that will be discussed in the treaty debate.

We must be honest about what would happen in the event that the treaty is rejected in terms of access to funds in a continuing programme or whether it would undermine our ability to return to the international markets. They are key issues on which we must be honest. If we say we should reject the treaty, we must examine the downside of that decision because it is clear that there would be downsides to a rejection of the treaty. In having a debate about this country, its position in the European Union and its relationship with it, we must also point out that if we reject the treaty, there could be serious consequences in the provision of funding for services in this country. That is one issue we must revisit in the near future.

The broader issue of the purpose of the fiscal treaty is to ensure cohesion among member states in terms of fiscal responsibility. We are all aware the Stability and Growth Pact failed miserably to bring responsibility to the various member states in budgetary management. This country was held up as a prime example of a country which was living within the constraints of the pact and remaining under the 3% target year-on-year.

In addition, the issue arose of the banks and how lending was allowed to escalate out of all proportion. That leads me to another important point: the European Central Bank has failed miserably in its responsibility to the eurozone and the broader European Union. There must be a fundamental examination of its role which should not be just to maintain a watch on inflation. It should have a broader remit in terms of provision of support for the currency and to ensure lending practices throughout the European Union are responsible. The Government, the previous Government and the people could deal with the imposition of a reduction in the budget deficit, but the funding of banks is another factor that is creating significant hardship. They are key issues in the European Central Bank almost abdicating its responsibility to ensure oversight in previous years of lending to states on the periphery by large member states at the centre of the European Union. That was obvious to people involved at the heart of the Union, but there was continual lending from Germany and the larger economies to nations on the periphery. We are now in a situation where we are being forced to pay back the money. What

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Deputy Michael McGrath stated a number of weeks ago in the context of at least delaying the repayment of the €3.1 billion of promissory notes is a key issue. It is the right thing to do because we now have access to other forms of funding that we did not have when that deal was put in place. I would urge the Minister of State, Deputy Creighton, to use all her diplomatic skills to ensure the repayment is delayed and that we can put a fair rational repayment to the people in the context of our commitments on the promissory notes as well.

**Deputy Timmy Dooley:** I welcome the opportunity to contribute to this debate and I thank Sinn Féin for tabling the motion. While I do not necessarily agree with the content of the motion, neither do I agree to a large extent with the amendment proposed by the Government. Notwithstanding that, I have always believed that if there are difficult issues that involve the people, especially when they are issues that will ultimately go before them in a referendum, it is important we in this House discuss the issues at every available opportunity and thrash it out among ourselves because it is only through debate in this House that media attention focuses on the various issues. Taken from whatever standpoint one so wishes, it generates debate and allows the people an insight into the different aspects of the treaty that will ultimately go before them in order that an informed decision will ultimately take place. This is why my party put so much stock into encouraging the Government from the outset to hold that referendum.

Sadly, the Government negotiated this treaty in the expectation that there would not be a requirement to refer it to the people, and that is why we are having this discussion. I cannot imagine that the Government would have allowed a clause to appear within the context of this treaty that closed us off from access to much needed funding in the event of there being a requirement for a second bailout, which some Ministers indicated as their strongly held view was that such would be the case.

Neither do I think, if the Government had expected to hold a referendum, would the Minister, Deputy Varadkar, have gone on the public airways and suggested — I am paraphrasing or to some extent putting words in his mouth, but it largely encompasses the context of what he said — that extraneous issues would form part of the debate and that the people would not be in a position to judge the important issues from the peripheral stuff. This is a fairly simple treaty and it is my view that the people will have a clear view on it. I believe, therefore, that the Government got caught entirely off-guard here.

It is beyond me how the Government could not have engaged with the Attorney General's office on an ongoing basis. It seems they were engaging with some legal advice, and comments made by various individuals in Europe have always indicated that the Irish position was to try to find a solution. If we go back on the various different iterations of the draft documents, we moved from a situation where there was talk about a constitutional requirement to a constitutional requirement being preferable. That was clearly done to facilitate the Government's desire to avoid taking this to the people, and that is why I think it has been done in an exceptionally hamfisted way.

Notwithstanding that, my party supports, as Deputy Michael McGrath stated strongly, the necessity to bring about a better level of management of our public accounts and to do so in association with our partners in Europe. I agree with my colleague, Deputy Kelleher when he spoke of the treaty not going far enough, particularly as it should relate to the ECB, and that it is only a stopgap measure. Until such time as the ECB gets its head around being the lender of last resort, until such time as it understands the necessity, as happens with the Federal Reserve within the United States, of transfers taking place between richer and poorer states, and until such time as there is a clear understanding of the Community approach to the management of debt through the issuance of eurobonds, there will not be an appropriate mechanism to deal with the ongoing crisis. I accept the markets are calm and there is, I suppose, no

reason to see how they should change, based on the different matrices one would normally apply in this regard, but the fundamentals have not changed.

I have a question and it is a pity there is nobody from the Labour Party here to answer it. I was quite amazed as I listened to “Morning Ireland” to hear the Minister, Deputy Rabbitte, say he strongly supports the candidacy of M. Francois Hollande, the leader of the Socialist Party in France, for the presidential election which will take place in April and May of this year. Interestingly, M. Hollande has stated that, in the event of he being elected president, he will renegotiate this treaty. Is it a case that M. Hollande has seen the way the Labour Party operated prior to the election, the way it succeeded in doing a few handbrake turns very soon afterwards, and has been looking to its catechism for his election, or is it that the fraternity of the Labour Party across Europe has something it has not told us about and that it has a grand plan to do something very different after the French election? It is merely a question I pose. It is not for the Minister of State, Deputy Creighton, because I appreciate she has always been a strong supporter of the European project. It will be interesting to see how the Labour Party will enlighten us on that statement. No better man than Deputy Rabbitte, I am sure at some later stage, to enlighten us on where he is coming from on that issue and the consequence for the State in the event of his friend being elected President of France.

**Deputy Catherine Murphy:** I welcome the opportunity of speaking briefly to this motion. There is a direct connection between the level of debt and this fiscal compact treaty. Regardless of whatever wording is designed to be put in front of us, the ECB basically instructed this country not to allow a bank to fail. When an entity gives an instruction, it must back that up with some sort of compensating action. That did not happen in this case. Ireland’s bank debts would not have arisen had it not been for the design of the euro and the cheap European funding that was available to peripheral countries from countries such as Germany. The people themselves will make that direct connection.

What we cannot ignore either is the fact that we will be asked to insert the terms of this treaty in the Constitution — the 0.5% structural deficit and the 60% debt-to-GDP ratio. This is why the German Chancellor, Dr. Angela Merkel, wanted to include this as a constitutional provision. I presume the Minister of State, Deputy Creighton, will be aware, one cannot enact legislation that is repugnant to the Constitution. How will we enact a finance Bill in the future if we must keep with those numbers and at the same time have this gigantic debt? There is a direct relationship between the two.

This intergovernmental approach is a disaster for Europe. We are talking about money markets. There are in excess of 500 million people in Europe and we are not looking at what this European project is supposed to be. I know what it was supposed to be, but it is not that. Now it is exclusively about money markets. I appreciate the need for stability and for a currency that is sustainable, but if there is to be more Europe, we need to start talking about what kind of more Europe there will be, whether it will be about money markets or about something with a much bigger vision. I still do not see any leadership in Europe in that regard.

**Deputy Mattie McGrath:** I too am delighted to be able to say a few brief words on the European fiscal compact treaty debate. I welcome the debate and I welcome what the Attorney General decided and the statements from an t-Uachtarán freisin.

I do not believe we would have this debate only for what has happened, and it is totally anathema to the Government because it is caught, and why would it not be? Its members are telling us, as I heard from different Deputies in this discussion, that they will have a good, clear, concise debate. What will they do with Big Phil? Will they bring him into the equation? If they do, he will make a mess of it——

**An Leas-Cheann Comhairle:** The Minister, please.

**Deputy Mattie McGrath:** —Minister Phil — as they have made an appalling mess on rural water services, the septic tank issue and now the household charge. It is utter pandemonium. They should be ashamed of themselves or else they will have to dislodge him or lose him somewhere. They are in big trouble if they have Ministers like him coming out.

Then there is the Minister, Deputy Burton, coming out with her statements on projections of timescales on when it might be held. The Government is in disarray.

When the Taoiseach and the Minister, Deputy Noonan, went abroad, the lads at home had a field day. I do not know what the Taoiseach will do when he comes back. The Chief Whip was abroad and they lost a vote in committee. We came in to speak on a very important motion put forward last week by Deputy Michael McGrath and there was not a Member on the other side of the House for 12 minutes. So much for Merkel and Sarkozy's way or Labour's way. There is not a Labour person here tonight.

This is an appalling situation. The ECB and the European Commission have been asleep in regard to fairness and equity across the European project. They have neglected and abandoned it. They have allowed money to be pumped in here from bigger banks. Now, they want Paddy to pay. The Taoiseach said Paddy must know. Paddy is not a fool. If the Taoiseach, the Tánaiste, the Minister, Deputy Noonan, and the Minister of State, Deputy Creighton, cannot find the green jersey, we will get it for them, but they had better put it on and stand up for Ireland. Mise Éireann. This is Ireland we are talking about. We are being blackguarded by the European people. We are being blackguarded by the banks. The Government has got to find its courage. They pilloried the last Government, yelling day and night as to what they would and would not do, and they pointed out the inadequacies of the Government of the time. They have been a dismal failure with the Commission people. All the Taoiseach, Deputy Kenny, wants is pats on the back, a smile and "Goodbye there, maith an buachaill. Go back to Mayo, Taoiseach, and——"

9 o'clock

**An Leas-Cheann Comhairle:** I ask the Deputy to move the Adjournment.

**Deputy Mattie McGrath:** I am not finished yet. Is my time gone?

**An Leas-Cheann Comhairle:** The Deputy's time is up.

**Deputy Mattie McGrath:** I compliment the Sinn Féin motion. I plead with the Government to get real with the banks and with everybody else and to give the people room to breathe. They should be ashamed of themselves given the way they are dealing with this at the moment. If they do not understand what it is going on out there, they will get a rude awakening. This referendum has not a hope of being passed — críochnaithe, game over.

#### Message from Seanad

**An Leas-Cheann Comhairle:** Seanad Éireann has passed the Clotting Factor Concentrates and Other Biological Products Bill 2012, without amendment.

The Dáil adjourned at 9.05 p.m. until 10.30 a.m. on Thursday, 22 March 2012.

## Written Answers.

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

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*Questions Nos. 1-9, inclusive, answered orally.*

### **Targeted Agricultural Modernisation Schemes**

10. **Deputy Timmy Dooley** asked the Minister for Agriculture, Food and the Marine the progress made to date in advancing investment under the targeted agricultural modernisation schemes under the various schemes launched in 2010 and early 2011; and if he will make a statement on the matter. [14613/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** EU Commission approval for the introduction of a number of targeted on-farm investment schemes focused on supporting productive investment in the agricultural sector was received in March 2010. Priority was given to the introduction of the Bioenergy, Poultry Welfare and Sow Welfare Schemes which were launched by my Department during the first half of 2010. The Sheep Fencing/Handling Scheme opened for applications on 1 November 2010 whilst the Dairy Equipment and Rainwater Harvesting Schemes were introduced in March 2011. The available grant-rate was 40%, with the exception of the Bioenergy Scheme where the grant-rate was fixed at 50% of crop establishment costs up to a maximum of €1,300 per hectare.

The schemes were suspended for new applications on 8 June 2011 in the context of the comprehensive review of my Department's expenditure which was underway at that time and the particular issue of consideration of funding for the Department's capital expenditure programme in 2013. 1,915 applications were received by my Department under the TAMS prior to their suspension on 8 June 2011, of which 89 were received under the Bioenergy Scheme. With the exception of a small number of cases where the applications are either still under query with the farmers concerned or were deemed to be ineligible, all these applicants have been approved to proceed with the investment works concerned.

With the exception of the Poultry Welfare Scheme which had reached its deadline for the submission of applications, the schemes were reopened for applications in December 2011. My Department's Estimates for 2012 provides an allocation of €20m for TAMS for this year. In the case of the Poultry Welfare Scheme, I extended the closing date for completion of work under the Scheme to 28 September 2012 although this, of course, did not prejudice in any way

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the entry into force of the new EU animal welfare rules for the sector which came into effect at the beginning of this year.

To date, almost 1,370 applications have been received under the TAMS since their re-opening in December 2011 and these grant applications are currently being processed by my Department. In general, farmers have a period of two years from the date of approval to complete the investment works concerned. Total expenditure under TAMS, to date, has amounted to €1.235 million and I expect that this will increase very significantly during the course of this year.

### Single Payment Scheme

11. **Deputy Pádraig Mac Lochlainn** asked the Minister for Agriculture, Food and the Marine if he has considered capping the single farm payment at €100,000; if he considered bringing single farm payment in line with the average industrial wage; and if he will make a statement on the matter. [14645/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The EU Commission has proposed to cap single farm payments at €300,000, net of the greening component and salary costs and this is the proposal that I am giving consideration to currently in the CAP reform negotiations.

Of the 123,159 farmers in receipt of Single Farm Payment in 2010, some 238 or 0.2% received payments in excess of €100,000. In those circumstances, I do not believe that a cap of this nature would be particularly relevant for Irish farmers.

As to bringing the payment into line with the average industrial wage, I am not convinced that this would be appropriate. The centralised recording and measurement of income that would be required in respect of all farmers and their employees to do this would add substantial complications to the operation of the scheme both for farmers and administrators and would run counter to my stated objective to simplify the Single Farm Payment as much as possible.

### Discussion Groups

12. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine the progress made on discussion groups in the beef and dairy sectors, money spent and budgeted for such groups; and if he will make a statement on the matter. [14630/12]

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

#### *Dairy Efficiency Programme*

When it was agreed in 2008, under the CAP Health Check, that unspent Single Payment Scheme (SPS) funds could be made available to support economically vulnerable types of farming, my Department, after discussions with stakeholders, identified the dairy sector as an economically vulnerable sector, given the extreme price volatility it had experienced in the preceding two years, and a suitable sector to avail of the funding. The Department, in consultation with Teagasc, considered that a targeted efficiency programme would best enhance competence, effectiveness and confidence within the industry. It was hoped that such a programme would bring about a change in attitudes and an improvement in knowledge at farm level.

Participation in discussion groups was identified as being the most effective way in which the Programme could facilitate dairy farmers in gaining the knowledge to help them adopt best practice in the running of their enterprises. Dairy discussion groups had been in existence since the 1990s, with the support primarily of Teagasc advisers, and by 2009 the number of dairy

farmers involved in about 250 groups around the country had reached about 2,800. The benefits for those involved included the acquisition of up-to-date technical information and knowledge, support with new ideas and problem solving, and a more positive and confident attitude in the running of their businesses. Learning from the experiences of other like-minded individuals was an attractive component for discussion group participants, and increased profitability was also a strong motivating factor. The Department, in considering how to achieve objectives such as better grassland management, improved breeding and a greater focus on financial management, felt that the discussion group structure was therefore the most appropriate vehicle. It was felt that, if dairy farmers could be persuaded to become involved in discussion groups in larger numbers, the very act of participating in a shared learning experience would have positive knock-on effects for themselves and for the dairy sector as a whole.

In December 2009 my Department announced a three-year Dairy Efficiency Programme in which the €18 million of the unused SPS funds were to be spent on encouraging significant efficiency gains on Irish dairy farms. The Programme, now in its final year, has paid out almost €12m to just over 6,000 dairy farmers in respect of Year 1 and Year 2. These discussion groups, in which the dairy farmers have participated in, are facilitated by Teagasc and private facilitators trained to FETAC level. The Groups place particular emphasis on the adoption of best practice in relation to grassland management, breeding, health and safety and financial management. The participants have their progress monitored by their facilitator and they are required to meet certain standards in relation to attendance and project completion in order to qualify for end of year payments

#### *Beef Technology Adoption Programme*

Based on the ambitious development targets set out under the Food Harvest 2020 strategy for the beef sector, I recently launched the Beef Technology Adoption Programme (BTAP) with a budget of €5m for 2012. The precise payment rate to each individual applicant will be determined by the overall number participating in the Programme. However, the maximum payment per participant will be €1,000 and the deadline for receipt of applications by the Department was 16 March 2012.

This Programme, is also based on the discussion group format and is intended to incentivise farmers to develop a range of additional skills to increase the productivity and profitability of their beef enterprises. This initiative is aimed at upskilling participants to enable them apply best practice in all the vital areas of a successful beef production business: i.e. financial management, grassland management, animal breeding, herd health and production to meet market specifications.

The gulf that exists between the best beef farmers and less successful performers is primarily attributable to lower output. They both have similar costs but under-performing farms are producing fewer kilos of beef per hectare (ha) compared to the top performers. Both the Teagasc Derrypatrick herd and the BETTER Farm Programme show what can be achieved through increasing the number of animals per hectare. Higher stocking rates achieved through improved grass utilisation is the most important driver in growing output and attaining gross margin returns of around €1,000 per ha.

I think that there will be tremendous opportunities for the development of the beef industry in the coming years but we must address the fundamental issue of inefficiency and poor margins at farm level if the industry is to take full advantage of these opportunities. The payback on the BTAP investment will deliver real gains at individual farm level and upgrade the overall beef production system at national level. I believe that the concept of discussion groups will gain traction as it did among dairy farmers and that the demonstration effect of the Programme will help to change behaviour and mindsets among those engaged in primary production.

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I would urge all those who have applied and are eligible to participate in beef discussion groups to fully utilise the benefits of group membership. Similar programmes have demonstrated the value of the shared learning experience fostered by discussion groups in achieving greater on-farm efficiency. Farmers are motivated to re-examine the way they run their businesses and learn from expert advisors and the experience of other progressive farmers. The adoption of best practice in the management of their enterprises will also help beef and dairy producers to better deal with commodity price fluctuations.

Against the background of ambitious targets for the development of the beef and dairy sectors in Food Harvest 2020, and bearing in mind the generally positive medium-term price forecasts in both sectors, the Government's ongoing investment in discussion groups sends the right signals to primary producers and reinforces the strong sense of ambition and optimism currently evident in both sectors.

### **Disadvantaged Areas Scheme**

13. **Deputy Brendan Smith** asked the Minister for Agriculture, Food and the Marine the details of the 2012 disadvantaged area scheme; and if he will make a statement on the matter. [14633/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The budgeted expenditure under the 2012 Disadvantaged Areas Scheme is being reduced to from €220 million to €190 million. In order to make the necessary savings it is proposed to make technical adjustments to the Scheme criteria to ensure that the aid payment is focused on farmers whose farming enterprises are situated exclusively in DAS areas and who are making a significant contribution to achieving the objectives of the Scheme, which are defined in the governing EU legislation as follows:

- To ensure continued agricultural land use and thereby contribute to the maintenance of a viable rural community;
- To maintain the countryside;
- To maintain and promote sustainable farming systems which, in particular, take account of environmental protection measures.

As the Disadvantaged Areas Scheme is co-funded by the EU under the Rural Development Programme 2007/2013, it is necessary to obtain the agreement of the EU Commission to any proposed changes; my officials have been involved in ongoing discussions with Commission officials in this regard and a decision is awaited. It should be noted that the proposed criteria may be subject to some changes following the conclusion of the discussions with the EU Commission.

The proposals as submitted to the Commission include:

#### *Changes to minimum stocking density:*

(1) applicants in 2012 would have to have met a minimum stocking density of 0.3 live-stock units per forage hectare in 2011. Where applicants do not meet this requirement, provision will be made for exceptional circumstances, including recognised Force Majeure. Provision will also be made for (a) those restricted by Environmental Plans and (b) new entrants.

(2) In 2012, the minimum retention period will be extended to six months, where the stocking density on the holding will have to be equal to or greater than 0.15 livestock units per forage hectare. In addition, the stocking density will be calculated over the twelve months of the year.

*Differential Rate of Aid:* With the intention of targeting those farmers who are farming exclusively in Disadvantaged Areas, it is proposed that farmers, whose holdings consists of land situated both in Disadvantaged Areas and non-Disadvantaged Areas are better positioned from a farming viewpoint than those farming exclusively in Disadvantaged Areas. Therefore, it is proposed that where some of an applicant's declared land, whose main holding is situated in a non-Disadvantaged Area, is non-Disadvantaged land, a digressive of aid under the Disadvantaged Area Scheme will be payable to such farmers. This proposal is regarded as fair in that the greater proportion of Less Favoured Areas land in the holding the greater the level of payment.

*Exclusion of non-breeding equines:* While it is proposed that equines will no longer be eligible for the stocking density calculation, it is intended that provision will be made for those involved in equine breeding enterprises. My officials are in ongoing consultation with the relevant representative bodies with a view to agreeing a suitable definition of an equine breeding enterprise.

*Distance from main holding:* It is proposed to exclude land situated more than 80 kilometres from a farmer's holding — this will apply only to those whose main holding is situated in a non-Disadvantaged Area and who declares DAS land more than 80 kilometres away.

### **Rural Development Programme**

14. **Deputy Denis Naughten** asked the Minister for Agriculture, Food and the Marine the steps he is taking to support agricultural development in less favoured areas; and if he will make a statement on the matter. [14597/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The Rural Development Programme for Ireland has an allocation of close on €4.9 billion for the period 2007-2013 to fund various support schemes in the agricultural sector under the principles of competitiveness, improvement of the environment, land management and the development of the wider rural economy. Support for agricultural development in less favoured areas (LFAs) forms an important part of the Programme and these areas are supported both directly through LFA payments themselves and indirectly through schemes such as on farm investment and the Rural Environment Protection Scheme (REPs), Agri-environment Options Scheme (AEOS) and Natura agri-environment schemes. Under the LFA scheme itself a total of €1.1Bn has been spent to date, with €1.67Bn spent on the agri-environmental measures and €56.4m on the Natura Scheme. This is a considerable investment in the LFA areas. In addition, under the on farm investment schemes farmers farming in LFA areas are prioritised by the use of selection criteria for determination of entry to these schemes.

Despite ongoing budgetary constraints, which necessitated a reduction in the funding for the 2012 Disadvantaged Areas Scheme, I remain determined that the Scheme should continue to contribute in a meaningful way to the support of those farming in designated less favoured areas. The most effective way of achieving this is by introducing technical changes to the qualifying criteria, which are designed to ensure that the aid is focused on those whose farming enterprises are located solely in LFA areas and who are making a significant contribution to achieving the objectives of the Scheme, which are defined as follows: (1) To ensure the con-

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tinued agricultural land use and thereby contribute to the maintenance of a viable rural community, (2) to maintain the countryside and (3) to maintain and promote sustainable farming systems which, in particular, take account of environmental protection requirements. The alternative to this approach would simply be to apply an across-the-board cut, which would affect all participants, regardless of their farming activity. As the Disadvantaged Areas Scheme forms part of the partially funded EU Rural Development Programme (2007 to 2013), the proposed changes must be approved by the EU Commission and there are ongoing discussions on this matter involving my Department officials and officials of the EU Commission.

Farmers with ewe breeding flocks situated in Disadvantaged Areas continue to benefit from the payment of aid under the Grassland Sheep Scheme. My Department has paid €16.2 million to 27,829 farmers to date in 2012 under the 2011 Grassland Sheep Scheme. The vast majority of the beneficiaries of aid under this Scheme farm in Disadvantaged Areas. The Grassland Sheep Scheme will continue to support these farmers in 2012 and 2013.

Beef continues to be the principal farming enterprise in Disadvantaged Areas. In that regard, I have also maintained the Suckler Welfare Scheme in which approximately 35,000 suckler farmers continue to participate. Aid payments under this Scheme amount to almost €30million per annum and it is fully funded by the National Exchequer. This Scheme was recently the subject of a Value for Money Review and it was found to be successful in achieving its objectives of improving animal welfare standards and data collection. This has contributed to the increased prices now being achieved for weanlings and the improvement in the reputation of Irish beef in our key export markets.

### **Trade Missions**

15. **Deputy Derek Keating** asked the Minister for Agriculture, Food and the Marine his plans to lead a delegation to China in the new year to increase exports of Irish food products and the opening of new markets; and if he will make a statement on the matter. [14592/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I will lead a trade delegation to China from 15-22 April which will comprise representatives from the meat, dairy, seafood, horse and agri-tech sectors. This Trade Mission follows from the successful visit of the Chinese Vice Minister for Agriculture, Mr Niu Dun in May last year, when we signed an Action Plan on mutual cooperation in the agrifood and fisheries sectors and the recent visit of Vice President Xi Jinping to Ireland from 18-20 February 2012 which identified agriculture as a key area for cooperation between both countries. The forthcoming visit of An Taoiseach to China will also help to further deepen Irish Sino relations.

China is a key strategic market for Irish exports of food, seafood and beverages, and presents significant opportunities for other exports. Exports of Irish food and beverages to China are estimated in 2011 at €215m, including exports of hides and skins. Exports of food and beverages alone have risen from €135m in 2010 to an estimated €180m in 2011. It is anticipated that further growth in exports to China will continue in 2012. This increase in exports reflects not only on the Irish companies and Bord Bia that are proactively promoting sales of Irish food and beverages in China but also on the work of my Department in facilitating market access for individual companies into China. Since taking office as Minister for Agriculture Food and the Marine, I have sought to foster close relationships with my Ministerial counterparts in China and between officials from our respective administrations to further areas of mutual cooperation and to advance and facilitate market access opportunities in China. In addition to a number of political meetings with my Ministerial counterparts in both the Ministry of Agriculture and the General Administration of Quality, Supervision, Inspection and Quarantine

(AQSIQ), the Trade Mission will involve a series of networking events and sectoral specific itineraries for participating companies.

I hope that this Trade Mission will further enhance the already close relationships with China in the agrifood and fisheries areas and help further the growth of Irish exports of food, beverages seafood, horses and agri tech products into China.

### **Common Agricultural Policy**

16. **Deputy Denis Naughten** asked the Minister for Agriculture, Food and the Marine the steps he is taking to construct an alliance at member State level to support Ireland's case for reform of the common agricultural policy; and if he will make a statement on the matter.

[14596/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** It is at all times a key priority of mine to build alliances with my counterparts in like-minded Member States in order to maximise support for my position on the proposed reform of the CAP. Indeed I have been doing so since taking up office in March last year.

During 2011, I had formal bilateral meetings with the EU Agriculture Commissioner and with my German, French, UK, Spanish, Estonian, Finnish and Danish Ministerial colleagues. I also took the opportunity to meet with my Ministerial colleagues from the other Member States and the EU Commission at the EU Council of Agriculture Ministers meetings held each month in Brussels or Luxembourg, and at the Informal Ministerial Councils held in Hungary and Poland. In November of last year I addressed a meeting of the Agricultural Committee of the European Parliament, and I have followed this up in recent weeks by meeting with influential MEPs in the European Parliament and with key interlocutors in the Commission and in the Council Secretariat.

In January of this year I had the pleasure of hosting a second visit to Ireland of the EU Agriculture Commissioner, Dacian Cioloș, during which I took the opportunity to outline Ireland's key priorities in the CAP reform negotiations, and in recent weeks I have met with my Finnish and Lithuanian counterparts.

I plan to continue these contacts over the coming months. As negotiations develop, and, particularly in the run-up to the Irish Presidency of the EU in the first half of 2013, I will continue to engage actively with Ministerial colleagues from other Member States, the Commissioner and Members of the European Parliament. My intention is to maintain and develop alliances with like-minded Member States to secure the best possible outcome for Ireland in the CAP reform negotiations.

I should add that my contacts at Ministerial level are supplemented by a parallel process of detailed engagement at official level by my Department with counterparts from the Commission, European Parliament and other Member States.

### **Single Payment Scheme**

17. **Deputy Martin Ferris** asked the Minister for Agriculture, Food and the Marine the number of farmers that have applied for the single farm payment online so far this year; if he will provide a breakdown by county; and if he will make a statement on the matter. [14639/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** An analysis of the numbers of applications lodged via iNet, my Department's on-line application facility for the Single Payment Scheme, shows continued, year-on-year growth, across all counties, with a seven-fold increase having occurred between the system being launched in 2007 and 2011, when over 54,000 applications were submitted. Initially, farmers and their approved agents were

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attracted to iNet by the fact that it guaranteed immediate, verifiable receipt by my Department of their applications and, through the system of in-built validations, significantly reduced the numbers of errors that could be made, thereby ultimately leading to speedier payment. In keeping with the practice of constantly improving the service and options provided by iNet, I am very pleased to see that it has been technically possible to introduce an on-line mapping element into the 2012 release. This new facility allows farmers, or their agents, who need to submit maps to my Department, to do so through iNet, thereby dispensing with the need to submit paper maps. But the benefits go beyond this, because, by virtue of the maps coming in online will result in greater efficiencies for all concerned. The 2012 version of iNet was released some weeks ago and already some 4,051 applications have been lodged (see county breakdown below). Now with iNet, farmers and their agents also have the facility to partially prepare and save draft versions of their applications, available to them to submit when they so wish.

County	No. of Applications
Carlow	35
Cavan	78
Clare	131
Cork	382
Donegal	817
Dublin	52
Galway	273
Kerry	174
Kildare	105
Kilkenny	83
Laois	101
Leitrim	132
Limerick	134
Longford	25
Louth	59
Mayo	246
Meath	75
Monaghan	249
Offaly	47
Roscommon	46
Sligo	50
Tipperary	260
Waterford	224
Westmeath	128
Wexford	105
Wicklow	40
Total	4,051

I would again advise anyone considering availing of the on-line facility to make enquiries via the website, [www.agfood.ie](http://www.agfood.ie) or, alternatively, the dedicated Helpdesk at Lo-call 1890 252 118.

### Livestock Inspections

18. **Deputy Pearse Doherty** asked the Minister for Agriculture, Food and the Marine if he

will reconsider new livestock inspection in order that they will be more farmer friendly; and if he will make a statement on the matter. [14640/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** My Department, in the context of delivering the Direct Payments Schemes is required to carry out annual inspections covering land eligibility and cross compliance to ensure compliance with EU regulatory requirements.

Eligibility checks must be carried out on 5% of applicants. These checks are carried out to verify that the actual area claimed in the application form corresponds to the area farmed by the farmer and to ensure that any ineligible land/features are deducted. Up to two-thirds of these inspections are carried out without a farm visit as the information is verified using the technique of remote sensing via satellite.

The rate of inspections for cross-compliance is 1% of applicants to whom the Statutory Management Requirements (SMRs) and Good Agricultural Condition (GAEC) apply. However, 3% of farmers must be inspected under the bovine identification and registration requirements while 3% of sheep/goat farmers must be inspected covering 5% of the flock.

EU regulations specify the types of checks that must be carried out in checking compliance with the cattle and sheep identification and registration requirements. For example, my Department must ensure that all animals are properly tagged, that correct passports are held for bovine animals and that all movements of animals are correctly recorded on the Department's database.

Since 2007 EU Regulation permitted the checking of a representative sample of sheep subject to certain criteria and this option was extended to cattle from 2011. My Department's officials will carry out the required checks on this basis, where the criteria have been met.

My Department has, where possible, minimised the inconvenience to farmers by using technology and reduced sample sizes for identification. It should also be remembered the value of these schemes to Irish farmers is €1.8bn annually. It is therefore incumbent on my Department to ensure that the regulatory control environment is comprehensively implemented to avoid EU disallowances.

### **Milk Quota**

19. **Deputy Sandra McLellan** asked the Minister for Agriculture, Food and the Marine if his attention has been drawn to milk quota superlevy fines due to a supply surge so far this year; and if he will make a statement on the matter. [14647/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** With Ireland narrowly avoiding a super levy liability in the 2010/2011 quota year, and with high supply figures in the early months of this quota year, my attention has been firmly focused on the milk super levy situation over the course of the current quota year. In a Press Release as early as the 13 April, 2011, I sought to remind dairy farmers of the need to carefully plan their production activities and to pay close attention to the limitations imposed by the quota regime if they were to avoid potentially damaging super levy fines.

Since that time, I have issued a number of other Press Releases through my Department to dairy farmers to highlight the critical importance of ensuring that their production remains within quota this year.

Both I, and officials of my Department, have also been very active throughout the current quota year in attempting to achieve an adjustment to the quota regime at EU level. Unfortu-

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nately, there is not enough support among other Member States to bring about such a change at this juncture.

As we approach the end of the current quota year, I would again urge dairy farmers to continue to take the necessary steps to avoid super levy fines and remind them to put an appropriate production management strategy in place for next year.

### **Artisan Food Sector**

20. **Deputy Peadar Tóibín** asked the Minister for Agriculture, Food and the Marine the number of jobs that are sustained within the artisan food sector; the trajectory of this sector; the level of specific targeted support that this sector receives; and his plans, if any, to simplify the structures and supports available for the artisan food producers to export goods to the international market. [11334/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Neither the CSO nor my Department hold the figures requested by the Deputy as there is not a consensus definition of “artisan” food businesses. Artisan food is categorised by an uncompromised commitment to food making skill which results in superior flavour or taste. It may also be identified in terms of the skills, passion and beliefs of the individuals behind the foods. Typically such individuals seek out the best available ingredients and make their food using non-industrial and artisan techniques, which are usually labour intensive. Ireland’s small business base in the food sector is estimated to comprise some 350 firms employing around 3,000 people and 25% of these businesses might be considered artisan.

The Food Harvest 2020 Report recognises the emergence of Ireland’s artisan food sector and its potential for growth, innovation and enrichment of Ireland’s tourism and the image of Ireland internationally. The Report encourages an entrepreneurial approach to small start-up food businesses and artisan producers and action to promote sustainable and locally embedded food procurement policies and systems; to promote and broaden opportunities, including local markets, for consumers and visiting tourists to purchase local food; to conserve and promote distinctive local food traditions at EU level and to work with bodies such as the TASTE Council and Slow Food. Artisan food businesses may avail of a range of services and supports from national and local development agencies. Some supports specifically targets at artisan and speciality food businesses are the Bord Bia Vantage suite of services for small business [www.bordbiavantage.ie](http://www.bordbiavantage.ie), specialist advice and courses from Teagasc and product development support from Bord Iascaigh Mhara. My own Department is funding the 2011/2012 UCC Diploma in Specialty Food and together with Bord Bia is running a series of Regional Food Showcases in conjunction with national and local development agencies which give artisan and specialty food producers an opportunity to display their food products and meet potential buyers.

### **Food Exports to Iran**

21. **Deputy Derek Keating** asked the Minister for Agriculture, Food and the Marine the total amount of exports in food products — meat, beef, lamb and fowl — to Iran in 2010, 2011 and to date in 2012; the person who represents Ireland in Iran now that the Iranian Embassy services have been transferred; and if he will make a statement on the matter. [14591/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Ireland does not have access for beef or sheepmeat to Iran at present and therefore does not export any meats to Iran. My Department has been in contact with the Iranian authorities, through the Depart-

ment of Foreign Affairs and Trade, in furtherance of our continuing efforts to gain access to the Iranian market for Irish beef and sheepmeat. In particular we have been engaged with official veterinarians from Iran to demonstrate the quality and safety of our control systems. We would hope to reach an agreement with the Iranian authorities on a bilateral basis in due course.

The Government plans to maintain diplomatic relations with Iran through the appointment of a non-resident Ambassador. It is proposed to accredit an Ambassador in the region as Ambassador to Iran and the Government is in the process of seeking the agreement of the Iranian authorities to this arrangement.

### **Agri-Environment Options Scheme**

22. **Deputy Micheál Martin** asked the Minister for Agriculture, Food and the Marine if he will outline the details of the agri environment options scheme 2012; and if he will make a statement on the matter. [14622/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I would like, at the outset, to emphasise my commitment to the agri-environment schemes which put environmentally-friendly farming to the forefront and which recognise the vital role farmers play in delivering public goods for the benefit of all society. Both my own and the Government's commitment in this regard are highlighted by the fact that despite the financial pressures facing my Department, I have made provision in 2012 for €243 million under agri-environment schemes. It is also the reason why, despite serious budgetary pressures, I reopened the Agri-Environment Options Scheme last year.

I am now considering the possibility of re-opening the Agri-Environment Options Scheme in 2012, possibly on an amended basis or on a limited scale and will make an announcement on the matter shortly. I am actively considering the various options for such a scheme but I am particularly concerned about the budgetary implications which will play an important part in any decision I take. The full year cost of funding a new scheme will fall to be met in 2013. Accordingly any decision to re-open for applications in 2012 will be taken in the context of my Department's expenditure ceiling for 2013 as agreed by Government and, in particular, on how a new scheme might be funded within the reduced funding and the resulting pressures on the 2013 Vote.

### **Draught Horse Passports**

23. **Deputy Jonathan O'Brien** asked the Minister for Agriculture, Food and the Marine the number of Irish draught horse passports processed by Horse Sport Ireland in the years 2008, 2009, 2010 and 2011; and if he will make a statement on the matter. [14649/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Horse Sport Ireland is approved by my Department, in accordance with the relevant EU and National Zootechnical legislation to manage the Irish Draught Horse studbook, including the issuing of passports for horses of the breed. As the issuing of passports is considered a day-to-day studbook management matter the Deputy should contact Horse Sport Ireland directly for such information.

### **Animal Welfare**

24. **Deputy Brian Stanley** asked the Minister for Agriculture, Food and the Marine if minks, cats and racing horses will be included in the upcoming Animal Welfare Bill; and if he will make a statement on the matter. [14642/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The new Animal Health and Welfare Bill proposes to amend, consolidate and update legislation in the area of animal health and welfare, particularly to reflect the changed disease status of our animals and to ensure that the welfare of all animals is properly protected. In the Bill the term animal “means a member of the kingdom animalae other than a human being”, mink, cats and horses will therefore all be covered by its general provisions.

Under the Bill, persons possessing animals are required to safeguard their welfare and provide them with adequate food, water and shelter. There will also be provisions for powers of intervention where an animal is deemed to be at risk of being welfare compromised and issues such as the prevention of unnecessary suffering and abandonment of animals will also be addressed. In addition the new Bill proposes to increase both the powers of authorised officers and the level of penalties to be imposed with fines being proportionate to the offence. The Bill will be published shortly.

### Environmental Schemes

25. **Deputy Robert Troy** asked the Minister for Agriculture, Food and the Marine the level of funding provided for REP scheme and agri-environment options scheme for 2011; the expenditure incurred under those schemes in 2011; and if he will make a statement on the matter. [14635/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I am committed to agri-environment schemes, which put environmentally-friendly farming to the forefront and which recognise the vital role farmers play in delivering public goods for the benefit of all society. The funding provided for agri-environment schemes, covering the Rural Environment Protection Scheme (REPS) and the Agri-environment Options Scheme (AEOS) 2011 was €337 million. The actual expenditure incurred for REPS and AEOS in 2011 was €262.9 and €14.1 million respectively. Despite the financial pressures facing my Department, I have made provision in 2012 for the schemes of €243 million.

### Disadvantaged Areas Scheme

26. **Deputy Brian Stanley** asked the Minister for Agriculture, Food and the Marine the number of farmers who were eligible for disadvantaged area payments in 2011, but will not qualify in 2012 due to changes in the stocking density; if he will provide a breakdown nationally and by county or region; and if he will make a statement on the matter. [14643/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The budgeted expenditure under the 2012 Disadvantaged Areas Scheme is being reduced from €220 million to €190 million and in order to make the necessary savings it is proposed to make technical adjustments to the Scheme criteria to ensure that the aid payment is focused on farmers whose farming enterprises are situated exclusively in DAS areas and who are making a significant contribution to achieving the objectives of the Scheme, which are defined in the governing EU legislation as follows:

- To ensure continued agricultural land use and thereby contribute to the maintenance of a viable rural community;
- To maintain the countryside;
- To maintain and promote sustainable farming systems, which, in particular, take, account of environmental protection measures.

As the Disadvantaged Areas Scheme is co-funded by the EU under the Rural Development Programme 2007/2013, it is necessary to obtain the agreement of the EU Commission to any proposed changes; my officials are involved in ongoing discussions with Commission officials in this regard and a decision is awaited. It should be noted that the proposed criteria may be subject to some changes following the conclusion of the discussions with the EU Commission.

As the conditions of the scheme have not been finalised it is not possible to give a breakdown by county or region. However, it is intended that, should agreement be forthcoming, those farmers who do not qualify for the 2012 Scheme on the basis of not having achieved a minimum stocking rate of 0.3 livestock units per forage hectare in 2011 will be allowed appeal, with provision will be made for exceptional circumstances, including recognised Force Majeure. Provision will also be made for (a) those restricted by Environmental Plans and (b) new entrants.

### Appointment of Inspector

27. **Deputy Michael Colreavy** asked the Minister for Agriculture, Food and the Marine his plans to appoint a regional inspector at his Department's office in Drumshanbo, County Leitrim, following the retirement of the previous regional inspector last November; and if he will make a statement on the matter. [14637/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The post to which the Deputy refers has recently become vacant and, as the Deputy will be aware, a moratorium on recruitment and promotion is in place in the public service. Alternative arrangements are being put in place to address this vacancy.

### Targeted Agricultural Modernisation Schemes

28. **Deputy Billy Kelleher** asked the Minister for Agriculture, Food and the Marine the level of funding provided for the targeted agricultural modernisation schemes for 2011; the amount of expenditure incurred under those schemes in 2011; and if he will make a statement on the matter. [14617/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The original allocation for the Targeted Agricultural Modernisation Schemes (TAMS) for 2011 was €21.3 million. As the deputy will be aware, the schemes were suspended for new applications on 8 June 2011 and were re-opened in December 2011 following the comprehensive review of my Department's expenditure which was underway at that time and the particular issue of consideration of funding for the Department's capital expenditure programme in 2013.

Grant payments under the TAMS may only be made when documented claims in respect of completed projects have been submitted by applicants and verified by my Department. The expenditure for the calendar year 2011 under the Schemes concerned is set out in the following table:

Scheme	Amount (€m)
Bioenergy	0.363
Dairy Equipment	—
Poultry Welfare	0.462
Rainwater Harvesting	—
Sheep Fencing/Handling	—
Sow Welfare	—
Total	0.825

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Under the TAMS, farmers generally have a period of two years from the date of issue of approval to complete the investment works concerned.

### **Food Industry**

29. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the extent to which he and his EU colleagues have reached consensus on the future development of the food industry throughout Europe and as a consequence in this country with a view to maximisation of the potential of the industry in the current economic climate to play a major part in economic recovery; the extent to which he can expect to have this position recognised and protected in the context of any World Trade Organisation discussions in view of the urgency to achieve the highest possible benefit for the sector in the future; and if he will make a statement on the matter. [14576/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I believe there is a good commitment within the EU to a strong agrifood sector and an increased recognition of the importance of the sector's contribution to the achievement of economic, social and environmental objectives. In developing the EU2020 strategy for recovery and growth in Europe, Heads of State and Government in the European Council recognised this contribution concluding that “a sustainable, productive and competitive agricultural sector will make an important contribution to the new strategy, considering the growth and employment potential of rural areas while ensuring fair competition”.

Moving forward to the CAP Reform Package, the three key principles underpinning the EU Commission's proposals for reform of the Common Agricultural Policy are to preserve food production potential in the EU, to ensure sustainable management of natural resources and to maintain viable rural areas. In those circumstances, I am satisfied that there is good support to ensure the future viability of the food industry in Europe while achieving security of food supply and maintaining farm families on the land.

Over recent years an alliance of some 14 Member States, including Ireland, has pressed on a continuous basis for a strong CAP and to defend EU agricultural interests in the WTO. Indeed this alliance has been augmented from time to time by support from additional Member States. It is worth noting that the conclusions drawn up last year by the Hungarian EU Presidency seeking a strong CAP with resources commensurate with its objectives gained the support of twenty Member States. These Member States also agreed that one of the three main objectives for the future CAP should be to ensure viable food production. They also endorsed the other objectives of sustainable management of natural resources and climate action as well as balanced territorial development.

As to the WTO Doha Development Round, talks are stalled at present and the prospects for conclusion of an agreement are uncertain at this point in time. Nevertheless, I will continue to maintain pressure to secure an acceptable outcome from these negotiations that does not undermine the development of European and Irish agriculture.

### **National College of Amenity Horticulture**

30. **Deputy Clare Daly** asked the Minister for Agriculture, Food and the Marine his views on the fact that in September of this year all students of the college of amenity horticulture in the Botanic Gardens will be moved to Teagasc in Kinsealy, County Dublin, to facilitate a €2.5 million upgrade in the Botanic Gardens increasing the Teagasc rental footprint, although all the facilities exist in Kinsealy to support this educational programme at no extra cost. [14471/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** This is an operational matter for the Teagasc, a non commercial semi state body operating under the aegis of the Department. Ministerial responsibility is confined to matters of policy in accordance with the Act and the Minister does not interfere in the day to day operations of Teagasc.

I understand that Teagasc has had a long standing relationship with the National Botanic Gardens through the location of the National College of Amenity Horticulture at the Gardens. This has been a strategically important arrangement both for Teagasc and for horticultural education in this country. The branding that is associated with the Botanic Gardens and the opportunities to work with the extensive plant collections at the Gardens has greatly enhanced horticultural education.

As part of Teagasc's ongoing upgrading of education facilities, the Teagasc Authority approved a €2.5 million capital improvement programme at the College of Amenity Horticulture in the Botanic Gardens. This decision was taken in advance of the decision to relocate the Kinsealy facility to Ashtown.

Construction of the new facilities in the Botanic Gardens is ready to proceed. Because the development is linked to the existing education facility, it will give rise to significant health and safety risks at that facility. Accordingly, Teagasc has decided to temporarily relocate staff and education programmes at the Botanic Gardens to the Kinsealy facility during the construction phase which is expected to be completed by June 2013. In the meantime, students will still need to attend at the Botanic Gardens for outdoor practical training sessions. On completion of the project, staff and education programmes will relocate back to the Botanic Gardens.

#### **Ownership of Coillte Lands**

31. **Deputy Richard Boyd Barrett** asked the Minister for Agriculture, Food and the Marine if he will explain the sense in which the State will retain ownership over Coillte lands if the company is sold and a private commercial entity has control of the enterprise and if, for example, under such an agreement it might be open to a private company to restrict public access to forest amenity areas or charge for same or de-forest environmentally precious areas; and if he will make a statement on the matter. [12846/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** As recently announced by the Government, consideration will be given to the possible sale of some assets of Coillte excluding the sale of land. A valuation of Coillte assets is currently being undertaken by the NTMA (NewERA unit) in conjunction with my Department and the Department of Public Expenditure and Reform. No decision on the possible sale of Coillte assets will be taken until the valuation process is completed.

I am conscious that Coillte's forests provide a range of recreational opportunities for the general public continuing a long tradition of open access to state owned forests. I am aware that this is a very significant issue of concern for the general public, therefore public access to recreational land will be an important consideration in the decision-making process regarding the potential sale of such assets.

In relation to deforestation, it is illegal, under the Forestry Act, 1946, with certain limited exceptions, to cut down any tree of any age without a felling licence. In deciding whether to issue a felling licence my Department may consult with the National Parks and Wildlife Service on applications in environmentally sensitive areas. Any person uprooting or cutting down a tree without a felling licence may be prosecuted.

### **Pigmeat Sector**

32. **Deputy Michael McGrath** asked the Minister for Agriculture, Food and the Marine the proposals he has to assist the pig production sector in view of the particular difficulties affecting that sector; and if he will make a statement on the matter. [14625/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I am aware of the concerns currently being expressed by the pig production sector, particularly in relation to feed costs and the availability of credit. The pig sector remains the third largest individual component of the agrifood sector, with production, prices and exports all growing significantly during 2011.

Notwithstanding this, high feed costs, most notably cereals and compound feed remain an issue. Pig producers are especially affected by the increase in cereal prices since June 2009, given that cereals account for 70% of feed.

Prices of pigmeat and of course feed are ultimately determined by demand and supply considerations. For my part, I will ask my officials to continue to explore with the European Commission all available market supports when circumstances require them, to ameliorate the worst effects of price volatility. Indeed last year's Aid to Private Storage Scheme for pigmeat played a significant role in putting a floor under pigmeat prices at that time. This, together with release of cereal stocks from intervention, improved the situation somewhat at that time.

I have held a number of meetings with representatives from the Irish Banking Federation to discuss the issues of credit and financing difficulties and have asked my officials to arrange a further meeting as soon as possible.

To assist the pig sector with the new loose sow housing welfare requirements, my Department introduced as part of the Targeted Agricultural Modernisation Scheme (TAMS) a measure 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.

In addition my Department supports the work of a number of agencies who also have a role in developing the pigmeat sector; Bord Bia through its Pig Quality Assurance Scheme (PQAS) and Teagasc which has an advisory and research role and assisted with the "Development Strategy for the Irish Pig Industry", prepared in 2008.

I can assure the Deputy 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.

### **Common Agricultural Policy**

33. **Deputy Patrick Nulty** asked the Minister for Agriculture, Food and the Marine if he is willing to discuss proposals for reform of the Common Agricultural Policy which raise concerns with the flat payment per hectare model; if he is willing to consider proposals on a cut off payment at a certain amount of hectares; and if he will make a statement on the matter. [14601/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The European Commission's proposals for the Common Agricultural Policy for the period 2014 to 2020 include a gradual move away from payments based on historical production towards a system of uniform national or regional payment rates by 2019.

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

I have been relaying these concerns very strongly at every opportunity in recent months, including in the course of discussions with the European Commissioner for Agriculture and Rural Development, Dacian Cioloş, during his visit to Dublin in January and in bilateral contacts with Ministerial counterparts. I am pressing for the maximum possible flexibility to be given to Member States to design payment models that suit their own farming conditions, and to include the possibility of lengthy transition periods. The ‘approximation’ approach, by which all payments could gradually move towards the average, and which the Commission itself has adopted in the distribution of funds between Member States, is one alternative that is currently being examined.

I will continue to work intensively with the Commissioner and with my counterparts at the Council of Ministers to achieve the required flexibility and to come up with an acceptable solution that does not have the dramatic redistributive effects inherent in the current proposals.

#### **Teagasc Rationalisation Programme**

34. **Deputy Thomas P. Broughan** asked the Minister for Agriculture, Food and the Marine if he has been briefed by Teagasc on the proposed closure of the Kinsealy research centre, Dublin, and relocation of staff and the Kinsealy function to the Teagasc Ashtown facility, Dublin; if he is satisfied that the Ashtown facility has the requisite land and services necessary for the critical horticulture research that has been undertaken at the Kinsealy research centre; if the Ashtown centre will have to buy or lease any land to facilitate the Kinsealy horticulture functions; and if he will make a statement on the matter. [14595/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** This is an operational matter for Teagasc, a non commercial semi state body operating under the aegis of my Department. Ministerial responsibility is confined to matters of policy in accordance with the Act and the Minister does not interfere in the day to day operations of Teagasc.

I have been advised by Teagasc that the proposed closure of the Kinsealy Research Centre is part of a rationalisation programme to improve efficiencies, streamline services and promote greater integration across the organisation.

The decision reflects the considered view of Teagasc that the Centre is no longer a strategic site for the organisation. In the vicinity of Dublin, Teagasc currently operates at two owned locations at Kinsealy and Ashtown as well as using the unique leased facilities of the Botanic Gardens. The facilities at Kinsealy and Ashtown represent “Campus” type operations. Teagasc advise that the position of these two major facilities in close proximity is exceptional when compared to the siting of all other Teagasc current locations of campus operations. Accordingly, in order to develop a coherent national rationalisation plan, Teagasc decided that it was necessary to maintain only a single facility in Dublin and a decision was made to close the Kinsealy facility and concentrate activities at Ashtown. The move to Ashtown will allow

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Teagasc optimize the usage of this valuable Centre where excellent facilities have been developed in recent years.

Teagasc has advised that the re-location of services from Kinsealy will not impact negatively on their support for the horticulture sector. The role of horticultural research at Kinsealy has diminished significantly and most of the 37 permanent staff currently based there are not involved in Horticulture Research and could operate from other sites. In fact, only 1.5 permanent horticulture researchers now work in Kinsealy.

Teagasc has published a new Horticultural Plan designed to provide improved support to the sector. The Plan sets out how Teagasc will support the horticultural industry from Ashtown and other facilities and in particular through closer co-operation with producer clients to undertake specific research at their facilities. I understand that Teagasc has recently been made aware that some lands immediately adjacent to their Ashtown Centre have become available and they may consider leasing some of these lands at a future date if a business case can be made.

### Fuel Costs

35. **Deputy Mick Wallace** asked the Minister for Agriculture, Food and the Marine if he agrees that generally speaking agriculture is doing well at the moment but not all farmers are finding it so easy, and high fuel costs are certainly a major factor in the difficulties they are facing; and if he will make a statement on the matter. [14590/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The agrifood sector has performed very well in the last two years. Agrifood exports have increased by 25% in that time and now stand at almost €9bn. World food prices, including dairy and meat prices, have been high in recent years, and Irish farmers have benefitted from this.

But of course there are also challenges. At farm level, volatility is always a risk factor. Farm incomes are currently very good, but in 2009 they were very poor. Farmers are also much more exposed now to global food prices that, while currently very high, could easily drop substantially and damage the sector. Input costs have increased substantially in recent years, often more than output prices, so farmer margins have been squeezed. This should be obvious if you consider the huge increases in commodity prices and fuel costs, but other inputs have also increased, most especially fertiliser costs. The pig sector has had particular problems in this regard.

The high cost of fuel is a problem for several sectors. I am pleased that the Minister for Finance provided for an additional relief for farmers in budget 2012 in relation to their use of marked gas oil.

### Potato Industry

36. **Deputy Jonathan O'Brien** asked the Minister for Agriculture, Food and the Marine his plans to provide support for potato growers who are currently experiencing low prices; and if he will make a statement on the matter. [14650/12]

**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, which has led to excess supplies and downward pressure on prices. This is coupled with the fact that per capita consumption has been declining on an annual basis.

A key objective for this sector is to increase consumption of potatoes and in this regard a number of new initiatives are taking place to raise awareness and in turn increase consumption of potatoes.

A Potato Promotions Group under the auspices of Bord Bia was established in February 2012 which aims at stabilising potato consumption in the short term and rebuilding consumption in the medium to longer term. The group includes representatives of Bord Bia, the Irish Potato Federation, the Irish Farmers Association and my Department. New research carried out by Bord Bia has identified clearly the reasons for the drop in potato consumption in recent years. In light of this, the Potato Promotions Group will develop a promotional strategy around the outcome of this research which will attempt to address consumers' concerns on the regular consumption of potatoes.

Furthermore, a new website for consumers, an initiative of the Irish Potato Federation and supported by Bord Bia, called *Potato.ie* was launched to promote potatoes. Current promotional activity is focused on driving consumers to the website.

### **Agri-Environment Options Scheme**

37. **Deputy Sandra McLellan** asked the Minister for Agriculture, Food and the Marine if he has made any decisions regarding funding for the agri-environment options scheme 2012; and if he will make a statement on the matter. [14648/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I would like, at the outset, to emphasise my commitment to the agri-environment schemes which put environmentally-friendly farming to the forefront and which recognise the vital role farmers play in delivering public goods for the benefit of all society. Both my own and the Government's commitment in this regard are highlighted by the fact that despite the financial pressures facing my Department, I have made provision in 2012 for €243 million under agri-environment schemes. It is also the reason why, despite serious budgetary pressures, I reopened the Agri-Environment Options Scheme last year.

I am now considering the possibility of re-opening the Agri-Environment Options Scheme in 2012, possibly on an amended basis or on a limited scale and will make an announcement on the matter shortly. I am actively considering the various options for such a scheme but I am particularly concerned about the budgetary implications which will play an important part in any decision I take. The full year cost of funding a new scheme will fall to be met in 2013. Accordingly any decision will be taken in the context of my Department's expenditure ceiling for 2013 as agreed by Government and, in particular, on how a new scheme might be funded within the reduced funding and the resulting pressures on the 2013 Vote for my Department.

### **Departmental Agencies**

38. **Deputy Thomas P. Broughan** asked the Minister for Agriculture, Food and the Marine if he will report on the operation of Teagasc; the numbers employed by Teagasc each year from 2007 to date in 2012; the number of centres or sites and the key activities carried out at each of these centres under the operation of Teagasc each year from 2007 to date in 2012; and if he will make a statement on the matter. [14598/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Teagasc operates as a separate non-commercial semi state body under the aegis of the Department of Agriculture, Food and the Marine with their own management structure and governing Authority. They develop their programmes, services and activities in accordance with Government policy

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and in conjunction with clients and partners overseen by an Authority that is representative of the main stakeholder groups in the agrifood sector.

The Act establishing Teagasc confers on it principal functions in relation to the provision of education, advisory and research services to the agriculture sector. It is a matter for Teagasc to prioritise activities in the delivery of these services and to allocate its resources in accordance with these priorities. Ministerial responsibility is confined to matters of policy in accordance with the Act and the Minister does not interfere in the day-to-day operations of Teagasc. The total staff working in Teagasc on 1 January for each respective year is as follows:

Year	Number (fulltime equivalents)
2007	1,549
2008	1,512
2009	1,574
2010	1,385
2011	1,296
2012	1,189

In 2009, Teagasc commenced implementation of a major Change Programme to achieve greater efficiencies in all aspects of their business and to address the need for significant resource rationalisation. The Programme provides for rationalisation measures across the organisation including consolidating the numbers of offices in a smaller number of locations. Prior to this, Teagasc operated at 91 locations made up of 10 major Campus Centres (providing Research, Advisory and Educational Services) and 81 Advisory Centres. I have been advised by Teagasc that the number of locations is being streamlined to 51 by end 2012. The decision to close offices and concentrate the delivery of services at fewer locations is an operational matter for Teagasc.

Teagasc publishes an Annual Report on its activities but the Deputy may wish to contact Teagasc directly for a more detailed reply on the activities carried out at individual sites.

### **Milk Quota**

39. **Deputy Pearse Doherty** asked the Minister for Agriculture, Food and the Marine the provisions he will put in place for new entrants to the dairy sector after the ending of milk quotas; and if he will make a statement on the matter. [14641/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The decision to abolish milk quotas with effect from 1 April 2015 was made in the context of the CAP Health Check in 2008. Ireland strongly supported their abolition, on the basis that quotas were widely regarded by both the Irish dairy sector and market analysts as a brake on the potential of the Irish dairy sector to respond positively to market opportunities.

As a result the supply management arrangements that currently exist will no longer apply after 2015, and it will be a matter for the processing industry to work with the milk producers, including new entrants, to ensure a coherent and thriving dairy industry post quotas.

In the meantime, I will, of course work to ensure that the dairy industry can continue to develop in the manner envisaged in Food Harvest 2020 Report, supported by a strong and effective Common Agricultural Policy after 2013, and in the meantime by schemes such as the Dairy Investment Scheme, the Dairy Efficiency Programme, and the taxation measures intro-

duced to support the farm sector in Budget 2011, included the increased stock relief to encourage participation by young farmers in dairy farm partnerships.

### **Common Fisheries Policy**

40. **Deputy Clare Daly** asked the Minister for Agriculture, Food and the Marine his views that sustainable fisheries under Common Fisheries Policy reform cannot be implemented without a comprehensive, unrestricted observer regime. [14599/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The sustainable exploitation of any renewable natural resource, means that the resource can be used indefinitely. Fisheries can be defined as sustainable, when they are conducted over the long term at an acceptable level of biological and economic productivity, without leading to ecological changes that exclude options for future generations.

Under the reform of the Common Fisheries Policy, the European Commission have proposed a fisheries management regime in the context of Maximum Sustainable Yield (MSY). This means taking each year a proportion of fish in the sea that is the right size to let fish grow and reproduce at their most productive level. From a broader perspective as I have previously stated, Ireland is committed to having Total Allowable Catches set at levels that can produce Maximum Sustainable Yield (MSY) by 2015, where possible. The philosophy behind this approach is to obtain the maximum long-term catch, while simultaneously ensuring the stock size is kept large enough to maintain productivity. However, I would stress that the transition from the current management framework to a framework based on MSY will need to be on a phased basis. Where we have the necessary scientific advice from ICES, I was supportive of TACs for 2012 that ensure that we are delivering MSY for these stocks by 2015. In this way, the transition to MSY will take account of the socio-economic impacts through reduced catches in the short term. The benefit of an MSY approach is that in the longer term, it will deliver more stable and sustainable fisheries for our industry. There is a huge volume of fishing trips undertaken by Irish vessels and indeed the whole European fleet on an annual basis. In these circumstances, the resource and cost implications of a comprehensive observer programme can not be justified. The delivery of sustainable fisheries is not, in my view, dependant on a full observer coverage programme. It is dependant on, inter alia, the support and buy-in of fishermen to conservation measures and compliance with quotas set together with an effective control regime.

An observer programme is in place in order to collect data to inform scientific advice on the state of fish stocks. Under the EU Data Collection Regulation (EC No 199/2008) Ireland is required to collect data on fish stocks and fisheries. The Marine Institute (MI) is charged by my Department to carry out the Irish work programmes in relation to our obligations under the Data Collection Framework (DCF). The DCF supports the scientific advice needed to conduct the Common Fisheries Policy.

The MI carries out a work programme which includes a comprehensive research vessel survey programme, port sampling of landings, sea sampling of discards, age profile of the fisheries resource, analyses of EU Logbook and Vessel Monitoring Systems (VMS) data. These data are the raw material used to assess the resource and develop scientific advice. Furthermore, a three-year National DCF Programme was developed by the Fisheries Science Services unit (FSS) for the years 2011 to 2013 and was submitted to the EU Commission in May 2010. The programme was evaluated in June 2010 and EU funding of €9 million was secured by Ireland to conduct the Irish data collection programme. This programme, including the observer element, is a vital requirement to inform decision making on sustainable fisheries.

### **Agricultural College Places**

41. **Deputy Mick Wallace** asked the Minister for Agriculture, Food and the Marine if he intends to look at the issue of agricultural college placements when demand far exceeds supply in view of the strong emphasis being placed on agriculture at present; and if he will make a statement on the matter. [14589/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** This is an operational matter for the Teagasc Authority.

Under the Agriculture, (Research, Training and Advice) Act, 1988, Teagasc has statutory responsibility for the provision of education, research and advisory services to the Agriculture sector. It is a matter for Teagasc to prioritise activities in the delivery of these services and to allocate its resources in accordance with these priorities.

Teagasc provide a wide range of full and part-time agricultural and horticultural courses through their network of agricultural colleges, regional education centres and in collaboration with Institutes of Technologies and Universities. It is acknowledged that the demand for courses has reached unprecedented levels in recent years. In order to respond positively to the current demand for places, Teagasc were granted exceptional sanction in August 2011 to recruit six contract teaching staff in the agricultural colleges. This measure was complemented by other Teagasc initiatives including increased student- teacher ratios, redeployment of six advisory staff to the colleges and subcontracting the delivery of specific education modules across a number of colleges and local centres. As a result of these initiatives, all the Agricultural Colleges were able to take in additional students in 2011.

The question of additional resources into the future must have regard to the need to reduce public service numbers. This requires all public bodies to comply with annual ceilings on staff numbers and to reallocate or reorganise work or staff accordingly.

### **Diplomatic Representations**

42. **Deputy Dominic Hannigan** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will liaise with the United Arab Emirates justice department to find out what is happening with an Irish person (details supplied); the steps the UAE justice department intend to take with this person; the charges that are going to be pressed against the person, if any; the steps he can take to help this person leave the UAE and return to Ireland; and if he will make a statement on the matter. [15782/12]

55. **Deputy Joe Higgins** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has made representations for the release of a female Irish citizen detained in Dubai on or around 1 March 2012; and if he will make a statement on the matter. [15632/12]

59. **Deputy Dominic Hannigan** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will ascertain the position regarding an Irish citizen (details supplied) in County Wicklow who is currently being detained in the United Arab Emirates; the steps the diplomatic service can take to help the person out of the situation they are in; if he will help along with the diplomatic staff in finding a resolution for the person so that they can leave the UAE and return to Ireland; and if he will make a statement on the matter. [15781/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I propose to take Questions Nos. 42, 55 and 59 together.

The person referred to by the Deputy was arrested and detained by the United Arab Emirates authorities on 28 February 2012.

Consular assistance has been provided by my Department, through our Embassy in Abu Dhabi and the Consular Assistance Section in Dublin. Our Embassy is in direct contact with the Irish citizen and a Consular Officer visited her in prison on 3 March 2012 and again on 12 March 2012. I am pleased to let the Deputy know the Embassy is also assisting with arrangements for a pastoral visit to the Irish citizen by a Bishop from her church. Our Consular Assistance Section is in direct contact with the Irish citizen's daughter in Ireland and met with her on 6 March 2012.

I am informed that Embassy has made a formal request to the Ministry of Foreign Affairs of the United Arab Emirates seeking information on the reason for her arrest and detention. As I am sure the Deputy will appreciate, there are limits to what the Department of Foreign Affairs and Trade and its consular and diplomatic missions can do in circumstances where an Irish citizen has been arrested and detained abroad. However, our Embassy and the Consular Assistance Section remain available to offer consular assistance and has provided the family with a list of English speaking lawyers.

### **Illegal Israeli Imports**

43. **Deputy Seán Ó Fearghaíl** asked the Tánaiste and Minister for Foreign Affairs and Trade if his attention has been drawn to the percentage of imports that purport to be from Israel but are in fact from illegal Israeli settlements; and if he will make a statement on the matter. [14896/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** Products from Israeli settlements are not in themselves illegal. However, they are not covered by the preferential tariff rates which apply to the import into the EU of products from Israel. As with any arrangement providing for free trade or preferential access to the EU, the possibility exists that the origin of products may be misrepresented with a view to benefitting from these measures. I am aware of allegations in this regard concerning settlement products, but not of any statistics giving percentages. In general it is for the importer to claim exceptions or preferential rates where these apply; if he does so incorrectly he makes himself financially liable.

I should point out that competence in matters of this kind lies with the revenue and law enforcement authorities.

### **Foreign Conflicts**

44. **Deputy Seán Ó Fearghaíl** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has given further consideration to the views of a person (details supplied) regarding the possibility of further conflict in Bosnia; his views on whether the lack of enforcement of the Dayton rules by the Office of the United Nations High Representative and EUFOR is leading towards greater instability and the possibility of State collapse; and if he will make a statement on the matter. [14897/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** Since addressing this issue in response to a parliamentary question on 25 January there have been encouraging developments in Bosnia-Herzegovina moving it closer to a demonstrable realisation of its European perspective. Firstly, following the formation of the State-level government on 10 February, Chairman of the Council of Ministers, Vjekoslav Bevanda, has publically stated his intention to implement the necessary reforms to enable the EU-Bosnia-Herzegovina Stabilisation and Association Agreement (SAA) to come into force and, thereafter, to bring forward an application for EU candidate status before the end of this year. While this is an ambitious timeframe, the intention nevertheless demonstrates a political will at the State-level to achieve

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tangible goals that will move Bosnia-Herzegovina closer to the European Union and is an undeniable affirmation of the European aspirations of Sarajevo.

Work is progressing in Bosnia-Herzegovina on fulfilling the conditions required to allow for the entry into force of the SAA. This in itself is indicative of an atmosphere of stability and a motivated attitude towards implementing the necessary reforms for European integration.

This is not to say that vigilance, and indeed active engagement by the international community, in Bosnia-Herzegovina is not warranted. Problems of dysfunctionality, criminality and corruption exist and are the greatest challenge to reform facing Bosnia-Herzegovina. They are also the greatest challenges facing the international community, in particular the European Union, in assisting the country in paving its way towards European integration.

I agree with the assessment that a return to organised violence and a collapse of the State is unlikely. The continued presence of EUFOR Althea with its peace and stabilisation role, which was authorised for a further 12 months by the UN Security Council last November, is, I believe, a sufficient deterrent to any unlikely organised mass-mobilisation of violence. I would also agree with the proposition that as Bosnia-Herzegovina moves forward, it should do so with the European Union rather than under aegis of the Office of the High Representative (OHR) and the Bonn Powers. With the assumption of the role of European Union Special Representative by Peter Sorensen in September 2011, the EU has reinforced its presence in Bosnia-Herzegovina with the express aim of accelerating the country's progress towards EU membership and reaffirming the inalienable European identity of Bosnia-Herzegovina.

Also, with the conferring of candidate status on Serbia at the March European Council and the signing of the Croatian Accession Treaty in December, both of which Ireland was, and continues to be, strongly supportive, I look forward to the constructive role that both countries will play in assisting Bosnia in following the path towards the EU that they are so successfully treading.

### **Nuclear Disarmament Initiative**

45. **Deputy Finian McGrath** asked the Tánaiste and Minister for Foreign Affairs and Trade if it is correct that Israel has 400 nuclear warheads; and if he will clarify his position on this matter. [14992/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** Israel has never officially declared itself to possess nuclear weapons. It is one of just three states not party to the Nuclear Non-Proliferation Treaty, which is acknowledged as a cornerstone of the international non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament. Ireland has a long and very close association with the NPT and, in national and EU statements, and also through our participation in the New Agenda Coalition, we have repeatedly called on all three states not party to the NPT to accede to the Treaty as non-nuclear weapons states and to conclude a full scope safeguards agreement with the International Atomic Energy Agency (IAEA). We will continue to do this. The Deputy can be assured that universal adherence to, and full implementation of, the NPT remain key foreign policy objectives for the Government as we enter the 2015 NPT review cycle, which will begin next month in Vienna.

### **Human Rights Issues**

46. **Deputy Finian McGrath** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on a matter (details supplied). [15409/12]

56. **Deputy Michael Creed** asked the Tánaiste and Minister for Foreign Affairs and Trade the steps taken by him to assist the international endeavour to bring a person (details supplied) before the International Criminal Court; if he will raise the matter with the US authorities regarding their continued military support for this endeavour; and if he will make a statement on the matter. [15692/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I propose to take Questions Nos. 46 and 56 together.

I am greatly concerned that Joseph Kony remains at large in Central Africa and has not been held to account for the atrocities which he and his so-called “Lord’s Resistance Army” (LRA) are reported to have committed over two decades in Northern Uganda and the wider region. Recent publicity has raised international public awareness of the appalling violence carried out by this group over many years. In 2005, the International Criminal Court issued a warrant for the arrest of Joseph Kony and other leaders of the LRA on 33 counts of crimes against humanity and war crimes. These are charges of the utmost gravity, and it is essential that Mr. Kony appear before the Court to answer them. We strongly support the work of the International Criminal Court in seeking to bring Mr. Kony and his collaborators to justice. Ireland, both directly and as a member of the European Union, provides ongoing support, including funding, for the Court and for its work. This year, our contribution towards the running costs of the Court will amount to some €800,000. Ireland has also made voluntary contributions to Trust Funds that support the work of the Court. Since 1995, €40 million has been provided from the EU budget to support the Court and related international criminal justice initiatives.

This month, the United Nations will convene a meeting in Uganda to finalise a comprehensive regional peacebuilding strategy which combats the activities of the LRA. The African Union has also announced a regional cooperation initiative and the US government is currently providing a number of military personnel to advise and assist national armies in the region to end the scourge of LRA violence, in the Democratic Republic of Congo, the Central African Republic and South Sudan. We are monitoring these initiatives closely, in cooperation with our EU partners and through our Embassy in Kampala.

Northern Uganda suffered more than any other area from the activities of the LRA in the years up to 2006, when the LRA left the area and moved into neighbouring countries. Ireland has been providing support to the people of the area for well over a decade. We have played an important role in coordinating the international donor response to the effects of war on the local population, particularly children, and the displacement of hundreds of thousands of people from their homes. We have supported and facilitated peace talks and have ensured that the humanitarian situation in the region remains firmly on the international agenda. Between 2007 and 2010, Ireland provided over €4.4 million in humanitarian assistance for Uganda, most of which focused on the crisis in Northern Uganda. Uganda is one of the priority countries for Ireland’s aid programme, where we have a commitment to the provision of long term strategic assistance. In 2007, the Ugandan Government initiated a Peace, Recovery and Development Programme to coordinate all assistance for Northern Uganda, which now requires huge investment to ensure recovery from the disastrous effects of two decades of war. The Programme aims to provide additional resources for capital projects such as schools, clinics, water and sanitation facilities and roads. Through Irish Aid, we are strongly supporting the Programme and we have committed to providing some €22.5 million in funding for it over the years 2010 to 2014.

### Proposed Legislation

47. **Deputy Pádraig Mac Lochlainn** asked the Tánaiste and Minister for Foreign Affairs and Trade if it his intention to bring the ESM Bill and the European Communities Act (Amendment) Bill before the Oireachtas before or after the referendum on the treaty on stability, co-ordination and governance. [15420/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The Government is giving consideration to all of the elements necessary to advance preparations for the referendum on the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union. The process of preparing an Amendment of the Constitution Bill has already begun. We will aim to publish it as soon as possible, once we have given careful consideration to its contents, consistent with good legal practice. It is the Government's intention to establish a Referendum Commission, in order to ensure that adequate public information is made available ahead of the referendum. The Minister for the Environment, Community and Local Government will make the necessary arrangements for the establishment of a Commission in due course.

The Minister for Finance intends to publish draft legislation, in advance of the referendum, to provide for the implementation of the Stability Treaty's provisions.

The Government has not yet decided upon a date for the forthcoming referendum on the Stability Treaty, thus it is not possible at this stage to confirm the sequencing of the consideration by the Houses of the Oireachtas of various Bills, including those related to the European Stability Mechanism (ESM) and to the European Communities Act.

### Departmental Funding

48. **Deputy Maureen O'Sullivan** asked the Tánaiste and Minister for Foreign Affairs and Trade in view of the proposed budget of the Development Cooperation Instrument for the period 2014 to 2020 amounting to €23,294.7 million in current prices, the organisations that will be funded for the promotion of building democratic societies; and if he will make a statement on the matter. [15425/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** (Minister of State Mr. Joe Costello T.D.) The European Union — Commission and Member States collectively — is the most significant international aid donor, providing over 55% of all Official Development Assistance to poor countries. The Development Cooperation Instrument (DCI) is one of three major funding instruments for EU development cooperation programmes, along with the European Development Fund, which covers African, Caribbean and Pacific countries and the European Neighbourhood Partnership Instrument, focusing on the Union's neighbouring countries to the East and the South.

Under the current EU Multiannual Financial Framework, a budget of €16.9 billion has been allocated to the Development Cooperation Instrument for the six years 2008 to 2013. The European Commission has brought forward proposals for negotiation for the Framework for the seven years 2014 to 2020, which include proposed allocations of €34.276 billion for the European Development Fund, €23.295 billion for the Development Cooperation Instrument and €18.182 billion for the European Neighbourhood Partnership Instrument. There are three distinct elements to the Development Cooperation Instrument: geographic programmes supporting cooperation with 47 developing countries in Latin America, Asia and Central Asia, the Gulf region and South Africa; thematic programmes benefiting all developing countries; and a programme of measures for the 18 African, Caribbean and Pacific Sugar Protocol countries, to help them adjust following the reform of the EU sugar regime.

The final amount of funding available for the Development Cooperation Instrument will of course depend on the outcome of the overall negotiations on the Multiannual Financial Framework. However, it is clear that the promotion of democracy, respect for human rights and fundamental freedoms and the rule of law will remain key principles underpinning the implementation of all programmes under the Instrument. Programmes are developed and financed on the basis of annual or multiannual action plans which are discussed and agreed by the DCI Committee, which includes representatives of all the member States, and on which Ireland plays an active role. Decisions on the funding of specific programmes and organisations under the new Multiannual Financial Framework will be taken on a regular basis once the Framework is in place.

### **Diplomatic Representation**

49. **Deputy Maureen O’Sullivan** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has made representations on behalf of Ashraf residents concerning Iraqi forces taking over the Ashraf hospital whose building and equipment are owned by the residents and where the residents are denied access to free medical services in Iraq as a result of which 12 residents have died; if he will address the concerns of the Ashraf residents and those who have moved to Camp Liberty who also suffer from the same issues concerning health care; if he will support the residents in their endeavour to take all their medical equipment with them to Camp Liberty and gain free access to medical care; and if he will make a statement on the matter. [15430/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I have made clear in answer to previous questions my deep concern about the residents of Camp Ashraf in Iraq, in light of the serious violence which took place in the camp in April 2011 and the Iraqi Government’s clear insistence that it wishes the camp to be closed. Ireland and its EU partners fully support the process now underway and led by the UN to manage the closure of the camp. I understand that around 800 people from Camp Ashraf were transferred to the temporary location of Camp Hurriya (the former US military Camp Liberty), which is located north-east of Baghdad, in February. The UNHCR had determined before this transfer took place that the infrastructure and facilities at Camp Hurriya were in accordance with international humanitarian standards for refugees, as is required under the Memorandum of Understanding signed between the UN and the Iraqi Government on 25 December last. The UNHCR is currently exploring resettlement options in third countries for camp residents that do not wish to return to Iran and do not have another nationality. A further 2,400 remain in Camp Ashraf and it is hoped that they, too, will soon be relocated. It remains imperative that there should be no attempt at forced repatriation of any of those camp residents who do not wish to return to Iran.

I welcome the decision of the Iraqi government to extend the closure of Camp Ashraf to the end of April to allow the relocation process to proceed, in full compliance with international humanitarian standards. Ireland fully recognises Iraqi sovereignty over the whole of its territory, including Camp Ashraf, but this sovereignty also carries with it responsibilities. The Iraqi Government has primary responsibility for the security and protection of all persons resident on its territory, including Camp Ashraf and Camp Hurriya residents.

Ireland, along with our EU partners, continue to urge the Iraqi government to refrain from any use of violence and to show full respect for the human rights of Camp Ashraf’s and Camp Hurriya’s residents in the period ahead while the UNHCR explores resettlement options.

50. **Deputy Maureen O’Sullivan** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will make representations to the relevant authorities regarding a person (details supplied); and if he will make a statement on the matter. [15431/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I am extremely concerned about the case of Pastor Nadarkhani, a thirty-four year old father of two who faces the death penalty for the charge of apostasy if he does not renounce his Christian faith. This comes amid repressive actions against followers of diverse faiths in Iran, including Sufis and Baha'is. I am particularly disturbed by reports that an execution order has been issued for Pastor Youcef Nadarkhani. There have been many other troubling aspects to this case, including the fact that the proceedings do not seem to be solely in the hands of the judiciary, that Mr Nadarkhani has come under repeated pressure to renounce his faith in exchange for his freedom and that there has been a lack of transparency which means that Mr Nadarkhani has not been afforded due process.

Threatening the death penalty and imprisoning innocent people because of their faith is an issue of the utmost gravity and represents a serious attack on the universal right to religious freedom. I fully support the call by the UN Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran Ahmed Shaheed, in his report to the Human Rights Council on 12 March, to the Iranian Government to “seriously consider a moratorium on the death penalty for all crimes until such time as effective enforcement of due process rights may be meaningfully demonstrated.” The Special Rapporteur also professes “to be alarmed by communications that demonstrate the systemic and systematic persecution of members of unrecognized religious communities, particularly the Baha’i community, in violation of international conventions.”

Furthermore, the case involving Pastor Nadarkhani illustrates the chronic violations of due process in the Iranian justice system, including in terms of the application of the death penalty and actions against religious freedom, which are systematically established in the Special Rapporteur’s report. Mr Shaheed specifically highlights an overall lack of adherence to the rule of law and the failure of Iran’s justice system to uphold its obligations under both domestic law and international legal instruments that Iran has itself signed. I urge the Iranian state to tackle this endemic problem as a matter of urgency.

Ireland has been actively involved in raising this case with the Iranian authorities and calling for Mr Nadarkhani’s immediate and unconditional release, including with the Iranian Ambassador here in Dublin. At EU level, Ireland strongly supports the statement on 6 January by High Representative Ashton on this case and calling for an immediate moratorium on the death penalty in Iran.

Ireland and its EU partners will continue to put pressure on Iran to release Mr Nadarkhani and to urge Iran to respect its international human rights commitments, including on the death penalty and on freedom of religion or belief.

51. **Deputy Maureen O’Sullivan** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will make representations with the American in the case of a person (details supplied); and if he will make a statement on the matter. [15432/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I am aware of the case of Mr. René González Sehwerert, who was one of five Cuban nationals known as the “Miami Five”, who were convicted on charges ranging from espionage to first degree murder in 2001 in the United States. I am also aware that Mr. González, who was accused of conspiracy to commit espionage, was released on probation on 7 October 2011. The government of Ireland has no standing in this matter.

### **Irish Communities Abroad**

52. **Deputy Tom Hayes** asked the Tánaiste and Minister for Foreign Affairs and Trade if he

will assist in the case of an Irish national (details supplied) in County Tipperary who was imprisoned in France in March 2010, who has been released and is back home, but their car, cash and other contents were never returned to them by the French authorities. [15455/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** As the Deputy will be aware, my Department offered all possible assistance in this case, through our Embassy in Paris and the Consular Assistance section in Dublin, during this person's detention in France. I am informed that our Embassy in Paris contacted the investigating Magistrate's Office in January 2012. The Magistrate's Office confirmed that the file of the person referred to remains open and advised that the Irish citizen should make inquiries with the relevant authorities there to determine the current status of his case, including the return of his property. Therefore, he may need to engage the services of a lawyer to assist him with his case. Our Embassy in Paris remains available to provide a list of English-speaking lawyers if this would be of assistance to him.

### Departmental Bodies

53. **Deputy Mary Lou McDonald** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will provide in tabular form a list of all agencies and bodies and internal organisations under his aegis. [15503/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** There are no State agencies or bodies operating under the aegis of my Department. Three advisory committees — the Development Education Advisory Committee, the Irish Aid Expert Advisory Group and the Emigrant Services Advisory Committee (previously known as the Díon Committee) — operate under the auspices of my Department, as do the board of the Ireland-United States Commission for Educational Exchange (The Fulbright Commission) and the Export Trade Council.

### Ministerial Travel

54. **Deputy Ciarán Lynch** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will set out the mileage claimed by any Minister of State in his Department for each year from 2005 to 2010; and if he will make a statement on the matter. [15518/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The table that follows this reply provides details of the mileage claimed by each Minister of State at my Department between 2005 and 2010. Official cars are not provided to Ministers of State. The figures reflect the motor travel allowances claimed for official travel undertaken, subject to the guidelines set out by the Department of Finance.

	2005	2006	2007	2008	2009	2010
Mileage claimed by former Minister of State, Conor Lenihan	€16,097	€16,846	€8,177	—	—	—
Mileage claimed by former Minister of State, Deputy Michael P. Kitt	—	—	€13,322	€17,697	—	—
Mileage claimed by former Minister of State, Peter Power	—	—	—	€15,175	€27,919	€9,144
Mileage claimed by former Minister of State, Noel Treacy	€21,277	€43,173	€36,462	—	—	—

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	2005	2006	2007	2008	2009	2010
Mileage claimed by former Minister of State, Dick Roche	—	—	€13,311	€28,467	€21,564	€17,242

*Question No. 55 answered with Question No. 42.*

*Question No. 56 answered with Question No. 46.*

### Overseas Development Aid

57. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will report on his recent visit to Ethiopia; if he will provide his assessment of the impact of Ireland's development aid programme in Ethiopia; if he will report on any examination of the recent allegations by international human rights NGOs regarding the impact of the villagisation programme on Ethiopian citizens in certain regions of the country; and if he will make a statement on the matter. [15703/12]

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello):** Ethiopia is one of nine Programme Countries for Ireland's aid programme, where we have a commitment to long-term strategic assistance. I visited Ethiopia in January to assess the impact of the programme on the lives of some of the poorest communities, and also to meet African leaders attending the African Union Summit in Addis Ababa. I had the opportunity during my visit to see in operation a wide range of programmes and projects supported by Irish Aid, especially in the Tigray region, which was devastated by famine in the 1980s. I believe we can be satisfied that Ireland's assistance is making a strong contribution to the attainment of positive development results across a range of sectors. Tackling hunger, for example, is a priority area for the aid programme. Our support for the Productive Safety Net Programme, which provides cash or food in return for public works, is directly helping to protect up to 7.5 million people from hunger every year. Last year, this programme helped large numbers of vulnerable communities cope with the devastating impact of the drought that gripped the Horn of Africa. Crucially, as the public works carried out under the programme are focused on soil and water conservation, the effect is not only to save lives today, but to improve the productivity of land for the future. I was particularly impressed by the farmers I met, who told me that their yields have improved in quantity and value, making them more resilient to drought and other climatic shocks.

During my visit I also had the opportunity to meet Irish non-governmental organisations and a range of our Ethiopian partner organisations. I held discussions with representatives of Government and the opposition, and with civil society representatives. Among the issues which I raised in my conversation with the Minister of State for Foreign Affairs, Mr. Berhane Gebre-Christos, was the Ethiopian Government's "villagisation" programme. This programme is seen by the Ethiopian Government as an important element in the development of some of the poorest regions of the country, enabling the effective delivery of basic services through the voluntary resettlement of vulnerable communities. However, the programme has recently been the subject of criticism by an international non-governmental organisation which alleges that human rights violations are taking place, including the forced movements of communities. I raised these allegations with the Minister and urged that they be investigated fully. He told me his Government would view as a very serious matter any evidence that local officials are implementing the programme in a manner that departs from its intended voluntary nature. Indeed, he stated that the previous regime under the Derg had operated forced "villagisation"

schemes, that the Ethiopian people had suffered as a result and that his Government would never implement the policies of the Derg.

We take very seriously any allegations of human rights violations. We are continuing to monitor the implementation of the “villagisation” programme, through our Embassy in Addis Ababa and in consultation with other international donors. Officials from our Embassy, and from Embassies of other development partners, have visited some of the areas involved to assess the allegations. These visits have not substantiated the claims of forced movements of communities or of human rights violations. However, we have consistently expressed our concern to the Ethiopian Government at the scale and speed of the programme and will continue to follow the situation closely with the Government, local communities and civil society organisations. In Addis Ababa, I also attended the African Union Summit meeting where I had a series of bilateral meetings with a number of African Ministers. I lobbied Ministers on Ireland’s candidature for membership of the United Nations Human Rights Council, for the 2013-15 period. I also briefed them on the Africa Strategy of the Department of Foreign Affairs and Trade and our intention to strengthen political, economic and development links with Africa and individual African countries.

### **Visa Agreements**

58. **Deputy Michael Healy-Rae** asked the Tánaiste and Minister for Foreign Affairs and Trade the action he is taking regarding a visa agreement between Ireland and the USA.  
[15760/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** Enabling Irish people to apply for E-3 temporary US work visas has been a particular focus of the Government’s efforts in the context of our overall ongoing exchanges with the US Administration and Congress on immigration-related issues. The Deputy can be assured that my Department, including the Embassy in Washington, is extremely proactive in pursuit of this goal. The Taoiseach and I discussed immigration issues with President Obama when we met him on 23 May last year in Dublin. I also did so in separate exchanges I had during the course of 2011 with Secretary of State Clinton and Senator Patrick Leahy, Chair of the Senate Judiciary Committee. During my recent visits to Washington and New York, I reviewed progress on E-3 issues during further separate contacts with Deputy Secretary Bill Burns of the US State Department and with Senator Leahy, Senator Scott Brown and Senator Charles Schumer and members of the Friends of Ireland group at House of Representatives level. Additional contacts with the Senators in question were also taking place this week in the context of the Taoiseach’s visit to Washington DC for St. Patrick’s Day-related events. Senators Schumer, Leahy and Durbin and Senators Brown and Kirk previously tabled draft Bills which would enable the provision of E-3 visas to Irish applicants. Both Bills have since been referred for examination by the US Senate’s Judiciary Committee. In all our exchanges with them, the Government has thanked the Senators for their ongoing efforts in this regard and encouraged them to persist towards reaching a positive outcome. They have been assured of the Government’s continuing close interest and support in this connection, which we are exercising through our Embassy in Washington. I discussed the issue in detail with the Congressional delegation, led by leader Nancy Pelosi, during its visit to Dublin on 12 March.

The Embassy is working in tandem with key stakeholder groups from throughout the Irish-American community. The Taoiseach met representatives of several of these groups, including the Irish Lobby for Immigration Reform, the Ancient Order of Hibernians, Chicago Celts for Immigration Reform and the Coalition of Irish Immigration Centres, in New York recently. He acknowledged and thanked all these groups and others from within Irish-America for their

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vital help and support in rallying momentum behind our collective efforts. I am heartened by the advances that have been made so far towards enabling Irish people to apply for E-3 visas. However, together with our friends and allies on Capitol Hill and among the Irish-American community, I am conscious that the current US domestic political climate around immigration issues and the Presidential elections taking place there later this year mean nothing can be taken for granted. While developments in relation to E-3 visas are positive in relation to future flows of emigration to the United States, I am very much aware of the difficulties confronting undocumented Irish citizens and the distress which they and their families in the US and Ireland experience arising from their situation. I urge anybody who might be tempted to follow in the footsteps of the undocumented to take account of their plight and to refrain from seeking entry to the US for work purposes without having first acquired relevant visa clearance.

*Question No. 59 answered with Question No. 42.*

### **Tax Code**

60. **Deputy Dessie Ellis** asked the Minister for Finance his plans to address the charging of VAT on taxi base fees in view of the fact they were not collected until this year and those who are being asked to pay for VAT from previous years have received tax clearance. [14956/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that these services (taxi booking service, hire of radios and the provision of administration) are liable to VAT at the standard rate of 23%. However, the transport of passengers and their accompanying baggage is exempt from VAT under Paragraph 14(3) of Schedule 1 to the Value-Added Tax Consolidation Act 2010. Accordingly, the provision of a taxi service is exempt from VAT. While the provider of a service that is exempt from VAT does not charge VAT on the service they supply, they are also not entitled to deduct, or claim a refund of, any VAT incurred on goods and services used for the purposes of their exempt business. Thus, a person who provides a taxi service does not register for VAT and cannot recover VAT incurred on costs associated with running their business, such as taxi booking services, the hire of radios and the provision of administration. A tax clearance certificate will normally be issued to a person if he/she has made all of the required tax returns to Revenue and has paid all tax known to be due or agreed a payment schedule in respect of such tax debts. If and when a further tax liability is identified or arises, collection proceeds in the normal way.

### **Disabled Drivers**

61. **Deputy Brian Walsh** asked the Minister for Finance if a decision to refuse a primary medical certificate to a person (details supplied) in County Galway could be overturned in view of the fact that the person is not medically fit to attend for assessment at the National Rehabilitation Hospital. [15225/12]

**Minister for Finance (Deputy Michael Noonan):** There is no provision by which the Disabled Drivers Medical Board of Appeal can issue a primary medical certificate without reviewing the appellant although s/he can reapply locally after six months from the date of the first review with medical evidence of a deterioration in his/ her condition. I understand from the Chairperson of the Medical Board of Appeal, (which is independent in the exercise of its functions), that clinics are normally held in Dublin and 30 people are generally invited to attend for assessment at a clinic. From time to time, people appealing a decision not to grant them a Primary Medical Certificate decline an assessment in Dublin. When sufficient numbers warrant it, a clinic is held outside Dublin.

### Financial Services Regulation

62. **Deputy Barry Cowen** asked the Minister for Finance if his attention has been drawn to any instances of banks refusing to provide student loans; his views that this is a problem at present; if he has any plans to address the issue or monitor the situation in the coming months; and if he will make a statement on the matter. [14957/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Central Bank that they do not have specific information in relation to the provision or refusal of student loans. The decision on whether or not to grant a loan to a student must remain a commercial decision for individual lending institutions. It is important that each lending institution is allowed to assess properly and independently the individual risks that it is considering accepting. Loans must be undertaken on a sustainable and prudential basis by financial institutions and conform fully with regulatory requirements both in relation to the financial institution itself and also the safeguarding of the consumer's interests. I have no plans to ask the Central Bank to take any particular action to address the question of student loans. The Central Bank has in place a Consumer Protection Code. This code applies to all financial entities regulated by the Central Bank. If a regulated entity is selling a financial product, including a student loan, to a person who is a "personal consumer" for the purposes of the code, then the regulated entity may only sell a loan product that is suitable for the consumer based on the information that has been supplied by the consumer. Provision 5.9 of the code requires that prior to offering, recommending, arranging, or providing a credit product to a personal consumer, a lender must carry out an assessment of affordability to ascertain the consumer's likely ability to repay the debt, over the duration of the agreement. A copy of the Central Bank's Consumer Protection Code is available on the Central Bank's website, [www.centralbank.ie](http://www.centralbank.ie).

### Budget 2012

63. **Deputy Pearse Doherty** asked the Minister for Finance his views on the analysis of Callan, Keane, Savage and Walshe as detailed in Figure 1 page 49 and the Conclusion on page 55 of the ESRI special articles, distributional impact of tax, welfare and public sector pay policies 2009-2012 (24.2.12), where the authors conclude that Budget 2012 involved greater proportionate losses for those on low incomes, reductions of about 2% to 2.5% for those with the lowest incomes, as against losses of about 0.75% for those on the highest incomes; and if he will make a statement on the matter. [15076/12]

**Minister for Finance (Deputy Michael Noonan):** I am aware of the publication "Distributional Impact of Tax, Welfare and Public Section Pay Policies: 2009-2012" by the ESRI which assesses the distributional impact of budgetary measures undertaken in response to the economic crisis. I believe it is misleading to measure the impact of a single Budget in isolation without any regard to preceding Budgets or Budgets yet to come.

The ESRI publication takes account of the impact of all Budgets in the period 2009 to 2012 and, in the same paragraph on page 55 that the Deputy is quoting, concludes that "Losses imposed by policy changes in tax and welfare have been greatest for those on the highest incomes, and smaller for those on low incomes". The ESRI also acknowledges that the overall distributional pattern of Irish austerity measures is among the most progressive in 6 EU countries examined in a recent study by the European Commission.

The Deputy should look at Budget 2012 in the medium-term with regard to what it is intended to achieve. Budget 2012 is this Government's first step on a road to fiscal balance, renewed growth and prosperity through which job creation is at the core. That is the context in which Budget 2012 should be assessed.

### Disabled Drivers

64. **Deputy Finian McGrath** asked the Minister for Finance his views on correspondence (details supplied) regarding wheelchair accessible vehicles. [15093/12]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that a person who purchases a second-hand wheelchair accessible vehicle from an authorised dealer and who qualifies to avail of the Disabled Drivers and Passengers Scheme is entitled to claim relief in respect of Value Added Tax (VAT), Vehicle Registration Tax (VRT) or residual VRT borne, subject to a maximum limit of €9,525 in respect of a disabled driver and €15,875 in respect of a disabled passenger. This applies equally to vehicles registered previously in the State and imported used vehicles and any claim to the contrary is erroneous. It has come to the attention of the Commissioners that occasions have arisen where relief of the residual VRT was allowed to qualifying individuals on the purchase of used vehicles in the State where no VRT was paid in the first instance, e.g. on the purchase of a used vehicle by a qualifying individual where the relief was granted to an earlier owner of the vehicle who had previously qualified for the relief. Consequently procedures were put in place to ensure that relief for the payment of VRT and VAT will only be allowed to qualifying persons or organisations in situations where the person or organisation has borne or paid value-added tax, vehicle registration tax or residual vehicle registration tax in respect of a vehicle or in respect of the adaptation of a vehicle. If the VRT on a vehicle has been fully refunded at an earlier date under the scheme, there is no residual VRT available to be refunded on a subsequent sale to a second qualifying person and this should be reflected in the price of vehicle at the time of resale.

### Motor Vehicle Registration

65. **Deputy Nicky McFadden** asked the Minister for Finance if a person (details supplied) is liable to pay VRT on a vehicle or if they are exempt in view of the situation; and if he will make a statement on the matter. [15212/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that VRT is due and payable at the time of registration of a vehicle. Prior to 2011, VRT was charged on the registration of a motor caravan (of not more than 3,000 kilograms unladen weight) at a flat rate of €50. With effect from 1st January 2011, VRT is charged on the registration of a motor caravan at the rate of 13.3% of the tax and duty inclusive retail value in the State. Accordingly, if the person concerned imports and registers a motor caravan in 2012, VRT of 13.3% will apply.

I am also advised by the Revenue Commissioners that they have been in direct contact with the person concerned and have explained the VRT position as it relates to this case and the proposed resolution of his dispute with the UK based supplier.

### Pension Provisions

66. **Deputy Peter Mathews** asked the Minister for Finance his plans regarding the transfer of pension funds (details supplied); and if he will make a statement on the matter. [15229/12]

**Minister for Finance (Deputy Michael Noonan):** I understand that the question relates to the transfer of Irish pension funds abroad. The transfer of an occupational pension scheme member's pension fund benefits or a PRSA contributor's PRSA assets to an overseas arrangement is permitted subject to the transfer complying with the Department of Social Protection's "Occupational Pension Schemes and Personal Retirement Savings Accounts (Overseas

Transfer Payments) Regulations 2003” and Revenue rules. Under the Regulations, in the case of occupational pension schemes, the facility to transfer only applies to a scheme member who is entitled under the Pensions Act 1990 to “preserved benefits” under the scheme — in other words to a scheme member whose service in the relevant employment has terminated.

It is the responsibility of all trustees to ensure full compliance with the requirements of the Regulations. In essence, the Regulations require that, prior to making any overseas transfer payments, the trustees must be satisfied that:

(a) The member has requested a transfer.

(b) The overseas arrangement provides relevant benefits as defined by section 770, Taxes Consolidation Act, 1997.

(c) The overseas arrangement has been approved by the appropriate regulatory authority in the country concerned.

In practice, trustees and PRSA providers are required to obtain written confirmation to that effect from the trustees, custodians, managers or administrators of the overseas arrangement to which the transfer is to be made.

If the transfer is to another EU Member State, Revenue rules require the overseas scheme to be operated or managed by an Institution for Occupational Retirement Provision (IORPS), within the meaning of the EU Pensions Directive, and to be established in a Member State of the European Communities which has implemented the Directive in its national law. The scheme administrator must be resident in an EU Member State. If the transfer is to a country outside the EU, a transfer may not be made to a country other than the one in which the member is currently employed.

Transfers that comply with the above requirements may be made without the prior approval of the Revenue Commissioners.

There are no plans at this time to change tax legislation or Revenue rules regarding the tax treatment of transfer payments. While tax issues may or may not be relevant in relation to transfers of Irish pension funds abroad, policy and legislation governing transfer payments from pension arrangements generally are, as outlined above, matters for my colleague, the Minister for Social Protection.

### **Motor Fuels**

67. **Deputy Clare Daly** asked the Minister for Finance his views on a submission regarding a fuel rebate scheme (details supplied). [15257/12]

**Minister for Finance (Deputy Michael Noonan):** A fuel rebate system could not under EU law be restricted to Irish licenced hauliers but would have to be extended to all vehicles intended exclusively for the carriage of goods by road with a maximum permissible gross laden weight of not less than 7.5 tonnes. In addition, the rebate would have to include the carriage of passengers by a motor vehicle of category M2 or category m<sup>3</sup> as defined in Council Directive 70/156/EEC. However, the Deputy may wish to note that a working group between my officials and representatives of the Irish Road Haulage Association was set up to examine the issues currently affecting the sector.

### **Tax Code**

68. **Deputy Peter Mathews** asked the Minister for Finance his views on a proposal to amend

[Deputy Peter Mathews.]

the taxation system (details supplied); and if he will make a statement on the matter. [15358/12]

**Minister for Finance (Deputy Michael Noonan):** The position is that a review of the Universal Social Charge (USC) was conducted by officials from my Department, with the assistance of Revenue officials, in advance of Budget 2012. This review fulfilled the commitment contained in the Programme for Government. Following the review, I decided to increase the exemption threshold for the USC from €4,004 to €10,036 per annum for 2012. This measure will cost in the region of €47 million in a full year and will remove an estimated 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 move to a cumulative basis of deduction and payment by the Revenue Commissioners from 1 January 2012 that will save a similar amount by avoiding the occurrence of underpayments of the USC. The Review of the Universal Social Charge was published on my Department's website in January of this year and can be obtained at [www.finance.gov.ie](http://www.finance.gov.ie).

I do not intend to allow for a situation whereby unused income tax credits can be offset against an individual's liability to the USC or to increase the exemption threshold further as it would not only be very costly but would be counter to the rationale of the USC which is designed to widen the tax base, raise revenue and simplify the taxation system.

### Credit Unions

69. **Deputy Patrick Nulty** asked the Minister for Finance if he will supply the numbers of the various staff and their titles and positions with a company (details supplied) and their weekly billable hours, who are engaged as part of the special manager process at Newbridge Credit Union, as appointed by the High Court on foot of an application from the Central Bank; if he will confirm that a person (details supplied) of this company heads up a team from this accountancy practice acting as special manager; if his attention has been drawn to the fact that last week the High Court revised downwards the hourly rates as follows for the special manager and his team: namely: €375 for the Special Manager; €375 for partners; €300 for directors; €247 for senior managers; €191 for managers; €133 for senior assistants; if he will supply the daily and the weekly cost of the appointment of this company as special manager to Newbridge Credit Union; if he will indicate the length of time he thinks the special manager will be in place at the credit union; and if he will make a statement on the matter. [15365/12]

**Minister for Finance (Deputy Michael Noonan):** I can confirm that Mr. Luke Charleton of Ernst and Young was appointed as Special Manager of Newbridge Credit Union by the High Court on 13 January 2012. The High Court reduced the hourly rate of fees payable to the Special Manager to €375 on 10th February 2012. The fees payable to his team were reduced on a pro-rata basis. The number of people working with the Special Manager will vary according to the work being undertaken.

The total fees to be paid to the Special Manager and his team will be subject to approval by the Court upon request by the Special Manager. The request would typically include sufficient information for the Court to determine if the fees are reasonable, and might include a work schedule, indicating tasks performed, hours worked, and staff levels. As this request has not been made to the Court at this point, the information requested by the Deputy is not finalised.

The Special Management Order provides for an appointment of 6 months duration. Any change to the Special Management Order and matters outlined above require a further application to the Court.

### Official Engagements

70. **Deputy Gerry Adams** asked the Minister for Finance if he is engaged in negotiations with the ECB regarding the promissory note; if he has been in direct contact with Mr. Mario Draghi on this issue; the number of times they have met or spoken on this issue; and if he will make a statement on the matter. [15374/12]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy is aware, I have indicated that I am committed to reviewing the approach to the Promissory notes with a view to reducing the overall cost to the State of correcting the banking system. The Troika have agreed to engage in a process with Irish Officials to produce a common paper which will consider options for re-engineering the notes in terms of the maturity of the notes, the interest rate, the cash flows etc. Work is on-going on this. In tandem with this technical review the Government uses appropriate opportunities to garner support for an approach which is more beneficial to the Irish State. President Draghi regularly attends Eurogroup and Ecofin meetings in Brussels and these meetings provide an opportunity to speak with President Draghi on the margins. The Deputy will also be aware that I travelled to Frankfurt on the 24th of January 2012 to meet President Draghi.

### Motor Vehicle Registration

71. **Deputy Noel Harrington** asked the Minister for Finance the factors that are considered in calculating VRT for second hand vehicles imported into the State other than the original value, the age of the vehicle, the mileage of the vehicle; if he will consider publishing these calculations as part of the receipt for VRT payments; and if he will make a statement on the matter. [15378/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that VRT is calculated on the basis of the Open Market Selling Price (OMSP) of a vehicle, which is defined as the price the vehicle might reasonably be expected to fetch on a first arm's length sale thereof in the State. The OMSP is determined by reference to the vehicle model, level of CO<sub>2</sub> emissions, age, mileage, condition and any special features or characteristics, e.g. left hand drive. As such, a breakdown of the VRT charge does not arise. In the case of late registration an additional VRT charge may arise and this is shown separately on the NCTS receipt. I am also advised by the Revenue Commissioners that they publish extensive material on their website, [www.revenue.ie](http://www.revenue.ie), on all aspects of VRT, including the methodology used by Revenue to value vehicles for VRT purposes, which can be accessed online at *Tax & Duty Manuals — Section 16 — Vehicle Registration Tax* under Section 8 of the VRT Manual. The website also offers a VRT calculator, that enables users to estimate the VRT applying to an extensive range and age of vehicles. This calculator can be accessed online at: *Vehicle Registration on-line Enquiry System*.

### Banking Sector Regulation

72. **Deputy Finian McGrath** asked the Minister for Finance if he will review a matter (details supplied) regarding variable interest rates. [15408/12]

89. **Deputy Joanna Tuffy** asked the Minister for Finance his views regarding the high interest charges on variable rate mortgages being charged by Permanent TSB to customers struggling to make their mortgage repayments every month and who cannot move their mortgage to another banking institution because they are in negative equity; and if he will make a statement on the matter. [15702/12]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 72 and 89 together.

The lending institutions in Ireland, including those in which the State has a significant shareholding, are independent commercial entities.

Ultimately the pricing of financial products, including standard variable mortgage interest rates, is a commercial decision for the management team and board of each lending institution, having due regard to their customers and the impact on profitability, particularly where the cost of funding to each lending institution, including deposit pricing, is under pressure.

The Government is very conscious of the difficulties facing mortgage customers in the current economic climate. However, neither the Central Bank nor I have any responsibility for any variation in the variable mortgage interest rates charged by Permanent TSB. 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.

Permanent TSB has stated publically that it is currently engaged in detailed discussions on its future strategy which it hopes will enable it to take action, amongst other things, to reduce variable rates for mortgage customers over time. The Government will continue to work with Permanent TSB on the development of its future strategy by the end of April 2012 as agreed with our external partners in the latest Memorandum of Understanding dated 10 February 2012.

#### **Departmental Bodies**

73. **Deputy Mary Lou McDonald** asked the Minister for Finance if he will provide in a tabular form a breakdown of the position, salary, allowance and expenses paid in 2011 to each of the employees of the Fiscal Advisory Council. [15490/12]

74. **Deputy Mary Lou McDonald** asked the Minister for Finance if he will provide in a tabular form a breakdown of the number of board members and their respective annual remuneration for 2011 of the Fiscal Advisory Council. [15491/12]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 73 and 74 together.

The Irish Fiscal Advisory Council (Council) was established on a non-statutory basis in July 2011. Under the EU/IMF Programme, legislation to establish the Council on a statutory basis must be published by the end of June 2012.

As a non-statutory body, the Council is not yet in a position to employ staff directly. The current secretariat consists of a Senior Economist seconded from the Central Bank of Ireland and one Executive Officer and one Administrative Officer seconded from the ESRI. The current staff were seconded to the Council between June and September 2011. The total paid in 2011 to the ESRI and the Central Bank for staff seconded to the secretariat was €80,226. This figure includes employer's PRSI and pension contributions in all cases.

The pay scales for executive officer and administrative officer in ESRI are equivalent to the civil service pay scales, which run from €29,000 to €47,000 for executive officer and from €31,000 to €55,000 for administrative officer. The Senior Economist is paid according the scale applicable to that grade in the Central Bank of Ireland.

None of the secretariat staff is in receipt of allowances. The total of expenses paid to secretariat staff in 2011 was €474.

The Council consists of five members. These are:

- Mr. Sebastian Barnes, OECD,
- Professor Alan Barrett, TCD (on secondment from the ESRI),
- Dr. Donal Donovan, University of Limerick (formerly IMF staff),
- Professor John McHale, Head of Economics, NUI Galway and Chair of the Council, — Chairman, and
- Dr. Róisín O’Sullivan, Associate Professor, Smith College, Massachusetts.

These are not executive positions. The Council members may receive an annual stipend of €5,000 provided they are not employed by the Irish public service. Half stipends were of €2,500 were paid, where applicable, in 2011.

### Departmental Bodies

75. **Deputy Mary Lou McDonald** asked the Minister for Finance if he will provide in tabular form a list of all agencies and bodies and internal organisations under his aegis. [15502/12]

**Minister for Finance (Deputy Michael Noonan):** The details requested by the Deputy are contained in the following table:

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Name of Body

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Financial Services Ombudsman Council  
 Irish Financial Services Appeals Tribunal  
 National Development Finance Agency (NDFA)  
 National Pensions Reserve Fund Commission  
 National Treasury Management Agency Advisory Committee  
 National Asset Management Agency  
 NewERA and the Strategic Investment Fund  
 Sealúchais Árachais Teoranta  
 State Claims Agency Policy Committee  
 Credit Union Advisory Committee  
 Commission on Credit Unions  
 Irish Bank Resolution Company Limited  
 Central Bank Commission  
 The Irish Fiscal Advisory Council  
 Disabled Drivers Medical Board of Appeal  
 Educational Building Society  
 Irish Nationwide Building Society

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### Ministerial Travel

76. **Deputy Ciarán Lynch** asked the Minister for Finance if he will set out the mileage claimed by any Minister of State in his Department for each year from 2005 to 2010; and if he will make a statement on the matter. [15517/12]

**Minister for Finance (Deputy Michael Noonan):** In the period in question the Minister of State in the Office of Public Works (OPW) came under the aegis of my Department. The OPW have provided me with the following details in respect of the Minister of State for the period in question.

Motor Mileage paid by the Office of Public Works to Ministers of State from 2005 to 2010

Minister of State	Year	Kms Claimed	Total paid €
Tom Parlon	2005	91,738	39,391
Tom Parlon	2006	94,807	42,810
Tom Parlon	2007	37,633	19,769
Noel Ahern	2008	35,770	18,474
Martin Mansergh	2008	18,285	9,537
Martin Mansergh	2009	31,665	12,075
Martin Mansergh	2010	32,510	11,223

### Universal Social Charge

77. **Deputy Jack Wall** asked the Minister for Finance if a person (details supplied) in County Kildare who is in receipt of a pension from their spouses former employer should be deducted the universal social charge; and if he will make a statement on the matter. [15547/12]

**Minister for Finance (Deputy Michael Noonan):** I have been advised by the Revenue Commissioners, that 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 the former employer of their spouse in the next few days. Following receipt of the certificate, the amount of the charge deducted since 1 January 2012 should be refunded on the next pay date.

### VAT Rates

78. **Deputy Simon Harris** asked the Minister for Finance the reason VAT is charged at different rates on the gas, electricity and telephone bills; the reason telephone bills are charged at a higher rate of VAT — 23% — compared to gas or electricity — 13%; and if he will make a statement on the matter. [15568/12]

**Minister for Finance (Deputy Michael Noonan):** VAT is charged on the supply of goods and services at different VAT rates, which are subject to the requirements of EU VAT law. The supply of gas and electricity is specified in paragraph 17 of Schedule 3 of the Value-Added Tax Consolidation Act 2010. Goods and services specified in paragraph 17 of Schedule 3 are liable at 13.5%. It is possible for Ireland to apply the 13.5% reduced rate to gas and electricity under Title VIII of the EU VAT Directive. The supply of telephone services, however, is not specified in one of the Schedules to the Value-Added Tax Consolidation Act 2010 and as such is liable to VAT at the standard rate, currently 23%. It is not possible for Ireland to apply a reduced rate to telecommunication services as the VAT Directive provides that the standard VAT rate must be applied to these services.

### Financial Services Regulation

79. **Deputy Joan Collins** asked the Minister for Finance the protection he and the Central Bank are going to provide to persons who use bill payment companies that enter receivership (details supplied); the strategies in place for persons who are not *au fait* with using bank accounts or online services to pay for bills or who simply do not have a bank account; if it is

possible to promote credit unions and post office service for these persons; his views on the viability of bill payment companies here at the moment; and if he will make a statement on the matter. [15633/12]

**Minister for Finance (Deputy Michael Noonan):** Currently there is no regime in place targeting specifically, the authorization and supervision of businesses labeled “bill payment”, “debt management” or “debt advice”. Depending on the exact business model undertaken by a firm, it may or may not be subject to regulation by the Central Bank. The Central Bank has advised me that, following the failure of a firm in mid-2011, the Bank inspected the bill payment and debt management industry to assess whether firms providing these services are carrying out an activity that falls to be regulated by the Central Bank and whether consumer funds may be at risk. Following identification of a dozen companies providing these services, the first phase of the Central Bank’s review has concluded. The Central Bank has written to a number of companies notifying them that their activities are subject to regulation by the Bank and requiring that immediate steps be taken to provide additional protection to client funds.

The Central Bank has publicly advised consumers (in a press release issued on 24 January 2012) to be aware that the bill payment and debt management companies they are using may not be regulated by the Central Bank. The Bank has advised me that, where consumers provide funds to a company that is not regulated by them for onward payment to a creditor, the handling of this money would not be subject to segregation and safeguarding rules and as such, consumers’ funds would not be protected. The firms referred to by the Deputy in her question were not authorised by the Central Bank.

The report on the strategy for financial inclusion which was published on my Department’s website identified that the credit unions have potential to play a key role in the provision of a basic payment account and in the promotion of financial inclusion in the future. A pilot basic payment account aimed at the financially excluded will commence in three locations in the State in June 2012. Arising from the evaluation of this pilot stage, it is intended that the basic payment account will be provided nationally to certain persons in 2013.

The Deputy will also be aware that the Money Advice and Budgeting Service provide a debt help and money management service. MABS have offices located throughout the country and their service is free of charge.

### **National Assets Management Agency**

80. **Deputy Simon Harris** asked the Minister for Finance the number of persons employed by the National Assets Management Agency; the number of these individuals paid a salary and the number of individuals paid a fee; the total amount spent on salaries; the total amount spent on fees since the establishment of NAMA; and if he will make a statement on the matter. [15655/12]

**Minister for Finance (Deputy Michael Noonan):** NAMA has no employees. All personnel are employed by the NTMA and the salary cost of staff who are engaged in the NAMA business is recharged to NAMA by the NTMA. The number of employees of the NTMA directly engaged as NAMA officers at the end of 2010 was 104 and, as set out in the National Asset Management Annual Report and Financial Statements 2010, which is posted on the NAMA website, [www.nama.ie](http://www.nama.ie), the total salary cost including pension costs was €9.2 million.

The number of employees of the NTMA directly engaged as NAMA Officers at the end of 2011 was 193. Information on the total salary cost including pension costs is currently being prepared and will be included in the National Asset Management Annual report and Financial Statements 2011, which will be published in mid-2012.

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In addition to salary costs during 2010 NAMA incurred fees and related administration expenses of €37m. These expenses include fees paid to service providers including the master and primary servicers, costs re-imbursed to the NTMA, legal fees, financial advisor and consultancy fees, portfolio management fees, board fees, audit fees and other overheads. Further details of these are included in the 2010 Annual Report and Financial Statements. NAMA will provide details of fees paid in 2011 in its 2011 Annual report and Financial Statements, which will be published in mid-2012.

The number of employees of the NTMA directly engaged as NAMA Officers as of 16 March 2012 is 202.

Employees of the NTMA directly engaged as NAMA Officers are remunerated in the form of salaries so the issue of fees does not arise.

81. **Deputy Simon Harris** asked the Minister for Finance the number of judgments the National Assets Management Agency has obtained through the courts since its establishment; the number of these judgments that have subsequently been enforced; and if he will make a statement on the matter. [15656/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by NAMA that through National Asset Loan Management Limited it has obtained judgment in 10 cases to date that it has initiated as plaintiff since it was established. All are High Court judgments. Judgments have also been obtained by participating institutions in cases which they are managing on NAMA's behalf and in proceedings that issued in the name of the participating institution prior to acquisition of the loans in question by NAMA. Judgments obtained in such cases are enforceable by NAMA as successor to the participating institution in each case. Data on these instances are not readily available to NAMA but they have undertaken to forward the details to me very shortly, at which point I will pass them to you. Enforcement in various forms is being undertaken in all of the abovementioned cases.

82. **Deputy Simon Harris** asked the Minister for Finance the number of vacancies that currently exist on the board of the National Assets Management Agency; when he intends to fill these vacancies; the criteria which will be applied to filling such a vacancy; and if he will make a statement on the matter. [15657/12]

**Minister for Finance (Deputy Michael Noonan):** I appointed Mr John Mulcahy to the Board of NAMA on 7th March, 2012. There is currently one vacancy on the NAMA Board. My Department recently sought expressions of interest for appointment to the NAMA Board and that process closed on 6th March, 2012. A number of expressions of interest were received. Following consideration of these and of other suitable candidates, I intend to appoint an individual to fill that position shortly.

The criteria for appointment to the Board of NAMA are set out in section 19 NAMA Act, 2009 and include experience and expertise in a range of professional and academic studies and disciplines.

#### **National Assets Management Agency**

83. **Deputy Simon Harris** asked the Minister for Finance if the National Assets Management Agency has undertaken a study of the number of public infrastructure projects such as schools, harbours, roads, council land banks and so on currently impacted on by NAMA administering

land which is preventing access to the necessary public sites; if he will provide details of such sites; and if he will make a statement on the matter. [15658/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by NAMA that the scenario put forward by the Deputy i.e. restrictions on access to publicly funded projects through land administered by NAMA, has not been a significant issue for NAMA. I am further advised by NAMA that it has not carried out any specific study on restrictions. However, I am informed that NAMA works constructively with all public bodies in relation to any matter that may relate to or overlap with the public infrastructure development planning processes. Where issues have emerged in a very small number of cases, I understand from NAMA that it has expeditiously resolved those matters.

Should the Deputy have a specific instance in mind, NAMA have assured me that he should raise the matter directly with the agency who will immediately address his concerns in this regard.

84. **Deputy Simon Harris** asked the Minister for Finance the current status of the National Assets Management Agency's deferred consideration initiative, a scheme which was first announced by NAMA in May 2011 to effectively provide mortgages which attempt to safeguard buyers from negative equity; if permission for this initiative has been received from the European Commission; his views on this scheme; and if he will make a statement on the matter. [15659/12]

**Minister for Finance (Deputy Michael Noonan):** My Department has had discussions with the European Commission on the deferred mortgage consideration initiative and arising from those discussions NAMA has had discussions with the Competition Authority. I expect the discussions with the European Commission to conclude shortly. I am informed by NAMA that they have completed the preparatory work including identifying pilot properties and they are working towards an early April launch date for the initiative.

### State Banking Sector

85. **Deputy Simon Harris** asked the Minister for Finance if he will clarify if invoice discounting is included in the lending targets to small and medium businesses which banks have agreed with the Government; if he shares the view that this money is essentially simply recycled loans and does not constitute new lending; if he has received any information from State owned banks or part State owned banks on this procedure; the way they account for it in terms of their lending figures; and if he will make a statement on the matter. [15661/12]

**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. Invoice discounting is an important form of finance used by SMEs to improve cashflow by releasing funds tied up in outstanding invoices. It is a valuable tool in the financing mix for many SMEs and is a long accepted component in how banks make working capital available to businesses. As such, invoice discounting is part of the lending targets set for the two pillar banks.

The recent Mazars Survey of SME Lending, conducted on behalf of my Department, found that approximately one third of enterprises surveyed reported that it was taking them longer to secure payment for goods and services from their customers. Of those SMEs who requested finance, approximately 4% requested invoice discounting.

[Deputy Michael Noonan.]

I do not share the Deputy's view that this money is essentially simply recycled loans and does not constitute new lending. Invoice discounting is similar to a working capital overdraft facility, but is secured on the actual trade debtors of the business as a means by which SMEs can finance their existing trade, and importantly to assist in the growth of their business. This is especially useful for many businesses which are achieving growth, but are undercapitalised, to prevent them from over-trading i.e. running short of working capital to support their increasing sales.

86. **Deputy John McGuinness** asked the Minister for Finance if any of the banks guaranteed by the State have paid the 90% tax levied on bonuses paid to staff; the oversights or controls in place to ensure that the banks do not compensate staff in some other way for the 90% foregone in tax on such bonuses; and if he will make a statement on the matter. [15662/12]

**Minister for Finance (Deputy Michael Noonan):** Unfortunately, it has not been possible to get the information from the covered institutions in the timeframe allowed by the Question. I will write to the Deputy in the near future with information provided by the institution.

#### **National Asset Management Agency**

87. **Deputy Gerry Adams** asked the Minister for Finance the terms of reference of the National Asset Management Agency advisory group; the regularity with which the advisory group meets; and the regularity with which it reports to him. [15673/12]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy is aware, I announced the establishment of a group to advise me on NAMA in my 2012 Budget speech. I subsequently appointed Mr Michael Geoghegan to chair the group. Further to the announcement in my Budget speech regarding the establishment of a group to advise me on NAMA, and the appointment of Mr. Michael Geoghegan as Chairman of this group, I appointed Mr. Denis Rooney and Mr. Frank Daly as members of the group on the 7th of March. The group's advice to me will primarily relate to the strategy of NAMA as proposed by the board of NAMA; the appointment of directors to NAMA; the remuneration of the senior executives of NAMA and any further advice that I may seek on any matter relating to NAMA. I am pleased that all these individuals have agreed to provide this advice to me on a *pro bono* basis.

I have agreed that the group will meet and report to me at least four times a year. The group or members of the group are of course free to discuss issues with me at any time on an *ad hoc* basis.

#### **Pension Provisions**

88. **Deputy Noel Harrington** asked the Minister for Finance if he intends to amend the pensions acts regarding those who may seek relief to withdraw part of their pension contributions to assist them when they are in financial difficulties; and if he will make a statement on the matter. [15700/12]

**Minister for Finance (Deputy Michael Noonan):** There are a number of reasons why, under existing policies, early withdrawals of pension savings are not permitted, the principal one being that pension schemes and plans (and the associated tax reliefs) are designed as long term savings vehicles based on the principle that the savings will be "locked away" until retirement. Otherwise, there would be little reason to treat pension savings more favourably from a tax point of view than other general savings. A number of proposals have been made that individuals should be allowed access to their pension savings prior to retirement. Various rationales

have been advanced to justify these proposals including that such access would allow those individuals to pay down mortgage and other debt and would otherwise provide a boost to economic activity.

This is not a simple matter. During 2011, at the request of the Government's Economic Management Council (EMC), an Ad hoc group was established under the chairmanship of the Department of Social Protection to consider the idea of allowing people to access their pension savings before pension age in order to assist them in paying down debt. The ad hoc group presented a detailed report to the EMC in September. The conclusions of the Ad hoc Group report were that:

- There is no evidence that the group likely to be most affected by mortgage debt (or other debt) has access to sufficient pensions savings to make a difference to their situation.
- The legislative and administrative implications for such a scheme would be extremely complex and would appear excessive given the overall impact.
- Longer term difficulties whereby people are not making adequate provision for their retirement would be exacerbated, with potential for increased demands on the State.
- Individuals cashing in their pension savings now would get poor value in current circumstances which they would struggle to replace in the future.

The "Keane Group" on mortgage arrears did not dispute these findings and early access to pension savings did not feature among the recommendations of that Group.

A more general scheme of early access to pension savings would present significant problems in terms of the proper targeting of the use of accessed funds and controls over potential abuse.

The tax treatment of pension savings is only one aspect of the broad policy of encouraging people to provide for an adequate income in retirement beyond the basic State pension. This policy area is the responsibility of my colleague, the Minister for Social Protection, who I know is also aware of the proposals being made for early access to pension savings. I understand that the Minister for Social Protection intends to have a short and focused independent review carried out of broad pension policy in her Department. I have written to her asking that the issue of early access to pension savings be considered as part of that review.

*Question No. 89 answered with Question No. 72.*

### **Disabled Drivers**

90. **Deputy Willie O'Dea** asked the Minister for Finance if his attention has been drawn to the changes being implemented in the disabled drivers scheme which will come into effect on the 1 May 2012; if he will undertake to review and retain this scheme in its present format as it would be complete disregard not to do so; and if he will make a statement on the matter.  
[15704/12]

**Minister for Finance (Deputy Michael Noonan):** I am not aware of any changes to the Disabled Drivers and Disabled Passengers (Tax Concessions) Scheme, to come into effect on 1 May 2012. Any changes would be considered in the context of the annual Budget.

### **Tax Code**

91. **Deputy Kevin Humphreys** asked the Minister for Finance the tax treatment of income

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from the rental of a taxi licence; the tax liabilities that arise from the sale or transfer of such a licence; and if he will make a statement on the matter. [15713/12]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that income derived by an individual from the letting of a taxi licence is chargeable to income tax. The rate of income tax is dependent on the individual's total income from all sources. I am also informed by the Revenue Commissioners that a gain on the disposal of a taxi licence is liable to Capital Gains Tax (CGT) at a rate of 30%.

If it is the case that the individual disposing of the taxi licence is over 55 years of age and has owned and used that licence in the course of a business carried on by him for a period of at least ten years ending with the disposal, then the individual might be entitled to a relief known as "retirement relief" which has the effect of reducing CGT due on the disposal of the taxi licence. Details of CGT retirement relief is contained in Chapter 5 of Revenue's "*Guide to Capital Gains Tax*" which is available from Revenue's website ([www.revenue.ie](http://www.revenue.ie)).

As to the "transfer" of a taxi licence, I am further informed by the Revenue Commissioners that where a taxi licence is transferred for an amount less than it could realistically be sold for on the open market, then, for the purposes of computing CGT, the disposal is deemed to have been for the "market value" of the licence instead of the amount actually paid for the transfer (if any).

Separately, the transfer of a taxi licence by way of a gift or by way of a partial gift to a person may give rise to a charge to Capital Acquisitions Tax (CAT). CAT includes both gift and inheritance tax. The beneficiary who receives the gift of the taxi licence is the person who is liable for any gift tax due on such a gift.

For CAT purposes the beneficiary is allocated a tax-free threshold depending on their relationship with the person making the gift. There are three CAT tax-free threshold Groups as follows:

*Group A: €250,000* — applies where the beneficiary is a child (including adopted child, step-children and certain foster children) or minor child of a deceased child of the donor.

*Group B: €33,500* — applies where the beneficiary is a brother, sister, a nephew, a niece or lineal ancestor or lineal descendant of the donor.

*Group C: €16,750* — applies in all other cases.

These are the tax free thresholds which will apply to gifts and inheritances taken after 7 December 2011 if Finance Bill 2012 is passed by the Oireachtas.

If the value of the gift received by a beneficiary exceeds his or her tax-free Group threshold, then a rate of CAT of 30% will apply on the excess value over the tax-free Group threshold figure.

When calculating whether a beneficiary has received benefits in excess of his or her Group tax-free threshold, any other gifts and inheritances received by that beneficiary since 5 December 1991 from within the same Group are also taken into account.

Any gift or inheritance received from a spouse or civil partner is exempt from CAT.

Finally, if the transfer of a taxi licence gives rise both to a charge to CGT on the person making the gift and to CAT on the person receiving the gift, then a credit is allowed for the CGT paid against the CAT payable in order to avoid the transfer of the licence from being doubly taxed to both CGT and CAT on the same event.

92. **Deputy Kevin Humphreys** asked the Minister for Finance the number of taxi licence holders that have been audited for tax compliance since 2006 on an annual basis; the settlements if any have been reached in that period; if he will provide a breakdown of the amounts involved; if the Revenue Commissioners have access to the information compiled and maintained by the Office of the Taxi Regulator in the National Transport Authority for tax compliance purposes in the small public service vehicle sector, and if not, if he will provide for such a data transfer; and if he will make a statement on the matter. [15714/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that under the provisions of Section 152 of the Finance Act 2010, the Office of the Taxi Regulator in the National Transport Authority supplies information to Revenue. The data that Revenue currently receives annually includes:

Information relating to drivers, vehicles and combined licences (details of licence holders who hold a driver and vehicle licence);

Information relating to dispatch operators;

A list of successful prosecutions taken by the Taxi Regulator between 2007 and 2010.

This data and information provides Revenue with increased scope to determine the tax compliance and risks offered by individual drivers, dispatch operators and taxi companies.

I am further advised that the Revenue Commissioners and the Office of the Taxi Regulator in the National Transport Authority are currently engaged in discussions with a view to broadening the scope of the information exchanged. This is part of the process in the development of a strategy by the National Transport Authority for the implementation of the recommendations of the Taxi Regulation Review Report.

The sector identifier used on the tax records is based on the 4 digit “NACE code” which is an internationally recognised economic activity code system. NACE code classifications on tax records are compiled by reference to the primary area of economic activity reported by an individual. While the accuracy of the NACE codes on tax records is sufficient to underpin broad sector-based analyses there will undoubtedly be some inaccuracies at individual level.

As advised to me by the Revenue Commissioners, the number of audits carried out are as follows: [NACE Code 6022 to the Year 2010 incl. and NACE Code 4932 for the Year 2011]:

2006 figures are not available.

2007 — 68 Audits — Yield €1.58m.

2008 — 89 Audits — Yield €1.78m.

2009 — 108 Audits — Yield €1.99m.

2010 — 103 Audits — Yield €0.86m.

2011 — 113 Audits — Yield €1.17m.

### **Personal Public Service Numbers**

93. **Deputy Sean Fleming** asked the Minister for Finance the number of PPS numbers that are in existence that have not been registered with the Revenue Commissioners and are in full operation by the Department of Social Protection; if he will explain the background to this situation and the contact that has been made between both organisations to ensure that persons

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with a PPS number are registered with both organisations; the protocols involved to ensure this happens and the full details of the background of the way in which this matter is processed; if he will ensure that all PPS numbers are registered with both organisations in future; and if he will make a statement on the matter. [15738/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that Personal Public Service Numbers (PPS Numbers) are issued automatically by the Department of Social Protection (DSP) to children born in Ireland and otherwise on application to the DSP. The PPS Number is required by the Commissioners to register an individual for tax purposes and is sought on all tax registration forms. It does not automatically follow that a person who receives a PPS Number from the DSP also needs it for tax registration purposes and consequently Revenue does not require an update of all PPS Numbers issued by the DSP. The Revenue Commissioners further advise that creating a record within Revenue's systems for every PPS Number issued would not be the most efficient use of limited processing resources, would give rise to a significant maintenance overhead and would bring a cohort of people into their systems who have no tax risks at all, and are not likely to have any such risks for a number of years. The Commissioners are also satisfied that the fact they have access to the Department of Social Protection's PPS Number information meets their requirements in that regard. On the basis of the explanations provided, I am satisfied that the data exchange and access arrangements currently in place for PPS Numbers are working well and I do not see that there are any advantages to be gained by changing these.

### Tax Collection

94. **Deputy David Stanton** asked the Minister for Finance the number of businesses which are currently in arrears with their tax affairs; his estimate of the amounts involved in same; and if he will make a statement on the matter. [15814/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that due to the varying nature of the different taxes and the timing of payment and statutory return obligations, it is their practice to publish data in relation to tax debts on an annual basis, facilitating a meaningful comparative analysis. The latest published figures for outstanding taxes were published on 31 March 2011. Of the total debt of €2,078m, €690m was under appeal and therefore not available for collection. For the first time since 2005 the debt decreased in 2011, by some €34m compared to 2010.

Revenue is currently finalising an upgrade of its analytical and management information systems to be able to report on the number of distinct business entities that are encompassed by the foregoing debt figures, on a cross tax head basis. This data will, when available be reported by Revenue as part of its annual report.

Revenue has a strong focus on making sure that everyone complies with their tax and duty responsibilities by paying the right amount of tax on time. Revenue expects businesses to continue, notwithstanding the challenging economic circumstances in which they are operating, to maintain a clear focus on being timely compliant and to ensure that tax debts are paid as they fall due. Revenue is fully determined to take the necessary collection enforcement action to pursue tax debts from taxpayers that fail to meet their liabilities on time and which do not engage fully and honestly with them in reaching a mutually acceptable agreement to return their business to full tax compliance as quickly as possible. I support Revenue's approach on this matter.

### State Banking Sector

95. **Deputy Martin Heydon** asked the Minister for Finance the position regarding a person (details supplied) in County Kildare who wishes to transfer their mortgage from Permanent TSB to AIB due to a substantially lower interest rate, but has been advised that he cannot do this; the reason there is such difference in the interest rates in two State-owned banks; and if he will make a statement on the matter. [15825/12]

**Minister for Finance (Deputy Michael Noonan):** It is not appropriate for me, as Minister for Finance, to comment on or become involved in the detailed mortgage position of an individual mortgage holder. However, I can confirm to the Deputy that the lending institutions in Ireland, including those in which the State has a significant shareholding, are independent commercial entities. Ultimately, the pricing of financial products, including standard variable mortgage interest rates, is a commercial decision for the management team and board of each lending institution, having due regard to their customers and the impact on profitability, particularly where the cost of funding to each lending institution, including deposit pricing, is under pressure.

It is a commercial decision for each lender to decide what loans they will agree to grant or to have switched to them.

### State Debt

96. **Deputy Pearse Doherty** asked the Minister for Finance if he will provide a table of the State's Exchequer deficit, general Government deficit and structural deficit, real and projected, from 2000 to 2020 expressed as a percentage of GDP and in monetary terms. [15863/12]

**Minister for Finance (Deputy Michael Noonan):** The Exchequer and General Government information requested by the Deputy is set out in table 2. My Department's current forecast horizon extends to 2015 meaning that projections for the years beyond this are not available at this time. The 2000-2009 Exchequer balance figures are taken from the September 2011 *Budgetary and Economic Statistics* publication. The 2010 figure is from the 2010 Finance Accounts. The 2011 figure is taken from the end-December 2011 Exchequer Statement. The projections for each of the years 2012 to 2015 are taken from *Budget 2012*.

The General Government balances for each of the years 2000-2006 in table 2 are taken from the website of the Central Statistics Office. For the years 2007-2010, the figures are taken from the November 2011 Maastricht Statistical Returns to Eurostat. The General Government balances provided for the years 2011 to 2015 are the *Budget 2012* projections. An updated estimate of the 2011 General Government balance outturn will be submitted to Eurostat as part of the Maastricht Returns at the end of March and subsequently published in April.

For the years 2000 to 2010, the nominal GDP figures published by the CSO in the 2010 National Income and Expenditure Accounts are used to express the Exchequer and General Government balances as a percentage of GDP. For the years 2011 to 2015, the nominal GDP forecasts contained in *Budget 2012* are used. Regarding the structural balance, *Budget 2012* provided estimates of the structural deficit for the period 2011 to 2015. For ease of reference, these are given below in table 1. Like all estimates, they will be updated periodically as we go forward. The Deputy will recall that there are inherent difficulties in estimating the structural balance, especially for a small open economy such as Ireland's, and that, consequently, there is considerable uncertainty surrounding all such estimates. In my response to a previous Parliamentary Question from the Deputy (number 9455/12), I outlined the methodology used to derive the *Budget 2012* estimates of the structural deficit. Using this same methodology, my

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Department has estimated the structural deficit for the years 2008 to 2010. These estimates, which were given in response to PQ no. 4660/12, are also set out in Table 1:

Table 1

Year	Structural deficit (% of GDP)
2008	6.7
2009	9.9
2010	9.9
2011	8.6
2012	8.0
2013	7.1
2014	5.3
2015	3.7

97. **Deputy Pearse Doherty** asked the Minister for Finance if he will provide a table of the State's financing needs for 2013, 2014, 2015, 2016, 2017 and 2018, respectively, including dates on which sovereign bonds are due to mature. [15864/12]

**Minister for Finance (Deputy Michael Noonan):** The most recent Exchequer deficit estimates for the years 2013-2015 were presented in *Budget 2012* last December. They are also set out in the table below. There are presently no official Exchequer deficit estimates for the period post 2015. The National Treasury Management Agency (NTMA) advises me that a list of outstanding Irish Government bonds can be accessed on its website. Outstanding Irish Government bonds due to mature over the period 2013-2018, as well as the dates on which those bonds are due to mature are set out in the table below. There are presently no outstanding Irish Government bonds due to mature in 2017. This data reflects the position as at 29th February 2012.

€ billion	Exchequer Deficit	Irish Government Bond Maturities (maturity date)	IMF/EU and Bilateral Facilities
2013	14.1	6.0 (18/04/2013)	—
2014	10.2	8.3 (15/01/2014)	—
2015	7.0	3.5 (18/02/2015) and (18/08/2015)	6.9
2016	—	10.3 (18/04/2016)	6.0
2017	—	—	2.6
2018	—	9.3 (18/10/2018)	6.5

It should be noted that it is assumed that short-term borrowings from the EFSF which are due to mature in 2012 will be rolled over. These are not included in the table.

98. **Deputy Pearse Doherty** asked the Minister for Finance if he will provide a table detailing the total debt currently held by the State; the dates on which this debt matures; to whom the debt is owed; and if he will distinguish the portion of this debt that is related to the banking crisis and debt accrued for the purposes of running the State. [15865/12]

**Minister for Finance (Deputy Michael Noonan):** The Deputy should be aware that the data contained in this response, which has been supplied by the National Treasury Management Agency (NTMA), relates to the outstanding level of National debt. At end-February 2012, it

stood at €121.2 billion, as shown in the table below. National debt is essentially the debt of the Exchequer and is a subset of General Government debt which is the measure of the total debt of the State used for comparative purposes across the European Union. In addition to the National debt, General Government debt also includes the debt of central and local government bodies and other entities classified within Government as well as the Promissory Notes issued to a number of financial institutions as a means of providing State support to these institutions. General Government debt is reported on a gross basis and does not allow for the netting off of outstanding cash balances whereas the National debt is a net measure which does. Figures in relation to the outstanding level of General Government debt at end-2011 are presently being compiled by my Department in the context of the submission of the Maastricht Statistical Returns to Eurostat at the end of March. These Returns will then be published on my Department's website in mid-April.

Maturity Profile of National Debt at 29 February 2012 (€ million)

Year	Irish Government Bonds	Other Medium and Long Term Debt	IMF/EU and Bilateral Facilities	Short Term Debt	Cash and Other Assets	State Savings	Total
2012	5,563	5	1,466	4,833	(23,070)	1,180	(10,023)
2013	6,028	0	0	3	0	1,180	7,211
2014	8,327	0	24	0	0	1,180	9,532
2015	3,537	66	6,901	0	0	1,180	11,684
2016	10,308	0	6,035	0	0	1,180	17,524
2017	0	0	2,624	0	0	5,902	8,526
2018	9,256	0	6,524	0	0	0	15,780
2019	14,467	0	3,580	0	0	0	18,047
2020	19,567	0	2,624	0	0	0	22,191
2021	0	0	5,024	0	0	0	5,024
2022	0	0	3,269	0	0	0	3,269
2023	0	0	0	0	0	0	0
2024	0	217	0	0	0	0	217
2025	8,284	0	0	0	0	0	8,284
2026	0	0	2,000	0	0	0	2,000
2027	0	0	0	0	0	0	0
2028	0	230	0	0	0	0	230
2029	0	50	0	0	0	0	50
2030	0	105	0	0	0	0	105
2042	0	0	1,500	0	0	0	1,500
	85,337	673	41,573	4,836	(23,070)	11,803	121,151

Source: NTMA.

Rounding may affect the totals.

\*Notes to the Table:

1. It should be noted that the figures in the table are unaudited figures and include the effect of currency hedging transactions.
2. It is assumed for the State Savings products included in the National debt (Savings Bonds, Savings Certificates, National Instalment Savings, National Solidarity Bonds and Prize Bonds) that 10 per cent of the total outstanding at the beginning of the period matures each year for the next five years with the final 50 per cent maturing in the sixth year.
3. State Savings also include moneys invested by depositors in the Post Office Savings Bank (POSB). These funds are mainly lent to the Exchequer as short term advances. Taking into account the POSB, total State Savings outstanding are €14.3 billion.
4. Short-term funding of €1.5 billion under the EU/IMF Programme maturing in 2012 is due to be replaced by longer term funding.

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The figures in the table above relate to the National debt as of 29 February 2012, broken down by year of maturity. Of the €121.2 billion outstanding, €11.8 billion was borrowed from domestic retail investors in Ireland under the State Savings schemes operated by the NTMA, €41.6 billion was borrowed under the EU/IMF Programme and the balance is mainly Irish Government bonds sold on the international capital markets. Because of the mechanisms by which Government bonds are issued and traded, it is not possible to identify the holders of this portion of the debt.

In relation to banking recapitalisation related debt, the Deputy should be aware that there was no specific tranche of borrowing that was undertaken solely for the purpose of funding payments to banks. Rather, the funds which the State has access to as a result of borrowing undertaken by the Exchequer, are available, along with the funds sourced from revenues such as tax revenue, non-tax revenue and capital receipts, to fund overall expenditure, including the recapitalisation of the banks. It is the case however that in the absence of the requirement to provide capital support to the banks, the Exchequer deficits and therefore the State's borrowing requirement and debt levels would have been lower.

In relation to bank recapitalisation related transactions that were funded from the Exchequer, in 2009 the Exchequer funded a €4 billion capital injection into Anglo Irish Bank. Also, in 2009 there was a frontloading of the 1% of GNP Exchequer contribution to the National Pensions Reserve Fund (NPRF) for 2009 and 2010 to part-fund the recapitalisations of Allied Irish Bank (AIB) and Bank of Ireland (BOI) announced in February 2009. The total sum transferred from the Exchequer to the NPRF in 2009 was €3 billion. Both AIB and BOI were recapitalised by way of a €3.5 billion capital injection in the form of Preference Shares in each institution with all of that capital provided from the NPRF. Generally speaking, transfers from the NPRF do not impact the Exchequer, are not therefore deemed borrowings and do not form part of the National debt.

In 2010, the Exchequer provided €625 million to Educational Building Society (EBS) and €100 million to Irish Nationwide Building Society (INBS) by way of special investment shares. This method of investment gave the State extensive powers and full economic ownership of the two building societies.

During 2010 also, capital injections totalling €30.85 billion were committed to Anglo Irish Bank, INBS and EBS. The respective amounts were €25.3 billion for Anglo Irish Bank, €5.3 billion for INBS and €250 million for EBS. The consideration for the capital injections were Promissory Notes issued by the Exchequer to the institutions in lieu of cash. These notes will be redeemed over a period of several years with the Exchequer committed to making annual repayments of 10% of the initial capital value of the notes. This means the Exchequer did not require upfront cash funding for the capital injection. While the €30.85 billion in Promissory Notes were added in full to the stock of General Government debt from the date they were issued in 2010, they only impact the National debt as the annual instalments are paid. In other words, the National debt was only affected by the Promissory Note payments for the first time in 2011, when the Exchequer provided a combined €3,060 million to Anglo Irish Bank and INBS — now known as Irish Bank Resolution Corporation (IBRC) — and €25 million to EBS.

Finally in relation to 2010, a further €3.7 billion was injected into AIB in return for ordinary shares. This capital was provided from the NPRF and did not therefore impact the National debt.

In July 2011, the Exchequer funded €7,568 million of the payments for the recapitalisation of the banking sector, which followed from the March 2011 PCAR process. €2,700 million

was provided to Irish Life & Permanent (ILP) in return for ordinary shares and contingent capital notes,

€985 million to BOI in return for contingent capital notes and €3,883 million to AIB by way of a capital contribution and contingent capital notes. Offsetting this cost somewhat were the €1,018 million in capital receipts transferred to the Exchequer from the NPRF from the sale of part of the State's shareholding in BOI and €46 million in fees related to the recapitalisations. This resulted in a net Exchequer contribution of some €6.5 billion towards the recapitalisation of the banking sector in 2011, thus adding to the National debt. The *Budget 2012* Exchequer deficit estimate for 2012 made provision for €1.3 billion in Exchequer funding to complete the recapitalisation of ILP through the acquisition of its life assurance subsidiary, Irish Life, by the State in June 2012.

### Pension Provisions

99. **Deputy Seamus Kirk** asked the Minister for Education and Skills if he is contemplating a gratuity payment for part-time school bus drivers who retired before 2010; and if he will make a statement on the matter. [15207/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** My Department has no direct role in the industrial relations affairs of Bus Éireann. Accordingly, the issue raised by the Deputy is a matter for the management of Bus Éireann.

### Special Educational Needs

100. **Deputy Seán Ó Fearghaíl** asked the Minister for Education and Skills when it is proposed to open a special education unit at a school (details supplied) in County Kildare; and if he will make a statement on the matter. [14871/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The National Council for Special Education (NCSE), through the local special educational needs organisers (SENOs), is responsible for processing applications from primary and post primary schools for special educational needs supports, including the establishment of special classes in various geographical areas as required. The NCSE operates within my Department's criteria in allocating such support.

All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child's special educational needs, using the contact details available on [www.ncse.ie](http://www.ncse.ie).

I have arranged for the matters raised by the Deputy to be forwarded to the NCSE for their direct reply.

### Youthreach Programme

101. **Deputy Seán Ó Fearghaíl** asked the Minister for Education and Skills the number of approved Youthreach places in each operating centre in County Kildare in 2012; if he intends providing for additional Youthreach places; and if he will make a statement on the matter. [14872/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** In 2012, there are 85 Youthreach places approved for County Kildare VEC. There are 3 Youthreach centres: Athy (30 places), Leixlip (30 places) and Naas (25 places).

The overall number of approved Youthreach places is set at its current level because there is a continuing requirement to plan and control numbers and to manage expenditure within the

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overall educational policy and provision. Any consideration of providing additional Youthreach places would have to take account of the present and prospective economic and budgetary context and related financial constraints.

### Special Educational Needs

102. **Deputy Billy Kelleher** asked the Minister for Education and Skills the options available for a person (details supplied) in County Cork who requires a school placement; and if he will make a statement on the matter. [14875/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The National Council for Special Education (NCSE), through the local special educational needs organisers (SENOs), is responsible for processing applications from primary and post primary schools for special educational needs supports, including the establishment of special classes in various geographical areas as required. The NCSE operates within my Department's criteria in allocating such support.

The NCSE also has a role to assist parents in identifying suitable school placements for children with special educational needs.

All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child's special educational needs, using the contact details available on [www.ncse.ie](http://www.ncse.ie).

I have arranged for the matters raised by the Deputy to be forwarded to the NCSE for their direct reply.

### School Accommodation

103. **Deputy Michael Creed** asked the Minister for Education and Skills if a school (details supplied) in County Cork is in breach of the minimum guidelines for classroom size; and if in view of the enrolment of a child with special needs in September of 2012 and projected increasing enrolment of sufficient numbers to secure the appointment of a third teacher shortly if he will provide a devolved grant to the school to address both the access, minimum size of classroom space per pupil requirement and projected increasing enrolment; and if he will make a statement on the matter. [14878/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The school referred to by the Deputy has recently submitted a request for additional accommodation. This application is currently under consideration and a decision will be communicated to the school authorities when this process has been completed.

### Weight of Schoolbags

104. **Deputy Thomas Pringle** asked the Minister for Education and Skills the supports and funding opportunities in place for post-primary schools that wish to introduce e-books or e-learning initiatives to reduce the volume and weight of books that children need to carry; and if he will make a statement on the matter. [14879/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Encouraging the deployment of high-quality curriculum-relevant digital resources is a clear priority for the ICT in Schools programme. This programme currently delivers a wide range of digital content through the Scoilnet.ie portal, promotes the development of teacher skills in content development and sharing through the national ICT CPD programme, and supports school leaders in developing "elearning plans" for the integration of ICT in teaching and learning in local practice.

In this context, I am fully aware of developments in the digital textbook publishing industry and I believe that the digital format has the potential to add significant value to teaching and learning for the future. In the case of textbooks specifically however, it must be recognised that it is publishers rather than my Department which decide how their intellectual property is to be disseminated. I appreciate that this market is in a particularly rapid phase of evolution at the moment, with a range of digital file formats, content licensing models and portable device platforms in active competition.

In these circumstances I do not think it would be in the best interest of schools for my Department to prescribe a single ebook model at this time. I believe it is important for schools, in conjunction with parents, to retain local autonomy in deciding whether to recommend their pupils purchase ebooks and how best to manage their integration into classroom practice over the medium and long terms.

My Department is not in a position to make new grant funding available for purchase of ebooks and associated services and devices. However, I would like to clarify that schools may choose to allocate the existing book grant provided by my Department towards purchase of electronic books if they wish.

### School Staffing

105. **Deputy Thomas Pringle** asked the Minister for Education and Skills the way the cut-backs on rural DEIS and the other budget cuts will impact on a school (details supplied) in County Donegal in terms of teaching levels; and if he will make a statement on the matter. [14880/12]

**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 details of the reform of the allocation process which is designed to bring a more equitable distribution of existing posts between schools.

The overall objective with the reforms is to enable the teacher allocation and redeployment process to operate more smoothly and efficiently within the new climate of fixed ceilings on teaching posts. The changes are designed to give a more equitable distribution of existing posts between schools, give earlier certainty to schools about their staffing allocations and, where possible, simplify and streamline existing processes and give greater autonomy to schools.

The new arrangements incorporate a long overdue updating of the General Allocation Model (GAM) combining learning support for high incidence special needs and language support for all schools. It also includes changes to NCSE approved (low incidence) resource hours in the base schools or in neighbouring schools. This approach builds on the interim arrangements that operated in 2011 but in a more structured and transparent manner.

Arising from the decisions taken following Budget 2012, of the 328 DEIS Rural primary schools, 16 of these schools with legacy posts will lose one teaching post each, including the school referred to by the Deputy.

The allocation processes also include an appeals mechanism under which schools can appeal against the allocation due to them under the staffing schedules. The appeal procedures are set out in the circular referred to above.

For the coming school year the existing staffing appeals criteria have been extended to enable some 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. The closing date for submission of appeal is 23 March, 2012.

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The Appeal Boards operate independently of the Department and their decisions are final.

The final staffing position for all schools at primary level will ultimately not be known until the Autumn. At that stage the allocation process will be fully completed and any appeals to the Staffing Appeal Boards will have been considered.

### **Redundancy Payments**

106. **Deputy Peadar Tóibín** asked the Minister for Education and Skills the position regarding redundancy payments in respect of a person (details supplied) in County Meath; if he will expedite the matter; and if he will make a statement on the matter. [14889/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** An application for redundancy in respect of the person referred to by the Deputy was received by my Department on 30th September 2011.

The Department received a large number of redundancy applications during August and September 2011. Applications received during those months are currently being processed in date order of receipt. Every effort is being made, within the resources available, to process these applications as quickly as possible.

Extra resources were assigned to the Redundancy Unit at the end of October 2011 to ensure that Special Needs Assistants that have been made redundant would have their claims processed as quickly as possible. The Deputy will appreciate, in the context of the employment control framework it is only possible to reassign limited additional staffing resources from within the existing staff cohort of the Department to deal with redundancy payments whilst at the same time ensuring that other priority functions such as the payment of teachers and Special Needs Assistants on a fortnightly basis.

It is expected that the application referred to by the Deputy will be reached for processing by the end of March and any payment due will issue as soon as possible thereafter.

### **European Globalisation Fund**

107. **Deputy Peadar Tóibín** asked the Minister for Education and Skills the reason all the staff of a company (details supplied) were not included in the European Globalisation Fund application. [14904/12]

124. **Deputy Willie O’Dea** asked the Minister for Education and Skills if his attention has been drawn to the difficulty of staff previously employed by a company (details supplied) in County Limerick who have been informed that they do not qualify for funding through European Globalisation Fund and therefore cannot access third level education as a result; and if he has put any alternatives in place to permit those individuals to access further training and education. [15082/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** I propose to take Questions Nos. 107 and 124 together.

In accordance with Article 5(1) of EGF Regulation (EC) No 1927/2006, a maximum period of 10 weeks applies from the end of the relevant EGF reference period within which an EGF application must be submitted. On 9 June 2010, the Department submitted an application for co-funded assistance from the EGF in respect of 9,089 former workers made redundant in the construction industry during the nine months EGF reference period between 1 July 2009 and

31 March 2010. For this EGF application the subsequent 10 weeks application submission period ended on 9 June 2010.

All EGF programmes are subject to audit by both national and EU authorities. Of the utmost importance is the requirement for the Irish authorities to be able to verify the cohort who are deemed eligible for EGF supports and to ensure that all relevant criteria of the Fund are met in respect of that cohort. In order to meet the EGF requirements of verifiably meeting the initial 500 redundancy threshold within the reference period and to identify the entire relevant cohort over the implementation period of an approved EGF programme, the Department used data from the statutory redundancy payments system. This is a demonstrably verifiable source of data such as is deemed sufficient to satisfy both national and EU audits and national management control checks. With the very large numbers of redundant workers included in the Irish EGF construction sector application and the number of employers involved, which data is also required by the European Commission, the Department's reliance on this system was reinforced.

Those redundant workers who were ultimately included in the EGF application were identified on the basis of the most recent recorded date of registration for a statutory redundancy payment as at 28 April 2010. As appropriate for those redundant apprentices included in the NACE 41 and 43 sub-sectors, their identification was based, in addition, on data from the apprenticeship database held by FÁS.

Statutory redundancy payment data on which the cohort of eligible redundant workers was based, was received from the Redundancy Payments Division of the then Department of Enterprise, Trade and Employment on 28 April 2010, some four weeks into the 10 week period allowed after the reference period for submission of the application to the European Commission.

There are limited staffing and infrastructural resources available both in the statutory redundancy payment and EGF Managing Authority areas with which to process, collate, disaggregate and verify very significant amounts of data across some 9,000 individuals and some 3,349 employers. This exercise was also conducted at a time of considerable pressure on the activation agenda at national level with very challenging levels of unemployment both in the construction industry and in many other areas and sectors. In this context, the Irish EGF application sought to maximise the numbers of eligible redundant workers for co-financed assistance as far as practically possible. I understand that the aggregated application submitted contains collectively the largest number of redundant workers to be encompassed in an EGF application to date. When disaggregated, the NACE 41 sub-sector element, of the application alone, encompasses over 3,200 individuals, the third largest number of redundant workers for whom co-financing assistance has been sought across the EU to date.

The EGF application was duly submitted on 9 June 2010 and was made on the basis of particular information available to the Department at a given point in time. As such, some 37 former employees of the company in question were identified as having been made redundant during the relevant reference period based on the available data.

It should be noted that it is not the enterprise making the workers redundant but the individual workers who have been identified as having been made redundant, which is the key element in terms of EGF eligibility.

Moreover, the redundant payments system, on which the data in the EGF application was significantly based, does not automatically follow up each of the 3,349 employers encompassed by the application on a rolling basis and seek updated details of all workers who may have been let go at different times. Thus, the relevant information from this source was the best

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available to my Department when compiling the EGF application and at the time of the making of the application.

There is a wide range of non-EGF co-financed active labour market interventions which are available to all qualifying redundant workers, including in the architectural profession, provided by FÁS, the VECs, the CEBs and the higher education system subject to the meeting of the relevant criteria of existing schemes in individual cases. For example, FÁS runs the Professional Networking and Support Programme and it is open to all professionals, including those encompassed in the NACE 71 sector, to apply for access to the programme through their local Employment Services Office.

In relation to access to third level education for persons not eligible for the particular supports co-financed through an EGF programme, it is open to any individual to apply for a place on an undergraduate or post graduate higher education programme in the publicly funded higher education sector and, depending on their previous level of educational attainment and personal circumstances, they may be eligible for support under the Free Fees Scheme or the Student Grant Scheme. Further information is available on the website *www.studentfinance.ie*.

Under the Springboard initiative, launched in May 2011, free part time higher education places are available to unemployed persons to reskill in areas of identified skills needs. Last month more than 500 additional places were made available on courses that had exceptionally high demand when first run in 2011. 10m Euros has also been made available for the roll-out of Springboard 2012 and details of the courses being funded and the number of places being supported, will be available in May 2012, following a competitive tendering process.

In addition, more than 750 free places have been provided on 17 new graduate skills conversion programmes nationally. The programmes allow those with the appropriate qualifications to convert their skills during an intensive course of study in a higher education institute and a corresponding work placement in a collaborative company.

The details of Springboard and ICT Skills Conversion programmes are available on *www.bluebrick.ie* and participants can apply online at this website.

### **Schools Building Projects**

108. **Deputy Seán Ó Feargháil** asked the Minister for Education and Skills if, in view of his response to Parliamentary Question No. 65 of 8 February 2012 if he will explain the reason a school building project (details supplied) has not been included in his recently announced five year school building programme; and if he will make a statement on the matter. [14951/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** In view of the need to ensure that every child has access to a school place, the delivery of major school projects to meet the demographic demands nationally will be the main focus for capital investment in schools in the coming years. The five year programme announced recently is focused on meeting those demographic needs. In that context, it was not possible to advance all applications for capital funding concurrently.

The building project for the school referred to by the Deputy is currently at an advanced stage of architectural planning. The Design Team are currently working on Stage 2(b) of Architectural Planning which includes Planning Permission, Fire Certificate and Disability Access Certificate (DAC). However, in light of current competing demands on the Department's capital budget, it is not possible to progress this project to tender and construction at this time.

109. **Deputy Derek Nolan** asked the Minister for Education and Skills if the proposed opening date for a new second level school in Claregalway, County Galway, has changed to 2014 in view of the projected building date for the project in the recently announced five year school building plan; and if he will make a statement on the matter. [14954/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** In June 2011, I announced the establishment of 40 new schools nationally within the next six years, comprising of twenty new primary schools and twenty new post-primary schools including a new post primary school for Claregalway which will be established from September 2013. All of these schools are earmarked to proceed to construction over the duration of the 5 Year Plan.

The Department will be in communication with all those schools on the programme at the appropriate time in relation to the next steps to be taken in the architectural planning process including the provision of interim accommodation solutions, as appropriate.

The process of identifying a site for the new school building in Claregalway is under way. The timeline for when work will proceed on the permanent school building is indicated in my announcement on 12 March last i.e. each project is listed in the year which it is expected to proceed to construction which in the case of Claregalway Post Primary School is 2014.

### **Special Educational Needs**

110. **Deputy Éamon Ó Cuív** asked the Minister for Education and Skills the reason the special class is being discontinued at a school (details supplied) in County Galway from September 2012; and if he will make a statement on the matter. [14955/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** My Department provides for the education of children with special educational needs through a number of support mechanisms depending on the child's assessed disability. In general, educational provision for children with special needs is made; in special schools; in special classes attached to ordinary schools; or in integrated settings in mainstream classes.

The nature and level of the educational response is based on the professionally-assessed needs of each individual child. My Departments policy is to ensure the maximum possible integration of children with special needs into ordinary mainstream schools. Many students with special educational needs will therefore not require or seek a special class placement, but will be educated along with their peers in mainstream provision, with additional supports.

I wish to advise the Deputy that the National Council for Special Education (NCSE), through its network of local Special Educational Needs Organisers (SENOs), is responsible for processing applications from primary and post primary schools for special educational needs supports. This includes the allocation of resource teaching hours to schools as well as the establishment of special classes in various geographical areas, including the area referred to by the Deputy, as required and the discontinuation of such classes where the need no longer exists.

I have therefore arranged for the Deputys question to be forwarded to the NCSE for their attention and direct reply.

### **Student Loan Facilities**

111. **Deputy Barry Cowen** asked the Minister for Education and Skills if he will discuss with the Department Finance the issue of the provision of student loan by banks; and if there are any situations in which banks are refusing to hand out student loans at present; and if he will make a statement on the matter. [14958/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** A range of student loan facilities is currently offered by banks on an independent commercial basis. My Department is not informed of specific arrangements or changes in the application of loan criteria by the banks in relation to student loans.

### Capitation Grants

112. **Deputy Joan Collins** asked the Minister for Education and Skills his views on a report (details supplied) regarding a school (details supplied) in Dublin; and if he will make a statement on the matter. [14959/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As the Deputy is aware Budget 2012 provided for a cut in capitation to schools of 2% in both 2012 and 2013 and a further 1% in both 2014 and 2015.

Due to my decision of 21 February, to retain posts from previous disadvantage schemes in 140 DEIS Band 1 and Band 2 primary schools, it was necessary to generate alternative savings within the primary education budget. This has been achieved by bringing forward to 2012 from 2013, 1.5% of the 2% cut in primary school capitation agreed by Government as part of Budget 2012 in addition to the 2% cut already notified to primary schools for 2012.

In addition I announced in November 2011 that in order to focus on meeting the need for additional school places nationwide, it is unlikely that there will be funding available for summer works or minor works in the coming years.

While a key priority for me is to continue to prioritise and target resources at schools with the most concentrated levels of educational disadvantage, the current economic climate and the challenge to meet significant targets on reducing public expenditure, particularly given the upward pressures on teacher numbers and in the context of operating under a fixed ceiling on teacher numbers affords no capacity to exclude any school from the cuts to mainstream capitation.

However, this school continues to receive the DEIS grant which has not been affected by the Budget measures. In addition, the following resources continue to be provided:- additional Book Grant over and above that paid to other schools- additional staffing to implement more favourable class sizes- allocation of administrative principals on lower enrolment than apply in primary schools generally- access to School Completion and Home School Community Liaison- access to School Meals provision- access to literacy/numeracy supports such as reading recovery, maths recovery, first steps- access to a range of professional development supports- access to homework clubs and transfer programmes- access to planning supports

### Schools Building Projects

113. **Deputy Catherine Murphy** asked the Minister for Education and Skills if he intends to establish an all Irish Secondary School in North Kildare; if his attention has been drawn to the fact that there are three all Irish Primary Schools, Leixlip, Maynooth and Kilcock; if not, the estimated capacity in the all Irish secondary school in Lucan, Dublin; the portion of that capacity that is designated for North Kildare; and if he will make a statement on the matter. [14976/12]

**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. In addition the announcement outlined that an initial decision would be made by my Department, before seeking applications

for patronage, on whether the school would operate through the medium of Irish or English and that applications would be sought from patrons when this decision was made.

An analysis was carried out on all of the areas in which new schools are to be delivered to establish if these schools should be all Irish schools. Consideration was given having regard to existing and planned provision of both English medium and Irish medium schools within and adjacent to the areas concerned. In the case of the new school to be established in Maynooth in 2014 it was decided that the medium of instruction should be English. However, one of the requirements that must be satisfied by prospective school patrons is the confirmation of willingness to establish an Aonad where there is demand for it (for a school where the primary medium of instruction is to be English).

The closing date for receipt of applications for patronage of the post-primary schools to be established in 2013 and 2014 was Friday 24 February 2012. The Forward Planning Section of my Department is assessing 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.

In regard to the all Irish secondary school in Lucan, this school was built to cater for a long-term projected enrolment of 600 pupils. The school had an enrolment of 378 pupils in the 2010/2011 school year. This school was built to cater for the needs of West Dublin/ North Kildare area.

My Department will continue to monitor enrolments in the North Kildare area to ensure that there is sufficient school accommodation to meet any projected future demands.

### Scoileanna Oileáin

114. D'fhiafraigh **Éamon Ó Cuív** den Aire Oideachais agus Scileanna an bhfuil sé i gceist aige a chinntiú go mbeidh dhá oide ag múineadh i ngach bunscoil sna hoileán nach bhfuil ceangailte leis an mórthír le droichead don scoilbhliain 2012/2013 ach nach bhfuil ach bunscoil amháin orthu; agus an ndéanfaidh sé ráiteas ina thaobh. [14983/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Tá na socrúithe foirne do na bunscoileanna uile don scoilbhliain 2012/13, na scoileanna oileáin ina measc, leagtha amach i gCiorclán Bunscoile 0007/2012 atá le fáil ar shuíomh gréasáin mo Roinne. Cuimsíonn na socrúithe foráil don dara nó don tríú post príomhshrutha múinteoireachta i scoil oileáin a choimeád, faoi réir ag tairseacha dalta áirithe, 8 agus 45 faoi seach, agus ar an gcoinníoll gurb í an scoil sin an t-aon bhunscoil atá fágtha ar an oileán.

115. D'fhiafraigh **Éamon Ó Cuív** den Aire Oideachais agus Scileanna cé mhéad bunscoil atá lonnaithe ar oileáin gan ceangal droichid leis an mórthír; cad iad ainmneacha na scoileanna sin agus na n-oileán ar a bhfuil siad suite; cén líon daltaí agus cén líon múinteoirí ranga atá i ngach scoil acu; agus an ndéanfaidh sé ráiteas ina thaobh. [14984/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Tá an teolas atáá lorg ar fáil ar na táblaí ceangailte.

UR	Ainm	Daltaí	Múinteoirí ranga
05164I	Scoil Naomh Cholmcille, Oileán Thoraí, Co Donegal	6	1
15955W	Scoil Naisiúnta Arainn Mhór 1, Arainn Mhor, Co Donegal	47	3
16384K	Scoil Naisiúnta Arainn Mhór 2, Arainn Mhor, Co Donegal	12	2
12339I	Scoil Naisiúnta Inis Meadhoin, Arainn, Co. na Gaillimhe	9	2

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UR	Ainm	Daltaí	Múinteoirí ranga
13174H	St Columba's NS, Inisturk, Co Galway	6	1
13927H	Inisbhoifin NS, Inishboifin, Co Galway	21	2
17289V	Scoil Naisiúnta Caomháin, Inis Oirthir, Arainn, Co na Gaillimhe	22	2
17456O	Scoil Naisiúnta Rónáin, Aran, Co Galway	46	3
20210W	S N Eoin Pol II, Inis Mor, Arainn, Co. na Gaillimhe	17	2
14065H	Sherkin Island NS, Baltimore, Co Cork	8	2
19525R	Scoil Mhicil Noafa, Ballinakilla, Bere Island, Co Cork	21	2
14303U	Scoil Naisiúnta Cléire, Oileán Chléire, an Sciobairin, Co Cork	13	2

Dara Leibhéal

Uimhir Rolla	Ainm	Seoladh	2010-11
71244F	Gairmscoil Mhic Diarmada	An Leadhgarbh, Árainn Mhór, Co. Dhún na nGall	55
71300M	Gairmscoil Éinne Oileain Arann	Cill Rónain, Inis Mór, Árainn, Co. na Gaillimhe	70
71370K	Coláiste Ghobnait	Inis Oírr, Oileáin Arann, Cuan na Gaillimhe	23
76079S	Coláiste Phobail Cholmcille	Baile Úr, Oileán Thoráí, Doirí Beaga, Co. Dhún Na nGall	9

**Foirne Scoile**

116. D'fhiafraigh **Éamon Ó Cuív** den Aire Oideachais agus Scileanna an greideann sé go mba cheart go mbeadh dhá oide ar a laghad i ngach bunscoil mar gheall ar chúinsí sláinte agus sábháilteachta; agus an ndéanfaidh sé ráiteas ina thaobh. [14985/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Tá na tairseacha daltaí do leithdháileadh múinteoirí rangsheomra i mbunscoileanna, na tairseacha don dara múinteoir i scoil dhá-oide san áireamh, leagtha amach i gCiorclán mo Roinne 0007/2012 atá le fáil ar shuíomh gréasáin na Roinne. Aithníonn an Roinn seo gur cuid thábhachtach de chreatlach shóisialta pobal tuaithe iad scoileanna beaga. Beidh siad ina ngné den tírdhreach oideachasúil againn i gcónaí. Ní hionann sin is a rá, áfach, gur féidir leibhéil fheabhsaithe foirne a chur ar bun i scoileanna beaga, de réir mar a mholann an Teachta. Ní féidir leis na leibhéil foirne i scoileanna beaga fanacht ina seasamh ná fanacht gan athrú go dtí leibhéal atá níos inacmhainne agus níos inmharthana in aimsir seo na géarchéime gilleagrach. Níor cheart go mbeadh na múinteoirí sna scoileanna beaga díolmhaithe ón éileamh, atáthar á dhéanamh ar na fostaithe uile sa tseirbhís phoiblí, na seirbhísí poiblí againn a sheachadadh le leibhéal laghdaithe acmhainní.

Tá mo Roinnse tar éis an próiseas achomharc mar atá sé faoi láthair a leathnú sa chaoi go mbeidh sé inrochtana do na scoileanna beaga atá ag cailleadh phost rangsheomra mar thoradh ar an mbeart buiséid. Scoileanna ar bith díobh a bheidh ag réamh-mheas rolluithe méadaithe i Meán Fómhair 2012 a ba leor iad le ceadú dóibh a gcuid post rangsheomra a choimeád thar an fadtéarma, ní chaillfidh siad an post rangsheomra. Tá na socrúithe mionsonraithe leagtha amach i gCiorclán Foirne mo Roinne atá foilsithe anois ar shuíomh gréasáin mo Roinne. Is é 23 Márta 2012 an spriocdháta d'achomhairc a chur faoi bhráid lena mbreithniú ag Cruinniú an Bhord Achomhairc um Sholáthar Foirne i mí Aibreáin. Luíonn an fhreagracht as scoileanna a

bhainistiúó lá go lá, bainistiúó cúrsaí sláinte agus sábháilteachta san áireamh, leis an scoil féin ag an leibhéal áitiúil. Éilítear ar na scoileanna uile gach réamhchúram réasúnta a ghlacadh chun sábháilteacht na ndaltaí a chinntiú, agus bheith rannpháirteach i maoirsiú daltaí nuair atá na daltaí ar áitreabh na scoile, i rith am scoile, agus/nó i rith gníomhaíochtaí scoile. Ina leith seo, is ceart a nótáil go n-íoctar, de réir na socruithe atá ann faoi láthair, deontas maoirsithe le scoileanna aon-oide le haghaidh soláthar seirbhísí maoirsithe gur féidir éascú leo trí maoirseoir seachtrach a cheapadh.

### Departmental Reports

117. **Deputy Pearse Doherty** asked the Minister for Education and Skills if he will publish the second implementation report on EGF construction programmes due to be submitted to him on 12 March 2012; and if he will make a statement on the matter. [14997/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** I am pleased to inform the Deputy that the report is now finalised and is available on the European Globalisation Adjustment Fund website ([www.egf.ie](http://www.egf.ie)) for public information.

### Higher Education Grants

118. **Deputy Simon Harris** asked the Minister for Education and Skills if the expenses payable to members of the Garda Reserve are taken into account by local authorities and vocational education committee when deciding if a person applying for third level support grants meets the relevant income criteria or if Garda Reserve expenses are exempted from consideration in view of the fact that they cover only expenses incurred by reserve members and do not constitute additional income; and if he will make a statement on the matter. [14999/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Deputy will appreciate that the decision on eligibility for a student grant is a matter for the relevant grant awarding authority.

However, I am informed that payments made in respect of the Garda Reserve Allowance are taxable and are therefore included in the assessment of income for student grant purposes. The assessment of means under my Department's Student Grants Scheme is based on gross income from all sources.

### Schools Building Projects

119. **Deputy Joan Collins** asked the Minister for Education and Skills if he will release a detailed timeline of when work will proceed on each of the schools on the new school build programme and provide this information to the boards of management of each of the schools. [15007/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As the Deputy is aware, on 12 March last, 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 €1.5 billion major project capital investment programme. These new projects are in addition to 56 major school building projects that I already announced for 2012. The timeline for when work is expected to proceed is outlined in the announcement. Each project is listed in the year when the commencement of construction works is anticipated. The Department will be in communication with all those schools on the programme in relation to the next steps to be taken, at the appropriate time, as the projects progress through the various stages of the architectural planning process. Details

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of all projects on the Five Year Plan are published on my Department's website and this will be updated regularly.

### Special Educational Needs

120. **Deputy Michael McGrath** asked the Minister for Education and Skills the position regarding the withdrawal of special needs assistants posts from a special needs school (details supplied) in County Cork; and if he will make a statement on the matter. [15042/12]

153. **Deputy Ciarán Lynch** asked the Minister for Education and Skills if he will confirm that four special needs assistant positions have been cut from a special needs school (details supplied) in County Cork; the reason for this reduction; and the alternatives that are available to the students; and if he will make a statement on the matter. [15370/12]

177. **Deputy Jonathan O'Brien** asked the Minister for Education and Skills the number and job titles of staff he plans to make redundant in a school (details supplied); and if he plans to replace these staff members. [15558/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 120, 153 and 177 together.

The National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOS) for allocating Special Needs Assistants (SNAs) to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support which now includes a requirement for them to have regard to the overall cap on numbers.

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 the school. Schools have been advised to make applications to the NCSE for SNA support for the 2012/13 school year by 16 March, 2012 and will be advised by late May/early June 2012 of their allocation for the 2012/13 school year, based on the number of valid applications received by 16th March of this year.

The school referred to by the Deputy currently has 24 pupils enrolled. It has 1 Principal, 5 teachers and 16 SNAs, which by any standard is a very high level of resource allocation.

I understand that the NCSE has identified a potential surplus of 4 SNA posts in the school for next year, based on current pupil numbers, but that the final SNA allocation for the school will not be known until all applications, including applications for any new entrants are submitted for the coming school year.

I also understand that the NCSE is due to meet with the school shortly in order to discuss staffing requirements for the coming school year. The NCSE will advise the school by late May/early June of their SNA allocation for the 2012/13 school year.

### Schools Building Projects

121. **Deputy Denis Naughten** asked the Minister for Education and Skills the reason a school (details supplied) County Roscommon was excluded from his Department's multiannual capital programme; if he will review its exclusion; and if he will make a statement on the matter. [15048/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** In view of the need to ensure that every child has access to a school place, the delivery of major school projects to meet the

demographic demands nationally will be the main focus for capital investment in schools in the coming years. The five year programme announced recently is focused on meeting those demographic needs. In that context, it was not possible to advance all applications for capital funding concurrently. The building project for the school referred to by the Deputy is currently at an early stage of architectural planning. The Stage 2a Submission (Developed Sketch Design) has recently been received in the Department. When the submission has been reviewed and assuming no issues arise, the project will then proceed to stage 2(b) which includes an application for planning permission and the preparation of tender documents. However, in light of current competing demands on the Department's capital budget, it is not possible to progress this project to tender and construction at this time.

### School Staffing

122. **Deputy Peadar Tóibín** asked the Minister for Education and Skills the position regarding legacy posts in respect of a school (details supplied) in County Meath. [15079/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** 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. The school referred to by the Deputy is one of the 15 non DEIS schools.

Where a school is losing 3 or more posts as a result of the combination of budget and reform measures an application can be made 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 on the basis that it is impacting in a particularly adverse manner on the school's overall allocation.

A letter issued to this school providing details of their staffing for 2012/13, including posts being withdrawn and details of the Appeals mechanism open to this school.

### Schools Building Projects

123. **Deputy Peadar Tóibín** asked the Minister for Education and Skills the position regarding a new school (details supplied). [15080/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As I recently advised the Deputy, the development of an educational campus for Navan is already in train. This will provide for a primary, post primary and special school to cater for the projected pupil growth in the Navan area over the coming years.

My Department has no plans to provide a new school building for the school to which he also refers. However, I am pleased to advise the Deputy that the school concerned was recently invited to participate in the Department's Prefab Replacement Programme which is an initiative to replace rented prefabs with permanent accommodation. A response from the school to this invitation is awaited.

*Question No. 124 answered with Question No. 107.*

### School Enrolments

125. **Deputy Stephen S. Donnelly** asked the Minister for Education and Skills with regard to the ongoing review of school enrolment, when he anticipates publishing the conclusions of this review and bringing forward legislation or regulations on same. [15094/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As the Deputy will be aware, last June, I launched a discussion paper on school enrolment. The document, “Discussion Paper on a Regulatory Framework for School Enrolment” contains suggestions on how to make the process of enrolling in schools more open, equitable and consistent.

I have made it clear that the paper was not meant to be prescriptive, nor have any decisions been made as to what elements will be contained in any final regulations or legislation. The purpose of the paper was to lead and provoke debate on enrolment policies and practices.

I invited education partners and interested parties to submit their views to my Department by 28 October last. My officials are currently co-ordinating the submissions received and the feedback from this consultation will help inform the nature and scope of a new regulatory framework for school enrolment.

126. **Deputy Stephen S. Donnelly** asked the Minister for Education and Skills further to Parliamentary Question No. 161 of 11 January 2012, the measures that were taken on foot of this advice to communicate it to parties to section 29 appeals; the measures that have been taken to standardise the process by which schools inform parents of their right to take a section 29 appeal and of the process and procedures for these appeals; the number of such appeals that took place in 2011 and the success rate of same; the number of these appeals that were subjected to judicial review by the school concerned; the number of these that subsequently led to the original appeal being overturned; and if he will provide an estimate of the cost of these appeals and legal proceedings to the schools and or that State. [15095/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Further to my answer to Parliamentary Question No. 161 of 11 January 2012, since 14 February my Department advises all parties to an appeal on the jurisdiction of Section 29 appeal committees in relation to Section 19(3) of the Education (Welfare) Act 2000. This advice is consistent with the Department’s legal advice.

I have asked my officials to forward a copy of these procedures and advices for the Deputy’s attention.

There were 367 appeals taken in 2011, of these:

- 149 were withdrawn by the appellant prior to hearing, and
- 218 went to hearing and 95 of these were upheld in favour of the appellant.

In 2011 two school authorities lodged a judicial review, each to have a Section 29 determination, that was upheld in favour of the appellant, quashed by the High Court. These two determinations were quashed. A second hearing by another appeal committee was convened in one case. The appellants withdrew the appeal before it went to hearing, in the other case.

In 2011 my Department incurred expenditure of €275,759.67 in relation to the administration of Section 29 appeals, which relates to the costs incurred by Section 29 appeal members except for €1,073 which relates to room hire for appeal hearings.

Separately, in relation to costs of Judicial reviews my Department incurred costs of €59,502 in 2011 against one of these Judicial Reviews. My Department has not yet received the costs in relation to the other case.

The Deputy will be aware that in 2011, I launched a “Discussion Paper on a Regulatory Framework for School Enrolment”. My officials are co-ordinating the submissions received. The feedback from this consultation will help inform the nature and scope of a new regulatory framework for school enrolment, to make the process of enrolling in schools more open, equit-

able and consistent. I will be reviewing the purpose and scope of Section 19(3) of the Education (Welfare) Act, 2000 as part of this work.

### Departmental Schemes

127. **Deputy Derek Nolan** asked the Minister for Education and Skills if there is an emergency work scheme for schools with an emergency need for funding; and if he will make a statement on the matter. [15204/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Funding is available to school authorities to carry out emergency works under my Department's Emergency Works Scheme and full details of the terms and conditions of the scheme are available on my Department's website *www.education.ie*.

The main purpose of the Emergency Works Scheme is to ensure the availability of funding for urgent works to those schools that are most in need of resources as a result of an emergency situation or on receipt of an enrolment application from a special needs pupil.

An emergency is a situation which poses an immediate risk to health, life, property or the environment, which is sudden, unforeseen and requires immediate action and in the case of a school, if not corrected would prevent the school or part thereof from opening.

### School Accommodation

128. **Deputy Derek Nolan** asked the Minister for Education and Skills his plans to announce another prefab replacement scheme later this year; and if he will make a statement on the matter. [15205/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As the Deputy is aware I recently allocated €35 million to allow almost 200 schools with rented prefab accommodation an opportunity to replace their rented prefabs with permanent accommodation. In light of the competing demands on the available budget, it is not possible to say at this stage if the scheme will be extended.

### Schools Building Projects

129. **Deputy Charlie McConalogue** asked the Minister for Education and Skills the position regarding building projects for school in County Donegal (details supplied); and if he will make a statement on the matter. [15211/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** In view of the need to ensure that every child has access to a school place, the delivery of major school projects to meet the demographic demands nationally will be the main focus for capital investment in schools in the coming years. The five year programme announced recently is focused on meeting those demographic needs. In that context, it was not possible to advance all applications for capital funding concurrently. The building project for the post primary school referred to by the Deputy is at an advanced stage of architectural planning and the planning permission recently granted by the local authority is currently under appeal to An Bord Pleanála. The second primary school referred to by the Deputy is currently tendering for a design team. The remaining schools referred to by the Deputy are awaiting commencement of the tender process for the appointment of a design team.

The school building projects currently in or commencing architectural planning, including the projects referred to by the Deputy, will continue to be advanced incrementally over time within the context of the funding available. However, in light of current competing demands

[Deputy Ruairí Quinn.]

on the Department's capital budget, it is not possible at this time to indicate when these projects will be progressed to tender and construction.

130. **Deputy Billy Kelleher** asked the Minister for Education and Skills the position regarding a school (details supplied) in County Cork that did not appear on any of the building programme lists released yesterday; and if he will make a statement on the matter. [15222/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** In view of the need to ensure that every child has access to a school place, the delivery of major school projects to meet the demographic demands nationally will be the main focus for capital investment in schools in the coming years. The five year programme announced recently is focused on meeting those demographic needs. In that context, it was not possible to advance all applications for capital funding concurrently.

The building project for the school referred to by the Deputy is currently at an early stage of architectural planning. The Design Team are currently working on the Stage 2a Submission (Developed Sketch Design). School building projects currently in architectural planning, including the project referred to by the Deputy, will continue to be advanced incrementally over time within the context of the funding available.

However, in light of current competing demands on the Department's capital budget, it is not possible at this time to indicate when this project will be progressed to tender and construction stage.

### School Staffing

131. **Deputy Pearse Doherty** asked the Minister for Education and Skills if he will provide a list of primary and secondary schools in County Donegal that have been notified that they will lose a teaching position or part of a teaching position from September 2012; the schools involved and the positions to be lost; and if he will make a statement on the matter. [15226/12]

132. **Deputy Pearse Doherty** asked the Minister for Education and Skills if he will provide a list of primary and secondary schools in Dublin City and County who have been notified that they will lose a teaching position or part of a teaching position from September 2012; the schools involved and the positions to be lost; and if he will make a statement on the matter. [15227/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 131 and 132 together.

Teacher allocations are approved annually in accordance with established rules based on recognised pupil enrolment. My Department has published the staffing arrangements at primary and post primary level for the coming school year, 2012-13. The relevant circulars, Primary 0007/2012 and Post Primary 0009/2012 are available on my Department's website.

At post primary level and in accordance with existing arrangements, where a school management authority is unable to meet its curricular commitments within its approved allocation, my Department considers applications for additional short term support i.e., curricular concessions.

The allocation processes at both primary and post primary level also include an appeals mechanism under which schools can appeal against the allocation due to them under the staffing schedules. The appeal procedures are set out in the circulars referred to above. For the coming school year the existing staffing appeals criteria have been extended to enable some

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.

The Appeal Boards operate independently of the Department and their decisions are final.

The final staffing position for all schools at primary and post primary level will ultimately not be known until the Autumn. At that stage the allocation process will be fully completed and any appeals to the Staffing Appeal Boards will have been considered.

### **Educational Disadvantage**

133. **Deputy Michelle Mulherin** asked the Minister for Education and Skills the reason a school (details supplied) is not a DEIS school despite being located in a disadvantaged area and a parish where every other school is DEIS; the way the school can become a DEIS school; and if he will make a statement on the matter. [15262/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The process of identifying primary and second-level schools for participation in DEIS was managed by the Educational Research Centre (ERC) on behalf of my Department and supported by quality assurance work co-ordinated through the Department's regional offices and the Inspectorate in 2005. The school to which the Deputy refers was among the schools that were judged not to have a sufficient level of disadvantage among their pupils to warrant their inclusion in DEIS (Delivering Equality of Opportunities in Schools), the Action Plan for educational inclusion. A review mechanism was put in place to address the concerns of those schools that did not qualify for inclusion in the School Support Programme under DEIS but regarded themselves as having a level of disadvantage which is of a scale sufficient to warrant their inclusion in the programme. No application for review was received from the school to which the Deputy refers. While a key priority for me is to continue to prioritise and target resources at schools with the most concentrated levels of educational disadvantage, the current economic climate and the challenge to meet significant targets on reducing public expenditure, particularly given the upward pressures on teacher numbers and in the context of operating under a fixed ceiling on teacher numbers, affords no capacity to provide for additionality to the DEIS programme.

A national composite report on the effectiveness of DEIS planning in primary and post-primary schools was published by the Inspectorate of my Department in January 2012. In addition, a Report on the First Phase of the Evaluation of DEIS was also published by the Education Research Centre, on behalf of my Department, in January 2012.

My Department will fully consider these evaluation reports before any decisions can be made regarding the future of DEIS.

### **Schools Building Projects**

134. **Deputy Robert Troy** asked the Minister for Education and Skills the reason a school (details supplied) in County Westmeath has not been included on the recent major school building projects considering that all classes are currently being taught in rented prefabs; and if he will make a statement on the matter. [15283/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The school to which the Deputy refers currently operates with temporary recognition and has applied to my Department for permanent recognition. My Department's Inspectorate has been requested to visit the school in this regard and to provide a report on the matter. The question of permanent recognition will be considered following receipt and consideration of the Inspector's Report and a decision will be conveyed to the school authority in due course.

[Deputy Ruairí Quinn.]

In view of the need to ensure that every child has access to a school place, the delivery of major school projects to meet future demographic demands nationally will be the main focus for capital investment in schools in the coming years. The five year programme announced on 12 March last is focused on meeting those demographic needs. In that context, it was not possible to advance all applications for capital funding concurrently and the project for the school referred to by the Deputy was not included in the five year plan.

My Department is aware that the school referred to by the Deputy is currently located in rented accommodation and that a new school is required to meet its long term needs. However, in light of current competing demands on the Department's capital budget, it is not possible at this time to give an indicative timeframe for the progression of a project at this time.

### **Schools Building Projects**

135. **Deputy Robert Troy** asked the Minister for Education and Skills the reason a school (details supplied) in County Westmeath has not been included on the recent major schools building projects list considering that this school was on a previous list announced by the previous Minister for Education. [15284/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** In view of the need to ensure that every child has access to a school place, the delivery of major school projects to meet the demographic demands nationally will be the main focus for capital investment in schools in the coming years. The five year programme announced recently is focused on meeting those demographic needs. In that context, it was not possible to advance all applications for capital funding concurrently.

The building project for the school referred to by the Deputy is currently at an advanced stage of architectural planning. A stage 2(b) submission was recently reviewed by my Department and the design team were requested to revise and resubmit the submission.

School building projects currently in architectural planning, including the project referred to by the Deputy, will continue to be advanced incrementally over time within the context of the funding available.

However, in light of current competing demands on the Department's capital budget, it is not possible to progress this project to tender and construction stage at this time.

### **Pension Provisions**

136. **Deputy Mary Lou McDonald** asked the Minister for Education and Skills the current pension provisions for vocational education committee chief executive officers. [15307/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Chief Executive Officers of the Vocational Education Committees are members of the Education Sector Superannuation Scheme.

### **Schools Building Projects**

137. **Deputy Seán Crowe** asked the Minister for Education and Skills if he will provide exact locations for the schools numbered 12, 13, 14 and 19 in the five-year programme of projects to go to construction in 2015/2016; the number of classrooms that will be in each of the schools; the number of pupils it is intended each school will cater for; who will run each of the schools and if they will be mixed or gender-based schools. [15308/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** My Department has sought the assistance of, and is working closely with, Dun Laoghaire Rathdown County Council in relation to identifying and acquiring suitable sites for the provision of permanent accommodation for the schools to be provided in the area referred to by the Deputy. It is intended that the schools concerned will subject to demographic and parental demand cater for one or two junior infant class intake.

As I announced on the 6th March last regarding my decisions on the patronage for new primary schools to be established in 2012 and 2013, the two schools in Stepside will be under the Patronage of Educate Together and An Foras Pátrúnachta respectively and the primary school in Ballinteer will be under the Patronage of Educate Together. All schools will be established on a mixed gender basis. The reference to the second new Primary school in the Ballinteer Dublin South area should refer instead to a new Post Primary school, the provision of which is subject to further demographic review in that general area.

### School Staffing

138. **Deputy Gerry Adams** asked the Minister for Education and Skills if there will be a reduction in the number of teaching posts allocated to a school (details supplied) in County Donegal; the reason for the loss of teaching posts given his decision not to press ahead with cuts to DEIS legacy posts; and if he will make a statement on the matter. [15311/12]

209. **Deputy Brendan Smith** asked the Minister for Education and Skills if he will review as a matter of urgency the serious loss of teachers at a school (details supplied) in County Waterford; if this decision will be reviewed in view of the serious challenge facing this school with the proposed loss of staff; and if he will make a statement on the matter. [15810/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 138 and 209 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. 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 schools referred to by the Deputies.

[Deputy Ruairí Quinn.]

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 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. 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.

### **Teachers' Remuneration**

139. **Deputy Brendan Smith** asked the Minister for Education and Skills if he will outline the full breakdown of cuts to the pay of new entrants to the teaching professions in recent years including cuts to qualification allowances in budget 2012; the amount by which their new entrants' pay has fallen since 2009; his views regarding the impact on educational standards as a result of these continuing cuts; his views on whether high-calibre persons will no longer choose to enter the profession; if he will consider carrying out a review into the impact of these cuts on the pay of new entrants; and if he will make a statement on the matter. [15312/12]

140. **Deputy Brendan Smith** asked the Minister for Education and Skills if he will provide up-to-date details of the way the pay of new entrants to the teaching profession compares to that in other EU countries following a number of cuts in recent years including cuts in budget 2012 to qualification allowances; and if he will make a statement on the matter. [15313/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 139 and 140 together.

A 10% reduction in salary applies to new entrants to the public service, including teachers, who commenced employment for the first time on or after 1 January 2011. This is in accordance with the Budget 2011 decision taken by the previous administration. Teachers appointed for the first time on or after the 1st January 2011 also commence employment at the first point of the salary scale. Incremental credit for the length of time in college training as a teacher is no longer reckonable. The salary scales applicable to teachers who commenced employment for the first time after the 1st January 2011 in posts funded by my Department are outlined in Circular 0040/2011.

The Government announced as part of Budget 2012 that, pending completion of the public service-wide review of allowances, changes to teacher qualification allowances were being made with immediate effect. These changes affected both existing teachers and new appointees in the future.

These changes are outlined in 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 posts 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.

Pending the outcome of the review by the Department of Public Expenditure and Reform, 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. The terms of this arrangement are outlined in Circular 3/2012. 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 generally due to the upward pressure on the cost of teacher allowances generally.

The most recent available comparison to other EU countries is the 2011 edition of OECD publication “Education at a Glance” which has a reference year of 2008/2009. This showed that salaries for Irish teachers with 15 years experience are significantly higher than both the EU and OECD average.

Copies of Circulars 40/2011, 70/2011 and 03/2012 are attached.

Circular 0003/2012

To: The Managerial Authorities of Recognised Primary, Secondary,  
Community and Comprehensive Schools  
and

The Chief Executive Officers of Vocational Education Committees  
Budget 2012 — Public Service-Wide Review of Allowances and Premium Payments

#### *Introduction*

1. The Minister for Public Expenditure and Reform, in his address to Dáil Éireann on the Expenditure Estimates on 5 December last, announced that public service bodies will have to achieve a reduction of 5% in the cost of allowances and premium payments in 2012.

2. In order to facilitate the required 5% reduction in 2012, it is necessary to complete a review of allowances and premium payments early this year. To this end, this Department is providing the requisite information on allowances to the Department of Public Expenditure and Reform and it is understood that it is intended to complete the review by the end of February 2012.

#### *Allowances payable to Teachers, Principals and Deputy Principals*

3. Pending the outcome of the review by the Department of Public Expenditure and Reform, allowances are not payable to new beneficiaries; *ie* those who become eligible for receipt of the allowance in question on or after 1 February 2012. No additions to the common basic pay scale may be paid to new beneficiaries. Examples of such additions include any form of qualification allowance or the supervision and substitution payment paid to teachers, and the secretary to Board of Management allowance paid to Principals.

4. The only exceptions to the prohibition in paragraph 3 are Principal and Deputy Principal allowances.

[Deputy Ruairí Quinn.]

5. This Circular supersedes previous circulars, notices, letters, etc on these matters, including most recently Circular 70/2011 *Payment of Qualification Allowances to Registered Teachers in Recognised Primary and Post Primary Schools*.

*Allowances payable to non-teaching staff*

6. Pending the outcome of the review by the Department of Public Expenditure and Reform, allowances or premium payments are not payable to new beneficiaries; *ie* those who become eligible for receipt of the allowance in question on or after 1 February 2012.

*Circulation*

7. Please ensure that copies of this Circular are provided to the Board of Management/Vocational Education Committee and its contents are brought to the attention of all teachers in your employment including those on leave of absence.

8. This Circular can be accessed on the Department's website under <http://www.education.ie>.

Philip Crosby

Principal Officer

External Staff Relations

31 January 2012.

Circular 0040/2011

To: The Managerial Authorities of Recognised Primary, Secondary,  
Community and Comprehensive Schools  
and  
The Chief Executive Officers of Vocational Education Committees  
New Pay Scales for New Appointees to Teaching in 2011

*Introduction*

1. The Minister for Education and Skills wishes to inform vocational education committees, management bodies and teachers of the application of revised rates of salary and allowances for new appointees to teaching from 1 January 2011 onwards.

2. As part of Budget 2011 the Government has applied a 10% reduction in the pay of new entrants to the public service (referred to in this Circular as “new appointees”) and all new appointees to the entry grades of the public service must start at the first point of the relevant pay scale with effect from 1 January 2011.

*Application of new pay rates*

3. The 10% reduction in pay applies to basic pay, allowances and the supervision and substitution payment.

*(a) Basic Pay:*

The 10% reduction applies to basic pay on all points of the incremental salary scale. Daily and hourly rates for casual and non-casual teachers in the primary sector and hourly rates for casual and non-casual part-time teachers in the post-primary sector have also been reduced. The revised rates are set out in an Appendix to this Circular and can be accessed by clicking [here](#).

*(b) Allowances:*

The 10% reduction also applies to all allowances with the exception of promotional allowances; *ie* special duties, assistant principal, deputy principal and principal allowances.

*New Appointee to teaching*

4. The new pay rates apply to all teachers who are new appointees appointed on or after 1 January 2011.

5. Where a person gave service in an analogous teaching position before 1 January 2011 (including those currently on an approved leave of absence), s/he will not be regarded as a new appointee to teaching. In addition, a person with a written offer of employment before 1 January 2011 will not be regarded as a new appointee. In these cases, the person will be assigned to the appropriate pre-1 January 2011 scale and allowances, and incremental credit for approved teaching service and non-teaching experience which is deemed relevant will be awardable.

6. Where a teacher who is retired and is in receipt of a pension returns to teaching on or after 1 January 2011, s/he will start on the first point of the post 1 January 2011 incremental salary scale.

*Incremental credit*

7. All new appointees to teaching will start on the first point of the post 1 January 2011 incremental salary scale. The Government has decided that all new appointees to entry grades (subject to the criteria set out above) will start at the minimum point of the new reduced scale.

8. However, incremental credit may continue to apply for relevant recognised service (*e.g.* recognised teaching service in another EU Member State). Similarly, those who leave the system will be able to reckon such previous relevant service on re-entry.

*Circulation*

9. Please ensure that copies of this Circular are provided to the Board of Management/Vocational Education Committee and its contents are brought to the attention of all teachers in your employment including those on leave of absence.

10. This Circular can be accessed on the Department's website under <http://www.education.ie>.

11. All enquiries regarding this Circular should be e-mailed to [teachersna@education.gov.ie](mailto:teachersna@education.gov.ie)  
OR [payroll@education.gov.ie](mailto:payroll@education.gov.ie)

Dalton Tattan	Padraig Maloney
Principal Officer	Principal Officer
Teachers/SNAs	Terms and Conditions Payroll
June 2011.	June 2011.

## Appendix I

## Pay Scales for new appointees appointed on or after 1 January 2011

## TEACHERS' COMMON BASIC SCALE

	Amount
1	€ 27,814
2	€ 28,775
3	€ 29,737
4	€ 30,702

[Deputy Ruairí Quinn.]

	Amount
5	€ 32,198
6	€ 33,168
7	€ 34,136
8	€ 36,576
9	€ 37,795
10	€ 39,251
11	€ 40,700
12	€ 42,160
13	€ 43,380
14	€ 44,996
15	€ 44,996
16	€ 44,996
17	€ 47,225
18	€ 47,225
19	€ 47,225
20	€ 47,225
21	€ 50,170
22	€ 50,170
23	€ 50,170
24	€ 50,170
25	€ 53,423
ACADEMIC QUALIFICATIONS	
1. (a) (i) H. Dip. in Ed. (Pass)	€ 532
(ii) Higher Froebel Cert.	€ 532
(b) (i) H. Dip. in Ed. (1st or 2nd Hons)	€ 1,112
(ii) Ard Teastas Gaeilge	€ 1,112
(c) Primary Degree (Pass)	€ 1,658
(d) Masters Degree by thesis or exam (Pass)	€ 4,426
(e) Primary Degree (1st or 2nd Hons)	€ 4,426
(f) Masters Degree (1st or 2nd Hons)	€ 4,946
(g) Doctors Degree	€ 5,526
Only one of the allowances at (a) or (b) may be held together with one of (c) to (g)	
2. (i) *An Teastas i dTeagasc na Gaeilge le honoracha	€ 3,850

	Amount
(ii) *Higher Diploma in Education (1st or 2nd Hons)	€ 3,850
(iii) *Primary Degree (Pass) together with at least 3 years approved experience in commercial, industrial or other approved occupation	€ 3,850
*Payable only to teachers who were in receipt of an allowance of £110 (pre July 1968) and who did not qualify for a higher allowance at 1. above	
(iv) Diploma for Teachers of Deaf Diploma for Teachers of Blind Diploma for Teachers of Mentally and Physically Handicapped Children	€ 2,193
OTHER ALLOWANCES	
1. Rural Science Teachers (for organisation and development of education activities outside formal class instruction)	€ 1,658
2. Itinerant Domestic Science Teachers	€ 1,658
3. Teaching through Irish	€ 1,424
4. Gaeltacht Grant payable to teachers in the Gaeltacht other than those in receipt of an allowance equal to 10% of scale salary	€ 2,757
5. Island Allowance	€ 1,658
6. Special allowance payable to teachers in Comprehensive Schools	€ 2,224
Untrained Teachers' Rate Z01	€ 24,619
Allowance for Teachers with 35 years' service	€ 2,091
Allowance Payable to Teachers in the Prison Service Honorarium	€ 4,296
SECONDMENT ALLOWANCES	
CATEGORY 2	€ 15,143
CATEGORY 3	€ 11,831
CATEGORY 4	€ 9,117
Allowance payable to teachers of apprentices in Dun	€ 8,766

[Deputy Ruairí Quinn.]

	Amount
Laoghaire and Co. Cork VECs	
Secure Unit Allowance/Disturbed Adolescent Allowance 100%	€ 1,976
Hourly and daily rates of pay for part-time and substitute teachers	
Primary daily rate casual (qualified teacher)	€164.26
Primary daily rate (unqualified)	€115.12
Primary hourly rate (qualified) on payroll	€32.21
Primary hourly rate (qualified) paid by grant	€36.60
Primary hourly rate (unqualified)	€26.07
Post-primary hourly rate casual (qualified)	€40.10
Post primary hourly rate (unqualified)	€36.76
Supervision and Substitution	
Hourly rate	€43.04

## Circular 70/2011

To: The Managerial Authorities of Recognised Primary, Secondary,  
Community and Comprehensive Schools  
and

The Chief Executive Officers of Vocational Education Committees

**PAYMENT OF QUALIFICATION ALLOWANCES TO REGISTERED TEACHERS IN  
RECOGNISED PRIMARY AND POST PRIMARY SCHOOLS**

*Introduction*

1. The Minister for Education and Skills wishes to inform vocational education committees (VECs), management authorities and teachers of certain changes to the payment of qualification allowances to teachers. This includes primary degrees, H.Dip, Masters, Doctorate and the Postgraduate/Higher Diploma in Special Educational Needs allowance.

2. The Government announced as part of *Budget 2012* that, pending completion of the public service-wide review of allowances, changes to teacher qualification allowances were being made with immediate effect. These changes affect both existing teachers and new appointees in the future.

*Existing teachers*

3. Where a person on or before 4 December 2011—

(a) has given service in a teaching position,

(b) has been paid on a payroll operated by the Department of Education and Skills or a VEC, and

(c) has been in receipt of allowances in respect of their qualifications, he or she will retain those allowances regardless of the level at which they were awarded (but see paragraph 8 below in relation to retirees returning to teach). Teachers who were, on 4 December 2011, in receipt of the allowance for holders of specified qualifications in special education (certain Graduate/Higher Diplomas in Special Educational Needs) may retain that allowance provided that they continue to meet the terms of Circulars 135/2006 (post-primary) or 21/2005 (primary).

4. Existing teachers will not be paid any additional allowance where they acquire any further qualification on or after 5 December 2011.

5. The position of teachers who, on 5 December 2011, were undertaking courses will be considered in the context of the public service-wide review of allowances announced in *Budget 2012* which is to be led by the Department of Public Expenditure and Reform.

#### *New appointees*

6. Teachers who are new entrants to teaching on or after 5 December 2011 will be eligible, at time of first appointment, for combined allowances for undergraduate, postgraduate and teacher training qualifications *to a maximum* of the allowance applicable to an honours primary degree level. This means that allowances for other qualifications (*eg* H.Dip., Masters, Doctorate, etc.) will not be paid if this were to cause this maximum limit to be exceeded.

7. Where a teacher on first appointment is eligible for payment of an allowance below that equivalent to honours primary degree level he or she will, in common with existing teachers, not be paid any additional allowance should he or she acquire a further qualification.

8. A teacher who is retired and is in receipt of a pension who returns to teaching on or after 5 December 2011 will be treated as a new appointee for the purposes of this circular. This means that the allowance payable to him or her will be subject to the maximum set under paragraph 6 above.

#### *Circulation*

9. Please ensure that copies of this Circular are provided to the Board of Management/VEC and its contents are brought to the attention of all teachers in your employment including those on leave of absence.

10. The Circular can be accessed on the Department's website under *www.education.ie*.

11. All enquiries regarding this Circular should be e-mailed to *teachersna@education.gov.ie* or *payroll@education.gov.ie*.

Dalton Tattan	Padraig Maloney
Principal Officer	Principal Officer
Teachers/SNAs	Terms and Conditions Payroll
16 December 2011.	16 December 2011.

### Appendix II Frequently Asked Questions

*I am a newly qualified teacher who has never worked as a substitute teacher — Which pay scale will I start on?*

[Deputy Ruairí Quinn.]

Only service given in a teaching position pre-1 January 2011 will count as prior service for eligibility for pre-2011 pay scales. If you have not served in a teaching position (including as a substitute) before 1 January 2011 you will be offered a contract at the new pay rates and conditions. You cannot receive incremental credit for any training prior to entry to teaching.

*I am a teacher who worked in Ireland as a substitute teacher in 2001 but I have been in the UK for the past number of years — Which pay scale will I start on?*

You worked in a teaching position prior to 1 January 2011. You will therefore be offered a contract at pre-2011 pay rates and conditions. Your service as a qualified and registered teacher in the UK will be reckonable for incremental credit purposes.

*I am a teacher who worked in the EU for the past number of years. I have never worked in a teaching position in the public service in Ireland but am due to start in May 2011 — Which pay scale will I start on?*

You are a new appointee to teaching. You will begin on the first point of the January 2011 payscale. Recognised teaching service in another country prior to your first entry to teaching in Ireland is reckonable subject to certain conditions.

*I am a qualified and registered teacher who has prior public sector experience as a Lecturer. I will begin teaching in May 2011 — Which pay scale will I start on?*

You are a new appointee to teaching. You will therefore be offered a contract at January 2011 pay rates and conditions. This applies also to teachers who are moving to take up a post in other positions (e.g. Special Needs Assistants, administrators, etc.). You may be entitled to certain incremental credit in respect of your lecturing service.

*I have been employed as a teacher in the private sector for 5 years. I will begin teaching in the public sector in May 2011 — What will my starting salary be?*

You are a new appointee under the recent Government Decision. You will therefore be offered a contract at the first point of the January 2011 pay rates and conditions. You may be entitled to incremental credit subject to certain conditions.

*I am a teacher who was employed with a Vocational Education Committee since September 2005. I resigned from my post with the VEC in November 2010. I expect to take up a teaching post in a Voluntary Secondary school in September 2011. Which pay scale will I be paid on?*

You worked in a teaching position prior to 1 January 2011. You will therefore be offered a contract at pre-2011 pay rates and conditions if you resume teaching in a voluntary secondary school in September 2011. Your service as a qualified and registered teacher with the VEC will be reckonable for incremental credit purposes.

### **Departmental Expenditure**

141. **Deputy Brendan Smith** asked the Minister for Education and Skills if he will provide a breakdown of the estimated expenditure in each year for the next years of the new schools building programme; and if he will make a statement on the matter. [15314/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The capital allocations for expenditure in schools in the period 2012 to 2016 are as follows: 2012, €357m; 2013, €335.5m; 2014, €451m; 2015, €454.5m; 2016, €394.5m; Total, €1,992.5m.

142. **Deputy Brendan Smith** asked the Minister for Education and Skills if he spent his entire capital budget in 2011; if any of this capital budget was carried over into the new capital budget for 2012 to 2016; and if he will make a statement on the matter. [15315/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Total capital expenditure by my Department in 2011 amounted to €556m compared to the 2011 Revised Estimates Volume allocation of €501m — an increase of €55m. With the 2011 capital allocation more than fully expended there was no facility to carry over monies into the 2012 allocation.

### Schools Building Projects

143. **Deputy Brendan Smith** asked the Minister for Education and Skills if he will provide a full list of new schools building projects announced in the school building programme 2012-16 but not including schools that have been announced in previous school building programmes; and if he will make a statement on the matter. [15316/12]

144. **Deputy Brendan Smith** asked the Minister for Education and Skills if, in regard to schools that have not been included in the schools building list 2012-16, they will have to wait another five years to submit an application; and if he will make a statement on the matter. [15317/12]

145. **Deputy Brendan Smith** asked the Minister for Education and Skills the amount of money being allocated in each year over the next five years for repair and maintenance works in schools; and if he will make a statement on the matter. [15318/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 143 to 145, inclusive, together.

The Deputy will be aware of the demographic challenges that we are facing. 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 Deputy will therefore appreciate that the primary aim at the core of the 5 Year Plan, that I announced on 12 March last, is to ensure that every child will have access to a physical school place and that our school system is in a position to cope with increasing pupil numbers.

The Five Year Plan prioritises new school building projects, including the new primary and post primary schools that I announced in June last, as well as major extensions in areas where a demographic need has been established. The progression of school projects to construction, as set out in the 5 Year Plan, to meet future demographic demand is the main focus of the Plan. In view of the funding constraints, it is not possible to progress all projects within my Department's building programme concurrently. Accordingly, it was necessary to prioritise school building projects already progressing within architectural planning in the context of the Plan, taking into account factors such as the funding available and the progression of other major projects required to meet demographic needs.

As the Deputy will appreciate, the announcement of the 5 Year Plan represents a major change in how the school building programme is publicised. The Plan gives details of the schools that will progress to construction over the duration of the Plan. Those schools included in the five year plan, many of which were included in previous announcements, now know when their project is likely to commence construction and they can now make plans based on these timelines.

[Deputy Ruairí Quinn.]

In relation to school projects that are currently within the Department's architectural planning process but have not been included in the 5 Year Plan, such projects will continue to be progressed through the various architectural planning stages up to tender stage. However I am not in position to provide an indicative timeline for the progression of those projects to construction stage at this time. In addition to the standard capitation grant, the Deputy will be aware that a Minor Works Grant issued to primary schools last November for the school year 2011/2012 at a cost of €28m. It is open to schools to prioritise the use of these funds to address issues such as those to which the Deputy refers. In the context of the financial constraints imposed by the need to prioritise available funding for the provision of essential school accommodation, it is unlikely that there will be funding available for minor works grants in the coming years.

For works that are of a very urgent nature, it is open to the school authorities to consider if the works in question, or part thereof, qualify for funding under my Department's Emergency Works Scheme. An emergency is deemed to be a situation which poses an immediate risk to health, life, property or the environment which is sudden, unforeseen and requires immediate action and, in the case of a school, if not corrected would prevent the school or part thereof from opening. Details of the Scheme, together with an application form for grant assistance, can be accessed on my Department's website at [www.education.ie](http://www.education.ie).

### School Staffing

146. **Deputy Brendan Smith** asked the Minister for Education and Skills his views that sufficient numbers of teachers will be provided over the next five years to meet the increase on the number of school places provided for in the new school building programme; and if he will make a statement on the matter. [15319/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Teaching resources are allocated to schools on a school year basis. Unlike most other areas of the public service teaching vacancies are being filled in accordance with published Department criteria.

Unlike in other countries, our school-going population is rising rapidly. Places have to be provided for the extra 70,000 pupils arriving in our schools in the next six years and teachers must be appointed to teach them. As Minister for Education and Skills, I will ensure every child has a physical place in which to go to school. The Deputy may be interested to note that, despite the need to reduce teacher numbers and the other spending reductions that have been made, and notwithstanding the various budgetary measures at both primary and post primary level in recent years by the last Government and the current Government last December, the overall number of teachers employed in our schools at the end of 2011 are just marginally different to the numbers for 2008. This point is too easily forgotten by commentators when discussing the resources available for education.

The detailed staffing arrangements for the 2012/13 school year are set out in Department Circular 0007/12 at primary level and in Department Circular 0009/2012 at post-primary level. The Government has prioritised, as best as possible, the filling of front-line posts in the Education sector within the constraints of the Employment Control Framework. This is all the more challenging to achieve at a time of rapidly increasing enrolments in our schools.

The number of teaching posts that we can afford to fund in schools in the coming years is a matter that I will have to consider with my colleagues in Cabinet in the context of budgetary requirements and meeting our obligations under the EU/IMF Programme.

### Departmental Programmes

147. **Deputy Brendan Smith** asked the Minister for Education and Skills if he will outline the ways in which he has brought greater transparency to the new schools building programme for 2012; and if he will make a statement on the matter. [15320/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Since becoming Minister I have sought to bring greater transparency to the school building programme. As the Deputy will be aware, I announced last December details of 56 major school building projects to commence construction in 2012 representing the first phase of the five-year plan for major school building projects. The plan also detailed a further 60 projects that were already at construction stage in December which would also form part of the 2012 plan.

My announcement on 12th March last sets out details of further school building projects to be constructed within the lifetime of the 5 Year Plan. This is the first time that the Department of Education and Skills has published such a detailed five year plan for school buildings. It is also my intention that each December, a detailed plan in relation to planned expenditure on individual major school projects beginning construction in the following year will also be published. These changes will facilitate schools in planning to meet the educational needs of children in their area, and will provide for enhanced transparency in the operation of the school building programme.

These announcements represent major advances in how the school building programme is publicised, and will provide certainty to patrons and school communities concerning the major school building projects that we are in a position to progress. Those schools included in the five year plan now know when their project is likely to commence construction and they can now make plans based on these timelines. Details relating to all projects on the 5 Year Plan will be published on my Department's website and this information will be regularly updated. This will provide immediate access to schools and the school community to information concerning the progress of their school project on an ongoing basis.

### Higher Education Grants

148. **Deputy John O'Mahony** asked the Minister for Education and Skills the reason a person (details supplied) in County Mayo was turned down for a higher education grant; and if he will make a statement on the matter. [15326/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The decision on eligibility for a student grant is a matter for the relevant grant awarding authority.

The Deputy will appreciate that in the absence of all of the relevant details that would be contained in an individual's application form and supporting documentation, it would not be possible for me to say whether or not a student should qualify for a grant.

I understand from the awarding authority in this case that the applicant has not appealed the decision of the awarding authority to its 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.

No appeal has been received in my Department to date.

### School Staffing

149. **Deputy Terence Flanagan** asked the Minister for Education and Skills if he will review

[Deputy Terence Flanagan.]

a matter (details supplied) regarding legacy posts; and if he will make a statement on the matter. [15339/12]

**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 details of the reform of the allocation process which is designed to bring a more equitable distribution of existing posts between schools.

The overall objective with the reforms is to enable the teacher allocation and redeployment process to operate more smoothly and efficiently within the new climate of fixed ceilings on teaching posts. The changes are designed to give a more equitable distribution of existing posts between schools, give earlier certainty to schools about their staffing allocations and, where possible, simplify and streamline existing processes and give greater autonomy to schools.

The new arrangements incorporate a long overdue updating of the General Allocation Model (GAM) combining learning support for high incidence special needs and language support for all schools. It also includes changes to NCSE approved (low incidence) resource hours in the base schools or in neighbouring schools. This approach builds on the interim arrangements that operated in 2011 but in a more structured and transparent manner.

The school to which the Deputy refers was among the 140 DEIS Band 1 and Band 2 schools included in the recent report on the impact, in terms of posts, that certain Budget measures would have on these schools.

The main focus of this report concerned additional posts allocated under disadvantage schemes pre-dating DEIS. The outcome of this report was published last month and schools were notified of the Government's decision to retain these posts in DEIS Band 1 and Band 2 Schools.

As I have already indicated, I requested my Department to examine these schools due to conflicting number of posts being reported as potentially lost to these schools. It was necessary to obtain clarity with regard to the net effect of a range of factors on teacher allocations in these schools; for example, increasing and decreasing enrolments, the reforms to the existing teacher allocations process and up to date enrolments, all of which contribute to determining the staffing requirement for these schools for 2012/13 school year.

Applying the new staffing schedule for Band 1 schools and the Government's decision in relation to schools retaining posts from previous disadvantage schemes ensures that these schools can continue to implement the appropriate favourable pupil teacher ratios from previous disadvantage schemes while not exceeding this entitlement for 2012/13 school year.

There will be no change to number of teaching staff allocated to this school for 2012/13 over their current staffing compliment as the school has had no significant change in its enrolment and it has not been affected by the change to the new staffing schedule.

The school, however, is due to lose some teaching hours as a result of the changes under the revised General Allocation Model. The old GAM model was out of date as it was based on 2003 enrolments. Inevitably, some schools will gain and some schools will lose as a result.

Circular 007/12 details the criteria and procedures for schools that wish to appeal their staffing allocation to the Primary Appeals Board which operates independently of the Department.

### **Schools Building Projects**

150. **Deputy Olivia Mitchell** asked the Minister for Education and Skills if he will clarify when a school (details supplied) in Dublin 16 will go to construction as it was understood that

this school was sanctioned to complete tender documents and go to construction; and if he will make a statement on the matter. [15351/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** In view of the need to ensure that every child has access to a school place, the delivery of major school projects to meet the demographic demands nationally will be the main focus for capital investment in schools in the coming years. The five year programme announced recently is focused on meeting those demographic needs. In that context, it was not possible to advance all applications for capital funding concurrently.

The building project for the school referred to by the Deputy is currently at an advanced stage of architectural planning. The Design Team are currently working on Stage 2(b) of Architectural Planning which includes Planning Permission, Fire Certificate and Disability Access Certificate (DAC). Although Planning Permission has been granted by the Local Authority, this is now subject to a number of third party appeals to An Bord Pleanála.

School building projects currently in architectural planning, including the project referred to by the Deputy, will continue to be advanced incrementally over time within the context of the funding available. However, in light of current competing demands on the Department's capital budget, it is not possible to progress this project to tender and construction at this time.

151. **Deputy Olivia Mitchell** asked the Minister for Education and Skills if he will clarify when the special schools (details supplied) in County Dublin will go to construction in view of the fact that the principals were under the impression that they would go to construction at the end of this year; and if he will make a statement on the matter. [15352/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The building project for the schools referred to by the Deputy is currently at an early stage of architectural planning. The Stage 2(a) submission (developed sketch scheme) was recently submitted to my Department and is being examined. Assuming no issues arise with the stage 2(a) submission, the next step for the project will be progression to stage 2(b) which includes the applications for planning permission, fire cert and disability access cert and then the completion of tender documents. Thereafter a tender process for the selection of a building contractor will be necessary.

This project was included in the five year programme announced recently and is listed to proceed to construction in 2014/2015.

### School Staffing

152. **Deputy Michael Healy-Rae** asked the Minister for Education and Skills in regard to a school (details supplied) in County Kerry, the next step to keep its teacher and resource teacher; the steps that have been taken and the steps that need to be taken; and if he will make a statement on the matter. [15355/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The school referred to by the Deputy is a 4 classroom teacher school with 82 pupils. It will continue to be a 4 classroom teacher school in September 2012 with 83 pupils. It may lose a classroom teacher in September 2013. However, it can avoid this if its overall enrolment increases next September to 85 pupils. Under the new arrangements for GAM (learning support) the school has notified my Department that it will be the base school for a shared GAM/EAL post.

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

[Deputy Ruairí Quinn.]

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 in 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.

*Question No. 153 answered with Question No. 120.*

### **Special Educational Needs**

154. **Deputy Alan Farrell** asked the Minister for Education and Skills the counselling services available in respect of special schools for students aged between four and eight years with mild general learning difficulties; and if he will make a statement on the matter. [15386/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Special schools and classes for students with mild general learning difficulties are supported by enhanced pupil teacher ratios of 11 to 1. Pupils attending such classes who have care needs are also supported by Special Needs Assistants.

Pupils who require health service supports, including counselling services, are provided with such services by the Health Service Executive (HSE) or through HSE funded agencies.

Where special schools do not have access to psychological services provided by the HSE or HSE-funded agencies those schools are supported by the National Educational Psychological Services (NEPS) and have NEPS psychologists assigned to those schools. Although NEPS psychologists do not provide direct counselling services for students, they do provide advice and support to the teaching personnel catering for students, including students who may have emotional or behavioural difficulties.

### **Schools Refurbishment**

155. **Deputy Alan Farrell** asked the Minister for Education and Skills the position regarding an application for a primary school (details supplied) in County Wexford for emergency electrical works; and if he will make a statement on the matter. [15387/12]

**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 for electrical upgrade works. 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.

### Schools Building Projects

156. **Deputy Alan Farrell** asked the Minister for Education and Skills the position regarding an application for a primary school (details supplied) in County Wexford for a school extension; and if he will make a statement on the matter. [15388/12]

**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 their rented prefabs.

### School Staffing

157. **Deputy Alan Farrell** asked the Minister for Education and Skills the position regarding an appeal for the loss of an EAL teaching post for a school (details supplied) in County Wexford; and if he will make a statement on the matter. [15389/12]

186. **Deputy Regina Doherty** asked the Minister for Education and Skills the criteria the appeals board will apply when dealing with appeals for staffing in primary schools; and if he will make a statement on the matter. [15605/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 157 and 186 together.

Under the proposed reforms for the coming school year the combined resources available for GAM (General Allocation Model) and language support will be used to create a single simplified allocation process to cover both the GAM and language support at primary level. Schools will have autonomy on how to deploy the resource between language support and learning support depending on their specific needs.

The new arrangements also provide for additional permanent teaching posts to be given to schools with high concentration of pupils that require language support. Further additional temporary EAL support will also be provided, as necessary, to schools that will have high concentrations of pupils that require language support in the 2012/13 school. These allocations will be made on the basis of appeals by any of these schools to the Staffing Appeals Board.

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 the circular 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. 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.

### School Accommodation

158. **Deputy Ciarán Lynch** asked the Minister for Education and Skills the grounds on which reasonable accommodation was refused to a pupil (details supplied); and if he will make a statement on the matter. [15407/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examin-

[Deputy Ruairí Quinn.]

ations including organising the holding of examinations and determining procedures in places where examinations are conducted including the supervision of examinations.

In view of the above I have forwarded your query to the State Examinations Commission for direct reply to you.

I wish to inform the Deputy that in all cases where a school/parent or student is dissatisfied with any aspect of the SEC's decision in relation to an application for reasonable accommodations, they have access to an Independent Appeals Committee. All members of the Appeals Committee are drawn from outside the SEC. The remit of the Appeals Committee covers appeals against all elements of a decision taken by the SEC. All appeals are considered in light of the published principles.

### Special Educational Needs

159. **Deputy Jack Wall** asked the Minister for Education and Skills if he will consider a matter (details supplied) regarding autistic children; and if he will make a statement on the matter. [15410/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The National Council for Special Education (NCSE), through the local special educational needs organisers (SENOs), is responsible for processing applications from primary and post primary schools for special educational needs supports, including the establishment of special classes in various geographical areas as required. The NCSE operates within my Department's criteria in allocating such support. All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child's special educational needs, using the contact details available on [www.ncse.ie](http://www.ncse.ie). The Health Service Executive is responsible for the provision of health supports, including therapies, to children with special educational needs. I have arranged for the matters raised by the Deputy to be forwarded to the NCSE for their direct reply.

160. **Deputy Clare Daly** asked the Minister for Education and Skills his views on a case (details supplied); and if he will make a statement on the matter. [15415/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The National Council for Special Education (NCSE) was set up as an independent statutory body to improve the delivery of education services to persons with special educational needs arising from disabilities with particular emphasis on children. Correspondence between the NCSE and parents of children is a matter for the Council and will be dealt with by the NCSE directly.

### Schools Building Projects

161. **Deputy Simon Harris** asked the Minister for Education and Skills the tender process for the construction of new school buildings; the criteria upon which decisions are based; if he intends to introduce any initiatives to support local businesses or unemployed tradespeople in engaging with the process; and if he will make a statement on the matter. [15452/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** School building projects are tendered in line with public procurement procedures. There are two methods of tendering (the Restricted procedure and the Open procedure). In both procedures there are minimum standards for participation (including previous experience, turnover, insurance, capacity to obtain a bond etc). The minimum standards for participation are stated in the Contract notice/ eTenders advertisement.

For less complex projects of a small to medium scale, the open procedure is generally used and all contractors meeting the minimum standards are entitled to submit a tender (thus facilitating the inclusion of small to medium enterprises and those with no experience in educational projects).

For larger or more complex projects, where it is considered that pre-qualification of contractors is warranted, the Restricted procedure is normally used. In the Restricted procedure, there is an intermediary qualification stage during which the numbers of applicants is reduced (or restricted) to a specified amount (normally 10). The criteria for suitability assessment, which are taken from the Department of Finance Capital Management Works Framework, include company turnover, insurance, capacity to obtain a bond, personnel for the project, previous experience, and Health and Safety competence. Guidance on this process and standard questionnaires used by the Department are available on my Department's website.

### **School Staffing**

162. **Deputy Gerry Adams** asked the Minister for Education and Skills the number of vacancies in teaching posts at second level that will become available from September 2012 in respect of the exodus of staff from the public sector under pension arrangements due to end at the end of February 2012. [15462/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** While 29 February 2012 has passed 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. The number of teachers who applied to retire in the period 1 January to 29 February 2012 is 1166. Information received from the Vocational Education Sector indicates that 220 teachers have applied to retire in that sector during that period.

Vacancies created in the teaching profession by teachers who retired up to 29 February 2012 will be filled. Students and pupils will not be left without teachers to teach them as a result of retirements. Furthermore, the turnover in teaching staff will provide many newly qualified teachers with opportunities to gain employment. The filling of vacancies in individual schools will be addressed by Boards of Management at school level. I am also seeking to reduce the impact of these retirements on students preparing for the State examinations. I am allowing schools to re-employ teachers who retired between 1 December 2011 and 29 February 2012, and who had been teaching classes due to sit State exams in 2012, until the end of the school year. In the case of teachers who are not teaching exam classes, replacements can be employed until the end of the school year, subject to the numbers framework.

The Government has prioritised, as best as possible, the filling of front-line posts in the Education sector within the constraints of the Employment Control Framework. For example, schools are permitted to fill teaching vacancies that arise within their approved staffing allocations. I am confident that the large pool of qualified and registered teachers will be in a position to continue to provide high quality education to students.

### **Departmental Agencies**

163. **Deputy Mary Lou McDonald** asked the Minister for Education and Skills if he will provide in tabular form a breakdown of the position, salary, allowance and expenses paid to each of the employees in 2011 of agencies (details supplied). [15470/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The information requested by the Deputy is an administrative matter for each agency. This information is not collated centrally

[Deputy Ruairí Quinn.]

within my Department and it would require an inordinate amount of administrative time to provide the full range of details sought.

164. **Deputy Mary Lou McDonald** asked the Minister for Education and Skills if he will provide in tabular form a breakdown of the number of board members and their respective annual remuneration for 2011 of agencies (details supplied). [15471/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The information requested by the Deputy is contained in the following table: Foras Áiseanna Saothair, Solas, Further Education and Training Awards Council (FETAC), Grangegorman Development Agency, Higher Education and Training Awards Council (HETAC), Higher Education Authority, Irish Research Council for Science, Engineering and Technology, Irish Research Council for the Humanities and Social Science, National Centre for Technology and Education, National Qualifications Authority of Ireland, The Teaching Council

Agency Name (and Website Address)	No. Board Members (as of 31st Dec 2011)	Remuneration/Fees Applicable in 2011	
		Chairperson	Ordinary Member
Foras Áiseanna Saothair (Solas to be established)	11	€20,520	€11,790
Further Education and Training Awards Council	11(6 Vacancies)	—	—
Grangegorman Development Agency	15	€8,978	—
Higher Education and Training Awards Council	11 (3 Vacancies)	—	—
Higher Education Authority	19	€11,970	€7,695
Irish Research Council for Science, Engineering and Technology	15	—	—
Irish Research Council for the Humanities and Social Sciences	11	—	—
National Centre for Technology in Education (NCTE)	No Board existed for the NCTE in 2011. Since September 2011, the NCTE is within the remit of Dublin West Education Centre alongside the Department's largest support service, the Professional Development Service for Teachers (PDST).		
National Qualifications Authority of Ireland	12(2 Vacancies)	—	—
The Teaching Council	37	—	—

165. **Deputy Mary Lou McDonald** asked the Minister for Education and Skills if he will provide in tabular form a list of all agencies and bodies and internal organisations under his aegis. [15500/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** A list of bodies currently under the aegis of my Department and an internal organisation chart for my Department are contained in the following tables for the Deputy's information:

*Bodies under aegis of Department of Education and Skills (2012)*

An Chomhairle um Oideachais Gaeltachta agus Gaelscolaíochta (COGG)

Commission to Inquire Into Child Abuse (CICA)

Education Finance Board (EFB)

## FÁS

Further Education and Training Awards Council (FETAC)

Grangegorman Development Authority (GDA)

Higher Education and Training Awards Council (HETAC)

Higher Education Authority (HEA)

Irish Research Council (IRC) — see Note

Léargas Ltd — The Exchange Bureau

National Centre for Guidance in Education (NCGE)

National Council for Special Education (NCSE)

National Qualifications Authority of Ireland (NQAI)

Residential Institutions Review Board (RIRB)

Residential Institutions Review Committee (RIRC)

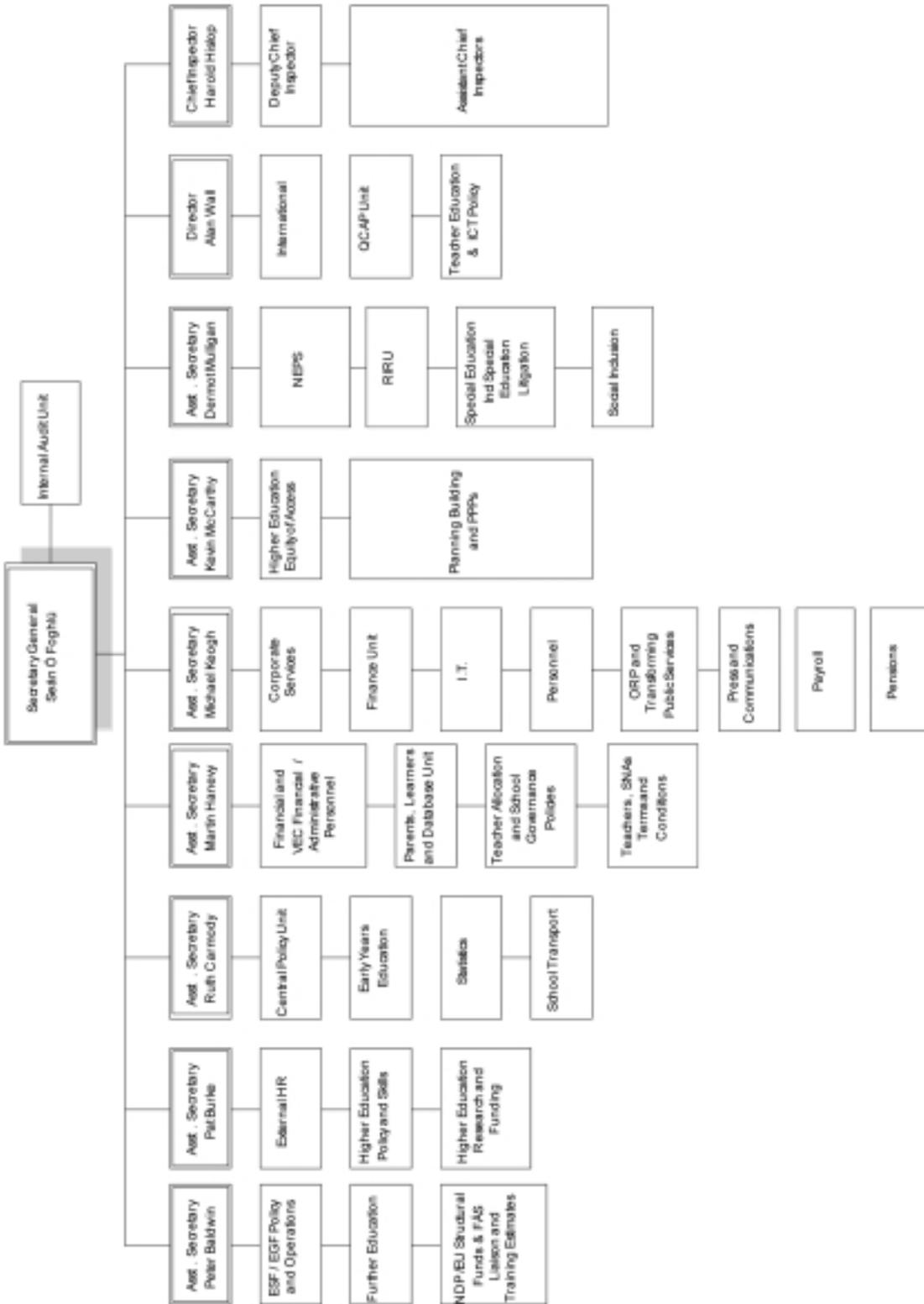
Skillnets Ltd

State Examinations Commission

The Teaching Council

*Note:* The IRC established through the merger of the Irish Research Council for Science, Engineering and Technology (IRCSET) and the Irish Research Council for the Humanities and Social Sciences (IRCHSS) in March 2012.

Organisation Chart – Department of Education and Skills – MAC responsibilities (March 2012)



### Ministerial Travel

166. **Deputy Ciarán Lynch** asked the Minister for Education and Skills if he will set out the mileage claimed by any Minister of State in his Department for each year from 2005 to 2010, inclusive; and if he will make a statement on the matter. [15515/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The following table provides the breakdown of the mileage claimed for each Minister of State in my Department for each year from 2005 to 2010 as requested by the Deputy.

Mileage claimed by any Minister of State in the Department for each year from 2005 to 2010

Minister of State	Period	Kilometres claimed	Miles equivalent
Sile DeValera	Jan 2005 — Dec 2005	49,255	30,607
Sile DeValera	Jan 2006 — 8 Dec 2006	52,768	32,790
Sean Haughey	12 Dec 2006 — 31 Dec 2006	2,057	1,278
Sean Haughey	Jan 2007 — Dec 2007	37,229	23,134
Sean Haughey	Jan 2008 — Dec 2008	37,730	23,445
Sean Haughey	Jan 2009 — Dec 2009	33,613	20,887
Sean Haughey	Jan 2010 — Dec 2010	35,630	22,140

### Third Level Charges

167. **Deputy Olivia Mitchell** asked the Minister for Education and Skills if, in cases of clear inability to pay, payment of the third level registration fee can be postponed pending receipt of the grant which does not come for some months after the registration payment deadline; and if he will make a statement on the matter. [15532/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** A new student contribution charge of €2,000 was introduced in higher education by the previous Government with effect from the 2011/2012 academic year. This charge replaced the previous Student Services Charge and applies to all students who currently benefit under the ‘free fees’ scheme. The contribution is paid by the Exchequer in respect of students who qualify under the third level grant schemes.

In August 2011 the Higher Education Authority (HEA) wrote to higher education institutions requesting that they show flexibility and consideration to students awaiting a decision on their grant application and/or payment of grants. At my Department’s request the HEA sent a reminder to institutions in September 2011 again requesting that flexibility be shown to students who are awaiting a grant application decision. While I understand from the HEA that a small number of institutions were not in a position to offer this facility due to technical systems limitations, all institutions were requested to accommodate students who presented with financial difficulties on a case by case basis and, from the academic year 2012/13 onwards, to have systems in place that allow for the payment of the student contribution in instalments.

### Schools Building Projects

168. **Deputy Michael Creed** asked the Minister for Education and Skills in view of the recent publication of the five year school building programme if he will clarify the situation regarding a proposed new school (details supplied) in County Cork; and if he will make a statement on the matter. [15533/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** In view of the need to ensure that every child has access to a school place, the delivery of major school projects to meet the demographic demands nationally will be the main focus for capital investment in schools in the coming years. The five year programme announced recently is focused on meeting those demographic needs. In that context, it was not possible to advance all applications for capital funding concurrently.

The building project for the school referred to by the Deputy is currently at an early stage of architectural planning. The Stage 1 Submission was recently submitted to the Department and is currently being reviewed. The school building projects currently in architectural planning, including the project referred to by the Deputy, will continue to be advanced incrementally over time within the context of the funding available.

However, in light of current competing demands on the Department's capital budget, it is not possible, at this time, to indicate when this project will progress to tender and construction.

169. D'fhiafraigh **Éamon Ó Cuív** den Aire Oideachais agus Scileanna cén uair a bhfuil sé i gceist aige síneadh a cheadú do scoil i nGaillimh (sonraí tugtha); cén fáth nach raibh an scoil seo sa phlean cúig bliana do scoileanna a d'fhógair an tAire le gairid; agus an ndéanfaidh sé ráiteas ina thaobh. [15534/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I bhfianaise an riachtanais atá ann lena chinntiú go mbíonn rochtain ag gach aon pháiste ar ionad scoile, beidh sé ina phríomhfhócas ag an infheistíocht chapitil i scoileanna sna blianta amach romhainn, tionscadail mhóra scoile a sheachadadh chun freastal ar na héilimh dhéimeagrafacha ar fud an náisiúin. Tá n plean chúig bliana a fógraíodh le déanaí dírithe ar fhreastal ar na riachtanais dhéimeagrafacha sin. Sa chomhthéacs sin, níorbh fhéidir na hiarratais uile ar mhaoiniú capítíl a cur chun cinn go comhthráthach.

Tá an tionscadal mór tógála don scoil dá dtagraíonn an Teachta ag ardchéim phleanáil ailtireachta faoi láthair agus thug Aonad Pleanála agus Tógála mo Roinne faomhadh d'aighneacht Chéim 2(b) (Dearadh Mionsonraithe) ar 10ú Eanáir 2012. I bhfianaise na n-éileamh iomaíocha faoi láthair ar bhuiséad capítíl mo Roinne, ní féidir ag an tráth seo an tionscadal a chur ar aghaidh chun tairisceana agus tógála.

170. D'fhiafraigh **Éamon Ó Cuív** den Aire Oideachais agus Scileanna cén uair a bhfuil sé i gceist aige síneadh a cheadú do scoil i gContae na Gaillimhe (sonraí tugtha); cén fáth nach raibh an scoil seo sa phlean cúig bliana do scoileanna a d'fhógair an tAire le gairid; agus an ndéanfaidh sé ráiteas ina thaobh. [15535/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Mar is eol don Teachta, seans, táthar ag súil go dtiocfaidh ardú beagnach seachtó míle (70,000) ar an rollú iomlán i mbunscoileanna agus in iarbhunscoileanna idir anois agus an bhliain dhá mhíle is a hocht déag (2018) (breis agus ceathracha cúig míle (45,000) ag an leibhéal bunscoile agus fiche cúig míle (25,000) ag an leibhéal iarbhunscoile) agus leanfar leis an ardú ag an leibhéal iarbhunscoile go dtí an bhliain dhá mhíle is a fiche ceathair (2024) ar a laghad.

Maidir leis sin, d'fhógair mé mionsonraí faoi dhá chéad is a naoi déag (219) mórthionscadal tógála scoile nua, a gcuirfear tús leo sna cúig bliana amach romhainn, mar chuid de chlár infheistíochta capítíl €2 billiún. Beidh na tionscadail nua sin sa bhreis ar chaoga sé (56) mórthionscadal tógála scoile atá fógraithe agam cheana agus a bhfuil tús le cur leo sa bhliain dhá mhíle is a dó dhéag (2012).

Is é an tosaíocht atá ann anois díriú ar mhórhionscadail thógála scoile agus ar thionscadail níos lú a aistrefar chuig scoileanna chun freastal ar na héilimh déimeagrafacha. Is é an phríomhaidhm ná cinntiú go mbeidh teacht ar áit scoile ag gach aon leanbh.

I gcomhthéacs na srianta airgeadais a eascraíonn as an ngá le tús áite a thabhairt do chóiríocht scoile riachtanach a sholáthar, ní féidir liom an scoil a dtagraíonn an Teachta di a chur san áireamh ag an tráth seo.

171. **Deputy Éamon Ó Cuív** asked the Minister for Education and Skills the current stage of progress in the provision of a new school (details supplied); the reason it was not on the five year list of schools to be built; if it is intended to progress this project in the meantime; and if he will make a statement on the matter. [15536/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** In view of the need to ensure that every child has access to a school place, the delivery of major school projects to meet the demographic demands nationally will be the main focus for capital investment in schools in the coming years. The five year programme announced earlier this week is focused on meeting those demographic needs. In that context, it was not possible to advance all applications for capital funding concurrently.

The building project for the school referred to by the Deputy is currently awaiting the appointment of a design team, following which it will commence architectural planning.

The school building projects currently in or commencing architectural planning, including the project referred to by the Deputy, will continue to be advanced incrementally over time within the context of the funding available.

However, in light of current competing demands on the Department's capital budget, it is not possible at this time to indicate when this project will be progressed to tender and construction stage.

172. **Deputy Éamon Ó Cuív** asked the Minister for Education and Skills when he intends giving approved to the provision of a replacement building for a school (details supplied) in County Galway; the reason this school was not included on the five year plan for schools recently announced by him; if it is intended to go ahead with the architectural planning of the school; and if he will make a statement on the matter. [15537/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** In view of the need to ensure that every child has access to a school place, the delivery of major school projects to meet the demographic demands nationally will be the main focus for capital investment in schools in the coming years. The five year programme announced recently is focused on meeting those demographic needs. In that context, it was not possible to advance all applications for capital funding concurrently.

The building project for the school referred to by the Deputy is currently at an advanced stage of architectural planning. The Design Team are currently working on completing Stage 2(b) of Architectural Planning.

School building projects currently in architectural planning, including the project referred to by the Deputy, will continue to be advanced incrementally over time within the context of the funding available.

However, in light of current competing demands on the Department's capital budget, it is not possible to progress this project to tender and construction stage at this time.

### Third Level Fees

173. **Deputy Seán Crowe** asked the Minister for Education and Skills the reason when a student enters a course in an Irish university or institute of technology their eligibility for State support such as the free fees scheme is assessed and remains unchanged even if their status changes during their course; and the reason students who have been granted Irish passports and citizenship are still treated as if they are international non-EU students and charged fees accordingly. [15551/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Currently under the terms of my Department's Free Fee Scheme the Exchequer meets the cost of tuition fees in respect of eligible students who are pursuing full-time undergraduate courses of study which are a minimum of two years duration in an approved higher education institution. The main conditions of the scheme are that students must be first-time undergraduates, hold inter alia EU/EEA/Swiss nationality in their own right, and have been ordinarily resident in an EU/EEA/Swiss state for at least three of the five years preceding their entry to an approved third level course. Eligibility under the scheme is determined at date of entry to the course of study.

Where undergraduate students do not meet the eligibility criteria of the free fees schemes, it is the higher education institution concerned that determines, in accordance with its criteria, the appropriate tuition fee payable by such students.

### Teaching Qualifications

174. **Deputy Pat Deering** asked the Minister for Education and Skills the annual cost to his Department over the past ten years to probate newly qualified teachers at primary level; if he will provide a breakdown of the figures involved and the number of probations involved per year. [15552/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The number of primary teachers recorded as having completed probation each year over the past ten years is as follows:

2011 — 2,088  
2010 — 1,633  
2009 — 1,893  
2008 — 2,311  
2007 — 2,221  
2006 — 2,087  
2005 — 1,454  
2004 — 1,499  
2003 — 1,380  
2002 — 1,196

Since the Inspectorate is part of the Department of Education and Skills, all costs associated with its work are paid from the administrative budget of the Department and costs exclusively associated with probation evaluations are not recorded separately from the other inspection or policy development work of the Inspectorate. Accordingly it is not possible to provide a detailed breakdown of the costs of the probation evaluations conducted in respect of the teachers probated in the ten-year period between 2002 and 2011.

175. **Deputy Pat Deering** asked the Minister for Education and Skills the year inspectors from his Department first started doing inspections as part of the probation of newly qualified teachers at primary level. [15553/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The very close engagement of inspectors with the quality of teaching in primary schools is practically as old as the national school system itself. Inspectors have had a role in the evaluation of teachers appointed in primary schools since the first inspectors were appointed in 1832.

Inspection models have evolved very significantly since 1832 as has the legal basis for the probation of newly qualified teachers. Access to the profession of teaching in recognised schools in Ireland is now regulated by the Teaching Council. At present, the Inspectorate of my Department evaluates the professional competence of primary teachers for the purposes of informing the Teaching Council's decisions regarding registration. Further development in this area is ongoing, with the Council currently working on the development of a Career Entry Professional Programme (CEPP) for newly qualified teachers wishing to be fully registered with the Council, in compliance with sections 7(2)(f) and (g) of the Teaching Council Act, 2001.

### **Redundancy Payments**

176. **Deputy Jonathan O'Brien** asked the Minister for Education and Skills the reason for the delay in processing redundancy payments for three former special needs assistants in a school (details supplied); the date on which these payments will be issued; and if he will make a statement on the matter. [15557/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Four applications for redundancy from former Special Needs Assistants in the school referred to by the Deputy were received by my Department on 2 September 2011. A large number of applications were received during the period July-September 2011.

Applications received during those months are currently being processed. Applications are processed in date order of receipt with some priority given to those SNAs who have not obtained alternative employment in a non-teaching capacity in primary, secondary or community / comprehensive schools in the current school year. Every effort is being made, within the resources available, to process these applications as quickly as possible.

It is expected that the applications referred to by the Deputy will be reached for processing in approximately 3 weeks and payment will issue as soon as possible thereafter.

*Question No. 177 answered with Question No. 120.*

### **Site Acquisitions**

178. **Deputy Arthur Spring** asked the Minister for Education and Skills the owner of the property on which a school (details supplied) is situated; and if he will make a statement on the matter. [15581/12]

179. **Deputy Arthur Spring** asked the Minister for Education and Skills the way and when the property, upon which a school (details supplied) is situated, was acquired by its current owners; and if he will make a statement on the matter. [15584/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 178 and 179 together.

[Deputy Ruairí Quinn.]

The Sisters of Mercy, as part of their response to the request from the Government and this House to the Congregations for further contributions by way of reparations following the publication of the Ryan Report, proposed to transfer the property to which the Deputy refers to Cáirde Coláiste Íde, a voluntary body.

My Department has not been made aware of whether this transfer has been effected and as the ownership of the property is a matter for those two private bodies and not for my department, I am not in a position to provide the information sought by the Deputy.

### Telecommunications Services

180. **Deputy Regina Doherty** asked the Minister for Education and Skills when he anticipates that a school (details supplied) in County Meath will benefit from the roll-out of broadband. [15595/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Culmullen National School is currently connected to the Schools Broadband Network by means of a satellite connection. Attempts were made to provide this school with a fixed line (DSL) connection however this was not possible due to the distance of the school from the Eircom exchange.

All contracts under the Schools Broadband Access Programme are currently being retendered, the evaluation of broadband tenders is underway and I expect that it will be complete by the end of this month. New contracts for the supply of services will be awarded shortly thereafter.

My Department's aim is to optimise the quality of connectivity for all schools. Early indications are that there should be a significant reduction in those schools reliant on slower connections.

### School Staffing

181. **Deputy Thomas Pringle** asked the Minister for Education and Skills the way the cut-backs on rural DEIS, changes to resources hours and the other budget cuts impact on a school (details supplied) in terms of teaching staff levels; and if he will make a statement on the matter. [15599/12]

**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 details of the reform of the allocation process which is designed to bring a more equitable distribution of existing posts between schools.

The overall objective with the reforms is to enable the teacher allocation and redeployment process to operate more smoothly and efficiently within the new climate of fixed ceilings on teaching posts. The changes are designed to give a more equitable distribution of existing posts between schools, give earlier certainty to schools about their staffing allocations and, where possible, simplify and streamline existing processes and give greater autonomy to schools.

The new arrangements incorporate a long overdue updating of the General Allocation Model (GAM) combining learning support for high incidence special needs and language support for all schools. It also includes changes to NCSE approved (low incidence) resource hours in the base schools or in neighbouring schools. This approach builds on the interim arrangements that operated in 2011 but in a more structured and transparent manner.

Arising from the decisions taken following Budget 2012, of the 328 DEIS Rural primary schools, 16 of these schools with legacy posts will lose one teaching post each, including the school referred to by the Deputy.

The allocation processes also include an appeals mechanism under which schools can appeal against the allocation due to them under the staffing schedules. The appeal procedures are set out in the circular referred to above.

For the coming school year the existing staffing appeals criteria have been extended to enable some 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. The closing date for submission of appeal is 23 March, 2012.

The Appeal Boards operate independently of the Department and their decisions are final.

The final staffing position for all schools at primary level will ultimately not be known until the Autumn. At that stage the allocation process will be fully completed and any appeals to the Staffing Appeal Boards will have been considered.

182. **Deputy Thomas Pringle** asked the Minister for Education and Skills the way the cut-backs on rural DEIS, changes to resource hours and the other budget cuts impact on a school (details supplied) in County Donegal, in terms of teaching staff levels; and if he will make a statement on the matter. [15600/12]

**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 details of the reform of the allocation process which is designed to bring a more equitable distribution of existing posts between schools.

The overall objective with the reforms is to enable the teacher allocation and redeployment process to operate more smoothly and efficiently within the new climate of fixed ceilings on teaching posts. The changes are designed to give a more equitable distribution of existing posts between schools, give earlier certainty to schools about their staffing allocations and, where possible, simplify and streamline existing processes and give greater autonomy to schools.

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Arising from the decisions taken following Budget 2012, of the 328 DEIS Rural primary schools, 16 of these schools with legacy posts will lose one teaching post each, including the school referred to by the Deputy.

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The Appeal Boards operate independently of the Department and their decisions are final.

[Deputy Ruairí Quinn.]

The final staffing position for all schools at primary level will ultimately not be known until the Autumn. At that stage the allocation process will be fully completed and any appeals to the Staffing Appeal Boards will have been considered.

### Schools Building Projects

183. **Deputy Thomas Pringle** asked the Minister for Education and Skills the reason a school (details supplied) was left out of the school building programme announced last Monday; the options available to the school to improve the accommodation now; and if he will make a statement on the matter. [15601/12]

193. **Deputy Dara Calleary** asked the Minister for Education and Skills the reason the progression of a new school building for a school (details supplied) in County Donegal was not included on the five year school building programme in view of the fact that the project was at an advanced stage. [15726/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 183 and 193 together.

In view of the need to ensure that every child has access to a school place, the delivery of major school projects to meet the demographic demands nationally will be the main focus for capital investment in schools in the coming years. The five year programme announced recently is focused on meeting those demographic needs. In that context, it was not possible to advance all applications for capital funding concurrently.

School building projects currently in or commencing architectural planning, including the project at the school to which the Deputies refer, will continue to be advanced incrementally over time within the context of the funding available. The Department is in the process of acquiring the site for the school. Acquisition of the site is dependent on a grant of planning permission, an application for which has been submitted to the local authority. The Department is currently preparing a response to a Request for Further Information (RFI) from the local authority and has also, concurrently, commenced the tender process for the appointment of a design team.

However, in light of current competing demands on the Department's capital budget, it is not possible at this time to progress the project to tender and construction.

184. **Deputy Regina Doherty** asked the Minister for Education and Skills when a building grant application will be approved and financed in respect of a school (details supplied) in County Dublin; and if he will make a statement on the matter. [15603/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I can confirm that the school referred to by the Deputy has an application with the Department for a major school project involving school refurbishment and ancillary accommodation. 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](http://www.education.ie).

In view of the need to prioritise available funding for the provision of additional school accommodation, 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 this school project at this time. However, I wish to advise the Deputy that this school was recently invited to participate in the Depart-

ment's Prefab Replacement Programme which is an initiative to replace rented prefabs with permanent accommodation. A response from the school is awaited.

### School Accommodation

185. **Deputy John Paul Phelan** asked the Minister for Education and Skills the money that has been set aside for the extension of a college (details supplied); and when the work programme is due to commence. [15604/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I wish to advise the Deputy that officials from my Department will be in further contact with the VEC regarding the College referred to by the Deputy with the aim of finalising arrangements regarding the additional accommodation required to meet the demographic demand that has been identified in the area in question.

*Question No. 186 answered with Question No. 157.*

### Special Educational Needs

187. **Deputy Martin Heydon** asked the Minister for Education and Skills the position regarding an application for a new class at an ASD unit at a school (details supplied) in County Kildare; if he has considered the application and its need; when a decision is expected; and if he will make a statement on the matter. [15608/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The National Council for Special Education (NCSE), through the local special educational needs organisers (SENOs), is responsible for processing applications from primary and post primary schools for special educational needs supports, including the establishment of special classes in various geographical areas as required. The NCSE operates within my Department's criteria in allocating such support.

All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child's special educational needs, using the contact details available on [www.ncse.ie](http://www.ncse.ie).

I have arranged for the matters raised by the Deputy to be forwarded to the NCSE for their direct reply.

### Job Creation

188. **Deputy Michael Creed** asked the Minister for Education and Skills the position regarding the budget provision for labour market activation measures as provided for in the December 2011 budget; when tenders are being invited for the disbursement of this fund; and if he will make a statement on the matter. [15624/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** Following on the successful outcomes of the Labour Market Activation Fund which commenced in 2010 and concluded last year, funding of €20 million has been allocated from the National Training Fund in 2012 for a new Labour Market Education and Training Fund, which will be managed by FÁS.

€10m has also been made available for the roll-out of Springboard 2012. A call for proposals issued to higher education institutions in February 2012. Details of the courses being funded and the number of places being supported will be available in May, following this competitive tender process.

[Deputy Ciarán Cannon.]

FÁS is currently developing proposals to maximise the benefits from the funding for job-seekers, in line with activation priorities and with recommendations made in the independent review of the previous Fund: Evaluation of the Labour Market Activation Fund, 2010 — Final Report. That report is available on my Department's website:

<http://www.education.ie/servlet/blobServlet/dep—publication—listing.htm>.

As soon as the proposals have been sanctioned, a tender process will be established.

### Education Schemes

189. **Deputy Michael Creed** asked the Minister for Education and Skills if he has conducted any research into the adequacy of the current arrangements for children with a high IQ; the resources available to such children in the current educational framework; the plans he has for this sector; and if he will make a statement on the matter. [15691/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I wish to advise the Deputy that the 1998 Education Act requires Boards of Management of each school to publish the policy of the school relating to participation by students with special educational needs, including students who are exceptionally able. The measures schools take in this regard are required to be stated in the school plan. It is the duty of the Board of Management to ensure that appropriate education services are made available to such students.

Schools at both primary and second level use strategies such as curriculum differentiation, curriculum enrichment and acceleration to facilitate the development of pupils who are exceptionally able.

Syllabi and curricula for second-level schools have been designed in such a way to enable teachers cater for the wide range of pupil ability. The revised primary curriculum, which has been supplied to every primary teacher, recognises the importance of developing the full potential of the child and caters for pupil diversity, including meeting the needs of exceptionally able pupils.

Content is outlined in the curricula at both levels and process is also heavily emphasised. Enabling children to learn how to learn is stressed and facilitated. The development of language skills, investigatory and problem-solving skills, higher-order thinking skills and working individually, and as a member of a group, are all encouraged at both levels. While the use of information and communication technologies and the use of class and school libraries are of benefit in project work with all pupils, they have a special importance for pupils who are exceptionally able.

The National Council for Curriculum and Assessment (NCCA), in collaboration with its counterparts in Northern Ireland, the Council for Curriculum Examination and Assessment (CCEA), has produced draft guidelines for teachers of exceptionally able students. These guidelines issued to all Primary and Post Primary schools in November 2007 along with a questionnaire for feedback.

The NCCA/CCEA guidelines are designed to raise awareness of the social, emotional and academic needs of exceptionally able students and to assist teachers in planning their teaching and learning. The guidelines provide advice to schools on identification of gifted children, set out profiles of students, and whole school and classroom strategies and case studies which demonstrate how schools can best meet the needs of such students. The general strategies include differentiated teaching, acceleration and enrichment approaches in the context of participation in mainstream schools.

The Special Education Support Service (SESS) is a service under the management of my Department which provides support for teachers to assist them in meeting the needs of all pupils with special educational needs, including those pupils who are exceptionally able. The service is available to schools who may be seeking advice or support relating to a specific special education issue in the school. More information on the range of programmes offered by the SESS is available on [www.sess.ie](http://www.sess.ie).

In addition, the Professional Development Service for Teachers (PDST), also under the management of my Department, provides training in differentiation, in terms of differentiating for all pupils, whether less able/more able. Issues around exceptional ability and giftedness are addressed as part of the school planning process which is facilitated by the PDST.

Finally, I wish to advise the Deputy that this Government is committed, as set out in the Programme for Government, to examining supports in place for gifted students and specifically to the creation of improved links with third level institutions on a regional basis, to provide gifted students with access to new programmes or educational resources.

### **Home-School Liaison Scheme**

190. **Deputy Gerald Nash** asked the Minister for Education and Skills if we will give his full consideration to the appointment of separate home-school community liaison positions to a school (details supplied) in County Louth; and if he will make a statement on the matter. [15711/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As the Deputy is aware, Home School Community Liaison (HSCL) is a mainstream preventative programme and a major component of DEIS (Delivering Equality of Opportunities in Schools), the action plan for educational inclusion, which targets pupils at risk of not reaching their potential in the educational system because of background characteristics which tend to adversely affect pupil attainment and school retention. It focuses directly on the salient adults in children's educational lives while seeking direct benefits for the children themselves.

Due to the current economic position, there is no scope to consider any change to the current provision of Home School Community Liaison (HSCL) Services in the 200 post primary and 345 urban primary schools participating in DEIS for 2012/13 school year.

### **School Transport**

191. **Deputy Peter Mathews** asked the Minister for Education and Skills if assistance will be provided to a person (details supplied) in County Dublin; and if he will make a statement on the matter. [15716/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** The pupil referred to by the Deputy may apply for school transport on a concessionary basis subject to terms of the scheme. The parents of the pupil in question should liaise with their local Bus Éireann office in this regard.

### **Schools Building Projects**

192. **Deputy Dara Calleary** asked the Minister for Education and Skills the reason the progression of a new school building for a school (details supplied) in County Donegal was not included on the five-year school building programme, in view of the fact that the project was at an advanced stage. [15725/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Planning permission for a new school building for the school, referred to by the Deputy, has been refused in respect of the proposed site. My Department has been in contact with the school in this regard. 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.

*Question No. 193 answered with Question No. 183.*

### School Staffing

194. **Deputy Thomas P. Broughan** asked the Minister for Education and Skills the action he will take to ensure that a school (details supplied) in Dublin 17 does not lose one of its legacy posts in the staffing schedule for September 2012 in view of the fact that the school's enrolment has increased but apparently it may lose this critical legacy post because of the changes to the pupil teacher ratio; and if he will make a statement on the matter. [15729/12]

**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 details of the reform of the allocation process which is designed to bring a more equitable distribution of existing posts between schools.

The overall objective with the reforms is to enable the teacher allocation and redeployment process to operate more smoothly and efficiently within the new climate of fixed ceilings on teaching posts. The changes are designed to give a more equitable distribution of existing posts between schools, give earlier certainty to schools about their staffing allocations and, where possible, simplify and streamline existing processes and give greater autonomy to schools.

The new arrangements incorporate a long overdue updating of the General Allocation Model (GAM) combining learning support for high incidence special needs and language support for all schools. It also includes changes to NCSE approved (low incidence) resource hours in the base schools or in neighbouring schools. This approach builds on the interim arrangements that operated in 2011 but in a more structured and transparent manner.

The school to which the Deputy refers was among the 140 DEIS Band 1 and Band 2 schools included in the recent report on the impact, in terms of posts, that certain Budget measures would have on these schools.

The main focus of this report concerned additional posts allocated under disadvantage schemes pre-dating DEIS. The outcome of this report was published last month and schools were notified of the Government's decision to retain these posts in DEIS Band 1 and Band 2 Schools.

As I have already indicated, I requested my Department to examine these schools due to conflicting number of posts being reported as potentially lost to these schools. It was necessary to obtain clarity with regard to the net effect of a range of factors on teacher allocations in these schools; for example, increasing and decreasing enrolments, the reforms to the existing teacher allocations process and up to date enrolments, all of which contribute to determining the staffing requirement for these schools for 2012/13 school year.

Applying the new staffing schedule for Band 1 schools and the Government's decision in relation to schools retaining posts from previous disadvantage schemes ensures that these schools can continue to implement the appropriate favourable pupil teacher ratios from previous disadvantage schemes while not exceeding this entitlement for 2012/13 school year.

There will be no change to number of teaching staff allocated to this school for 2012/13 over their current staffing compliment as the school has had no significant change in its enrolment and it has not been affected by the change to the new staffing schedule.

The allocation processes also include an appeals mechanism under which schools can appeal against the allocation due to them under the staffing schedules. The appeal procedures are set out in the circular referred to above.

For the coming school year the existing staffing appeals criteria have been extended to enable some 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. The closing date for submission of appeal is 23 March, 2012. The Appeal Boards operate independently of the Department and their decisions are final.

The final staffing position for all schools at primary level will ultimately not be known until the Autumn. At that stage the allocation process will be fully completed and any appeals to the Staffing Appeal Boards will have been considered.

### School Staffing

195. **Deputy Thomas P. Broughan** asked the Minister for Education and Skills the action he will take to ensure that a school (details supplied) in Dublin 17 does not lose one of its legacy posts in the staffing schedule for September 2012 in view of the fact that the school's enrolment has increased but apparently it may lose this critical legacy post because of the changes to the pupil teacher ratio; and if he will make a statement on the matter. [15730/12]

**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 details of the reform of the allocation process which is designed to bring a more equitable distribution of existing posts between schools. The overall objective with the reforms is to enable the teacher allocation and redeployment process to operate more smoothly and efficiently within the new climate of fixed ceilings on teaching posts. The changes are designed to give a more equitable distribution of existing posts between schools, give earlier certainty to schools about their staffing allocations and, where possible, simplify and streamline existing processes and give greater autonomy to schools. The new arrangements incorporate a long overdue updating of the General Allocation Model (GAM) combining learning support for high incidence special needs and language support for all schools. It also includes changes to NCSE approved (low incidence) resource hours in the base schools or in neighbouring schools. This approach builds on the interim arrangements that operated in 2011 but in a more structured and transparent manner. The school to which the Deputy refers is a DEIS Band 1 School but was not among the 140 DEIS Band 1 and Band 2 schools included in the recent report on the impact, in terms of posts, that certain Budget measures would have on these schools, the main focus of which concerned additional posts allocated under disadvantage schemes pre-dating DEIS. Applying the new staffing schedule for Band 1 schools to this school, it is due to lose one mainstream class teacher due to falling enrolment for the 2012/13 school year. The allocation processes also include an appeals mechanism under which schools can appeal against the allocation due to them under the staffing schedules. The appeal procedures are set out in the circular referred to above. For the coming school year the existing staffing appeals criteria have been extended to enable some 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. The closing date for submission of appeal is 23 March, 2012. The Appeal Boards operate independently of the Department and their decisions are final. The final staffing position for all schools at primary level will ultimately not be known until

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the Autumn. At that stage the allocation process will be fully completed and any appeals to the Staffing Appeal Boards will have been considered.

### **Schools Building Projects**

196. **Deputy Gerald Nash** asked the Minister for Education and Skills the location of the site on which the proposed new building project for a school (details supplied) in County Meath will proceed; and if he will make a statement on the matter. [15731/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I am pleased to advise the Deputy that the school to which he refers is one of 106 schools which I announced last week to proceed to construction as part of my Department's five year capital investment programme. The existing school site has been identified as a suitable location for this project.

197. **Deputy Joanna Tuffy** asked the Minister for Education and Skills if he will provide an update on the school building plans in respect of schools (details supplied) in County Dublin; and if he will make a statement on the matter. [15732/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** My Department is currently finalising the accommodation brief in relation to the school projects, referred to by the Deputy. When finalised my Department will liaise with the school authorities in the context of progressing the project concerned to the next stage of the architectural planning process. Information in respect of the current school building programme along with all assessed applications for major capital works, including these projects, is available on the Department's website at [www.education.ie](http://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 as to when the school projects, referred to by the Deputy, will proceed to construction.

### **Youthreach Programme**

198. **Deputy Jerry Buttimer** asked the Minister for Education and Skills if a full-time youthreach programme is considered as full-time education for the purposes of family law maintenance payments in respect of young adults aged between 18 and 23 years; and if he will make a statement on the matter. [15737/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** Youthreach is administered as a full-time integrated programme of education, training and work experience, generally of two years duration. Young people between 15 and 20 years of age who have left school early without any qualification or vocational training are eligible to participate and are paid an age-related training allowance. They are eligible for a range of additional allowances (meal, travel, long-term unemployment bonus) and, where applicable, childcare support under the Childcare Education and Training Support (CETS) scheme. In relation to family law maintenance payments, the relevant legislation is the Family Law (Maintenance of Spouses and Children) Act, 1976, as amended. I understand that in proceedings under this legislation, maintenance can be awarded for the benefit of a child who is under the age of 18, or if the child is in full time education, under the age of 23. Any queries on this legislation should be directed to the Department of Justice, Equality and Law reform.

### **School Accommodation**

199. **Deputy Emmet Stagg** asked the Minister for Education and Skills if he will review the

file in relation to sanctioning the rent allowance to a school (details supplied) in County Kildare to move onto the old Scoil Dhríoe site at Kill, County Kildare. [15797/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I wish to advise the Deputy that my Department is currently liaising with the Patron's office in the context of the matter to which he refers. The school authority in question is aware of this contact and my Department will continue to keep the school informed of developments.

### Schools Building Projects

200. **Deputy Brendan Smith** asked the Minister for Education and Skills the stage of a proposed building project for a school in Dublin (details supplied); when the project will proceed to the next stage; the likely timescale for this project to progress to construction stage in view of the fact that it is not included in the Department's recently published five year programme; and if he will make a statement on the matter. [15801/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** In view of the need to ensure that every child has access to a school place, the delivery of major school projects to meet the demographic demands nationally will be the main focus for capital investment in schools in the coming years. The five year programme announced recently is focused on meeting those demographic needs. In that context, it was not possible to advance all applications for capital funding concurrently. The building project for the school referred to by the Deputy is currently at an advanced stage of architectural planning. The Stage 2(a) Submission (Detailed Design) was approved 24th February 2012 and the project was authorised to proceed to complete stage 2(b) which includes securing the necessary statutory approvals and the preparation of tender documents. School building projects currently in architectural planning, including the project referred to by the Deputy, will continue to be advanced incrementally over time within the context of the funding available. However, in light of current competing demands on the Department's capital budget, it is not possible to progress this project to tender and construction at this time.

### Higher Education Grants

201. **Deputy Brendan Smith** asked the Minister for Education and Skills if he will give detailed consideration to the concerns outlined by an organisation (details supplied) in relation to the criteria for higher education grants; and if he will make a statement on the matter. [15802/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As the Deputy will be aware, I announced last December that the means test for student grants will be amended to take account of the value of certain capital assets as well as income for the 2013/14 academic year. A dedicated Capital Asset Test implementation group has been established. The group has been charged with bringing forward detailed implementation proposals on new means testing arrangements for student grants, to include the value of assets, for new applicants from the 2013/14 academic year. In the circumstances, it is not possible to say at this time what assets may be included. Contrary to the assertions made by the organisation referred to by the Deputy, no decision has been taken on the treatment of farm or other business assets. However, any proposals in this regard will require further Government agreement and necessitate legislative amendment.

### Schools Building Projects

202. **Deputy Brendan Smith** asked the Minister for Education and Skills if he will provide

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an update on the proposal to provide a new school building (details supplied) in County Dublin; when this project is likely to proceed to the next stage; the likely timescale for the project to reach construction stage in view of the fact that it is not included in his recently published five year programme; and if he will make a statement on the matter. [15803/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I can confirm that the school referred to by the Deputy has an application with the Department for a major school project involving school refurbishment and the replacement of temporary accommodation. 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*. Recent birth rate data, published by the CSO shows there were nearly 20,000 births registered in the first quarter of 2011. This is the highest number of births registered in a quarter since the series began in 1960. It is vital that the schooling system is prepared to cope with these increasing numbers. Therefore, the Government's priority is now to focus on major school projects to meet these demographic demands. 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. In the context of the need to prioritise available funding for the provision of additional school accommodation, it is not possible therefore to give an indicative timeframe for the progression of this school project at this time.

203. **Deputy Brendan Smith** asked the Minister for Education and Skills if he will provide an update on the proposal to provide a new school building (details supplied) in County Dublin; the stage of this particular project; the likely timescale for the project to reach construction stage in view of the fact that it is not included in his recently published five year programme; and if he will make a statement on the matter. [15804/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** In view of the need to ensure that every child has access to a school place, the delivery of major school projects to meet the demographic demands nationally will be the main focus for capital investment in schools in the coming years. The five year programme announced recently is focused on meeting those demographic needs. In that context, it was not possible to advance all applications for capital funding concurrently. The building project for the school referred to by the Deputy is currently at an early stage of architectural planning. The Stage 1 Submission (Site report/initial sketch scheme) has been received in my Department and is being examined. School building projects currently in architectural planning, including the project referred to by the Deputy, will continue to be advanced incrementally over time within the context of the funding available. However, in light of current competing demands on the Department's capital budget it is not possible, at this time, to indicate when this project will progress to tender and construction stage.

204. **Deputy Brendan Smith** asked the Minister for Education and Skills the stage of the proposed school building project for a school (details supplied) in County Cavan; when this project will proceed to the next stage; the likely timescale for the project to go to construction stage, as it is not included in his recently published five year programme; and if he will make a statement on the matter. [15805/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** In view of the need to ensure that every child has access to a school place, the delivery of major school projects to meet the demographic demands nationally will be the main focus for capital investment in schools in

the coming years. The five year programme announced recently is focused on meeting those demographic needs. In that context, it was not possible to advance all applications for capital funding concurrently. The building project for the school referred to by the Deputy is currently at an early stage of architectural planning. The Design Team are currently working on the Stage 2a Submission (Developed Sketch Design). School building projects currently in architectural planning, including the project referred to by the Deputy, will continue to be advanced incrementally over time within the context of the funding available. However, in light of current competing demands on the Department's capital budget it is not possible, at this time, to indicate when this project will progress to tender and construction stage.

205. **Deputy Brendan Smith** asked the Minister for Education and Skills the stage of the proposed school building project for a school (details supplied) in County Cavan; when this project will proceed to the next stage; the likely timescale for the project to go to construction stage, as it is not included in his recently published five year programme; and if he will make a statement on the matter. [15806/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** In view of the need to ensure that every child has access to a school place, the delivery of major school projects to meet the demographic demands nationally will be the main focus for capital investment in schools in the coming years. The five year programme announced recently is focused on meeting those demographic needs. In that context, it was not possible to advance all applications for capital funding concurrently. The building project for the school referred to by the Deputy is currently at an early stage of architectural planning. The Design Team are currently working on the Stage 2a Submission (Developed Sketch Design). School building projects currently in architectural planning, including the project referred to by the Deputy, will continue to be advanced incrementally over time within the context of the funding available. However, in light of current competing demands on the Department's capital budget it is not possible, at this time, to indicate when this project will progress to tender and construction stage.

206. **Deputy Brendan Smith** asked the Minister for Education and Skills the stage of the proposed extension refurbishment project for a school (details supplied) in County Cavan; when the project will proceed to the next stage; the likely timescale for this project to go to construction stage, as it has not been included in his recently published five year programme; and if he will make a statement on the matter. [15807/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** In view of the need to ensure that every child has access to a school place, the delivery of major school projects to meet the demographic demands nationally will be the main focus for capital investment in schools in the coming years. The five year programme announced recently is focused on meeting those demographic needs. In that context, it was not possible to advance all applications for capital funding concurrently. The building project for the school referred to by the Deputy is currently at an early stage of architectural planning. The Design Team has recently been appointed and the Board of Management were authorised to commence Stage 1 (Preliminary Sketch Design). School building projects currently in architectural planning, including the project referred to by the Deputy, will continue to be advanced incrementally over time within the context of the funding available. However, in light of current competing demands on the Department's capital budget it is not possible, at this time, to indicate when this project will progress to tender and construction stage.

207. **Deputy Brendan Smith** asked the Minister for Education and Skills the stage of the proposed extension refurbishment of a school (details supplied) in County Cavan; when the

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project is likely to proceed to the next stage; the likely timescale for the project to go to construction stage as it has not been included in his recently published five year programme; and if he will make a statement on the matter. [15808/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** In view of the need to ensure that every child has access to a school place, the delivery of major school projects to meet the demographic demands nationally will be the main focus for capital investment in schools in the coming years. The five year programme announced recently is focused on meeting those demographic needs. In that context, it was not possible to advance all applications for capital funding concurrently.

The building project for the school referred to by the Deputy is currently at an early stage of architectural planning. The Design Team are currently working on the Stage 2a Submission (Developed Sketch Design).

School building projects currently in architectural planning, including the project referred to by the Deputy, will continue to be advanced incrementally over time within the context of the funding available.

However, in light of current competing demands on the Department's capital budget it is not possible, at this time, to indicate when this project will progress to tender and construction stage.

208. **Deputy Brendan Smith** asked the Minister for Education and Skills when a school building project (details supplied) in County Monaghan will proceed to construction stage; the total investment by him in this project; and if he will make a statement on the matter. [15809/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** In view of the need to ensure that every child has access to a school place, the delivery of major school projects to meet the demographic demands nationally will be the main focus for capital investment in schools in the coming years. The five year programme announced recently is focused on meeting those demographic needs. In that context, it was not possible to advance all applications for capital funding concurrently.

The building project for the school referred to by the Deputy is currently at an advanced stage of architectural planning. The Design Team are currently working on Stage 2(b) of Architectural Planning which includes Planning Permission, Fire Certificate and Disability Access Certificate (DAC) and the preparation of tender documents.

School building projects currently in architectural planning, including the project referred to by the Deputy, will continue to be advanced incrementally over time within the context of the funding available.

However, in light of current competing demands on the Department's capital budget, it is not possible to progress this project to tender and construction at this time.

*Question No. 209 answered with Question No. 138.*

210. **Deputy Pearse Doherty** asked the Minister for Education and Skills the position regarding funding for a school (details supplied) in County Donegal; and when the school can expect a start date for construction. [15862/12]

**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 at this time.

### Departmental Expenditure

211. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform if, following the request of the Secretary General of his Department asking him to publish online quarterly purchase orders for goods and services of more than €20,000 procured by his Department, it is his intention to do so and if he will confirm the date on which this information will be published on his Department's website. [15248/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** In the Public Service Reform Plan, published in November 2011, there was a commitment that all public bodies would publish purchase orders online by the end of 2012. As a first step, my Department began publishing its purchase orders online in March 2012, and these are available on the Department's website at *www.per.gov.ie*.

The Secretary General of my Department will in the near future be writing to all other Secretaries General to ask them to adopt a similar approach in their own Departments and in bodies under their aegis.

### Flood Relief

212. **Deputy Michael Colreavy** asked the Minister for Public Expenditure and Reform the steps he will take to protect farmland in Cromane, County Kerry, that is endangered by flooding by seawater; and if he will make a statement on the matter. [14646/12]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes):** The Office of Public Works recently allocated €100,000 to Kerry County Council under the the Minor Flood Mitigation Works and Coastal Protection Scheme to undertake embankment strengthening works at Cromane in order to mitigate the flood risk in this area.

### Departmental Expenditure

213. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform if he will provide in a tabular form a breakdown of the position, salary, allowance and expenses paid to each of the employees of agencies (details supplied) in 2011. [15488/12]

215. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform if he will provide in tabular form a breakdown of all costs relating to each of the following internal organisations (details supplied) of his Department. [15492/12]

216. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform if he will provide in tabular form a breakdown of all costs relating to each of the following bodies (details supplied) under his Department. [15493/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I propose to take Questions Nos. 213, 215 and 216 together.

The information requested by the Deputy could not be collated in the time available. My Department will respond directly to the Deputy as soon as possible.

### Departmental Agencies

214. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform if he will provide in a tabular form a breakdown of the number of board members and their respective annual remuneration for 2011 of agencies (details supplied). [15489/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** In response to the Deputy's question the members of the Institute for Public Administration (IPA) Board do not receive fees. While Board members do not travel on official business as members of the Institute, they are entitled to claim travel and subsistence for their attendance at Board and subcommittee meetings. Details in relation to travel and subsistence claims are published in the annual report of the body. The latest annual report available on the IPA website is 2010. A list of the Current Board Members can also be found on the website using the following link: <http://www.ipa.ie/en/about/>. There are no board members associated with the Special EU Programmes Body.

*Questions Nos. 215 and 216 answered with Question No. 213.*

### Ministerial Travel

217. **Deputy Ciarán Lynch** asked the Minister for Public Expenditure and Reform if he will set out the mileage claimed by any Minister of State in his Department for each year from 2005 to 2010; and if he will make a statement on the matter. [15522/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** In the period in question the Office of Public Works was under the aegis of the Department of Finance and they will be providing the information requested by the Deputy.

### Infrastructure and Capital Investment Programme

218. **Deputy Sean Fleming** asked the Minister for Public Expenditure and Reform the amount of the €3.9 billion allocated to the infrastructure and capital investment programme for 2012 will go towards actual construction activity. [15824/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** On foot of last year's review of Exchequer capital expenditure led by my Department, I published Infrastructure and Capital Investment 2012-2016 in November last year. This document identifies the Government's key capital strategic priorities for the next five years, emphasising investment which will provide the greatest economic return or which meets urgent social requirements. While most of this investment will lead to construction activity, the capital budget encompasses enterprise supports, research and development capital, agriculture and forestry grants, information technology investment and replacement public transport vehicles, for example.

Of the almost €4 billion allocated for 2012, €514 million is allocated for enterprise supports and research and development capital investment. Investment in enterprise supports has the

highest direct employment impact. Accordingly, the review made a point of protecting supports to the enterprise sector primarily through agencies such as Enterprise Ireland and the IDA. The unprecedented level of investment over the past few years and in 2012 delivered through the Enterprise Development Agencies can foster sustainable and valuable employment in the exporting sectors of the economy which will be critical to recovery.

€85 million will be invested in forestry and bio-energy and over €45 million on various agriculture and food development grants. Almost €110 million will be invested in communications and information technology by the Department of Communications Energy and Natural Resources, other Government Departments and Offices, the Gardaí, the health services and the education sector. Other capital moneys may be invested in vehicles or capital equipment grants for example. Ultimately it is a matter for each Minister how they disburse their capital allocations, within the context of relevant Government decisions and the parameters laid out in Infrastructure and Capital Investment 2012-2016.

### Health and Safety Regulations

219. **Deputy Jim Daly** asked the Minister for Jobs, Enterprise and Innovation if he is currently reviewing health and safety regulations for industries involved in the water sports sector; and if he will make a statement on the matter. [15433/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** As part of my responsibility for workplace health and safety I have responsibility for the Safety, Health and Welfare at Work Act 2005 which sets out, among other things, the roles and obligations of both employers and employees in the workplace and this includes those working in water-sports activities.

The Health and Safety Authority, which comes under the remit of my Department, is the statutory body with responsibility for enforcing occupational safety and health law, promoting the prevention of occupational injury and illness, and providing information and advice to all companies, organisations and individuals on workplace health, safety and welfare. The Authority's remit includes keeping all relevant and associated statutory provisions on occupational safety and health under review and, when necessary, developing new or revised legislative proposals on health and welfare at work for my consideration.

Insofar as the water-sports sector is concerned, the Health and Safety Authority carried out a review of the Safety in Industry (Diving Operations) Regulations, 1981 (S.I. No. 422 of 1981) and subsequently prepared updated "draft" Safety, Health and Welfare at Work (Diving) Regulations. These "draft" Regulations are currently being prepared for formal legal settlement. There are no other Regulations specific to the water-sports under review at this time.

### Industrial Development

220. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation the support offered by State agencies to support the development of commercial premises at Dromore West, County Sligo. [15366/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** Enterprise Ireland supports communities to develop locally owned Community Enterprise Centres, (CECs) which have enabled entrepreneurs to establish, provide employment and to grow their businesses in their own locality, by providing a physical and human support network for emerging entrepreneurs and micro industry.

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The CEC scheme was designed as a community led initiative in the form of a partnership between the local community and the State. Its objective has been to enhance the development of an enterprise climate through the provision of infrastructural facilities to support the establishment and expansion of micro enterprises through local community participation in both urban and rural locations.

The following centres in Sligo have received support from Enterprise Ireland under this Scheme:

- Ballymote Enterprise Centre,
- Sligo Enterprise and Technology Centre (Sligo Airport Business Park Strandhill),
- Easkey Enterprise Centre,
- North West Life Sciences, Collooney.

The establishment of business incubation centres on higher education campuses across Ireland is also supported through Enterprise Ireland. Such facilities are internationally recognised as an important element of public assistance for technology-intensive start-ups. IT Sligo Business Incubation and Research Centre has been funded by Enterprise Ireland. In addition, St Angela's Food Centre at St Angela's College has received funding from Enterprise Ireland under its RTI Collaboration Networking Scheme.

IDA Ireland provides property solutions to its client companies and those of Enterprise Ireland. IDA's property portfolio in Sligo consists of the following:

- Finisklin Business Park — 32.5 hectares,
- Business and Technology Park, Finisklin — 10.4 hectares,
- Oakfield, Sligo — 32.5 hectares,
- Tubbercurry (planned purchase by Sligo County Council) — 1.5 hectares.

IDA does not own any property in Dromore West.

221. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation the amount of funds, committed to date and their percentage of the overall budget in respect of each of the county enterprise boards, for projects to promote economic growth and jobs for this financial year. [15373/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The maintenance of information in relation to the Deputy's question is a day to day operational matter for the County and City Enterprise Boards (CEBs) operating under my Department's remit.

I have therefore asked that the relevant Business Unit based within Enterprise Ireland who perform an administrative coordination function in respect of the CEBs, to compile the information required, which will then be supplied direct to the Deputy.

#### **Departmental Staff**

222. **Deputy Willie O'Dea** asked the Minister for Jobs, Enterprise and Innovation precisely when he became aware that the Director of Corporate Enforcement intended to tender his resignation; and if he will make a statement on the matter. [15399/12]

223. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation the date on which he or representatives of his Department became aware of the proposed retirement of a person (details supplied). [15426/12]

224. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation the steps he took to ensure that the proposed retirement of a person (details supplied) will not be allowed to impact on the ongoing investigation of Anglo Irish Bank. [15428/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I propose to take Questions Nos. 222 to 224, inclusive, together.

On the evening of 16 January 2012, on the margins of a meeting about another matter, I was made aware on an informal basis by an official in my Department of a conversation in which the Director of Corporate Enforcement had discussed his plans to retire. At that stage I was satisfied that discussions were on-going between my officials and the Director. My priority at this and at all stages was to preserve the integrity of the investigation into Anglo Irish Bank. On the afternoon of Friday 27 January, I received formal notification of the Director's intention to retire. On Monday 30 January 2012, I met with the Director and we discussed his retirement, and also the need to preserve the momentum behind the Anglo Irish investigation.

On 28 February 2012, I appointed the outgoing Director as Acting Director of Corporate Enforcement, with effect from 29 February 2012, under the provisions of the Company Law Enforcement Act 2001 as a transitional measure to ensure continuity. The Public Appointments Service is undertaking a competition to recruit a new Director.

#### **Labour Court Recommendations**

225. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Jobs, Enterprise and Innovation if he will take action to help ensure that Rehab Group implements outstanding Labour Court recommendations given its failure to do so is depriving workers of payments due to them; and if he will make a statement on the matter. [15447/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The Labour Court conducts hearings on trade disputes and issues recommendations setting out its opinion on the dispute and the terms on which it should be settled. The Labour Court is a court of last resort in the industrial relations process, and it is expected that the parties come to the process in good faith and consequently are prepared to give serious consideration to the Court's recommendation.

However, the system of industrial relations in Ireland is essentially voluntary in nature and recommendations of the Labour Court are not legally binding. Neither the Labour Court, nor I, can compel a company to comply with such recommendations. Ultimately, responsibility for the settlement of a trade dispute rests with the parties to the dispute.

#### **Departmental Agencies**

226. **Deputy Mary Lou McDonald** asked the Minister for Jobs, Enterprise and Innovation if he will provide in a tabular format a breakdown of the position, salary, allowance and expenses paid to each of the employees of agencies (details supplied) in 2011. [15478/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The information sought by the Deputy is a day to day matter for the agencies. In this regard, I have referred the question to the agencies for direct response to the Deputy.

227. **Deputy Mary Lou McDonald** asked the Minister for Jobs, Enterprise and Innovation if he will provide in a tabular form a breakdown of the number of board members and their respective annual remuneration for 2011 of the agencies (details supplied) [15479/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The information sought by the Deputy is as follows:

Agency	Board Members	Remuneration 2011*	
		Chairperson	Member
Enterprise Ireland	12	€20,520	€11,970
Forfás	13	€20,520	€11,970
IDA Ireland	12	€20,520	€11,970
Science Foundation Ireland	12	€20,520	€11,970
National Consumer Agency	13	€20,520	€11,970
Personal Injuries Assessment Board	11	€20,520	€11,970
Shannon Free Airport Development Co. Ltd.	12	€20,520	€11,970
Health and Safety Authority	12	€11,970	€7,695
National Standards Authority of Ireland	13	€11,970	€7,695
Irish Auditing and Accounting Supervisory Authority	15	€11,970	€7,695

\*These are the annual board fees payable to Chairpersons and Members of the different categories of State Bodies as set down by the Minister for Public Expenditure and Reform.

#### *Competition Authority*

The Authority does not have a typical board. Pursuant to the Competition Act, 2002, an executive board of Members of the Competition Authority are employed as salaried Members. The Act provides that there shall be at least 3 and no more than 5 Members of the Authority appointed by the Minister for Jobs, Enterprise and Innovation following a competition held by the Civil Service Commissioners under the Civil Service Commissioners Act, 1956.

#### *County and City Enterprise Boards*

There are 35 County and City Enterprise Boards (CEBs), each of which is an individual company limited by guarantee and appointment to their Boards is effected by ordinary resolution of the Boards of Directors, as set out in the Articles of Association of each Board. Neither the Minister nor the Department has a role in the nomination or appointment of CEB Board members. The average number of Board members on each Board is 14 and all members serve in a voluntary and unpaid capacity.

#### *Intertrade Ireland*

InterTradeIreland (ITI) is a North/South Implementation body, set up under the Good Friday Agreement. ITI is jointly funded by this Department and its Northern Ireland counterpart, the Department of Enterprise, Trade and Investment, on a 2 : 1 ratio respectively. ITI's Chairman and Board Members are nominated by the two sponsoring Ministers, 6 from the North and 6 from the South, and appointed by the North South Ministerial Council Joint Secretariat.

The fees are as follows:

Chairperson — €10,882 per annum ;

Vice Chair — €13,142 per annum;

Member — €6,996 — €10,285.

228. **Deputy Mary Lou McDonald** asked the Minister for Jobs, Enterprise and Innovation if he will provide in tabular form a list of all agencies and bodies and internal organisations under his aegis. [15505/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** Details of the Offices and Agencies under the aegis of my Department are set out in Tables 1 and 2 below. In providing this information, I have taken it that the Deputy's reference to internal organisations refers to the Offices of the Department.

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Table 1: Offices under the aegis of the Department

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Companies Registration Office  
 Employment Appeals Tribunal  
 Labour Court  
 Labour Relations Commission  
 National Employment Rights Authority  
 Office of the Director of Corporate Enforcement  
 Office of the Registrar of Friendly Societies  
 Patents Office

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Table 2: Bodies/Agencies under the aegis of the Department

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City and County Enterprise Boards (35)  
 Competition Authority  
 Enterprise Ireland  
 Forfás  
 Health and Safety Authority  
 IDA Ireland  
 InterTrade Ireland (the North / South Trade and Business Development Body)  
 Irish Auditing and Accounting Supervisory Authority  
 National Consumer Agency  
 National Standards Authority of Ireland  
 Personal Injuries Assessment Board  
 Science Foundation Ireland  
 Shannon Development

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### Ministerial Travel

229. **Deputy Ciarán Lynch** asked the Minister for Jobs, Enterprise and Innovation if he will set out the mileage claimed by any Minister of State in his Department for each year from 2005 to 2010; and if he will make a statement on the matter. [15520/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** In accordance with the Government Decision of 16th September 1983, as amended by the Government Decision of 7th February 1984, Ministers of State attached to my Department use their private cars for official duties. Under this arrangement mileage expenses are claimed in accordance with rates and regulations set down by the Department of Finance. The mileage rates payable include

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capital costs as well as depreciation, comprehensive insurance (Class 1), maintenance and petrol.

I wish to advise the Deputy that mileage expenses are paid and claimed in arrears. Please find in the table below the annual totals paid in respect of mileage expenses to Ministers of State in my Department during the period January 2005 to December 2010.

Total Mileage Paid to Ministers of State 2005 to 2010

	2005	2006	2007	2008	2009	2010	Total
	€	€	€	€	€	€	€
Tony Killeen	40,965.6	31,711.94	21,315.6 (up to June 07)				93,993.14
Michael Ahern	31,430.34	26,132.18	32,613.82	16,029.11 (up to May 08)			106,205.45
John McGuinness			12,421.75 (from June 07)	46,254.43	20,253.85 (up to April 09)		78,930.03
Jimmy Devins				16,573.07 (from May 08)	14,729.91 (up to April 09)		31,302.98
Billy Kelleher			16,537.79 (from June 07)	38,502.47	33,255.29	26,032.88	114,328.43
Dara Calleary					12,486.93 (from April 09)	18,999.64	31,486.57
Conor Lenihan					7,536.39 (from April 09)	11,150.06	18,686.45
Frank Fahey	12,923.40 (Jan. to Sep. 04)						12,923.40
	85,319.34	57,844.12	82,888.96	117,359.08	88,262.37	56,182.58	487,856.45

### EU Directives

230. **Deputy Catherine Murphy** asked the Minister for Jobs, Enterprise and Innovation if he will provide a list of all the written representations made to him or the Minister of State with responsibility for research and innovation regarding SI 59 of 2012, the European Union (Copyright and Related Rights) Regulations 2012, the organisation those representations came from, if any applicable, and the date of their receipt, all presented in tabular form; and if he will make a statement on the matter. [15561/12]

**Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Sean Sherlock):** I will provide the Deputy with a list of all the written representations made to me and to Minister Bruton regarding SI No. 59 of 2012, the European Union (Copyright and Related Rights) Regulations 2012. It should be noted that this information has recently been released by the Department of Jobs, Enterprise and Innovation following a request under the Freedom of Information Act 1997.

### Science and Technology Groups

231. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation the budget of Science Foundation Ireland each year; the way this is spent; the number of individual businesses that have benefitted; if he will detail examples of this help and the businesses that have benefitted; the key performance indicators with regards sales, exports, jobs and research and development; the way this compares and contrasts internationally; the plans to develop SFI in the next three years; and what all Ireland work is carried out by SFI. [15652/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** Science Foundation Ireland's capital grant budget for 2012 is €156m. The SFI awards, which are awarded on a competitive basis, are made directly to research performing institutions in the state and are typically multi-annual in nature spanning a three to five year term. Such awards are subject to regular rigorous scientific and strategic review by SFI.

The Foundation's pay budget for 2012 is €4.433m in respect of 52.5 staffing positions. The administrative programme costs associated with running its various programmes amounts to €4.236m. These amounts include provision in respect of the Discover Science and Engineering programme, for which responsibility has recently been transferred from Forfás to SFI. In addition a further €5m of current expenditure is provided through SFI to allow the Irish research community access to key international scientific journals and databases which are an important element underpinning the national research effort. SFI is specifically mandated to focus excellence in research investments through the higher educational sector in the areas of Information and Communications Technologies (ICT), Biotechnology and Sustainable Energy and Energy Efficient Technologies .

The 2012 funding provision to SFI will allow it to maintain its support to 28 top-class research centres and approximately 3,000 researcher positions across Ireland's third level sector. SFI researchers are collaborating with over 530 distinct companies which employ in excess of 82,000 people in Ireland. The numerous examples of the businesses connected to SFI researchers/teams and how SFI funded research is delivering for Irish enterprise are highlighted on [www.sfi.ie](http://www.sfi.ie). From a global perspective, and in a relatively short timeframe, the Foundation has been exceptionally successful in fulfilling its remit by building Ireland's human capital in areas of research linked to the future development and competitiveness of industry and enterprise in the State. From a low ranking in the mid-1980s, to a ranking of 36th in 2003, Ireland's global ranking for scientific quality then broke into the global Top 20 in 2009. That ranking has since been maintained. In a number of specific areas, largely underpinned by SFI investments, Ireland has also achieved even higher rankings such as:

- 3rd in the world for the quality of its research in Immunology (an area which is of major importance to Life Sciences companies),
- 8th in the world for the quality of its research in Materials Science (an area of major importance to Semiconductor companies).

A major impact attributable to SFI has been, and continues to be, its underpinning role for the enterprise and job creation activities of IDA Ireland and Enterprise Ireland. SFI's activities are helping to create magnets of attraction for foreign direct investment in Ireland.

For example, in 2004 10% of the foreign direct investment approvals achieved by IDA Ireland that were research, development and innovation (RD&I) based, were valued at €120m. In 2009 and 2010 the new client R&DI based approvals achieved by the IDA for both years were valued at €500m. In 2011 the value of new RD&I based approvals grew further to approximately €700m. Therefore there has been an almost sixfold gain on the 2004 capacity in little over 7 years. SFI has been an important contributory factor in this achievement as Ireland is now recognised internationally as a global research player in a number of scientific disciplines.

In addition Forfás data has shown that, over the last decade, exports, employment and value-added in R&D-performing firms in Ireland has far outstripped firms that do not perform R&D. As regards all-Island activities, SFI administers the Charles Parsons Energy Research awards which were established in late 2006. Seven research groups/centres are funded through these awards, including the Electrical Power and Energy Systems Research Cluster at Queens

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University Belfast, and the Centre for Sustainable Technologies (CST) at the University of Ulster.

Also in the context of North-South science, technology and innovation initiatives, SFI encourages research collaboration and offers supplementary awards to its funded community to assist collaboration efforts with researchers based in higher education institutions in Northern Ireland.

In addition SFI funded researchers are also directly involved with researchers from Northern Ireland as part of the US-Ireland R&D programme, a tripartite international agreement covering a number of common research themes, primarily in the Life Sciences.

In relation to the future development of SFI, legislative amendments are in preparation to allow the extension of SFI's remit into the area of applied research in order to support the development of research findings into commercial opportunities. This is in line with the provisions in the Programme for Government regarding accelerating the exploitation of research and turning inventions into products.

The proposed Bill will also ensure that the strategic focus of SFI is aligned with areas that have the greatest potential to deliver sustainable economic return through enterprise development, employment creation and quality of life, in accordance with the findings of the recently-published National Research Prioritisation Exercise.

The Bill will also provide Science Foundation Ireland with the legal power to fund research projects related to its strategic areas of focus in Northern Ireland and, subject to the consent of the Minister, participate in collaborative funding schemes, related to its strategic areas of focus, with countries of the European Economic Area or other countries.

### **Work Permits**

232. **Deputy Dan Neville** asked the Minister for Jobs, Enterprise and Innovation if an application for a work permit will be processed without further delay in respect of a person (details supplied) in Dublin 12. [15677/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** My Department processes applications in respect of the different types of employment permits and all applications are processed in line with the Employment Permits Act 2006. I wish to advise the Deputy that a work permit application in respect of the above named was received in my Department on 13 March 2012. Work permit applications are processed in date of receipt order by permit type and this application will be processed in sequence.

### **Departmental Functions**

233. **Deputy Simon Harris** asked the Minister for Jobs, Enterprise and Innovation if there is a section within his Department's set up to promote opportunities for Irish businesses to export to China and for investment into this country from China; the number of persons in his Department who work on this issue; and if he will make a statement on the matter. [15678/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** My Department's strategies for promoting exports and winning inward investment have been remarkably successful. A tailored approach has been developed in each of our priority markets to ensure the most effective return in terms of export growth and inward investment, from the resources at my disposal.

This involves the enterprise development agencies taking the lead on the practical arrangements needed to help exporters and to promote Ireland as a prime location for inward investment. Some of this activity involves both Enterprise Ireland and IDA Ireland having offices in key locations in priority markets so they can help exporters on the ground and be a single point of local contact to promote foreign direct investment.

This direct involvement in our key markets has worked well. It is a well proven and a more preferable approach to growing our trade and investment agenda than providing dedicated units in my Department for each priority market. By their very nature, country specific promotion units located in Dublin would be far too removed from the essential local market connections necessary to grow trade and investment opportunities.

However, new arrangements have been put in place so that market plans for all our priority markets are regularly considered by the Export Trade Council on which I and a number of Ministers participate. This provides the opportunity for considerable joined up evaluation and planning across Government to promote every facet of trade, tourism and investment in each of our global priority markets. Furthermore there are a range of actions set out in the Government's Action Plan for Jobs to encourage and support firmer economic ties with China. This also includes help for businesses that might not be existing clients of the agencies but that might have a compelling export proposal.

My staff and those in the agencies provide a range of generic business focussed or policy supports to enterprise. Many of these would be important to exporters and support stronger connections with China, but are equally relevant to other markets as well. Consequently, it is not possible to provide details, across both my Department and its agencies, of the numbers involved in promoting trade and investment with China.

However I can say that Enterprise Ireland has 3 offices in China with a staff complement of 10 and IDA Ireland has 2 offices located there employing 4. In addition each agency has a number of staff with considerable experience of China in addition to some that are Chinese speakers.

Following my forthcoming trade mission to China this week with An Taoiseach I propose, in conjunction with my Cabinet colleagues, to review the arrangements for coordinating our focus on trade and investment with China.

### **Official Engagements**

234. **Deputy Simon Harris** asked the Minister for Jobs, Enterprise and Innovation when he intends to travel to China to meet Chinese leaders; the specific priorities of this trip; the proposed composition of the delegation to accompany him; and if he will make a statement on the matter. [15679/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** Later today I will travel to China for an intensive, seven day, four city programme to pursue trade and investment opportunities with that country. In addition to my own programme, early next week I will accompany the Taoiseach at meetings with senior Chinese leaders in Beijing. These meetings will build on the political and economic momentum achieved during the recent very successful visit to Ireland of the Chinese Vice President, Xi Jinping.

About 130 executives from 90 Irish companies will participate on this Mission. My engagements are designed to directly help their immediate export intentions and to support their longer term strategies to develop the huge potential of the Chinese market. My plans cover a range of events that include meetings and introductions to Chinese partners so that our

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exporters can build the necessary relationships from which substantial long term trade and investment opportunities will flow.

I will also be promoting the attraction of Ireland as a prime location for investment from Chinese companies. An extensive programme of events to pursue such investment has been arranged.

In addition to the participating company representatives, I will be accompanied by senior officials from the key State Agencies especially Enterprise Ireland and IDA Ireland and relevant officials from my Department.

This Mission represents a cohesive and integrated initiative by the relevant State Departments and bodies to pursue attractive opportunities in the dynamic Chinese economy.

### **Departmental Agencies**

235. **Deputy Simon Harris** asked the Minister for Jobs, Enterprise and Innovation the number of staff that Enterprise Ireland has based in China; the budget they have for their work on behalf of this country in China; and if he will make a statement on the matter. [15680/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** China is a key priority market for Enterprise Ireland with growth in Irish company exports to this market of 10% in 2010 and in excess of 10% in 2011. There are now over 130 Irish companies with permanent offices in China.

Enterprise Ireland has three offices in China, in Beijing, Shanghai and Hong Kong. Enterprise Ireland's staff complement in China totals ten, comprised of two expatriate staff from Ireland, six locally recruited staff and two graduate interns. Staff have extensive experience of working with Enterprise Ireland's client base in Ireland and in-depth specific in-market expertise and knowledge of China. Enterprise Ireland also has two Dublin based executives dedicated to China working in its High Growth Markets Team.

In addition, Enterprise Ireland is also in the process of expanding its "Pathfinder" network in China. "Pathfinders" are external sector or trade consultants with specialist expertise who allow Enterprise Ireland to augment its geographic reach and sector expertise.

Enterprise Ireland has a budget of €1.79m for 2012 devoted to this market to cover all operational and client support costs.

### **National Minimum Wage**

236. **Deputy John McGuinness** asked the Minister for Jobs, Enterprise and Innovation the action he will take to clarify or add to SI 99 National Minimum Wage Act 2000, relative to the need to include hairdressing apprentices; if the existing course or apprenticeship period which has grown by custom and practice will be recognised by NERA until amending legislation is put in place; if pending cases against employers will be suspended until the matter is sorted; and if he will make a statement on the matter. [15750/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The National Minimum Wage Act, 2000 (Prescribed Courses of Study or Training) Regulations, 2000 (S. I. No. 99 of 2000) set out the criteria to which a course of study/training must comply in order for an employer to apply the sub-minimum rates as required under Section 16 of the National Minimum Wage Act, 2000.

The Statutory Instrument provides that structured training must be split into three equal parts of not less than one month and not more than twelve months each. The employee's

participation on such a course must be directed or approved by the employer and any fees concerned must be paid by the employer. A prescribed course must also contain the following essential elements:

- the acquisition of skills and or knowledge to enhance the work performance of the employee on the completion of the course;
- involve directed study or training;
- involve workplace training;
- involve supervision during workplace training;
- include a system of recording progress;
- involve an assessment or certification procedure of the employee's completion of the course which shall include the level of attainment of the employee against the objectives of the course.

The provision for trainee rates under Section 16 of the National Minimum Wage Act, 2000, recognises that an employee undergoing training should not be paid the same minimum wage as an experienced employee. It is also a requirement of the Act that for an employer to apply the sub-minimum rates, the training or study should lead to certification. The Regulations made under the Act have been designed to ensure that employers can only benefit from the training rate where a genuine and structured training course has been put in place. This serves to exclude mere short-term induction type training or spurious training which does not have the characteristics prescribed in the Regulations.

With regard to the recognition of training practices in the hairdressing industry, I understand that the Irish Hairdressers Federation is currently undergoing Provider Registration with the FETAC/QQAAI system. One of the objectives of this process is that the Federation will be able to deliver relevant hairdressing qualifications to apprentices as part of the National Framework of Qualifications. The Federation aims to be in a position to define the depth, breadth and type of learning required for apprenticeships on a national basis if so required, and to ensure that the overall process is defined by learning outcomes and credits as opposed to the current "time served" protocols. I understand that the proposed training accreditation process will extend to all stakeholders within the hairdressing industry.

Finally, in circumstances where NERA inspectors find that the criteria specified in the National Minimum Wage Act, 2000 (Prescribed Courses of Study or Training) Regulations, 2000 (S. I. No. 99 of 2000) are not being met, NERA has no option but to ensure that the full adult rate is paid to experienced adult workers (workers with two years experience over the age of 18).

### **Enterprise Support Services**

237. **Deputy John O'Mahony** asked the Minister for Jobs, Enterprise and Innovation the reason he has not accessed the European microfinance programme which makes available €25,000 for small enterprises of fewer than ten employees; and if he will make a statement on the matter. [15791/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The European Progress Microfinance Facility is a European Investment Fund (EIF) initiative to support entre-

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preneurship and employment through microfinance activities. It was established by the EU Commission in 2010.

It does not directly provide microfinance to either Member States' Governments or small businesses. Instead, following a rigorous due diligence process, selected microfinance providers across the EU who fulfil the requirements are accredited by the EIF and can avail of supports designed to increase lending into the Microenterprise sector.

Specifically, capped guarantees may be provided to eligible intermediaries partially covering their portfolios of micro-loans, or loan facilities may be availed of to increase lending to micro-enterprises. The guarantees provided are intended to mitigate bad debts incurred in the lending operations. Microfinance providers may apply for the guarantee, or for the loan facility, but may not avail of both. Eligible intermediaries are institutions that provide microfinance loans and/or guarantees to individuals or micro-enterprises established in the EU Member States. To apply to become an intermediary, interested institutions must submit a formal application for Progress Microfinance micro-credit guarantee directly to the EIF. Any EU microfinance institution may apply to the EIF under this Facility and State involvement is not a prerequisite.

I am currently finalising the delivery structures for a State-backed Microfinance Loan Fund to provide loans to the microenterprise sector. This Fund is designed to stimulate lending to sustainable microenterprises and is targeted at start-up, newly established, or growing micro enterprises across all industry sectors, employing not more than 10 people. It will provide loans of up to €25,000 for commercially viable proposals that do not meet the conventional risk criteria applied by commercial banks. Following establishment of the Microfinance Fund, application will be made for the EIF guarantee facility under the European Progress Microfinance Facility.

### **Work Permits**

238. **Deputy Patrick O'Donovan** asked the Minister for Jobs, Enterprise and Innovation if he will examine an application for a work permit in respect of a person (details supplied); and if he will make a statement on the matter. [15793/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** My Department processes applications in respect of the different types of employment permits and all applications are processed in line with the Employment Permits Act 2006. I wish to advise the Deputy that a work permit application in respect of the above named was received in my Department on 15 March 2012. Work permit applications are processed in date of receipt order and by permit type and this application will be processed in sequence.

### **Redundancy Payments**

239. **Deputy John O'Mahony** asked the Minister for Social Protection when a person (details supplied) in County Mayo will receive their rebate payment; and if she will make a statement on the matter. [14882/12]

**Minister for Social Protection (Deputy Joan Burton):** Five redundancy rebate claims in respect of the company concerned were received on 28 July 2011. Redundancy rebate claims received in late May 2011 are currently being processed.

### **Rent Supplement Scheme**

240. **Deputy Éamon Ó Cuív** asked the Minister for Social Protection the steps she is taking

to ensure that rent allowance is not paid to households that are engaged in anti-social behaviour; and if she will make a statement on the matter. [14885/12]

**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. There are currently some 95,200 rent supplement recipients, with a forecast outturn of €503m in 2011.

In the case of private rented accommodation, tenancy arrangements involve a contract between the landlord and tenant and tenant behaviour is a matter for the landlord in the first instance. There are a number of avenues open to landlords in such cases, including the mediation service for landlords and tenants operated by the Private Residential Tenancies Board and/or recourse to the Garda Síochána and/or the Courts in relation to the enforcement of the law in dealing with anti-social or criminal behaviour. If necessary, the landlord may seek termination of the tenancy which, if effected, would result in the termination of rent supplement.

The Programme for Government contains a commitment to review the operation of the rent supplement scheme with a view to introducing a code of conduct for rent supplement eligibility similar to that which operates for local authority tenants.

The purpose of this review is to ensure that tenants who are receiving long term support from the State under the rent supplement scheme are subject to the same type of anti-social behaviour regime as local authority tenants. The most appropriate way for this to happen is for local authorities to take over responsibility for meeting the accommodation needs of these individuals. The Department are currently working with the Department of Environment, Community and Local Government with a view to achieving this goal. Indeed this transfer of tenants from rent supplement to the local authorities will help achieve another key Government commitment of removing barriers to employment and returning rent supplement to its original intention of a short-term income support payment.

In addition I would point out that social welfare legislation already provides the Department with the authority to refuse, suspend or terminate payment of a rent supplement in the case of a person who has been required to deliver up possession of a dwelling provided by a housing authority or an approved body where the reasons for that requirement include anti-social behaviour or the interests of good estate management.

### **Departmental Staff**

241. **Deputy Michelle Mulherin** asked the Minister for Social Protection the plans that are in place to fill the two executive officer positions vacant in her Department's offices in Ballina, County Mayo; the priority being afforded to this considering the pressures on this front-line office; and if she will make a statement on the matter. [14898/12]

**Minister for Social Protection (Deputy Joan Burton):** The HR Division of my Department are currently working on sourcing 2 Executive Officers, by way of redeployment or transfer, to fill vacancies in the local office in Ballina. The staffing needs of the Department are continuously reviewed, having regard to workloads and the competing demands arising.

### **National Internship Scheme**

242. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding the

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JobBridge scheme in respect of a person (details supplied) in County Carlow; and if she will make a statement on the matter. [14900/12]

**Minister for Social Protection (Deputy Joan Burton):** In order to qualify for an Internship, an individual must be in receipt of a live jobseeker's claim and have been in receipt of jobseekers allowance or jobseekers benefit, or signing for credits, for a minimum of 78 days in the previous six months. Time spent on certain Government sponsored training may also be taken into account when calculating eligibility.

Providing the individual fulfils all the JobBridge eligibility criteria regarding jobseekers allowance/benefit, persons in part-time employment can participate in JobBridge, the National Internship Scheme provided that their employer is not the provider of the internship. The intern must advise their Social Welfare Office of their continued part-time employment while undertaking an internship.

A standard Internship week will range from 30-40 hours per week. Therefore an intern will be required to participate on the Scheme for a minimum of 30 hours and a maximum of 40 hours per week. Hence, an additional requirement is that the part-time employment does not interfere with the minimum weekly hours (thirty) of the internship.

My Department continues to monitor and review the eligibility criteria for the JobBridge programme on an on-going basis.

Individuals who are not in receipt of social welfare payments and who are working part-time may also access the Work Placement Programme wherein there is a minimum requirement to work 25 hours per week with a Host Organisation.

### Social Welfare Appeals

243. **Deputy Michael Creed** asked the Minister for Social Protection the position regarding an invalidity pension appeal in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [14901/12]

**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 14 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 24 January 2012 and the appeal will, in due course, be assigned to an Appeals Officer for consideration. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

244. **Deputy Pat Breen** asked the Minister for Social Protection the position regarding an application for domiciliary allowance appeal in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [14902/12]

**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 6 March 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 Depart-

ment and is responsible for determining appeals against decisions on social welfare entitlements.

245. **Deputy Dara Calleary** asked the Minister for Social Protection the position regarding an appeal in respect of a person (details supplied) in County Mayo. [14950/12]

**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 14 March 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments 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.

#### **General Register Office**

246. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social Protection further to Parliamentary Question No. 129 of 19 January 2012, when a response will issue from the Health Service Executive. [14961/12]

**Minister for Social Protection (Deputy Joan Burton):** As the subject matter of the previous Parliamentary Question referred to by the Deputy is the responsibility of the HSE, the question was referred to the HSE for direct reply to the Deputy. As no reply has been received by the Deputy, the matter will be referred to the HSE again with a request that the matter be dealt with urgently

*Question No. 247 withdrawn.*

#### **Social Welfare Appeals**

248. **Deputy Pat Breen** asked the Minister for Social Protection when a decision for review of disability allowance will issue to a person (details supplied) in County Clare; and if she will make a statement on the matter. [14990/12]

**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 5 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 2 February 2012 and the appeal was assigned to an Appeals Officer for consideration on 14 February 2012. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

249. **Deputy Simon Harris** asked the Minister for Social Protection if she will account for a delay of six weeks in sending a file (details supplied) within her Department in order that it may be assessed for appeal; her view on the delay in view of the financial pressure being experienced by the family concerned; and if she will make a statement on the matter. [14998/12]

**Minister for Social Protection (Deputy Joan Burton):** As part of the appeal process in this case, the domiciliary care allowance (DCA) file for the person in question was reviewed by a

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Departmental medical assessor on 2 March 2012. The child was found to be eligible for DCA and the customer was notified of this revised decision on 8 March 2012. As her claim has been awarded, the appeal in this case has been cancelled.

250. **Deputy Dara Calleary** asked the Minister for Social Protection the position regarding an illness benefit application in respect of a person (details supplied) in County Mayo. [15008/12]

**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 11 July 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 10 February 2012 and the appeal was assigned to an Appeals Officer for consideration on 16 February 2012. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

#### **Redundancy Payments**

251. **Deputy Sandra McLellan** asked the Minister for Social Protection when the Government insolvency fund will be paid out in respect of workers (details supplied) in County Cork.; and if she will make a statement on the matter. [15009/12]

**Minister for Social Protection (Deputy Joan Burton):** Insolvency payment claims for 27 former employees of the company were received on 16 August 2011. The Department is currently processing claims received at the beginning of July 2011, and these claims will be processed in due course. These payments will be made from the Social Insurance Fund

#### **Social Welfare Appeals**

252. **Deputy Brendan Griffin** asked the Minister for Social Protection when a decision will issue on an appeal in respect of a person (details supplied) in County Kerry; and if she will make a statement on the matter. [15230/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 23 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 13 February 2012 and the appeal was assigned to an Appeals Officer for consideration on 15 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.

253. **Deputy Jim Daly** asked the Minister for Social Protection the position regarding a widows pension in respect of a person (details supplied); and if she will make a statement on the matter. [15251/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the appeal from the person concerned has been 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.

254. **Deputy Michelle Mulherin** asked the Minister for Social Protection the position regarding an appeal against refusal of a disability allowance claim in respect of a person (details supplied) in County Mayo; if this will be personally examined by a medical assessor on behalf of her Department; and that the process of the appeal be expedited. [15263/12]

**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 14 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. These papers were received in the Social Welfare Appeals Office on 14 March 2012 and the appeal will, in due course, be assigned to an Appeals Officer for consideration. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### Social Welfare Benefits

255. **Deputy Mary Lou McDonald** asked the Minister for Social Protection the childcare supports available to a person (details supplied) in County Dublin. [15276/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned is currently in receipt of the one-parent family payment at a weekly rate of €237.80 (personal rate €188 plus one child dependent €29.80 and fuel allowance €20). The person is also in receipt of child benefit.

The Back to Education Allowance (BTEA) is a weekly allowance paid at a standard rate and is not means-tested. In addition to the weekly BTEA payment, a person will get an annual Cost of Education Allowance of €300, paid at the start of each academic year. If the person qualifies for the Back to Education Allowance, they will retain their social welfare payment including the child dependent rate. They would also retain the child benefit.

There is no current application for the person concerned for the Back to Education Allowance. It is open to the person to apply for this allowance at their local social welfare office

The provision of childcare is a matter for my colleague the Minister for Children and Youth Affairs.

### Social Welfare Appeals

256. **Deputy John McGuinness** asked the Minister for Social Protection if full rate of job-seeker's allowance will be paid to a person (details supplied). [15296/12]

**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.

*Questions Nos. 257 to 259, inclusive, withdrawn.*

### Community Care

260. **Deputy Pearse Doherty** asked the Minister for Social Protection if her attention has been drawn to the effects that budget cuts to community employment schemes are having on centres for independent living who provide a personal assistance service for persons with disability to enable them to achieve independent living; if her further attention has been drawn to the fact that centres for independent living have had to implement wage, administration and overhead cuts to offset previous reductions in funding and these present cuts will see centres having to reduce personal assistants hours, who provide a sustainable living environment for people with disabilities. [15330/12]

**Minister for Social Protection (Deputy Joan Burton):** I acknowledge the valuable contribution made by Community Employment Projects such as the Centres for Independent Living (CIL) in providing a service to both participants and the community. However due to the current economic circumstances, this Department has had to find significant savings in the Budget for 2012. The reduction only applies to the grant for materials and training and represents a reduction of 7.5% of the overall expenditure on Community Employment in 2011. The allowance grants for Supervisors are unchanged, as are the working hours for staff employed under Community Employment. There will be no decrease in the number of Community Employment places allocated to CIL in 2012.

Department officials have met with representatives of CIL on a number of occasions and are very mindful of the challenges facing these centres and are very supportive within the parameters set down for Community Employment.

### Social Welfare Appeals

261. **Deputy Billy Timmins** asked the Minister for Social Protection the position regarding a jobseeker's payment in respect of a person (details supplied) in County Wicklow; and if she will make a statement on the matter. [15337/12]

**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 20 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 5 January 2012 and the appeal will, in due course, be assigned to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

262. **Deputy Tom Hayes** asked the Minister for Social Protection the position regarding an appeal on a decision to disallow a claim for an invalidity pension in respect of a person (details supplied) in County Tipperary; and if she will make a statement on the matter. [15357/12]

**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 10 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 29 February 2012 and the appeal will, in due course, be assigned to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### **Rent Supplement Scheme**

263. **Deputy Patrick Nulty** asked the Minister for Social Protection the instances in 2007, 2008, 2009, 2010, 2011 and to date in 2012 where rent supplement was paid in excess of the rent caps; the average amount in excess that was paid; the reason given for the payment in particular the instances where homelessness was a factor; and if she will make a statement on the matter. [15359/12]

**Minister for Social Protection (Deputy Joan Burton):** Rent supplement is subject to a limit on the amount of rent that an applicant may incur. The general practice is that rent supplement is not paid where the rent is above the relevant limit. However rent supplement may be paid in cases where the rent is above the relevant limit in the following circumstances:

- Where there are special housing needs related to exceptional circumstances (in particular, for example, a person with a disability in specially-adapted accommodation or homeless persons whose housing needs cannot be met within the standard terms of the rent supplement scheme, etc.)
- Where the person concerned is entitled to an income disregard AND has sufficient income to meet his or her basic needs after paying rent, taking into account the appropriate rate of rent supplement that is otherwise payable in the case. “Sufficient income” in this context means the relevant basic supplementary welfare allowance rate less the prescribed minimum contribution to rent.
- Where the tenant will be in a position to re-assume responsibility for his/her rent within a short period. For this purpose, a guideline period of no longer than 6 to 8 weeks is suggested but where there are exceptional circumstances, an extension up to a total of 12 weeks may be allowed.

Statistics are not available on the exact number of cases where rent supplement was paid in excess of the maximum rent limit. New maximum rent limits came into force on 1 January 2012. These new limits are in line with the most up to date market data available. The emphasis

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of the rent supplement 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. Department officials dealing with rent supplement tenants will continue to ensure that their accommodation needs are met; there will no incidence of homelessness due to these changes.

*Question No. 264 withdrawn.*

### **Pension Provisions**

265. **Deputy Eric Byrne** asked the Minister for Social Protection if he will urgently clarify a situation (details supplied) in respect of a person; and if she will make a statement on the matter. [15376/12]

**Minister for Social Protection (Deputy Joan Burton):** The matter in question has been referred to the Pension Service of the Department of Work and Pensions, Newcastle-Upon-Tyne, England. The Pension Services of the Department of Work and Pensions will contact the person concerned directly in relation to this matter.

### **National Internship Scheme**

266. **Deputy Simon Harris** asked the Minister for Social Protection the timeframe for the extension of JobBridge to persons with disabilities; and if she will make a statement on the matter. [15416/12]

**Minister for Social Protection (Deputy Joan Burton):** My Department continues to monitor and review the operation of the JobBridge scheme including its eligibility criteria on an ongoing basis. The extension of JobBridge to those in receipt of Disability Allowances forms part of this broader review process. This review process is at an advanced stage and it is anticipated that I may be in a position to present formal proposals in the coming weeks.

### **Family Income Supplement**

267. **Deputy Clare Daly** asked the Minister for Social Protection if it is the case that those completing the An Bord Altranais requirement at the end of a nursing degree to complete a six month paid internship are ineligible for family income supplement while doing so; and if this is the case, to ask that this could be changed so that the FIS scheme could incorporate persons, especially lone parents in this situation. [15437/12]

**Minister for Social Protection (Deputy Joan Burton):** The family income supplement (FIS) payment provides income support for employees on low earnings with children. The payment preserves the incentive to remain in employment in circumstances where the employee might only be marginally better off than if he or she were unemployed and claiming other social welfare payments.

To qualify for payment of FIS, a person must be engaged in full-time insurable employment which is expected to last for at least 3 months and be working for a minimum of 38 hours per fortnight or 19 hours per week. The applicant must also have at least one qualified child who normally resides with him/her or is supported by him/her. Furthermore, the average family income must be below a specified amount which varies according to the number of qualified children in the family. In order to determine eligibility for payment in any individual case, an application form should be submitted in conjunction with supporting documentation to the

Department's FIS section. Further information, including application forms, on all schemes administered by the Department is available on the Department's website: [www.welfare.ie](http://www.welfare.ie)

### Invalidity Pension

268. **Deputy Brendan Griffin** asked the Minister for Social Protection when a decision on an appeal for invalidity pension will issue in respect of a person (details supplied) in County Kerry; and if she will make a statement on the matter. [15440/12]

**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 14 March 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.

### Departmental Agencies

269. **Deputy Mary Lou McDonald** asked the Minister for Social Protection if she will provide in a tabular form a breakdown of the position, salary, allowance and expenses paid to each of the employees of agencies (details supplied) in 2011. [15484/12]

**Minister for Social Protection (Deputy Joan Burton):** There are two agencies under the remit of the Department, the Pensions Board and the Citizen's Information Board. A breakdown of the salary, allowance and expenses paid to each of the employees is set out the following tabular format:

#### Pensions Board

Grade	Annual Salary Rate	Expenses (paid directly to employees or on their behalf)
Chief Executive Officer	€153,885	€16,586
Principal Officer	€105,429	
Principal Officer	€105,429	€1,916
Principal Officer	€105,429	
Principal Officer	€97,417	€1,354
Principal Officer	€100,446	
Principal Officer	€104,327	€10,186
Principal Officer	€97,417	€628
Principal Officer	€87,595	
Assistant Principal	€37,257	€202
Assistant Principal	€78,302	€2,342
Assistant Principal	€40,339	
Assistant Principal	€75,934	
Assistant Principal	€61,966	€1,266
Assistant Principal	€72,235	€2,456
Assistant Principal	€74,581	
Assistant Principal	€65,185	€465

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Grade	Annual Salary Rate	Expenses (paid directly to employees or on their behalf)
Assistant Principal	€65,185	€1,588
Assistant Principal	€65,185	
Higher Executive Officer	€56,314	
Higher Executive Officer	€46,081	€360
Higher Executive Officer	€46,081	€10
Higher Executive Officer	€57,251	€292
Higher Executive Officer	€46,081	€1,061
Higher Executive Officer	€51,581	
Higher Executive Officer	€48,831	
Higher Executive Officer	€46,081	
Executive Officer	€47,379	€411
Executive Officer	€30,516	€41
Executive Officer	€37,588	
Executive Officer	€43,909	€10
Executive Officer	€47,591	
Executive Officer	€44,967	
Executive Officer	€30,516	€293
Executive Officer	€30,516	€383
Executive Officer	€32,379	
Clerical Officer	€28,583	€364
Clerical Officer	€36,753	
Clerical Officer	€35,471	
Clerical Officer	€32,795	
Clerical Officer	€35,471	
Clerical Officer	€31,192	
Clerical Officer	€26,420	
Clerical Officer	€26,420	
Clerical Officer	€34,954	€486
Clerical Officer	€20,859	
Clerical Officer	€20,859	€24
Clerical Officer	€20,859	

## Citizen's Information Board

Grade	Salary 2011	Expenses 2011
Chief Executive Officer	€117,570	€ 0
Principal Officer	€100,446	€850
Principal Officer Modified	€86,507	€544
Assistant Principal Officer	€80,678	€296
Assistant Principal Officer	€80,678	€115
Assistant Principal Officer	€78,302	—
Assistant Principal Officer	€80,678	€719
Assistant Principal Officer	€ 80,678	€8,961
Assistant Principal Officer	€80,678	€9,794
Assistant Principal Officer	€75,934	€9,795

Grade	Salary 2011	Expenses 2011
Assistant Principal Officer	€80,678	€852
Assistant Principal Officer	€62,775	—
Assistant Principal Officer	€72,879	€1,759
Assistant Principal Officer	€73,212	€121
Higher Executive Officer (Higher)	€60,224	€6,143
Higher Executive Officer (Higher)	€65,230	€2,917
Higher Executive Officer	€29,894	€96
Higher Executive Officer	€29,957	€4,777
Higher Executive Officer	€29,957	€87
Higher Executive Officer	€29,957	—
Higher Executive Officer	€55,113	€703
Higher Executive Officer	€64,057	€528
Higher Executive Officer	€59,574	€5,795
Higher Executive Officer	€29,957	€4,412
Higher Executive Officer	€60,224	€7,841
Higher Executive Officer	€59,158	€9,643
Higher Executive Officer	€59,913	€3,647
Higher Executive Officer	€59,913	—
Higher Executive Officer	€59,913	€1,563
Higher Executive Officer	€29,957	€1,126
Higher Executive Officer	€59,913	€1,801
Higher Executive Officer	€59,404	€2,564
Higher Executive Officer	€57,876	€812
Higher Executive Officer	€27,001	€1,988
Higher Executive Officer	€58,074	€357
Higher Executive Officer	€59,913	€6,617
Higher Executive Officer	€57,876	€3,252
Higher Executive Officer	€34,726	—
Higher Executive Officer	€28,682	—
Higher Executive Officer	€25,916	€683
Higher Executive Officer	€57,876	€4,762
Higher Executive Officer	€29,420	€3,361
Higher Executive Officer	€16,516	—
Higher Executive Officer	€28,938	€1,939
Higher Executive Officer	€41,242	€22
Higher Executive Officer	€12,041	€744
Higher Executive Officer	€43,847	—
Higher Executive Officer	€25,217	€181
Higher Executive Officer	€46,301	€116
Higher Executive Officer	€52,927	€38
Higher Executive Officer	€32,959	€1,441
Higher Executive Officer	€61,788	€1,301
Higher Executive Officer	€57,617	—
Higher Executive Officer	€51,629	€7,334
Higher Executive Officer	€44,122	€2,109
Higher Executive Officer	€57,876	€44
Higher Executive Officer	€4,359	€1,338
Higher Executive Officer	€27,308	€2,596

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Grade	Salary 2011	Expenses 2011
Higher Executive Officer	€34,996	—
Higher Executive Officer	€27,634	€99
Executive Officer	€36,627	—
Clerical Officer	€52,532	—
Grade III	€37,341	€1,631
Grade III	€18,671	€1,468
Grade III	€37,341	€1,421
Grade III	€37,341	€3,578
Grade III	€37,341	€8,623
Grade III	€29,234	€65
Grade III	€37,341	€318
Grade III	€16,534	€1,442
Grade III	€35,919	€2,636
Grade III	€30,059	—
Grade III	€30,927	—
Grade III	€35,761	€4,216
Grade III	€26,746	—
Grade III	€26,553	€96
Grade IV	€6,250	—
Grade IV	€41,771	€975
Grade IV	€21,446	€727
Grade IV	€47,561	—
Grade IV	€40,209	€99
Grade IV	€42,891	€298
Grade IV	€6,250	—
Grade IV	€39,230	€892
Grade IV	€40,209	€148
Grade IV	€19,886	€2,297
Grade IV	€34,372	—
Grade IV	€37,799	€31
Grade IV	€42,262	—
Grade IV	€40,209	€506
Grade IV	€21,446	€895
Grade V	€45,770	—
Grade V	€48,496	€2,031
Grade V	€46,460	€0
Grade V	€13,636	—
Grade VII	€64,696	€1,124
Services Officer	€14,124	—

270. **Deputy Mary Lou McDonald** asked the Minister for Social Protection if she will provide in a tabular form a breakdown of the number of board members and their respective annual remuneration for 2011 of agencies (details supplied). [15485/12]

**Minister for Social Protection (Deputy Joan Burton):** Details of the fees paid to members of the Citizens Information Board and the Pensions Board in 2011 are set out in the following tables:

Agency/Board	Member	Fees €
Citizens Information Board (CIB)	Sylda Langford — Chairperson	8,978
	Michael Butler	5,985
	Laurie Carr	5,985
	Pat Fitzpatrick*	5,985
	Michael Healy-Rae	2,951
	Josephine Henry*	5,985
	Eugene McErlean	1,902
	Michael McGaune	5,985
	Martin Naughton	5,985
	Sandra Ronayne	5,985
	John Sheehy	5,985
	Sean Sweeney	5,985
	Patricia Walsh	5,985
	Margaret Zheng	4,985
	Daragh O'Connor	Nil
	Fiona Ward	Nil
Noelene Blackwell	Nil	
Pensions Board	Jane Williams — Chairperson	11,970
	Don O'Higgins	7,695
	Emer O'Flanagan	7,695*
	John McHale	7,054
	Noreen Deegan	7,695
	Brendan Johnston	7,695
	Rosalind Briggs	7,695
	Terence Noone	7,695
	Mary Walshe	7,695
	Rachel Ryan	7,695
	Niall Walsh	7,695
	Robin Webster	7,695
	Phelim O'Reilly	7,695
	David Owens	Nil
	Kevin Finucane	Nil
Patricia Murphy	Nil	

\*Part Year payment.

271. **Deputy Mary Lou McDonald** asked the Minister for Social Protection if she will provide in tabular form a list of all agencies and bodies and internal organisations under her aegis. [15507/12]

**Minister for Social Protection (Deputy Joan Burton):** A list of the statutory bodies and internal organisations under the aegis of my Department is set out in the following table:

<i>Statutory Bodies</i>	
Social Welfare Tribunal	The Social Welfare Tribunal is a statutory body set up in 1982 to deal with cases where entitlement to Jobseeker's Benefit or Jobseeker's Allowance is refused due to an involvement in a trade dispute. Where a person feels unreasonably deprived of employment because an employer refused or failed to engage in the mediation process for settling disputes, application may be made to the Tribunal for adjudication on the matter.
The Citizens Information Board	The Citizens Information Board is the national agency responsible for supporting the provision of information, advice and advocacy on social services and for the provision of the Money Advice and Budgeting Service (MABS).

[Deputy Joan Burton.]

<i>Statutory Bodies</i>	
The Pensions Board	The Pensions Board is responsible for overseeing the implementation of the Pensions Act 1990 (as amended), which provides for the regulation of occupational pensions and Personal Retirement Savings Accounts. The Board also advises the Minister in relation to pension policy.
The Office of the Pensions Ombudsman	The Office of the Pensions Ombudsman investigates complaints of financial losses due to maladministration and disputes of fact or law, in relation to occupational pension schemes and Personal Retirement Savings Accounts. The Pensions Ombudsman is a statutory officer and exercises his functions independently.
<i>Internal Organisations</i>	
The Civil Registration Service	The Civil Registration Service provides for the registrations of births, deaths and marriages in the State. It is managed by the General Register Office in Roscommon, while registration services are provided by registrars appointed by the Health Service Executive (HSE) at various locations across the State. The GRO also operates a genealogical research facility in Dublin.
The Social Welfare Appeals Office	The Social Welfare Appeals Office (SWAO), which was established in January 1991, is an office of the Department that is independently responsible for determining appeals against decisions on social welfare entitlements and insurability of employment.

### Ministerial Travel

272. **Deputy Ciarán Lynch** asked the Minister for Social Protection if she will set out the mileage claimed by any Minister of State in her Department for each year from 2005 to 2010; and if she will make a statement on the matter. [15523/12]

**Minister for Social Protection (Deputy Joan Burton):** There has been no Minister of State formally assigned to this Department since 2005.

### Social Welfare Benefits

273. **Deputy Simon Harris** asked the Minister for Social Protection if she will outline all the supports, grants and payments payable by her Department to persons who are self-employed and have seen significant reductions in their remuneration; and if she will make a statement on the matter. [15539/12]

**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).

Self-employed workers may establish eligibility to assistance-based payments such as job-seeker's allowance. They can apply for the means-tested jobseeker's allowance if their business ceases or if they are on low income as a result of a downturn in demand for their services. In general, their means will take account of the level of earnings in the last twelve months in determining their expected income for the following year and, in the current climate, account

is taken of the downward trend in the economy. As in the case of a non-self-employed unemployed claimant of jobseeker's allowance, the means of husband/wife, civil partner or co-habitant will be taken into account in deciding on entitlement to a payment. Recipients of jobseeker's allowance can, subject to satisfying the requisite qualifying conditions, access a range of employment support measures designed to encourage and support social welfare recipients to reduce their dependency on welfare payments. Supports available include the back to education programmes and back to work schemes. In addition, a fully integrated nationwide range of services and supports is available to employers and jobseekers through FÁS Employment Services, responsibility for which has been transferred to this Department.

274. **Deputy Simon Harris** asked the Minister for Social Protection the number of carer's allowance applications currently waiting to be processed by her Department; the average length of time that it takes to process new carer's allowance applications; her views that this length of time is fair and equitable; the steps she will take to significantly reduce both the backlog of applications and the inordinate length of time that applicants are being forced to wait; and if she will make a statement on the matter. [15545/12]

**Minister for Social Protection (Deputy Joan Burton):** The Department is committed to delivering the best possible service to its customers. In the interests of fairness and equity, applications are processed as far as possible in order of the date on which they were received.

Approximately 7,800 applications are registered and awaiting a decision at present.

A major service delivery modernisation project is underway to improve the efficiency of administration of the carer's allowance scheme. This involves the development of information technology functions and associated business process re-organisation. It is anticipated that the new system will introduce significant processing efficiencies and a quicker and more responsive service to the customer. Accordingly, the project is being given high priority and involves a significant level of time and commitment from the relevant staff in the Department. This has had a short-term negative impact on claim processing times. This essential focus of certain staff resources will continue until the completion of the modernisation project in June of this year when all existing carer's allowance claims will be transferred onto the new processing system.

Accurate processing time figures are not yet available as applications are still being processed on both the old and the new computer systems. The average time to award an application on both systems at present is estimated at around 28 weeks. I acknowledge that this is unsatisfactory but I am satisfied that the department is taking all steps available to it to resolve the issue.

In addition to dealing with approximately 330 new carer's allowance applications that are received each week, overtime working is being applied to help reduce backlogs that have built up. In addition, consideration is being given to the assignment of temporary staff to expedite the reduction of the backlog. However, it is expected to be a significant number of months before the backlog is reduced to an acceptable level.

In the meantime, if a person's means are insufficient to meet their needs while awaiting a decision on an application, they may apply for a means-tested supplementary welfare allowance payment from their local community welfare officer.

### **Supplementary Welfare Allowance**

275. **Deputy Simon Harris** asked the Minister for Social Protection if diabetes sufferers are entitled to apply for the special dietary supplement payable by her Department on account of the modifications that individuals must make to their diets; and if she will make a statement on the matter. [15549/12]

**Minister for Social Protection (Deputy Joan Burton):** Under the supplementary welfare allowance scheme, a diet supplement may be paid to a person who is receiving a social welfare or health service executive payment where a special diet is prescribed as a result of a specified medical condition and they satisfy a means test. A person's medical condition, such as diabetes, does not qualify them for a diet supplement, rather it is the requirement for a special diet that allows them to be considered for a diet supplement.

The Department commissioned a study by an expert from the Irish Nutrition and Dietetic Institute which was called 'The Examination of the Cost of Healthy Eating and Specialised Diets'. This study which was published in January 2006 recommended a new framework for classifying the various diets that would qualify for a supplement as follows:

- (i) Gluten Free Diet,
- (ii) Low Lactose Milk Free Diet,
- (iii) High Protein High Calorie Diet,
- (iv) Liquidised Altered Consistency Diet.

#### **Free Travel Schemes**

276. **Deputy Simon Harris** asked the Minister for Social Protection the reason a private bus operator (details supplied) is no longer operating under the free travel scheme; and if she will make a statement on the matter. [15564/12]

**Minister for Social Protection (Deputy Joan Burton):** The free travel scheme permits free travel on most CIE public transport services, Luas and a range of services offered by over 90 private operators in various parts of the country at an annual cost to the exchequer of some €75.6 million in 2011. The free travel scheme aims to use spare capacity on public and private transport services. Under the National Recovery Plan 2011-2014, funding for the scheme is capped at 2010 levels of expenditure for the duration of the plan.

The bus operator in question sought an increase in the funding for this route from January 2011. Regrettably, my Department cannot sanction an increase to this or any other operator at this time. The operator referred to by the Deputy notified my Department of his intention to withdraw his Southern Cross Road to Bray Dart Station route (Licence no. 97052) from the free travel scheme on Friday, 9 March 2012 last.

There are, however, alternative public transport facilities available to free travel pass holders in this area.

#### **Invalidity Pension**

277. **Deputy Áine Collins** asked the Minister for Social Protection when a decision will issue on an invalidity pension claim in respect of a person (details supplied) in County Cork. [15566/12]

**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 31 May 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 20 February 2012 and the appeal will, in due course, be assigned to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

*Question No. 278 withdrawn.*

### **Social Welfare Appeals**

279. **Deputy Jerry Buttimer** asked the Minister for Social Protection when a decision will issue to an appeal for invalidity pension in respect of a person (details supplied) in County Cork. [15571/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 24 January 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 29 February 2012 and the appeal will, in due course, be assigned to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

280. **Deputy Patrick O'Donovan** asked the Minister for Social Protection the position regarding an appeal for jobseeker's allowance in respect of a person (details supplied) in County Limerick; and if she will make a statement on the matter. [15572/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 21 January 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers and the 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.

### **Community Employment Schemes**

281. **Deputy Simon Harris** asked the Minister for Social Protection if a person (details supplied) in County Wicklow in receipt of jobseeker's allowance is eligible to participate in a FÁS or community employment scheme; if a meeting will be arranged for the person with the relevant agency to allocate a place on a scheme; and if she will make a statement on the matter. [15582/12]

**Minister for Social Protection (Deputy Joan Burton):** According to the Department's records, he is in receipt of Jobseekers Allowance for more than 52 weeks. He is eligible for 52 weeks on a Community Employment project. He should make contact with DSP Employment Services at Castlepark, Arklow, (0402) 39509, to enquire on available Community Employment Programme vacancies.

### **Social Welfare Benefits**

282. **Deputy Regina Doherty** asked the Minister for Social Protection the number of recipi-

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ents of domiciliary care allowance for children on the autism spectrum who have had their allowance withdrawn or refused in the past six months in County Meath. [15607/12]

**Minister for Social Protection (Deputy Joan Burton):** I regret to inform the Deputy that the information requested by her is not captured by the Department in the format specified.

283. **Deputy Sandra McLellan** asked the Minister for Social Protection if she will expedite a carer's allowance application in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [15610/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned is in receipt of carer's allowance in respect of one care recipient. She has recently applied for a second care recipient. While the medical aspect has been approved, her file has been referred to an investigative officer of the department who has been asked to report and confirm whether all conditions for receipt of carer's allowance are satisfied in respect of the application and the care recipients.

On completion of the necessary investigations relating to all aspects of her claims a decision will be made and she will be notified directly of the outcome.

*Question No. 284 withdrawn.*

### **Community Employment Schemes**

285. **Deputy Brendan Griffin** asked the Minister for Social Protection her views on a matter (details supplied) regarding community employment cuts; and if she will make a statement on the matter. [15639/12]

**Minister for Social Protection (Deputy Joan Burton):** I have directed that a review of the financial resources of individual projects supported by Community Employment be completed by the end of March. The purpose of the review is to examine the income and funding of sponsoring organisations in terms of their ability to continue to deliver the programme. As part of the review alternative sources of support will be examined, particularly the level of funding from other State agencies. The review will also seek to establish if income is generated by scheme activity and the potential for utilisation of these funds to cover project costs. The outcome of each review will provide a clear picture of the core funding required for each CE scheme. This will assist my Department in ensuring a fair distribution of the funding available for these schemes.

This review of financial resources is being carried out initially by local DSP staff responsible for the administration of the scheme, and is being co-ordinated centrally by the relevant Assistant Secretary of the Department.

I have given assurances to community and voluntary organisations that no CE scheme will be forced to close as a result of the reductions in training and material grants, pending the completion of this review at the end of March. This guarantee will be funded by my Department from its 2012 allocation.

In parallel, my Department is also undertaking a policy review of all employment support programmes under its aegis. CE is being considered as part of this review and stakeholders will be consulted as part of this review process. I expect to have this review in the first quarter of this year. These reports at both the individual CE scheme level and at the macro level will provide good evidence on which to base future policy. The outcome of the review will form part of the report to the troika.

In conclusion, I would like to assure the House of my full appreciation of the value of CE schemes locally. The focus now is on achieving improved outcomes both in terms of service provided at local level and job progression for CE participants themselves.

### **Redundancy Payments**

286. **Deputy Tony McLoughlin** asked the Minister for Social Protection if a redundancy rebate was paid to an employer (details enclosed) in County Roscommon; and if she will make a statement on the matter. [15641/12]

**Minister for Social Protection (Deputy Joan Burton):** There is no record of redundancy claims in respect of the persons concerned.

### **Social Welfare Benefits**

287. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding an application for rent allowance in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [15643/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned has been awarded rent supplement from the date of her housing needs assessment, i.e. 6 March 2012. All arrears will be paid to her landlord, as requested, on 29 March. The person concerned is in receipt of her full entitlement to rent supplement based on her household circumstances.

### **Social Welfare Appeals**

288. **Deputy Pat Deering** asked the Minister for Social Protection when a decision on an appeal for jobseeker's will issue in respect of a person (details supplied). [15660/12]

**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 11 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 10 December 2012 and the appeal will, in due course, be assigned to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### **National Internship Scheme**

289. **Deputy Brendan Griffin** asked the Minister for Social Protection the information available regarding the participants in JobBridge age, gender, nationality and socioeconomic background; if similar information is available in regard to employers sector, level and so on; the way effectiveness of the programme is measured; and if she will make a statement on the matter. [15676/12]

**Minister for Social Protection (Deputy Joan Burton):** The National Internship Scheme was launched on 1 July 2011. The Scheme has made very significant progress to-date with over 5,000 internship placements having commenced. In addition, there are over 2,100 internship positions across a broad range of occupational sectors currently advertised on the JobBridge website [www.jobbridge.ie](http://www.jobbridge.ie). There are currently over 4,000 interns on live placements.

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In response to the specific matters raised, please see relevant participant and company data as at 5 March 2012.

#### Age Profile of Participants

Age Band	Starts To-Date	%
18-19	48	1%
20-25	1,707	33%
26-35	2,277	44%
36-45	751	14%
46-55	314	6%
56-65	74	2%
Grand Total	5,171	100%

Gender	Current Interns	%
Male	2,219	54%
Female	1,868	46%
Grand Total	4,087	100%

#### Educational Qualifications

Qualifications	Starts To-Date	%
Third Level	2,469	48%
Non Third Level	2,702	52%
Grand Total	5,171	100%

#### Placements by Company Size

No. Employees	Starts To-Date	%
0-49	2,967	57%
50-249	836	16%
250-	1220	24%
Undefined	148	3%
Grand Total	5,171	100%

#### Placements by Sector

Sector	Starts To-Date	%
Private	3,454	67%
Public	1,354	26%
Community/Voluntary	363	7%
Grand Total	5,171	100%

A variety of measures have been introduced to protect the intern and to ensure the integrity of the JobBridge scheme. In order for all applications from host organisations to be approved they must meet a number of criteria so as to ensure that the potential internships are of sufficient quality. These include the following:

- that the internship does not allow the intern to work unsupervised;
- that the internship is not displacing an employee; and
- that the intern accrues significant experience throughout the entire internship.

These checks are undertaken by staff in the National Contact Centre as part of their broader range of duties.

In order for an internship to commence a Standard Internship Agreement must be signed by both the intern and the host organisation. This Agreement clearly stipulates the terms of the internship and states the specific learning outcomes the intern will receive over the course of their internship.

To ensure compliance with the scheme, the Department of Social Protection are monitoring internships to ensure that they are of sufficient quality and that both host organisations and interns are abiding by the spirit and the rules of the scheme.

This involves the monitoring of monthly compliance reports that are required to be submitted by the host organisation verifying that the internship is proceeding as set out in the Standard Internship Agreement. In addition, contact with the host organisations and interns including random site visits have begun as part of this process. These visits are undertaken by staff in the Regions in conjunction with their other Employment Service duties.

A 'whistle blowing' feature has been introduced, where any individual who suspects that an internship may be in breach of the scheme's criteria, including in cases of suspected displacement or poor quality, may contact the JobBridge team. All such claims are fully investigated. This is administered by the JobBridge Team.

It is worth noting that participation in the Scheme is voluntary and an intern may contact the JobBridge team at any stage of their internship.

I believe that these measures are currently sufficient in relation to the operation of the JobBridge scheme. However, my Department continuously monitors the scheme and will introduce additional measures if the need arises.

### **Unemployment Benefits**

290. **Deputy Noel Harrington** asked the Minister for Social Protection the number of secondary level teachers who made claims for unemployment benefit or assistance during the summer of 2011; the numbers that were employed by the Department of Education and Skills and by vocational education committees prior to their application; and if she will make a statement on the matter. [15695/12]

**Minister for Social Protection (Deputy Joan Burton):** The distinction between different levels of teaching professionals in receipt of jobseekers benefit or assistance (primary, secondary, third level, etc.) is not collated by my Department. Furthermore my Department does not record details of a claimant's employer prior to their submitting an application for payment.

I am informed however during the months of June to August there is a substantial increase in the number of teaching professionals claiming jobseekers benefit or assistance. The attached

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table details the number of teaching professionals on the Live Register from May to September 2011, and that number as a percentage of the May figure.

#### Teaching Professionals

	Jobseekers Allowance	Jobseekers Benefit	Credits	Total	Percentage of May figure
May 11	3,482	2,750	1,990	8,222	100%
June 11	4,121	3,978	2,046	10,145	123%
July 11	4,981	6,030	2,161	13,172	160%
August 11	5,270	6,047	2,173	13,490	164%
September 11	4,185	3,364	2,165	9,714	118%

#### Carer's Allowance

291. **Deputy Denis Naughten** asked the Minister for Social Protection when a decision will issue on an application for carer's allowance in respect of a person (details supplied); the reason for the delay in same; and if she will make a statement on the matter. [15696/12]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that an application for carer's allowance was received from the above named. On completion of the necessary investigations relating to all aspects of his claim, a decision will be made and the person concerned will be notified directly of the outcome.

#### Social Welfare Code

292. **Deputy Patrick O'Donovan** asked the Minister for Social Protection her plans to amend the habitual residence condition as it applies to the carer's allowance, and instead introduce a system of examining each application on a case by case basis, to reflect the need of some carers to move to Ireland to take care of a relative who would otherwise not have access to a carer; and if she will make a statement on the matter. [15701/12]

**Minister for Social Protection (Deputy Joan Burton):** Carers allowance is a means tested social assistance payment made to persons who are unable to work because they providing full time care and attention to elderly people or people with disabilities. Expenditure on carers has increased by 550% over the last ten years. In 2000, expenditure on carers by my Department was around €100 million. In 2008, the first full year in which the half-rate payment was available, expenditure was just over €580 million. The provisional outturn for carers in 2011, including carer's allowance, carer's benefit and respite care grant was approximately €658 million. This does not include the cost of the household benefits package or free travel which carers also receive. In 2011, there were almost 52,000 people in receipt of carers allowance from my Department; 22,000 of these were getting half-rate carers allowance in addition to another social welfare payment, an increase of almost 40% since 2008.

The habitual residence condition, as provided for in section 246 of the Social Welfare (Consolidation) Act, 2005 (as amended), applies to claims for jobseeker's allowance, non-contributory State pension, blind pension, non-contributory widow's and widower's pensions, guardian's payment, one-parent family payment, carer's allowance, disability allowance, supplementary welfare allowance including rent supplement, and child benefit. The effect of the condition is that a person whose habitual residence is elsewhere is not qualified for these payments in Ireland. The purpose of this condition is to safeguard the social welfare system

from abuse by restricting access for people who are not economically active and who have little or no established connection with Ireland.

The legislation directs the deciding officer to take into consideration all the circumstances of the case, including, in particular, the following factors specified by the European Court of Justice:

1. The length and continuity of residence in the State or in any other particular country;
2. The length and purpose of any absence from the State;
3. The nature and pattern of the person's employment;
4. The person's main centre of interest; and
5. The future intentions of the person concerned as they appear from all the circumstances.

There are a number of issues which contribute to rejection on HRC grounds. These include:

- The applicant's main centre of interest clearly being outside Ireland, including Irish nationals returning home who clearly indicate that their homes, lives and future intentions are out of this State and that their stay in Ireland is of a short duration;
- Failure to provide relevant documentation (such as proof that they have terminated their employment, residency, closed bank accounts abroad, etc.) or no documentation at all;
- Clear evidence that an applicant is continuing to receive welfare from another jurisdiction based on their residency there, for example a person receiving disability living allowance based on their residency in Northern Ireland;
- Persons who make multiple applications in a very short time for different allowances such as jobseekers, disability and carers.

In 2011, 13,888 applications for carer's allowance were processed. Of these, 223 (approx. 1.6%) were refused on the basis of habitual residency, of which 42 were Irish nationals.

I have no plans to change this requirement for carer's allowance. The operation of the scheme is kept under review to ensure it operates fairly and that applicants are not being refused without full and appropriate consideration.

### **Domiciliary Care Allowance**

293. **Deputy Noel Coonan** asked the Minister for Social Protection when an application for domiciliary care allowance will be finalised in respect of a person (details supplied) in County Tipperary; and if she will make a statement on the matter. [15718/12]

**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 3 January 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 8 March 2012 and the appeal will, in due course, be assigned to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### Maternity Benefit

294. **Deputy Gerald Nash** asked the Minister for Social Protection if any existing circumstances exist for the return of PRSI contributions in respect of claims made regarding maternity benefit which fall outside the formal four year limitation period introduced in January 2010; and if she will make a statement on the matter. [15733/12]

**Minister for Social Protection (Deputy Joan Burton):** The provision in relation to the four year limit on the return of PRSI contributions was introduced in the Social Welfare and Pensions (No. 2) Act 2009 and has been in effect since 1 January 2010. There are no provisions for the any exceptions to this time limit.

The time limit governing the refund of PRSI contributions is in line with the arrangements of the Revenue Commissioners governing the refund of tax.

### Personal Public Service Numbers

295. **Deputy Sean Fleming** asked the Minister for Social Protection the number of PPS numbers that are in existence that are in full operation by the Department of Social Protection and have not been registered with the Revenue Commissioners; if she will explain the background to this situation and the contact that has been made between both organisations to ensure that persons with a PPS number are registered with both organisations; the protocols involved to ensure this happens and the full details in relation to the background of the way in which this matter is processed; if he will ensure that all PPS numbers are registered with both organisations in future; and if she will make a statement on the matter. [15739/12]

**Minister for Social Protection (Deputy Joan Burton):** The Personal Public Service Number (PPS Number) is the individual's unique reference number for all dealings with Government Departments and public bodies. Section 262 of the Social Welfare (Consolidation) Act 2005 as amended, provides the legislative basis for the Public Service Identity Dataset of which the PPS Number is one element. A PPS Number is automatically issued in the case of children born in Ireland. In other cases application must be made in person at one of the Department's designated PPS Number registration centres. PPS Numbers are issued following a controlled allocation procedure, involving a personal attendance at the registration centre, the completion of a written application form, the submission of appropriate identity documents and the proving of identity.

Only Government Departments or public bodies authorised in legislation, (or their agents) can use the PPS Number as a personal identifier. A body or agency authorised to use the PPS Number, such as the Revenue Commissioners, is known as a 'specified body'.

PPS Numbers are made available to specified bodies in a number of ways:

- Directly by the Department such as in response to specific data validation requests. During 2011, the Department processed a total of 597,562 PPS Number matching and validation requests from other Public Service Departments and Agencies,
- By individuals when they are attempting to access a public service, and
- Through the Single Customer View (SCV). This is a new piece of technical infrastructure that, at its simplest, matches and verifies Public Service Identity information, including PPS Numbers, from across the public service. The SCV is operated by the Department of Public Expenditure and Reform on behalf of the Department of Social Protection who is the controller of the data.

Specifically, in relation to the Revenue Commissioners, while they have access to the Department's PPS Number information, their policy is to only include someone on the tax register when they register for tax for the first time which for most people is when they start in their first employment. Since 1997, Revenue have forwarded a weekly file of individuals who commenced employment to the Department. Information on this file is used to check that social welfare clients, who have recently started working, have informed the Department and/or sign off claims, to ensure overpayments do not occur.

### **Redundancy Payments**

296. **Deputy Michael Moynihan** asked the Minister for Social Protection the position regarding the statutory redundancy-insolvency payment applications in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [15743/12]

**Minister for Social Protection (Deputy Joan Burton):** An insolvency payments claim in respect of the person concerned was received on 16 August 2011. Insolvency payments claims received in July 2011 are currently being processed.

*Questions Nos. 297 and 298 withdrawn.*

### **Community Employment Schemes**

299. **Deputy Michael Healy-Rae** asked the Minister for Social Protection if there is any progress proposed by her regarding reversing the 66% cuts to the community employment scheme funding; and if she will make a statement on the matter. [15759/12]

**Minister for Social Protection (Deputy Joan Burton):** A financial review of Community Employment schemes is ongoing following the announced changes in Budget 2012. All schemes have been communicated with and met by an officer of my Department. Returns from these meetings are now being examined on a regional basis in terms of the funding requirements and what savings can be achieved within the limits set down by the Department. These outcomes will be analysed and will form the basis of the review findings which will be available from the end of March.

Initial feedback is that the additional flexibility of €1,000 provided by my Department has helped to ease the situation. There is a growing realisation that some reduction is necessary given the budgetary situation and there is a general acceptance of this in principle.

A series of meetings are taking place at national level with representative bodies in relation to coming up with solutions as to how savings can be gained within the programme and further meetings are planned. The financial review is due to be completed by the end of March 2012.

Due to the widespread consultation and the level of detail being provided it is not possible to make any recommendations or decisions until the process is completed.

There is also a review of Employment Support programmes, which includes Community Employment. Stakeholders will be consulted as part of this review process. The initial elements of this review will also be completed by the end of March 2012. These reviews and subsequent reports at both the individual CE scheme level and at the macro level will provide good evidence on which to base future policy and ensure the most appropriate support for participants and the services provided to the community and voluntary sector.

### **Health Service Staff**

300. **Deputy Michael Healy-Rae** asked the Minister for Social Protection with regard to

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persons retiring from the Health Service Executive, if their payments are not going to be paid on time if there is any emergency system in place to pay them social welfare in view of the fact that it is not their fault that systems were not in place to deal with the paperwork that arose following on from the decision to go ahead with these forced redundancies. [15762/12]

**Minister for Social Protection (Deputy Joan Burton):** Payment of pensions and lump sums to staff retiring from the Health Service Executive (HSE) is a matter for the HSE itself.

The supplementary welfare allowance (SWA) scheme operated by the Department of Social Protection is the “safety net” within the overall social welfare system in that, subject to qualifying conditions, it provides assistance to any persons in the State whose means are insufficient to meet their needs and those of their dependants. SWA provides a minimum weekly allowance to eligible persons who have insufficient means. Certain qualified persons with low incomes may also be entitled to a weekly supplement to meet specific needs such as rent or mortgage interest supplement, diet supplement, heating supplement, or a once off payment to help with the cost of any exceptional needs they may have which they could not reasonably be expected to meet from their own resources. Any person in need of assistance should contact their nearest office where the supplementary welfare allowance scheme is being administered.

### Civil Registration

301. **Deputy Jonathan O’Brien** asked the Minister for Social Protection if her attention has been drawn to the fact that a transgender woman has officially entered a civil partnership with her female partner here, which was officially recognised by the Civil Registration Service in spite of a lack of legislation to legally recognise transgender persons; if she agrees that this amounts to legal recognition of the woman’s gender; and if she will make a statement on the matter. [13853/12]

**Minister for Social Protection (Deputy Joan Burton):** I have made enquiries with the Registrar General and he has informed me that the position is as follows:

The legal provisions concerning civil partnerships are contained in the Civil Partnership and Certain Rights and Obligations of Cohabitants Act, 2010. There is an impediment to a civil partnership if the parties are not of the same sex. In the civil partnership case referred to by the Deputy, both parties were female. The acquired gender of one of the parties was recognised by a court in the EU country of origin and this was reflected in the official documentation submitted. Having obtained legal advice, the Registrar General accepted the acquired gender on the basis that the state is not obliged to ‘look behind’ the certified documentation provided and is entitled to rely on it.

Draft heads of a bill to recognise the acquired gender of transgendered persons are currently being drafted by my Department.

*Question No. 302 withdrawn.*

### Carer’s Allowance

303. **Deputy Seán Kyne** asked the Minister for Social Protection in recognition of the crucial importance of carer’s allowance in supporting families, that the proposals to include the payment in the calculation of means for eligibility criteria for the family income supplement be reconsidered; and if she will make a statement on the matter. [15794/12]

**Minister for Social Protection (Deputy Joan Burton):** The family income supplement (FIS) payment provides income support for employees on low earnings with children. The payment is designed to preserve the financial incentive to take-up or remain in employment in circumstances where the employee might be marginally better off in employment than on social welfare payments. To qualify for payment of FIS, a person must be engaged in full-time insurable employment which is expected to last for at least 3 months and be working for a minimum of 38 hours per fortnight or 19 hours per week. A couple may combine their hours of employment to meet the qualification criteria. The applicant must also have at least one qualified child who normally resides with them or is supported by them. Furthermore, the average family income must be below a specified amount which varies according to the number of qualified children in the family.

In assessing weekly family income for FIS purposes, most weekly social welfare payments are taken into account when means are assessed. Budget 2012 contained a measure which provides for the assessment of carer's benefit and carer's allowance payments in determining entitlement to FIS. This measure brings the treatment of these two payments for FIS purposes into line with the treatment of all other primary social welfare payments. It also provides for a more consistent approach to the concurrent payment of FIS with other social welfare payments. Moreover, this measure reduces a person's secondary payment (FIS) without affecting their primary payment, therefore targeting available scarce resources at those in most need.

The measure is being implemented on a phased basis over a three year period. One-third of the carer's benefit or allowance will be assessed from 1 January 2012, two-thirds of the relevant payment will be assessed from 1 January 2013 and the full amount of the carer's benefit or allowance will be assessed from 1 January 2014 onwards. While the measure will affect a relatively small number of people, I recognise that this will mean a significant reduction in the level of FIS payable in some instances. However, the people concerned will continue to receive a higher level of FIS in 2012 and again in 2013 than people with the exact same level of other income where that other income includes a social welfare payment other than carer's allowance or benefit.

The Government recognises that welfare expenditure plays a vital role in protecting the most vulnerable people in Irish society, as well as stabilising the economy generally. Although it has not been possible to exempt income support to families from the general budgetary strategy, given the level of adjustments required, the Government is committed to tackling Ireland's economic crisis in a way that is fair and balanced. In this regard, the Government has endeavoured, insofar as it could, to limit cuts in social welfare to households where there is some additional income over and above the basic social welfare payment.

### **Garda Vetting of Personnel**

304. **Deputy Martin Heydon** asked the Minister for Social Protection if her attention has been drawn to the revised Garda vetting procedures which require all participants and those involved in community employment schemes to provide evidence if they have lived outside of the country for 12 months; if this timescale will be reviewed; and if she will make a statement on the matter. [15821/12]

**Minister for Social Protection (Deputy Joan Burton):** Following advice from the Central Garda Vetting Unit in Thurles, it was agreed by senior management in the Department of Social Protection (DSP) that the restriction in the previous Garda Vetting Procedures for Community Employment and Job Initiative Programmes that require Garda Vetting for those applicants on programmes which deal with children and vulnerable adults which stated that: Individuals who lived outside the Island of Ireland for 2 or more continuous years within the

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last 5 years were not eligible for relevant programmes would be replaced by the following which is less restrictive and facilitates more open access. The new Guideline, effective Monday March 12, 2012 states:

#### *Residency Abroad*

Individuals who lived outside the Island of Ireland for 1 or more continuous years since the age of 16 years of age are required to submit the following documents with their Garda Vetting Forms:

- Original Police Certificate(s) from the country or countries of residence abroad with authenticated translation where necessary, and
- Two recent Irish referees from acceptable sources.

Where police certification cannot be supplied applicants should submit evidence of efforts to obtain such certificates.

It should be noted that the Garda Vetting Unit can only provide information to DSP on offences committed on the Island of Ireland. An international vetting service is not provided by the Garda Vetting Unit and the only viable method of checking whether or not the applicant has an offence history whilst living abroad is for him/her to provide a Police Certificate for the relevant country or countries lived in. In the particular circumstance of people wishing to work with children or vulnerable adults in Ireland, this is a reasonable and prudent precaution to take given the potential risks involved.

The appropriateness of this DSP requirement can be reviewed when the scheduled child protection legislation is enacted by the Oireachtas.

#### *Notes*

1. A Police Certificate is an official document issued by police or government agency of a country to enumerate any criminal records that the applicant may or may not have. Applicants have to submit personal information to request such a record check, the police or government agency may charge a fee. If no record is found, the certificate will indicate such.

2. The two “recent Irish referees from acceptable sources” means two persons who are acceptable to the project sponsor, so that the sponsor may confirm the applicant’s suitability before submitting the GV application forms to DSP.

3. The applicant is responsible for the cost of providing the Police Certificates and any translation of same, if they are not in English/Irish.

4. Enquiries regarding the address to apply for Police Certificates in a particular country should be directed to the country’s Embassy by the applicant.

#### **Grant Payments**

305. **Deputy Michael Creed** asked the Minister for Arts, Heritage and the Gaeltacht if there are any financial supports available to a person who wishes to establish an allotment in a Gaeltacht area; and if he will make a statement on the matter. [14886/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** My Department does not operate any scheme which provides assistance towards the provision of allotments in Gaeltacht areas.

### **Turbary Rights**

306. **Deputy Frank Feighan** asked the Minister for Arts, Heritage and the Gaeltacht the position regarding turbary rights in respect of a person (details supplied) in County Roscommon. [14982/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** In 2011 the Government announced a compensation scheme for those affected by the cessation of turf cutting on raised bog special areas of conservation and has recently agreed to enhance this compensation package. The cessation of turf cutting compensation scheme now comprises a payment of €1,500 per year, index linked, for 15 years or, where feasible, relocation of turf cutters to non-designated bogs where they can continue to cut turf. Those wishing to relocate can avail of the financial payment or the delivery of 15 tonnes of cut turf per annum while relocation sites are identified and prepared. The costs of acquiring and preparing relocation sites will be met by the State. An additional once-off payment of €500 for qualifying turf cutters will be provided this year where legal agreements are signed with me, as Minister for Arts, Heritage and the Gaeltacht.

One of the qualifying criteria for the cessation of turf cutting compensation scheme is that the claimant must have been cutting turf on the lands in question in the relevant five year period. If an individual has a legal interest in one of the 53 designated sites and had not been extracting turf in the relevant five year period, my Department is willing to examine the feasibility of relocating such interests to alternative non-designated bogs. It is not proposed to make the financial payment in such cases.

### **Arts Funding**

307. **Deputy Pearse Doherty** asked the Minister for Arts, Heritage and the Gaeltacht if his attention has been drawn to the fact that funding for three art organisations in County Donegal has been cut by 100%; and if he will make a statement on the matter. [14986/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The provision of funding for the organisations to which the Deputy refers is a matter for the Arts Council. I have no statutory function in relation to Arts Council funding decisions, and, in fact, I am precluded from involvement in those decisions under the Arts Act, 2003.

308. **Deputy Sandra McLellan** asked the Minister for Arts, Heritage and the Gaeltacht the actions if any, being taken in conjunction with the Northern Assembly's Minister for Culture, Arts and Leisure, Carál Ní Chuilín, to promote Derry as the city of culture 2013. [15003/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** In 2010 and 2011, under the Co-operation with Northern Ireland funding scheme, my Department provided funding to help support a Cultural Broker position in Derry. The post was seen as playing a central role in the preparation and delivery of the plans for Derry City of Culture 2013 programme.

As part of the wider role being played by the Government to support Derry to maximise the impact of its designation as UK City of Culture 2013, my Department and its agencies have been working with the City of Culture team to identify a range of projects for collaboration. Culture Ireland is working with the organisers on a number of projects that have an inter-

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national touring dimension. My Department is also exploring the potential for partnering with Derry 2013 as part of the Culture Programme for Ireland's EU Presidency, focussing in particular on the City of Culture programme strand that celebrates the influence of St Columba (Colmcille) on Irish and European history.

I understand that the Arts Council is also exploring opportunities to work on elements with cross-border potential.

### Film Industry

309. **Deputy Sandra McLellan** asked the Minister for Arts, Heritage and the Gaeltacht the annual cost of promoting the Irish film industry. [15004/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The body with the statutory responsibility for the support and promotion of film-making in Ireland, in respect of both the indigenous sector and inward productions, is the Irish Film Board (IFB). This agency is funded through my Department and is independent in its day-to-day operations.

The allocation provided to the IFB by my Department for 2012 is €15.7m — €2.5m in current funding and €13.2m in capital funding.

### Turbary Rights

310. **Deputy Frank Feighan** asked the Minister for Arts, Heritage and the Gaeltacht if a person (details supplied) will be entitled to qualify under the new compensation scheme. [15091/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The individual referred to in the Deputy's question has applied to sell his interest in land in a raised bog special area of conservation under the voluntary bog purchase scheme, which is administered by my Department. A letter of offer for the purchase of the land has issued from my Department. However, no contracts for sale have been signed. I am advised that processing of applications on hand under this scheme has been slower than anticipated, due to capacity constraints in undertaking the work involved.

In 2011 the Government announced a compensation scheme for those affected by the cessation of turf cutting on raised bog special areas of conservation and has recently agreed to enhance this compensation package. The cessation of turf cutting compensation scheme now consists of a payment of €1,500 per year, index linked, for 15 years or, where feasible, relocation of turf cutters to non-designated bogs where they can continue to cut turf. Those wishing to relocate can avail of the financial payment or the delivery of 15 tonnes of cut turf per annum while relocation sites are identified and prepared. The costs of acquiring and preparing relocation sites will be met by the State. An additional once-off payment of €500 for qualifying turf cutters will be provided this year where legal agreements are signed with me, as Minister for Arts, Heritage and the Gaeltacht.

Where applicants under the voluntary bog purchase scheme have not received a letter of offer, or have received a letter of offer but contracts have not been signed, my Department will write to them to outline their options under the cessation of turf cutting compensation scheme. The requirement that applicants for compensation under the cessation of turf cutting compensation scheme must have been cutting turf on the lands in question during the relevant five year period will not apply to applicants under the voluntary bog purchase scheme who wish to transfer to the new compensation scheme.

### Departmental Agencies

311. **Deputy Mary Lou McDonald** asked the Minister for Arts, Heritage and the Gaeltacht if he will provide in a tabular form a breakdown of the position, salary, allowance and expenses paid to each of the employees of agencies (details supplied) in 2011. [15482/12]

312. **Deputy Mary Lou McDonald** asked the Minister for Arts, Heritage and the Gaeltacht if he will provide in a tabular form a breakdown of the number of board members and their respective annual remuneration for 2011 of agencies (details supplied). [15483/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I propose to take Questions Nos. 311 and 312 together.

The Deputy will appreciate that it is not possible to provide the information requested within the constraints imposed by a ‘details supplied’ question. I am, however, arranging for the available information to be provided directly to the Deputy as soon as possible.

313. **Deputy Mary Lou McDonald** asked the Minister for Arts, Heritage and the Gaeltacht if he will provide in tabular form a list of all agencies and bodies and internal organisations under his aegis. [15496/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** My Department was established on 2 June 2011 and the names of the bodies/agencies funded from my Department’s Vote groups are set out in the table below. It should be noted that Waterways Ireland and An Foras Teanga (comprising Foras na Gaeilge and the Ulster-Scots Agency) are North-South Implementation Bodies and are subject to dual arrangements in relation to funding. Further information in relation to each of the bodies under the aegis of my Department can be found on their respective websites, as set in the table.

I am assuming that the Deputy’s Question is not referring to routine internal committees and working groups, established within my Department to support the delivery of its goals, and I have not included details of these.

Bodies Funded from the Vote Group of the Department of Arts, Heritage and the Gaeltacht

Body	Website Address
Waterways Ireland	<a href="http://www.waterwaysireland.org">www.waterwaysireland.org</a>
An Foras Teanga, which comprises: —Foras na Gaeilge	<a href="http://www.gaeilge.ie">www.gaeilge.ie</a> <a href="http://www.forasnagaeilge.ie">www.forasnagaeilge.ie</a>
—Tha Boord o Ulstèr-Scotch/The Ulster-Scots Agency	<a href="http://www.ulsterscotsagency.com">www.ulsterscotsagency.com</a>
An Coimisinéir Teanga	<a href="http://www.coimisineir.ie">www.coimisineir.ie</a>
Údarás na Gaeltachta	
Arts Council	<a href="http://www.artscouncil.ie">www.artscouncil.ie</a>
National Archives	<a href="http://www.nationalarchives.ie">www.nationalarchives.ie</a>
Irish Manuscripts Commission	<a href="http://www.irishmanuscripts.ie">www.irishmanuscripts.ie</a>
National Museum of Ireland	<a href="http://www.museum.ie">www.museum.ie</a>
Irish Museum of Modern Art (IMMA)	<a href="http://www.modernart.ie">www.modernart.ie</a>
National Gallery of Ireland	<a href="http://www.nationalgallery.ie">www.nationalgallery.ie</a>
Crawford Gallery	<a href="http://www.crawfordartgallery.com">www.crawfordartgallery.com</a>
National Concert Hall	<a href="http://www.nch.ie">www.nch.ie</a>
National Library of Ireland	<a href="http://www.nli.ie">www.nli.ie</a>
Chester Beatty Library	<a href="http://www.cbl.ie">www.cbl.ie</a>

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Body	Website Address
Irish Film Board	<a href="http://www.irishfilmboard.ie">www.irishfilmboard.ie</a>
Heritage Council	<a href="http://www.heritagecouncil.ie">www.heritagecouncil.ie</a>

### Ministerial Travel

314. **Deputy Ciarán Lynch** asked the Minister for Arts, Heritage and the Gaeltacht if he will set out the mileage claimed by any Minister of State in his Department for each year from 2005 to 2010; and if he will make a statement on the matter. [15511/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The Deputy will appreciate that it would not be feasible to provide the information sought, given that the Department of Arts, Heritage and the Gaeltacht has only been established since 2 June 2011, following substantial Departmental reconfigurations.

### Arts Plan

315. **Deputy Paschal Donohoe** asked the Minister for Arts, Heritage and the Gaeltacht if he will provide an update on the proposed plans to merge the Irish Museum of Modern Art with the National Gallery; and if he will make a statement on the matter. [15736/12]

**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. Appendix IIA to that plan sets 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*”.

I have commenced a detailed examination of the issues involved. The input of the Institutions is crucial in this examination and my Department has engaged with them on the matter. Once the examination is complete, I will revert to Government on the matter.

### Turbary Rights

316. **Deputy Peadar Tóibín** asked the Minister for Arts, Heritage and the Gaeltacht further to Parliamentary Question No. 315 of 13 March 2012, when he will be establishing the panel to draw upon for hearing and determining appeals; the timeframe for setting up this panel; the membership of the panel; when this panel will begin its work; and if he will make a statement on the matter. [15779/12]

317. **Deputy Peadar Tóibín** asked the Minister for Arts, Heritage and the Gaeltacht further to Parliamentary Question No. 315 of 13 March 2012, if his attention has been drawn to the fact that the delay in setting up a panel is causing undue hardship for those persons with appeals pending; the remedy or solution that will be offered to these persons in the short term pending the appeal; if he is willing to take action as on this issue of a person (details supplied) in view of the fact that the delay in setting up a panel and granting an appeal date is impeding on the person’s rights to harvest turf and due to the seasonal nature of harvesting will cause further hardship; and if he will make a statement on the matter. [15780/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I propose to take Questions Nos. 316 and 317 together.

As stated in my reply to Question No. 315 of 13 March last, I indicated that 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 be comprised of barristers and solicitors of not less than 7 years standing, to draw upon for hearing and determining appeals such as that referred to by the Deputy. I can assure the Deputy that I intend to establish this panel as a matter of urgency and the appeal in question will be heard at the earliest possible date.

### Gas Exploration

318. **Deputy Tony McLoughlin** asked the Minister for Communications, Energy and Natural Resources if he proposes to assess the environmental implication of test drilling for gas using hydraulic fracturing at Gubb, Glangelvin, County Cavan known as Dowra Two and also Dowra One between 1963 and 2003; and if he would examine the condition of the Owenmore River which flows into Lough Allen. [15231/12]

321. **Deputy Tony McLoughlin** asked the Minister for Communications, Energy and Natural Resources if he would list the number of gas wells fracked in the north west of Ireland between 1963 and 2003; and the names of the companies and sub-contractors approved to carry out the operation and the chemicals and liquids used if any. [15233/12]

322. **Deputy Tony McLoughlin** asked the Minister for Communications, Energy and Natural Resources if he proposes to assess the environmental implication of test drilling for gas at Gubb, Glangelvin, County Cavan known as Dowra 2 and also Dowra 1 between 1963 and 2003 and the names of the companies and sub-contractors approved to carry out the operation and the chemicals and liquids used if any. [15234/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I propose to take Questions Nos. 318, 321 and 322 together.

Before addressing the detail of the questions asked by the Deputy I believe it would be helpful to first clarify for the Deputy the difference between the fracturing of wells in the case of conventional gas exploration and production and the practice known as “hydraulic fracturing” or “fracking” that is used in the case of exploration and production of unconventional gas.

In the case of conventional gas exploration, such as that carried out in the north west of Ireland over a number of decades, the practice of fracking a very short section or sections of a vertical well has been commonly used internationally by the oil industry for very many decades. In the case of unconventional gas exploration, use of the technology is more recent and generally involves fracking of very long sections of horizontal wells. With unconventional exploration significantly larger volumes of liquids are also used. The exploration carried out in the north west of Ireland since the 1960s was “conventional exploration”.

Conventional fracking has been applied in the case of three onshore wells — Dowra-1 Re-entry (1981), Dowra 2 (2002) and Thur Mountain 1 (2002) — as follows:

Dowra-1 Re-entry was operated by Aran Energy/Marinex. The contractor that performed the fracking was Dowell Schlumberger.

Dowra 2 was operated by Evergreen Resources who also performed the fracking.

Thur Mountain 1 was operated by Evergreen Resources who also performed the fracking.

The chemicals used in the Dowra 1 Re-entry well are listed as: 15% HCl, A200 Inhibitor, F75N Surfactant, Ball Sealers, U42 Chelant, WF-15-10, Nitrogen, YF 1.5 PSD fracturing fluid and

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sand; while those used for the Dowra 2 and Thur Mountain 1 wells are listed as: Fresh Water, 15% HCl, Nitrogen Foam (Fracturing Fluid), Guar Gellant, Foam Surfactant, Breaker E Enzyme Breaker and X-cide 207 Bactericide. Details of these chemicals are included in the detailed reports relating to wells drilled both offshore and onshore Ireland and these reports are available for purchase from my Department's data management agent.

The induced fractures which were extremely short, less than 100ft, and were limited to short intervals within the wellbores coinciding with sandstone reservoir rock and occurring at depths between approx 2,500 ft and 4,000 ft.

I have made clear to the House on a number of occasions that any application for an exploration licence that proposed the use of hydraulic fracturing as part of an unconventional gas exploration programme, would be subject to planning permission requirements and a full environmental impact assessment. An Environmental Impact Assessment entails consideration of the potential impacts of a project on population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the inter-relationship between the above factors. Under the EIA Directive it should be noted that it is not possible to permit a project unless it can be determined following assessment that it would not have an unacceptable environmental or social impact.

In relation to the condition of the Owenmore River, the Deputy will no doubt be aware of the statutory function of local authorities under the Water Pollution Acts 1977 to 1990.

### **Energy Conservation**

319. **Deputy Joan Collins** asked the Minister for Communications, Energy and Natural Resources if he will initiate an audit on a school (details supplied) for the better energy workplace programme as part of the capital funding announced today; the way the school can access the funding; and if he will make a statement on the matter. [15710/12]

337. **Deputy Joan Collins** asked the Minister for Communications, Energy and Natural Resources if he will consider a school (details supplied) in Dublin for the better energy workplace programme as part of the capital funding announced today; the way the school can access the funding; and if he will make a statement on the matter. [15709/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I propose to take Questions Nos. 319 and 337 together.

The Sustainable Energy Authority of Ireland (SEAI) administers the Better Energy Programme on behalf of my Department. Better Energy: Workplaces supports sustainable energy upgrades to existing buildings, services, facilities and processes, in the public, commercial, industrial and community sectors. The programme is aimed at achieving ongoing and lasting energy savings. Projects entailing upgrades to thermal, electrical or transport energy performance are all considered eligible. Applications are evaluated on a competition basis and application forms and guidance notes will be available to download from the SEAI website shortly ([www.seai/grants](http://www.seai/grants)). In the interim interested parties can register their interest in the programme at [business@seai.ie](mailto:business@seai.ie). The closing date for applications is 30 April 2012.

### **Energy Usage**

320. **Deputy Frank Feighan** asked the Minister for Communications, Energy and Natural Resources his views on correspondence (details supplied) regarding ESB usage. [15092/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** This is an operational matter for the ESB which is an independent statutory body and I have no role or function in this regard.

*Questions Nos. 321 and 322 answered with Question No. 318.*

### **Fisheries Protection**

323. **Deputy Tony McLoughlin** asked the Minister for Communications, Energy and Natural Resources his views on the fate of the eel fishing industry here (details supplied) [15235/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Following scientific research conducted by the International Council for the Exploration of the Sea (ICES) indicating that the European eel stocks are in a critical state, the EU introduced Council Regulation 1100/2007, the objective of which is to achieve recovery of the stocks to previous high levels. The Regulation required that all Member States prepare a national Eel Management Plan (EMP). Ireland's plan was approved by the European Commission in July, 2009.

The Conservation of Eel Fishing Bye-Law No. C.S 303, 2009, and Conservation of Eel Fishing (Prohibition On Issue Of Licences) Bye-Law No. 858, 2009 give effect to the National EMP and provide for closure of the fishery until June 2012, when the status of stocks will be fully reviewed and reported on to the European Commission.

The EMP includes a comprehensive programme of monitoring and evaluation of management actions and their implementation. It also includes a programme of scientific eel stock assessment to establish a stock baseline, estimate current silver eel escapement and monitoring the impact of the management actions on the local stocks.

The status of the European Eel in Ireland was recently defined as critically endangered (Ireland Amphibians, Reptiles and Freshwater Fish Red Data List, published in 2011). Scientific analysis estimated that 2007 Eel escapement (adults going to sea) was at 23% of pristine stock and declining. Due to the very long cycle and slow growth in Irish waters it is probable that any recovery of the Irish eel stocks will be over a very long time frame.

The imperative is to ensure that the vulnerable stocks of eels are protected — currently it would be premature to speculate on the future of the eel fishery and whether it will be open to commercial exploitation.

### **Postal Services**

324. **Deputy Noel Harrington** asked the Minister for Communications, Energy and Natural Resources if he will report progress on the development of a post code scheme; the timescale for inclusion of this scheme; and if he will make a statement on the matter. [15342/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** A procurement process for a national postcode system is currently under way. The process began on 17 January 2011 with the publication of a pre-qualification questionnaire on the e-tenders website [www.etenders.gov.ie](http://www.etenders.gov.ie) for the appointment of a postcode management licence holder. Since then intensive work has taken place on what is a complex project. The final decision to proceed with the implementation of a national postcode will, of course, be one for Government and will be based on appropriate financial, technical and operational considerations.

### **Post Office Network**

325. **Deputy John O'Mahony** asked the Minister for Communications, Energy and Natural

[Deputy John O'Mahony.]

Resources the number of post offices closed in County Mayo in 2008, 2009, 2010 and 2011; the names of same; and if he will make a statement on the matter. [15467/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Matters relating to the post office network, including post office closures, are an operational matter for the management and Board of An Post and one in which I have no statutory function.

### Departmental Agencies

326. **Deputy Mary Lou McDonald** asked the Minister for Communications, Energy and Natural Resources if he will provide in a tabular form a breakdown of the position, salary, allowance and expenses paid to each of the employees of agencies (details supplied) in 2011. [15472/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I wish to advise the Deputy that the information she has requested is an operational matter for the individual Bodies and Regulators concerned.

327. **Deputy Mary Lou McDonald** asked the Minister for Communications, Energy and Natural Resources if he will provide in a tabular form a breakdown of the number of board members and their respective annual remuneration for 2011 of agencies (details supplied). [15473/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Details of the total number of board places and the remuneration applicable, as requested by the Deputy, is set out in tabular form. I would like to point out that whether eligible Board members accepted the applicable fee is a matter for the individual board members concerned.

	Number of Members	
Broadcasting Authority of Ireland	9	Category 4 Chair: €8,978 Director: €5,985
Commission for Communication Regulation	3	No fees applicable
Commission for Energy Regulation	3	No fees applicable
Digital Hub Development Authority	14	Category 3 Chair: €11,970 Director: €7,695
Foyle, Carlingford and Irish Lights Commission (Loughs Agency)	12	*Category 3 Chair: €11,970 Director: €7,695
Inland Fisheries Ireland	10	Category 3 Chair: €11,970 Director: €7,695
National Oil Reserves Agency	6	Category 4 Chair: €8,978 Director: €5,985
Ordnance Survey Ireland	10	Category 3 Chair: €11,970 Director: €7,695
Sustainable Energy Authority of Ireland	12	Category 3 Chair: €11,970 Director: €7,695

\*The Irish Exchequer pays half of the cost of Loughs Agency board fees.

328. **Deputy Mary Lou McDonald** asked the Minister for Communications, Energy and Natural Resources if he will provide in tabular form a list of all agencies and bodies and internal organisations under his aegis. [15498/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I can inform the Deputy that the number of Commercial State bodies and non-commercial State bodies, including regulators, under the aegis of my Department is 18, broken down as follows:

	Status
An Post Bord Gáis Éireann Bord na Móna EirGrid Electricity Supply Board (ESB) Raidió Teilifís Éireann TG4	Commercial State Bodies
Inland Fisheries Ireland Digital Hub Development Agency Foyle, Carlingford and Irish Lights Commission (Loughs Agency) National Oil Reserves Agency Irish National Petroleum Corporation Mining Board Ordnance Survey Ireland Sustainable Energy Authority of Ireland	Non Commercial State Bodies
Broadcasting Authority of Ireland Commission for Energy Regulation Commission for Communications Regulation	Regulators

### Ministerial Travel

329. **Deputy Ciarán Lynch** asked the Minister for Communications, Energy and Natural Resources if he will set out the mileage claimed by any Minister of State in his Department for each year from 2005 to 2010, inclusive; and if he will make a statement on the matter. [15513/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Mileage claimed by Ministers of State at my Department since its formation in June 2007 is outlined in the following table:

	2007	2008	2009	2010
Mr. Tony Killeen	€1,208	€1,772		
Mr. Seán Power		€20,776	€13,000	
Mr. Conor Lenihan*			0	0

\*Minister of State Lenihan, who was also assigned to the then Department of Enterprise, Trade and Employment in 2009/2010, did not claim mileage in my Department.

### Telecommunications Services

330. **Deputy Thomas P. Broughan** asked the Minister for Communications, Energy and Natural Resources if he is taking any action to reduce the cost off bandwidth given that Ireland has the second highest cost per megabit of data across the EU; and if he will make a statement on the matter. [15645/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Ireland's telecommunications market has been liberalised since 1999. The delivery of deregulated telecommunications services, including broadband services, and the retail prices charged are decided in the open competitive market by commercial operators. Neither my Department nor the market regulator, the Commission for Communications Regulation (ComReg), has any legal basis to regulate broadband charges. ComReg publishes quarterly statistical reports on the telecommunications market and also operates a web-based call-cost comparison service which, among other things, allows customers to identify broadband services available by region and to compare competing service offerings including retail broadband prices, <http://www.callcosts.ie/broadband/Broadband—Calculator.175.LE.asp>.

The ComReg report for Q4 2011, includes a comparison of EU fixed line retail broadband prices. Overall, across all fixed line speeds in the residential market, Ireland is ranked 18th of the countries reported (figure 3.6.2). The report (figure 3.6.3) ranks Ireland 3rd lowest by price of the 24 countries reported on for a business class broadband package, which is defined as a package offering speeds between 4Mbps and 10Mbps. The comparison for speed up to 4Mbps ranks Ireland 2nd highest by price of the 20 countries reported (figure 3.6.1).

However, these tables do not compare all broadband prices available in the market. The retail price comparison for residential customers, for example, is restricted to the lowest retail price offered in that category by one of the three largest operators only. The retail tariff quoted for Ireland therefore exceeds €35 per month, however the ComReg call-costs website identifies other service providers who are offering speeds within this category at lower monthly prices in the range of €10.15 (3) to €16.99 (UTV) per month. Therefore, the comparison tables do not necessarily demonstrate that Ireland is the 3rd least expensive country compared for business class services, nor is it necessarily the 2nd most expensive country for residential services when all available services are considered.

331. **Deputy Thomas P. Broughan** asked the Minister for Communications, Energy and Natural Resources if he is concerned that the bandwidth being allocated through long term evolution is too narrow and does not allow for RAN sharing; and if he will make a statement on the matter. [15646/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The allocation of bandwidth and the award of spectrum licences, including the imposition and monitoring of associated quality and coverage requirements for the spectrum rights to provide mobile telephony services, are statutory functions of the Commission for Communications Regulation under the Communications Regulation Act, 2002 as amended (the Act).

Furthermore section 11 of the Act requires that “Subject to this Act, the Commission shall be independent in the exercise of its functions” and such independence is also a requirement under the EU Directives which underpin the electronic communications regulatory framework in all Member States.

Accordingly, as I have no function in the issues raised by the Deputy, it would not be appropriate for me to make any comment.

Any concerns regarding this matter should, in the first instance, be directed to the Commission for Communications Regulation. I am advised by ComReg that the bandwidth allocated for a particular service and the ability of RAN sharing are two separate matters.

332. **Deputy Thomas P. Broughan** asked the Minister for Communications, Energy and Natural Resources if he believes that Ireland will reach the EU 2020 target of a minimum

30Mbit broadband speed for every citizen; and if he will make a statement on the matter. [15647/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** There is a commitment in the Programme for Government to co-invest with the private sector and commercial Semi State sector to provide Next Generation Broadband customer access and associated fast speeds to every home and business in the State.

The Next Generation Broadband Taskforce (NGBT) which I convened last summer has an important role to play in this regard. It comprises the CEOs of all of the major telecommunications companies operating in the Irish market, as well as CEOs of some other companies that provide broadband services. The purpose of the Taskforce is to discuss and report on policy issues and proposals in relation to the provision of high speed broadband across Ireland. I expect that the Taskforce will help to identify how best to deliver wider customer access to high-speed broadband generally and thereby assist in delivering on the commitment in the Programme for Government, as well as identifying the extent to which the Digital Agenda for Europe Target of 30Mbps for all can be met by industry.

The Taskforce is currently finalising its deliberations which I expect will conclude in the coming weeks. The next steps, following completion of the NGBT report, will be to bring the report to Government before consulting with the wider public for their views. Building on the work of the Taskforce, it is my intention to publish a National Broadband Plan for Ireland later this year which will set out a range of policy commitments and actions aimed at accelerating the rollout of high speed broadband across Ireland.

333. **Deputy Thomas P. Broughan** asked the Minister for Communications, Energy and Natural Resources if he is concerned that download speeds in our major cities are falling behind download speeds in small to medium size towns; and if he will make a statement on the matter. [15648/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The Commission for Communications Regulation publishes quarterly reports on trends in the telecommunications market generally. In the case of contracted broadband speeds the most recent report to end Q4 2011 shows a continuing trend of customers moving to higher speeds. The report demonstrates that between Q4 2009 and Q4 2011 the number of all broadband subscribers contracted at speeds up to 2Mbps fell from 21% to less than 7%; the number of customers contracted in a range between 2Mbps-10Mbps is 75% of all subscriptions and the market share contracted at speeds above 10Mbps increased from 6% to more than 18% in that period.

These figures are calculated nationally and it is not possible to infer penetration rates in particular towns or cities. The technologies available to provide services over fixed line telecommunications networks are the same in both cities and small and medium sized towns and higher speeds available over a cable network are likely to be available in more cities than small and medium towns. Therefore, I am not aware of any basis on which it can be asserted that, as a general rule, broadband download speeds are likely to be higher in small to medium towns than in larger cities.

334. **Deputy Thomas P. Broughan** asked the Minister for Communications, Energy and Natural Resources if he is considering any new measures to considerably upgrade the infrastructure in rural areas to facilitate greatly enhanced broadband services for citizens in rural areas; and if he will make a statement on the matter. [15649/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Ireland's telecommunications market has been liberalised since 1999 and thus the delivery of broadband services is a matter, in the first instance, for private sector commercial operators which are licensed and regulated by the independent regulator, the Commission for Communications Regulation (ComReg).

The Government has undertaken a number of initiatives to bring broadband to those parts of the country where operators have been unable to offer services on a commercial basis. In the case of one such intervention, namely the National Broadband Scheme (NBS), services are available since October 2010 from the NBS service provider, 3, to persons with a fixed residence or fixed business in each of the 1,028 Electoral Divisions (ED) designated to be covered under the Scheme.

A contractual upgrade of the NBS product specifications will take place from October of this year, without an increase in the monthly fee. Following the upgrade of the mobile broadband product, the minimum download speed will increase from 1.6Mbps to 2.3Mbps while the minimum upload speeds will increase from 1.2Mbps to 1.4Mbps, with a maximum contention ratio of 18:1. The combined data allowance will move from 25GB to 40GB.

The Rural Broadband Scheme (RBS) was launched last year in recognition of the fact that despite the widespread availability of broadband throughout Ireland, there still remained individual premises that were unable to receive broadband provision, due to technical difficulties such as line of sight issues. This Scheme, which is being rolled out this year, is aimed at making a basic broadband service available to those individual unserved premises in rural non-NBS areas who wish to avail of such services.

The combination of private investment and State interventions means that Ireland will meet the EU Commission's "Digital Agenda for Europe" target of having a basic broadband service available to all areas by 2013.

The Government accepts that the widespread availability of high speed broadband is a key requirement in delivering future economic and social development. With basic broadband services now widely available across Ireland, the challenge is to accelerate the roll out of high speed services. The Next Generation Broadband Taskforce (NGBT), which I convened last summer, has an important role to play in this regard. It comprises the CEOs of all of the major telecommunications companies operating in the Irish market, as well as CEOs of some other companies that provide broadband services. The purpose of the Taskforce is to discuss and report on policy issues and proposals in relation to the provision of high speed broadband across Ireland. I expect that the Taskforce will help to identify how best to deliver wider customer access to high-speed broadband generally and thereby assist in delivering on the commitment in the Programme for Government.

The Taskforce is currently finalising its deliberations which I expect will conclude in the coming weeks. The next steps, following completion of the NGBT report, will be to bring the report to Government before consulting with the wider public for their views. Building on the work of the Taskforce, it is my intention to publish a National Broadband Plan for Ireland later this year which will set out a range of policy commitments and actions aimed at accelerating the rollout of high speed broadband across Ireland.

### **Broadcasting Services**

335. **Deputy Thomas P. Broughan** asked the Minister for Communications, Energy and Natural Resources if he has reviewed the BCI's report on the future of digital radio, Digital Radio for Ireland, Competing Options; Public Expectations; if he is considering a White Paper

on the future of digital radio in the context of this report; and if he will make a statement on the matter. [15685/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** As part of its Media Research Funding Scheme, the Broadcasting Commission of Ireland (BCI) commissioned a report, “Digital Radio for Ireland, Competing Options; Public Expectations”, which was published in September 2009. The research was undertaken by Helen Shaw, Athena Media and Dr. Brian O’Neill, Dublin Institute of Technology.

The aim of the research was to contribute to the debate on digital radio by reporting on the sector’s preparedness for digital radio. The study examined some of the competing options for digital radio against a background of growing convergence and the shifting consumption patterns of Ireland’s ‘iPod generation’ or ‘digital natives’. The report also gathered the opinions and responses of senior executives and strategists in the radio broadcasting industry on existing provision for digital audio services, including live streaming, listen again facilities, podcasts, as well as their strategies for further digital radio deployments including terrestrial digital broadcasting and internet radio.

A range of recommendations emanated from the report including the development of a policy White Paper, as referred to by the Deputy.

This report was one in a series of inputs considered by the Broadcasting Authority of Ireland (BAI) in devising its Strategy Statement during the course of 2010. In this respect the BAI also had regard to the general and specific objectives for the BAI as set out in statute, together with a range of other duties set out in the Act and in the BAI’s broader work schedule, which were bound by specific timeframes for their completion. The Strategy Statement for 2011-2013 offers an outline of what will be achieved by the organisation, taking account of the above. A key strategic goal for the BAI is to facilitate the provision of a diverse range of broadcasting services and content. An objective in this regard is to ensure a diverse range of broadcasting services that best meets the needs of the people of Ireland and the presence of content and programming that represents and reflects the diversity within Irish society.

Over the course of the next two and a half years, the BAI will embark on the process of re-licensing commercial radio services, on the FM band, in 24 franchise areas where contractors’ licences are due to expire. Work in this regard has commenced and to date the BAI has completed and will shortly publish its Broadcasting Services Strategy. By end 2012, it is anticipated that a licensing plan for the re-licensing of services in the 24 franchise areas will be published.

In regard to the specific issue of digital radio, the BAI has also included an objective in its Strategy to examine the desirability or, and potential for, digital sound broadcasting. It is anticipated that a programme of work in this regard will be considered in 2013.

336. **Deputy Thomas P. Broughan** asked the Minister for Communications, Energy and Natural Resources if he has been briefed by ComReg on its recommendations for developing digital radio services here; and if he will make a statement on the matter. [15688/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The Commission for Communications Regulation (ComReg) is responsible for licensing spectrum to both the Broadcasting Authority of Ireland and RTÉ in respect of sound broadcasting services, including digital radio services.

I can confirm that my Department has been in touch with ComReg on this matter and ComReg has confirmed that it has issued no recommendations in relation to developing digital radio services in Ireland.

*Question No. 337 answered with Question No. 319.*

### **Telecommunications Services**

338. **Deputy Charlie McConalogue** asked the Minister for Communications, Energy and Natural Resources the number of persons from County Donegal who have applied to the rural broadband scheme; the number of applications which have subsequently been processed; and if he will make a statement on the matter. [15734/12]

339. **Deputy Charlie McConalogue** asked the Minister for Communications, Energy and Natural Resources his verification process for assessing whether participating internet service providers are meeting the minimum technical standards specified for providing a service to customers in lieu of inclusion in subsequent phases of the rural broadband scheme; and if he will make a statement on the matter. [15773/12]

340. **Deputy Charlie McConalogue** asked the Minister for Communications, Energy and Natural Resources the time deadline that will be required of participating internet service providers willing to provide internet services to applicants of the rural broadband scheme to revert to his Department with a reply on whether or not they were able to provide a service to the customer to the minimum specified standard required by his Department; and if he will make a statement on the matter. [15774/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I propose to take Questions Nos. 338 to 340, inclusive, together.

The Rural Broadband Scheme was launched last year in recognition of the fact that despite the widespread availability of broadband throughout Ireland, there still remained individual premises that were unable to receive broadband provision, mainly due to technical difficulties. This Scheme is aimed at making a basic broadband service available to those individual unserved premises in rural non-National Broadband Scheme areas who wish to avail of such services. Approximately 3,700 applications qualified under the Scheme and 309 of these were from County Donegal.

The Verification Phase of the Scheme is now underway. Under this phase, the details of applicants have been passed to Internet Service Providers (ISPs) who are participating in the Scheme and these companies have responded to my Department indicating where they may be able to offer services.

In order to participate in this phase of the Scheme, these ISPs have indicated that they are prepared to offer services which meet or exceed criteria set by my Department. However, my Department does not have a contractual relationship with any of the companies in question and is not endorsing or recommending any particular ISP in the process. Therefore the provision of services from these ISPs is a contractual matter between the company and the customer and, with the sole exception of customers in the National Broadband Scheme, my Department does not have a role in monitoring or assessing the provision of broadband services.

Where customers are dissatisfied with the contractually agreed service from a commercial service provider, they can refer their complaint to the Commission for Communications Regulation who will have the matter investigated. Letters were issued to applicants on 17 February asking them to give their consent to be contacted by those ISPs who had indicated that they could offer them a service. The deadline for the return of consent forms was extended to 16 March 2012 and reminder letters indicating the new deadline were issued to applicants.

Now that this deadline has passed, my Department will shortly be providing further information to the participating ISPs to enable them to write to applicants with offers of service. I expect that these written offers will be sent out in April and, subject to final agreement with the ISPs concerned, the provision of services to applicants during this phase of the Scheme will be carried out over the period May to July this year.

The response to date by industry suggests that virtually all premises in the country are capable of obtaining a broadband service from a supplier using one of the available technology platforms i.e. DSL, fixed or mobile wireless, cable or satellite. Where a commercial service has been shown to be available, the State cannot intervene with a subvention for alternative services.

Under the terms of the scheme however it is proposed to procure a service later this year for applicants who cannot be served by any commercial operator under the current phase.

### **Energy Resources**

341. **Deputy David Stanton** asked the Minister for Communications, Energy and Natural Resources further to Parliamentary Question No. 332 of 13 March 2012, with regard to the Sustainable Energy Authority Ireland ocean energy development programme, if he will provide a breakdown of the where the total allocation of €2.9 million is to be spent in 2012; and if he will make a statement on the matter. [15815/12]

342. **Deputy David Stanton** asked the Minister for Communications, Energy and Natural Resources further to Parliamentary Question No. 332 of 13 March 2012, with regard to the €1.65 million allocated to the prototype development fund in 2012 under the Sustainable Energy Authority Ireland ocean energy development programme for 2012, if the total of €1.65 million is available to applicants in 2012; the amount of money which has already been committed or paid out; when decisions were reached on these allocations; if he will provide a breakdown of the number of companies or agencies which have received funding under this fund; the amount remaining in the fund; and if he will make a statement on the matter. [15816/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I propose to take Questions Nos. 341 and 342 together.

The Ocean Energy Development Programme of Sustainable Energy Authority of Ireland (SEAI) has been allocated €2.9 million in 2012, €2.2 million of which is capital and €0.7 million is current.

€1.6 million capital is allocated to the Ocean Energy Prototype Development Fund; €455,000 capital is allocated to the Galway Bay test site; and €140,000 capital is allocated to preliminary development work on the Mayo test site at Belmullet. €320,000 current is allocated to the Galway Bay test site and €110,000 allocated to the preliminary work on the Mayo test site. The balance is allocated to industry technical support services and participation in EU and International Energy Agency activities in the ocean energy sphere.

The Prototype Development Fund supports research and prototype development by industry with the objective of developing an industry cluster of ocean energy development in Ireland. To date funding has been provided for 32 projects with some of the funding multi-annual in nature. There are 11 projects with funding commitments of €1.3 million in 2012, subject to the individual projects reaching the required project development milestones. €300,000 of the Prototype Development Fund is as yet unallocated in 2012 and SEAI are planning to issue project guidelines and a further call for proposals in the near future.

### Motor Taxation

343. **Deputy Áine Collins** asked the Minister for the Environment, Community and Local Government if he will provide comprehensive details of the way classic cars are taxed; and if there are proposed changes. [15563/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** A concessionary rate of motor tax was introduced on 1 July 1991 for vintage vehicles, i.e. those constructed more than 30 years prior to the commencement of the period in relation to which the licence is sought. The annual rate of motor tax is €52 for all vintage vehicles other than motorcycles, which are taxed at €24. I have no proposals for changes currently.

### Grant Payments

344. **Deputy Michael Creed** asked the Minister for the Environment, Community and Local Government if there are any financial supports available to a person who wishes to establish an allotment in a Gaeltacht area; and if he will make a statement on the matter. [14887/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** While some aspects of allotment initiatives may in principle be eligible under the Rural Development Programme (RDP), decision making with regard to projects funded through the programme rests solely with the Local Development Companies. Meitheal Forbartha na Gaeltachta (MFG), the company contracted by my Department to deliver Axes 3 & 4 (LEADER) of the RDP in Gaeltacht Areas, went into liquidation on 7 September 2011.

In the context of the continued delivery of Axes 3 & 4 (LEADER) of the Rural Development Programme in Gaeltacht areas, my Department has sought expressions of interest from established Local Development Companies interested in delivering the LEADER elements of the RDP in MFG areas for the remainder of the Programme period.

Once this process is complete anyone who wishes to apply for funding under Axes 3 & 4 (LEADER) of the RDP will be able to submit applications to the relevant Local Development Company and all projects will be considered in line with each company revised local development strategy and regulatory requirements.

### Local Authority Charges

345. **Deputy Terence Flanagan** asked the Minister for the Environment, Community and Local Government if he has considered a waiver from the household charge for those who find that they have pyrite in their homes; and if he will make a statement on the matter. [14893/12]

353. **Deputy John Lyons** asked the Minister for the Environment, Community and Local Government if he has received the independent pyrite panel's report; and when he expects to make a decision on whether to exempt housing estates that have confirmed pyrite before the household charge payment deadline of 31 March 2012. [15081/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 345 and 353 together.

The independent Pyrite Panel is due to submit its report to me in the near future. There is still some continuing work being completed by the Panel. On receipt of the report I will give careful consideration to the content of the report and any recommendations it may contain in relation to the position of home owners whose homes are affected by pyrite. The identification of dwellings affected by pyrite is quite complex and this issue can only be given full consideration following receipt of the Panel's report.

346. **Deputy Peter Mathews** asked the Minister for the Environment, Community and Local Government his plans regarding exemptions from the household charge for those acting as executors of wills (details supplied); and if he will make a statement on the matter. [14899/12]

347. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government if he will consider amending the household charge and the non-principal private residence legislation to postpone the charges in cases when a person is acting as an executor and is charged with selling a house on behalf of a deceased person until the sale has finalised; and if he will make a statement on the matter. [14974/12]

359. **Deputy Paul J. Connaughton** asked the Minister for the Environment, Community and Local Government if he will consider amending legislation in regard to the household charge to take into account persons who are executors of wills and find themselves liable for the household charge and non-principal private residence charge, as well as other utility bills; if a regime will be instituted whereby the household charge could be recouped once the property is sold or transferred to another party; and if he will make a statement on the matter. [15264/12]

360. **Deputy Simon Harris** asked the Minister for the Environment, Community and Local Government if he will consider exempting executors of wills from liability for the non-principal primary residence and household charges on account of the temporary nature of their possession of residences; if he will consider deferring these charges until the properties in the charge of executors have been sold on or passed to the appropriate beneficiary under the terms of the governing will of the deceased; and if he will make a statement on the matter. [15268/12]

369. **Deputy Jerry Buttimer** asked the Minister for the Environment, Community and Local Government if he will consider amending the law relating to the non-principal private residence charge so that executors of wills are not liable to pay the charge in respect of residential property which is vested in their name solely in their capacity as a personal representative; and if he will make a statement on the matter. [15333/12]

370. **Deputy Jerry Buttimer** asked the Minister for the Environment, Community and Local Government if he will amend payment provisions for the household charge to provide for deferral payment until the sale of the property for persons acting as executors of wills who are charged with selling a house on behalf of the estate of a deceased person; and if he will make a statement on the matter. [15334/12]

375. **Deputy Dessie Ellis** asked the Minister for the Environment, Community and Local Government his plans to defer the levy of the household charge on properties which are currently under the control of executor of wills until the resolution of the will. [15397/12]

397. **Deputy Maureen O'Sullivan** asked the Minister for the Environment, Community and Local Government if he will consider a deferral of payment for the household charge for those who are unknowingly executors of wills and who are in difficulty selling a property due to the collapse of the property market; and if they can pay the household charge and the second household charge at a later date once the property is sold; and if he will make a statement on the matter. [15706/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 346, 347, 359, 360, 369, 370, 375 and 397 together.

[Deputy Phil Hogan.]

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 is not, in respect of that residential property, 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.

*Question No. 347 answered with Question No. 346.*

### **Local Authority Funding**

348. **Deputy Joan Collins** asked the Minister for the Environment, Community and Local Government if it has been brought to his attention that Sligo County Council has had the highest overall deficit balance of all county and city councils as outlined in its respective annual financial statements for the financial years ending 31 December 2008, 31 December 2009 and 31 December 2010; if it has been further brought to his attention that Sligo County Council had a deficit of €2,815,649 on its revenue account for the year ending 31 Dec 2008, a deficit of €3,232,961 for the year ending 31 Dec 2009, a deficit of €2,463,505 for the year ending 31 Dec 2010; that the members of Sligo County Council were informed at their monthly meeting on 5 March 2012 that the council's overall Revenue account debt at the end of 2011 increased to

€12.9 million and that the council's capital debt is now €73 million; that a majority of the members of the council approved an increase in the council's overdraft facility from €11 million to €14 million for the period April 2012 to September 2012; if he intends to sanction the increased overdraft; and if he will make a statement on the matter. [14975/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** It is a matter for each local authority, including Sligo County Council, to manage its own day-to-day finances in a prudent and sustainable manner. 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.

I have had no written communication with Sligo County Council in relation to the sanctioning of a €14m overdraft for the period April 2012 to September 2012.

### Regeneration Projects

349. **Deputy Joan Collins** asked the Minister for the Environment, Community and Local Government further to Parliamentary Question No. 282 of the 2 November 2011, in view of the delay involved in issuing a response to date if he will expedite the matter; and if he will make a statement on the matter. [14977/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** The information requested was sent to the Deputy by way of letter dated 21 December, 2011. My Department will forward a copy of this letter as quickly as possible.

### Regeneration Funding

350. **Deputy Joan Collins** asked the Minister for the Environment, Community and Local Government if he will provide a breakdown of the expenditure of regeneration funding in 2011 in respect of the eastern quadrant regeneration project in Sligo; and if he will make a statement on the matter. [14978/12]

**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. 126 of the 8 March 2012.

Information in relation to recoupments on projects and related costs in 2011 is set out in the following table:

Project	Recoupment
House Acquisitions	€1,009,600
Refurbishment programme	€479,364
Office/Administration/Training	€23,332
De-tenanting and securing of Doorly Park Maisonnets	€46,443
Demolition of Centre Block/Cranmore Place — residual payments	€58,742

### Housing Grants

351. **Deputy Joan Collins** asked the Minister for the Environment, Community and Local Government if it has been brought to his attention that matching funds for the housing adaptation grant for people with a disability scheme, the housing aid for older people grant scheme, and the mobility aids grants scheme was provided for in Sligo County Council's budget for

[Deputy Joan Collins.]

2012; if it has been brought to his further attention that the county manager has indicated he has frozen the said funds and refuses to further process grant applications or to provide grants to eligible citizens in spite of the fact that the Minister has allocated funding for the schemes; if he has given instructions to the Sligo county manager to freeze or halt the payment of any grants; and if he will make a statement on the matter. [14980/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** My Department’s involvement with the Housing Adaptation Grant Schemes for Older People and People with a Disability relates primarily to the recoupment of a proportion of local authority expenditure on the payment of individual grants. The grant schemes, introduced in November 2007, are funded by 80% recoupment available from my Department together with a 20% contribution from the resources of the local authority. It is a matter for each local authority to determine how the funding is apportioned between the various grant measures and to manage the operation of the schemes in their areas from within the allocation.

On 28 February, my Department notified Sligo County Council of an Exchequer allocation of €798,147 under the grant schemes for 2012. The Council subsequently advised my Department that due to the difficult financial situation within the council at present, the council is not in a position to provide revenue funding of €199,537 to meet the 20% own resources funding requirement under the grant schemes this year. The council also sought approval to administer the grant schemes on the basis of 100% recoupment from my Department, and, in the event that this was not possible, that applicants themselves would fund the 20% shortfall.

The statutory provisions relating to the detailed operation and administration of the grants schemes are set out in the Housing (Adaptation Grants for Older People and People with a Disability) Regulations, 2007. In the case of each of the grant measures, the Minister may make a contribution to the housing authority which shall not exceed 80% of the approved cost of the works. In accordance with the administrative guidance issued to local authorities in October 2007, authorities are required to provide the remaining 20% from their own resources as provided for in annual estimates of expenditure. Sligo County Council has been advised of the need to comply with these provisions.

#### **Local Authority Members’ Remuneration**

352. **Deputy John Halligan** asked the Minister for the Environment, Community and Local Government in view of the fact that he is responsible for the payment by local authorities of remuneration to its members and for the payment of allowances for expenses incurred by those members, if he will make available to Dáil Éireann details of remuneration paid to Waterford city and county councillors in respect of both salaries and expenses for the years 2010 and 2011, respectively. [15047/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I have no function in relation to the individual remuneration of members of local authorities, or for the payment of allowances for expenses incurred by those members. The Deputy may wish to consult the public register, provided for in section 142(4)(g) of the Local Government Act 2001, maintained by the relevant local authorities by virtue of article 8 of the Local Government (Representational Payment for Members) Regulations 2001.

*Question No. 353 answered with Question No. 345.*

### Architectural Qualifications

354. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to the EC clarification on the grandfathering clause aimed at allowing persons who have several years' experience of practising as an architect but who do not have a formal college qualification to be admitted to the official register of architects; if he intends legislating for the matter; and if he will make a statement on the matter. [15088/12]

356. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government his views on correspondence regarding a grandfathering clause for architects (details supplied) [15090/12]

363. **Deputy Seán Kenny** asked the Minister for the Environment, Community and Local Government if he intends to review the Building Control Act 2007. [15287/12]

390. **Deputy Maureen O'Sullivan** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to the European Commission clarification (details supplied) on the grandfather clause for unregistered architects; if he acknowledges the significance of the clarification with regards to architect legislation; if he accepts there is a need to address this clarification immediately; and if he will make a statement on the matter. [15636/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to answer Questions Nos. 354, 356, 363 and 390 together.

I am aware of the response given by the European Commission on 21 February 2012 to Question No. E-012450/2011 in the European Parliament. I am satisfied that the Building Control Act 2007 is in keeping with the requirements of relevant EU legislation and, in particular, the provisions of Directive 2005/36/EC as regards the free movement of workers within the single market and the recognition by Member States of the qualifications of individuals from other Member States.

I refer to the reply to Question No 27 of 30 November 2011 which sets out the arrangements already in place under the Building Control Act 2007 for the registration of practically trained persons as architects. To date 31 practically trained persons have been deemed eligible for inclusion on the register of architects. Of these, 6 underwent the technical assessment process and 25 underwent the register admission examination.

I have no plans to amend the Act along the lines suggested. I would encourage members of the alliance to pursue the routes to registration which are currently open to them with a view to joining the small and growing numbers of practically trained architects already on the register.

### Local Authority Charges

355. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government if homes that are under control of the National Asset Management Agency are eligible for the household charge and if local authorities will be eligible to pay the household charge as they are considered to be landlords. [15089/12]

**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.

[Deputy Phil Hogan.]

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 the meaning of residential property for the purposes of the legislation. Section (2)(2)(a) provides that a building—

- (i) from which no income has been derived since the building's construction,
- (ii) that, since the building's construction, has never been used as a dwelling, and
- (iii) that forms part of the trading stock of a business as defined in section 2(3), is not a residential property for the purposes of the Act.

Section 2(2)(b) provides that a building that is vested in a housing authority is not a residential property for the purposes 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.

*Question No. 356 answered with Question No. 354.*

### **Planning Issues**

357. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government the position regarding securing unfinished estates (details supplied); and if he will make a statement on the matter. [15213/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** I am chairing the National Co-ordination Committee on Unfinished Housing Developments to oversee implementation of the Report of the Advisory Group on Unfinished Housing Developments, together with the Government's response to the recommendations. The Committee includes representatives from the Irish Banking Federation, local authorities, the Housing and Sustainable Communities Agency, NAMA and the construction sector. The Committee is meeting on a regular basis with the aim of publishing a report on progress achieved within the next 12 months. In the meantime, work is ongoing on implementation of the Report of the Advisory Group and real progress is already being made with regard to the public safety works required to improve the living conditions of existing residents on some unfinished estates. To date, my Department has made allocations totalling €2,548,305 to fifteen local authorities from the funding allocation made available to address immediate safety issues. The types of works that have been approved to date include:

- fencing off of unsecured and hazardous areas,
- capping of pipes,
- installation of street lighting, and
- other works to secure sites.

Planning authorities are also making progress in securing the co-operation of developers, financial institutions, both domestic and foreign owned, and/or bond holders, thereby obviating the need to use Exchequer resources to fund such work.

The particular estate in question was identified as an unfinished development in accordance with the criteria set out by my Department. It was categorised as being a category 3 estate which means it is an estate where the developer is in place but there is no on-site activity and the developer is responsible for managing the site from a public safety perspective. I understand that a planning application is currently being processed for the retention and completion of the development. I have requested a full report on this tragic accident from Westmeath County Council and a Garda investigation is also underway.

### **Local Authority Charges**

358. **Deputy Pádraig Mac Lochlainn** asked the Minister for the Environment, Community and Local Government if he will introduce arrangements to allow those who pay the non-principal private residence charge to enter into an instalment arrangement in order to ease the financial pressure of having to pay a lump sum. [15259/12]

407. **Deputy David Stanton** asked the Minister for the Environment, Community and Local Government if he will make arrangements for persons to pay non-principal private residence tax by instalments, in particular where penalties and interests have accrued; and if he will make a statement on the matter. [15812/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to answer Questions Nos. 358 and 407 together.

The Local Government (Charges) Act 2009, as amended, broadened the revenue base of local authorities by introducing a charge on non-principal private residences. The charge is set at €200 and liability for it falls, in the main, on owners of rental, holiday and vacant properties.

Under the Act, it is a function of a local authority to collect non-principal private residence charges and late payment fees due to it and all charges and late payment fees imposed and payable to a local authority are under the care and management of the local authority concerned. In this regard, application of the legislation in particular circumstances is a matter for the relevant local authority. Interpretation of the legislation is a matter for legal advice in individual cases and ultimately a matter for the Courts.

I have recently issued guidelines to local authorities in relation to the operation of the “care and management” provisions of the legislation in the context of individual situations where genuine hardship in having to discharge a liability in a single payment can be demonstrated. In such cases, the guidelines set out the modalities for local authorities in entering into payment arrangements for the discharge of outstanding liabilities in instalments over a specified period.

*Questions Nos. 359 and 360 answered with Question No. 346.*

### **Dormant Accounts Fund**

361. **Deputy Simon Harris** asked the Minister for the Environment, Community and Local Government the amount of money that remains in the Dormant Accounts Fund; when he expects to distribute this money; the way organisations can petition to be included for funding from the fund; and if he will make a statement on the matter. [15275/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The net value of the Dormant Accounts Fund (uncommitted funds) was €68.25 million on 29 February 2012. A summary of the current status of the Dormant Accounts Fund is available on my Department’s website.

[Deputy Phil Hogan.]

Government Departments and agencies have to source monies for dormant accounts programmes and measures from their Exchequer allocation, in the same way as with any other funding programmes. When the monies expended on dormant accounts measures and programmes are reimbursed from the Dormant Accounts Fund, such reimbursement is refunded to the Exchequer rather than to the spending Department. For this reason, dormant accounts expenditure is subject to the same constraints within Departments as any other spending programmes.

At a time of severe budgetary pressure, resulting in reduced allocations across Government Departments Votes, spending has been prioritised in line, *inter alia*, with the outcome of the comprehensive review of expenditure and having regard to key capital investment needs. Expenditure on new dormant accounts measures or programmes could therefore affect existing priority programmes.

The Dormant Accounts Fund provides for consideration of applications received on foot of advertised measures. There are currently no measures open under the Dormant Accounts Fund.

### Water Services

362. **Deputy Robert Troy** asked the Minister for the Environment, Community and Local Government if he has any plans to introduce a grant scheme for premises to install water harvesting facilities. [15282/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Harvested rainwater can potentially be used as an alternative source of water for various domestic purposes, e.g. supplying toilet cisterns, car washing etc. and for various business and commercial operations. There are also environmental and economic benefits that can accrue from reducing the demand for water abstraction at source and the subsequent and expensive treatment of raw water for human consumption. Large-scale rainwater harvesting systems are already in use by some schools, factories and other buildings and are increasingly being incorporated into new developments.

The introduction of a grants scheme for any purpose must be managed within current budgetary constraints and, in so far as the funds administered by my Department are concerned, there are currently no plans to introduce a scheme of grant aid for the installation of rainwater harvesting equipment. The Department of Agriculture, Food and the Marine administers a scheme of grant aid for the installation of rainwater harvesting equipment on farms. Details of the scheme are available on that Department's website at [www.agriculture.gov.ie](http://www.agriculture.gov.ie).

*Question No. 363 answered with Question No. 354.*

### Local Authority Charges

364. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government the number of persons that have paid the €100 household charge as of 9 March 2012; and if he will make a statement on the matter. [15306/12]

395. **Deputy Noel Grealish** asked the Minister for the Environment, Community and Local Government the number of households in each local authority area that have paid the household charge as of the 14 March 2012; and if he will make a statement on the matter. [15699/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 364 and 395 together.

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 9 March, 2012, a total of 209,965 properties and as of 14 March, 2012, a total of 240,645 properties had been registered for payment of the household charge.

As of 16 March, 2012, a total of 261,563 properties had been registered for payment of the household charge. This equates to income of some €26.1m.

The LGMA does not have the sub national details of the registrations sought in the question.

### **Waste Management**

365. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government if all horse riding establishments must produce an environmental policy or environmental management plan and if so, is this document public record; if the Waste Management Act 1996 covers the environmental impact of horse fouling on public roads by such establishments. [15324/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** There is no specific requirement under the Waste Management Act for horse riding establishments to produce an environmental policy or environmental management plan in respect of their horse riding activities, nor does the Act cover the environmental impact of horse fouling on public roads by such establishments.

However I understand that under the Control of Horses Act all local authorities are responsible for the control of horses in their areas and local authorities have significant powers to introduce bye laws in this regard. The Control of Horses Act is a matter for my colleague, the Minister for Agriculture, Food and the Marine.

### **Building Regulations**

366. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government the number of times the pyrite committee has met; when the committee is due to report; and if he will make a statement on the matter. [15325/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Pyrite Panel is an independent body and I am not aware of the details of the arrangements it has made to undertake its work. I understand that it has engaged in an extensive consultation process and is now preparing its report which I hope to receive shortly.

### **Private Rented Accommodation**

367. **Deputy Patrick Nulty** asked the Minister for the Environment, Community and Local Government the total Government expenditure, through the homeless persons unit, on payments to private landlords for emergency accommodation for homeless persons, year on year for the following years: 2005, 2006, 2007, 2008, 2009, 2010 and 2011; and if he will make a statement on the matter. [15327/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** Homeless Persons Units which are staffed by Community Welfare Officers are currently under the remit of my colleague the Minister for Social Protection. Prior to 2011, Homeless Persons Units were under the remit of the Department of Health/HSE and my Department does not hold nor would it be privy to the details of payments made by Com-

[Deputy Jan O’Sullivan.]

munity Welfare Officers to, or on behalf of, persons who presented as homeless, be it rent allowance, rent deposits or other exceptional need payments.

My Department does however recoup Section 10 funding at a rate of 90% to local authorities for the provision of emergency homeless accommodation and the total amount recouped nationally for the years 2005-2011 in respect of private emergency accommodation providers is outlined below. The figures are exclusive of the 10% contribution of the local authorities.

2005 — €13,612,865.79,

2006 — €14,848,635.19,

2007 — €16,296,477.98,

2008 — €14,290,208.81,

2009 — €12,148,051.86,

2010 — €11,206,886.63,

2011 — €10,478,982.16.

#### **Local Authority Charges**

368. **Deputy Peadar Tóibín** asked the Minister for the Environment, Community and Local Government the reason an estate (details supplied) in County Meath has been removed from the list of unfinished housing estates. [15331/12]

374. **Deputy Robert Troy** asked the Minister for the Environment, Community and Local Government if he will include an unfinished estate (details supplied) in County Longford under category 4, unfinished housing estates, that qualify for a waiver of the household charge. [15382/12]

388. **Deputy Michelle Mulherin** asked the Minister for the Environment, Community and Local Government the reason an estate (details supplied) in County Mayo has not been included in the list of unfinished estates that are exempt from the household charge despite it clearly being unfinished; and the way the estate can be included on that list. [15583/12]

392. **Deputy Emmet Stagg** asked the Minister for the Environment, Community and Local Government if he will explain in detail the reason an estate (details supplied) was not included in the waiver for household charge for certain unfinished housing developments. [15664/12]

394. **Deputy Michelle Mulherin** asked the Minister for the Environment, Community and Local Government the reason an estate (details supplied) in County Mayo has not been included in the list of unfinished estates that are exempt from the household charge despite it clearly being unfinished and eligible to be category three; and the way an estate can be included on this list. [15693/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** I propose to take Questions Nos. 368, 374, 388, 392 and 394 together.

As part of the process of preparing the National Housing Development Survey 2011, published by my Department in October 2011, local authorities provided details of all unfinished

housing developments in their areas. Unfinished housing developments were divided into four categories as follows:

- Category one, where the development is still being actively completed by the developer, or where no serious public safety issues exist;
- Category two, where a receiver has been appointed;
- Category three, where a receiver has not been appointed and the developer is still in place but effectively inactive; and
- Category four, where the development has been effectively abandoned and is posing serious problems for residents.

Other relevant factors for the purposes of the categorisation process include, *inter alia*:

- the state of completion of roads, footpaths, public lighting, 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. The list of developments in which households are eligible for the waiver in 2012 is set out under the Local Government (Household Charge) Regulations 2012. The prescribed list of estates to which the waiver applies is the final and complete list for 2012.

A revised list of estates will be prescribed for 2013 after which time the waiver for unfinished housing developments will end. Throughout this period it is anticipated that the numbers of categories 3 and 4 developments will decrease significantly as my Department continues to work with local authorities and other stakeholders to resolve outstanding issues, including through the Public Safety Initiative.

*Questions Nos. 369 and 370 answered with Question No. 346.*

### **Social and Affordable Housing**

371. **Deputy Jerry Buttimer** asked the Minister for the Environment, Community and Local Government if it is permissible for local authorities to prioritise persons who are in employment when making offers of leasing arrangements for social housing; and if he will make a statement on the matter. [15335/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** Under section 22 of the Housing (Miscellaneous Provisions) Act 2009, it is a matter for the housing authority to determine, in accordance with their allocation scheme, the priority afforded to applicants on the authority’s waiting list for social housing, including that sources through the Social Housing Leasing Initiative. The making and amendment of such an allocation scheme for social housing is a reserved function of the elected members of each housing authority.

### Waste Disposal

372. **Deputy Robert Dowds** asked the Minister for the Environment, Community and Local Government when his plans to provide resources for a bin waiver system will be introduced, which is particularly important in south Dublin given its current bin waiver system comes to an end on 31 March 2012. [15343/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The *Programme for Government* contains a commitment to introduce competitive tendering for household waste collection, under which service providers would bid to provide waste collection services in a given area, for a given period of time and to a guaranteed level of service.

A public consultation designed to inform the policy development process concluded in September 2011. A large number of responses were received from a broad spectrum of interests. A consensus is not apparent and, on almost all of the relevant issues, a considerable breadth of opinion was expressed. All of the responses received, in addition to a summary document, are available on my Department’s website, [www.environment.ie](http://www.environment.ie).

I expect to be in a position to submit final proposals in relation to household waste collection to Government by Easter this year. All policy proposals will be carefully considered by Government and will take account of the full range of issues and perspectives. In that context I will be engaging with my Government colleagues on the matter of a waiver scheme, where the issues involved primarily relate to support for low income households.

### Motor Taxation

373. **Deputy Ciarán Lynch** asked the Minister for the Environment, Community and Local Government if he intends to introduce changes to the emissions-based car tax system in the near future; and if he will make a statement on the matter. [15367/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** A review of options for the improvement in Vehicle Registration Tax (VRT) and motor tax revenues in future years was announced on Budget day, 6 December 2011. Interested parties were invited to make submissions regarding the proposed revision in the current system of VRT and motor tax to adjust CO<sub>2</sub> bands and rates in line with technological advances in motor vehicles while maintaining a positive environmental incentive to reduce transport emissions.

The public consultation period ran to 1 March 2012. Submissions were received from motor-ing representative organisations, motor dealers and other elements of the motoring industry, and also from private individuals.

My Department and the Department of Finance will be considering the submissions over the coming weeks, with a view to bringing early proposals to Government.

*Question No. 374 answered with Question No. 368.*

*Question No. 375 answered with Question No. 346.*

### Local Authority Housing

376. **Deputy Willie Penrose** asked the Minister for the Environment, Community and Local Government if he will indicate if a submission by a local authority (details supplied) in County Longford has been considered and approved in order that the local authority can prepare contract documents so as to advance this project to tender stage; and if he will make a statement on the matter. [15406/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** My Department has approved the request by Longford County Council to proceed with the preparation of contract documents for the housing refurbishment project at Tromra Road, with a view to advancing this proposal to tender stage as quickly as possible.

### Departmental Bodies

377. **Deputy Noel Grealish** asked the Minister for the Environment, Community and Local Government the reason the expert group examining a possible property tax consists only of civil servants and a retired civil servant, and does not include any representatives from external expert bodies; if he will give the individual rationale for selecting each member of the group; if he feels the group has the correct balance, notwithstanding the credentials of those on the group; and if he will make a statement on the matter. [15412/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Government has established the Inter-Departmental expert Group to consider the structures and modalities for an equitable valuation based property tax. This Group 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 property tax as soon as possible. It will then be a matter for the Government to decide on the modalities of the property tax.

The Group may call on technical expertise from the CSO, An Post/Ordnance Survey of Ireland (Geo-Directory), the Property Registration Authority, the Valuation Office, the Property Services Regulatory Authority and other individuals, organisations and agencies as it may deem to be of assistance in carrying out its work.

In addition, written submissions to the Group were invited from interested organisations and members of the public before 16 March, 2012.

### Local Authority Charges

378. **Deputy Noel Grealish** asked the Minister for the Environment, Community and Local Government if any part of the legislation underpinning the household charge and the non-principal private residence charge prevents landlords passing on these charges to their tenants, as provided in standard letting agreements, notwithstanding that it is the owner who has the liability; and if he will make a statement on the matter. [15413/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** 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, it is the owner of a residential property who is liable for the household charge.

[Deputy Phil Hogan.]

Section 1 of the legislation provides a definition of “owner” which, in relation to a residential property, means—

(a) a person (other than a mortgagee not in possession) who—

(i) in the case of a residential property that is let under a lease or held under a tenancy for a term not exceeding 20 years, is entitled to receive the rent under that lease or tenancy whether in his or her own right or as trustee or agent for another person, or

(ii) in the case of a residential property that is not so let or so held, would, subject to *paragraph (b)*, be so entitled if the residential property were so let or so held, whether in that person’s own right or as trustee or agent for another person,

or

(b) where the property is let under a lease or held under a tenancy for a term exceeding 20 years, the person (other than a mortgagee not in possession) who is the lessee under that lease or tenant under that tenancy.

### Planning Issues

379. **Deputy Seán Kyne** asked the Minister for the Environment, Community and Local Government his views on introducing mandatory requirements on local authorities to initiate public consultation procedures for proposed wind farm development owing to the size and impact on the environment, both natural and man made, such developments undeniably have; and if he will make a statement on the matter. [15441/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** The *Wind Energy Development Guidelines*, which were published by my Department on 29 June 2006, provide advice to planning authorities on catering for wind energy through the development plan process. The guidelines are also intended to ensure a consistency of approach throughout the country in the identification of suitable locations for wind energy development and the treatment of planning applications for wind energy developments. This mapping of suitable locations is carried out through the development plan process which makes extensive statutory provision for public consultation.

Planning legislation provides for extensive public notification of proposed development at the development management stage. For example, article 17 of the Planning and Development Regulations 2001-2010 requires an applicant to erect a site notice in order to lodge a valid application for planning permission. Article 19 of the Regulations requires that this notice must be placed in a conspicuous position on or near the main entrance from a public road to the land or structure concerned, so as to be easily visible and legible by persons using the public road. Alternatively, if the land or structure does not adjoin a public road, the site notice should be placed so as to be easily visible and legible by persons outside the land or structure. The site notice must contain the date on which the site notice is erected and state that the planning application may be inspected or purchased at the offices of the planning authority and that a submission or observation in relation to the application may be made to the authority in writing, on payment of the prescribed fee, within the 5 weeks beginning on the date of receipt by the planning authority of the application. The applicant must erect the site notice no sooner than 2 weeks before making the application for permission in order to facilitate third party inspection of the application. Where it appears to a planning authority that any notice does not comply with these requirements, they may require the applicant to give further notice and

evidence in relation to compliance with such a requirement. Article 18 of the Planning and Development Regulations 2006 also provides that a notice be published in a newspaper approved for this purpose. Each planning authority must decide which newspapers should be included on their approved list of newspapers in order to ensure that the newspapers used for the purpose of such notices have a sufficiently large circulation in its functional area.

In addition the planning authority must, under section 34(3) of the Planning and Development Act 2000, have regard to any observations or submissions received concerning the proposed development in accordance with the relevant regulations.

Furthermore, any person who makes a submission to the planning authority may appeal the decision of the planning authority to the Board. An Bord Pleanála in some instances holds oral hearings in relation to cases being considered by it, further adding to the opportunities to participate in the decision-making process.

### **Local Authority Charges**

380. **Deputy Jim Daly** asked the Minister for the Environment, Community and Local Government further to Parliamentary Question No. 383 of 13 March 2012, if he will give his views regarding each point raised in the question, in particular to the fairness of the household charge on properties that are used for eight weeks of the year and that pay tax on any group profits made as they are under a limited company tax return; and if he will make a statement on the matter. [15449/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The EU/IMF Programme of Financial Support for Ireland under its fiscal consolidation measures commits to the introduction of a property tax for 2012. In light of the complex issues involved, a property tax, requiring a comprehensive property valuation system, would take time to introduce and accordingly, to meet the requirements in the EU/IMF Programme, the Government decided to introduce the household charge in 2012. The household charge is an interim measure and an equitable valuation based property tax will be introduced as soon as possible.

The household charge is a new dedicated source of funding for local government and will go towards paying for essential local services such as planning and development, fire and emergency services, maintenance and cleaning of streets and street lighting public parks, libraries, open spaces and leisure amenities.

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

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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.

381. **Deputy James Bannon** asked the Minister for the Environment, Community and Local Government his plans to introduce a change in legislation to achieve a tiered system in reduction in rates to help small businesses, as the present percentage rate reductions, favour the large rate payers, such as semi-States and so on, as much as the family businesses; and if he will make a statement on the matter. [15459/12]

**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.

I have requested that local authorities exercise restraint in setting their 2012 ARVs. Across the 88 local authorities, the average change of ARV from 2011 to 2012 shows a decrease of 0.27%.

I recognise that these are difficult economic times for many businesses and I will continue to keep all matters relating to rates under regular consideration in my Department.

### **Housing Regeneration**

382. **Deputy James Bannon** asked the Minister for the Environment, Community and Local Government the position regarding the regeneration application in respect of an estate (details supplied); and if he will make a statement on the matter. [15460/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** There are no proposals with my Department for the regeneration of Ennel Court housing estate. However, provisional approval was given to Westmeath County Council in October 2010 in respect of the reconstruction of four housing units based on a leasing proposal involving the sale and lease back of the properties concerned. I understand that the Council intends to submit a revised leasing proposal involving up to 16 housing units in Ennel Court.

### **Departmental Agencies**

383. **Deputy Mary Lou McDonald** asked the Minister for the Environment, Community and Local Government if he will provide in tabular form a breakdown of the position, salary,

allowance and expenses paid to each of the employees of agencies (details supplied) in 2011. [15463/12]

384. **Deputy Mary Lou McDonald** asked the Minister for the Environment, Community and Local Government if he will provide in a tabular form a breakdown of the number of board members and their respective annual remuneration for 2011 of agencies (details supplied). [15465/12]

385. **Deputy Mary Lou McDonald** asked the Minister for the Environment, Community and Local Government if he will provide in tabular form a list of all agencies and bodies and internal organisations under his aegis. [15501/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 383, 384 and 385 together.

My Department has a role in agreeing overall staff numbers, with the agreement of the Department of Public Expenditure and Reform, for agencies under its aegis. However, the day to day management of each agency, including the payment of salaries and expenses, in accordance with Department of Public Expenditure and Reform guidelines, is a matter for the management of each agency. My Department does not maintain the level of detailed information requested. That information would be held within each agency.

The following table contains the information available to my Department in relation to all State Agencies and Boards under its aegis:

Agency/Board	Total Number of Board Members	Remuneration of Chair 2011	Remuneration of Board Members 2011
An Bord Pleanála	10	PPC Rate €206,616 and the Non PPC Rate €196,285	Ordinary Board Members — €127,588 and the Non PPC Rate €121,208
An Chomhairle Leabharlanna	13	€8,978	—
Building Regulations Advisory Board	22	€8,978	—
Dormant Accounts Board	11	€8,978	€5,985
Dublin Docklands Development Authority	8	—	€11,970
Environmental Protection Agency	5	Top of Form Salary Scale Director General Non-PPC: €173,647 PPC: €182,787 Bottom of Form	Salary Scales PPC: €127,588 — €145,952 Non-PPC: €121,208 — €138,655
Housing Finance Agency	11	€11,970	€7,695
Interim Housing and Sustainable Communities Agency	8	€11,970	€7,695
Irish Water Safety	13	€8,978	—
Limerick Northside Regeneration Agency	17	€8,550	€5,985
Limerick Southside Regeneration Agency	17	€8,550	€5,985
Local Government Computer Services Board	11	—	—
Local Government Management Services Board	—	—	—
National Building Agency	8	See IHCA	See IHCA

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Agency/Board	Total Number of Board Members	Remuneration of Chair 2011	Remuneration of Board Members 2011
National Traveller Accommodation Consultative Committee	12	€8,978	—
Private Residential Tenancies Board	11	*	*
Radiological Protection Institute of Ireland	12	€11,970	€7,695
Western Development Commission	12	€8,978	€5,985

\*Those PRTB members of the Board who are entitled to Board fees are paid such fees on an attendance basis only. Details regarding the scale of fees and the amounts paid are published in the annual reports of the PRTB.

The reference to the remuneration to chairs and members of Boards is to the level of fee to which they are entitled.

The Boards of An Bord Pleanála and the Environmental Protection Agency are executive in nature, and positions on the board are full time, salaried positions. Consequently, board members do not receive attendance expenses.

Following a review in 2011, the salary in respect of new ordinary member appointments to An Bord Pleanála has been revised downwards to €111,214 (non ppc) and €116,935 (ppc). The reappointments made since that review have been at these lower rates. As of January 2012 the rate of remuneration of the Chair of An Bord Pleanála has been reduced to a PPC Rate of €189,474 and a Non PPC Rate of €180,000.

A new Director General of the Environmental Protection Agency was appointed in November 2011 with a reduced salary scale, the PPC rate of €164,464 and the Non-PPC rate of €156,240.

As part of a rigorous appraisal of the State Agencies under the aegis of my Department, I announced, in October, 2011, further measures in relation to the rationalisation programme with the overall number of agencies being reduced from 21 to 12.

The Local Government Management Services Board and the Local Government Computer Services Board are merging as the Local Government Management Agency.

An Chomhairle Leabharlanna will be dissolved, with any key residual functions to be subsumed into the Local Government Management Agency.

The Housing and Sustainable Communities Agency (HSCA) rationalises the functions of three Agencies including the National Building Agency.

The Limerick Northside and Southside Regeneration Agencies will be replaced through the development of new management arrangements in the context of the merger of Limerick City and Limerick County Council.

The Dormant Accounts Board (Amendment) Bill 2011 proposes to dissolve the Dormant Accounts Board.

Comhar (Sustainable Development Council) was discontinued at the end of 2011 and its sustainable development role is currently being integrated into the work of the National Economic and Social Council (NESC).

The agency rationalisation/efficiency agenda will be kept under review, taking the Public Service Reform Plan's recommendations into account, insofar as all agencies under my Department's aegis are concerned.

### Ministerial Travel

386. **Deputy Ciarán Lynch** asked the Minister for the Environment, Community and Local Government if he will set out the mileage claimed by any Minister of State in his Department for each year from 2005 to 2010; and if he will make a statement on the matter. [15516/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The mileage claimed by each Minister of State in my Department during the period in question is set out in the Table below.

	Michael Finneran		Tony Killeen		Batt O’Keeffe		Noel Ahern	
	Kms.	€	Kms.	€	Kms.	€	Kms.	€
2005	—	—	—	—	101,257	45,225	46,337	18,577
2006	—	—	—	—	96,540	44,966	47,631	19,902
2007	—	—	43,822	22,491	102,717	51,612	21,078	10,407
2008	59,634	30,036	28,424	15,719	31,850	17,226	—	—
2009	93,870	37,398	—	—	—	—	—	—
2010	78,370	29,128	—	—	—	—	—	—

### Local Authority Charges

387. **Deputy Simon Harris** asked the Minister for the Environment, Community and Local Government if he will examine the possibility of utilising An Post’s nationwide network to enable house owners to pay the household charge through their local post office; and if he will make a statement on the matter. [15559/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** An Post is assisting in broadening the number of local outlets where the household charge declaration form is available. The declaration form is available outside the counter in the network of 1,152 local post offices. Persons may complete the declaration and forward it to the central payment bureau at Household Charge, PO Box 12168, Dublin 1.

There is a range of other options available for persons to pay the household charge. An online system [www.householdcharge.ie](http://www.householdcharge.ie) is in place in the Local Government Management Agency (LGMA) to enable homeowners to pay the household charge by credit/debit card. In addition, homeowners can make payment by cheque, postal order or by credit/debit card by completing the relevant payment details on the declaration form and posting it to Household Charge, PO Box 12168, Dublin 1. Instalment payments were available by direct debit only and persons opting to pay in this way had to register their details before 1 March, 2012.

A bureau is in place in the LGMA to administer the charge on a shared service/agency basis for all local authorities. In addition, all county/city councils have been requested to have arrangements in place for persons to attend their principal offices to pay the household charge up to 31 March, 2012.

I am satisfied that there is a comprehensive suite of payment options available to persons to pay the household charge. I have no proposals to extend these further to post offices.

*Question No. 388 answered with Question No. 368.*

### Noise Pollution

389. **Deputy David Stanton** asked the Minister for the Environment, Community and Local

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Government if he or his Department or any body under his aegis is aware of any complaints from persons who are suffering disruption to their daily lives and sleep from high and low pitch noises which appear to be inaudible to most persons; if any investigations have been carried out on same; and if he will make a statement on the matter. [15627/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** My Department is routinely contacted by members of the public who are experiencing noise nuisance and seeking information on how this can be addressed. 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*.

The investigation of noise complaints is a matter for the relevant local authorities. It is open to persons who are experiencing a noise nuisance to contact the Environment Section of their local authority to request the local authority to investigate the matter. My Department is not aware of any noise complaints having been received by local authorities that match the description provided by the Deputy.

*Question No. 390 answered with Question No. 354.*

### **Radon Gas**

391. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government if he will review a matter (details supplied) regarding radon gas; and if he will make a statement on the matter. [15653/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Radon is a naturally occurring radioactive gas that can accumulate in buildings. Exposure to high levels of radon increases the risk of lung cancer, especially for smokers. The Radiological Protection Institute of Ireland (RPII) estimates that radon exposure is linked to approximately 150 to 200 lung cancer deaths in Ireland each year. The majority of radon linked cancers occur among smokers.

Most exposure to radon gas is known to occur in the home. However, radon exposure can also occur in the workplace, and employers, especially those in High Radon Areas, are encouraged to test their premises for radon and to take action to reduce radon levels where required. Regulations under the 1991 Radiological Protection Act established a national reference level for radon in workplaces of 400 Bq/m<sup>3</sup>.

Raising the awareness of employers about the potential risks from radon in the workplace is an element of the radon awareness programme operated by the RPII, which is the Government Agency with statutory responsibility for the provision of advice to Government and public about protection from the harmful effects of ionising radiation, including from radon gas.

The RPII implements a programme of inspections in workplaces in which radioactive sources or irradiating devices are used. The use of issue of radon is also raised by the RPII during these inspections.

Employers are obliged under workplace health and safety legislation to assess all health and safety risks in the workplace, including radon. The competent authority for the purposes of this legislation is the Health and Safety Authority which is an agency under the aegis of the Department of Jobs, Enterprise and Innovation. Under the terms of a Memorandum of Understanding between the RPII and HSA, the issue of radon is routinely raised by HSA inspectors during inspections of enclosed ground floor workplaces in High Radon Areas.

Both the HSA and the Department of Jobs, Enterprise and Innovation are represented on an Inter-Agency Group established in September 2011 under the leadership of my Department to develop a National Integrated Strategy for Radon Control. The necessity of developing further measures to address radon in workplaces will be considered by this Group as part of its overall remit.

I have no plans at present to establish a scheme of grant assistance for radon testing. Radon tests are available from the RPII and a range of private suppliers for a cost of approximately €60.

*Question No. 392 answered with Question No. 368.*

### **Private Rented Accommodation**

393. **Deputy Billy Timmins** asked the Minister for the Environment, Community and Local Government his plans, if any, to amend the Residential Tenancies Act 2004 in view of the issues raised (details supplied); and if he will make a statement on the matter. [15665/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** The Residential Tenancies Act 2004 sets out the rights and obligations of landlords and tenants in the private rented residential sector. While action to deal with anti-social behaviour is primarily a matter for An Garda Síochána, in the case of private rented dwellings landlords are responsible for enforcing the obligations that apply to their tenants. The Private Residential Tenancies Board (PRTB) was established under the Act to operate a national tenancy registration system and to resolve disputes between landlords and tenants in the private rented residential sector.

My Department conducted a review of the Act in 2009 with a specific emphasis on whether the Act best supports the PRTB’s key functions and on whether legislative amendments would support either the achievement of additional operational efficiencies by the PRTB in the delivery of those functions or the broader good working of the private rented sector. The outcomes of the review were announced in April 2010 and the over-holding of property and the non-payment of rent by tenants were identified in the review as issues meriting specific attention.

The drafting of the Residential Tenancies (Amendment) Bill 2011 was approved by Government in July 2011 and the Bill is currently in preparation by the Office of the Parliamentary Counsel in collaboration with my Department.

*Question No. 394 answered with Question No. 368.*

*Question No. 395 answered with Question No. 364.*

### **Local Authority Charges**

396. **Deputy Peter Mathews** asked the Minister for the Environment, Community and Local Government his plans to introduce an exemption of the household charge to those who are already paying the non-principal private residence charge and the household charge on two houses; and if he will make a statement on the matter. [15705/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Local Government (Household Charge) Act 2011 and the Local Government (Household Charge) Regulations 2012 provide the legislative basis for the household charge. Under the legislation, an owner of a residential property on the liability date of 1 January 2012 is liable to pay the household charge by 31 March 2012, unless otherwise exempted or entitled to claim

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a waiver. 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.

The Local Government (Household Charge) Act 2011 provides for a number of exemptions and waivers from payment of the household charge.

The exemptions from payment of the household charge are—

- Residential properties that are part of the trading stock of a business and have not been sold or been the source of any income since construction,
- Residential property owned by a Minister of the Government, a housing authority or the Health Service Executive,
- Voluntary and co-operative housing,
- Residential property subject to commercial rates and wholly used as a dwelling,
- Residential property owned by certain charities or discretionary trusts, and
- Residential property which an owner has vacated due to long-term mental or physical infirmity (e.g. elderly person that has moved into a nursing home).

The waivers which apply concern—

- Owners of residential property entitled to mortgage interest supplement, and
- Owners of houses in certain unfinished housing estates.

I have no proposals to provide for exemption in respect of owners of residential property who have a liability to pay the €200 charge on non-principal private residences.

*Question No. 397 answered with Question No. 346.*

### **Water Services**

398. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government his views on correspondence regarding reform of the water sector here (details supplied); and if he will make a statement on the matter. [15748/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** A six week public consultation was held from 16 January 2012 to 24 February 2012 on a range of water sector reforms which include:

- The establishment of a new public utility, *Irish Water* to take over the responsibility for the delivery of water services from local authorities;
- The introduction of water charges based on metered usage, with the metering programme to commence later in 2012;
- The introduction of independent economic regulation of the water sector under the Commission for Energy Regulation.

A paper setting out the proposed reforms and phase 1 of the independent assessment on the establishment of a water utility were published by my Department as part of this process. Our aim in conducting this public consultation, was to facilitate a more informed and inclusive

debate on the very fundamental reforms proposed for the water sector. These reforms seek to ensure that the appropriate organisation and funding model are in place to deliver water services to existing and future users, while also providing the volume and quality of water and waste water services required to protect public health and support employment.

A considerable number of organisations, elected representatives and other individuals have made submissions as part of this process, including the submission referred to in this question. These are currently being examined, and the time and effort made by many groups and individuals in contributing to this process during the consultation period is appreciated. These submissions will be taken into consideration in developing the implementation plan for the transition of water services functions from the city and county councils to the public water utility, Irish Water. It is expected that this implementation plan will be finalised in April 2012. The views will also inform the further development of our approach to water metering and charging.

### **Election Management System**

399. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government when a community association (details supplied) in County Wicklow will be paid for use of their hall as a polling station; and if he will make a statement on the matter. [15749/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I have no function in relation to the matter raised in the Question. Under electoral law, this is a matter for the Returning Officer involved.

### **Water and Sewerage Schemes**

400. **Deputy Denis Naughten** asked the Minister for the Environment, Community and Local Government if he will approve a preliminary report submitted by Roscommon County Council on the upgrade of the Ballinlough, west Roscommon water supply; and if he will make a statement on the matter. [15776/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The *Water Services Investment Programme 2010-2012*, a copy of which is available in the Oireachtas Library, provides for the development of a comprehensive range of new water services infrastructure in County Roscommon. The West Roscommon Regional Water Supply Scheme, which includes the upgrade of Ballinlough, is included in the Programme as a scheme to advance through planning.

My Department is currently examining Roscommon County Council's Design Review Report which is an update of the original Preliminary Report for the scheme and a reply will issue to the Council as soon as possible. Once approved by my Department, the Council can then proceed with the preparation of contract documents for the scheme.

### **Planning Issues**

401. **Deputy Gerry Adams** asked the Minister for the Environment, Community and Local Government the procedures for an individual who wishes to erect a flagpole and the national flag in a public open space; if there are set procedures; if the individual requires planning permission or if it is a matter for each local authority to set the criteria or procedures in each county. [15783/12]

**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 develop-

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ment, unless specifically exempted under the Acts or associated Regulations, requires planning permission. Article 6 and Schedule 2 of the Planning and Development Regulations 2001 sets out certain classes of development which are exempt from planning permission requirements. This includes a number of exemptions relating to the erection of flags or flagpoles by statutory undertakings and State authorities. However, there is no specific exemption for the erection of flagpoles by individuals.

402. **Deputy Kevin Humphreys** asked the Minister for the Environment, Community and Local Government the nature, scope and timeframe of the review of alleged planning irregularities in Donegal County Council and the six other county councils; when will the results be published; and if he will make a statement on the matter. [15785/12]

403. **Deputy Kevin Humphreys** asked the Minister for the Environment, Community and Local Government that in the event of adverse findings in the investigation of planning irregularities, especially in respect to certain matters in County Donegal, that the planning process has been corrupted for the benefit of certain planning officials, their families or friends, if he will appoint independent persons to report to him and make recommendations; and if he will make a statement on the matter. [15786/12]

404. **Deputy Kevin Humphreys** asked the Minister for the Environment, Community and Local Government if wrong-doing, particularly for the benefit of friends and family, is revealed in the context of investigations into planning irregularities in county councils, the action he would consider appropriate; and if he will make a statement on the matter. [15787/12]

405. **Deputy Kevin Humphreys** asked the Minister for the Environment, Community and Local Government if the results will be published in the cases of both the internal review and any report by independent persons into alleged planning irregularities in county councils; and if he will make a statement on the matter. [15788/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** I propose to take Questions Nos. 402 to 405, inclusive, together.

The planning review announced by the former Minister for the Environment, Heritage and Local Government was intended to assess the application of planning legislation, policy and guidance within the development plan and development management systems at local level and to inform further policy development in these areas. A number of planning authorities, representing a broad geographical spread of both urban and rural areas as well as both large and small authorities, had been selected to assist in the review of policies and practices by reference to a number of cases raised with my Department. The *Programme for Government* includes, *inter alia*, specific commitments better to co-ordinate national, regional and local planning laws in order to achieve better and more co-ordinated development that supports local communities, to develop a coherent plan to deal with the issue of unfinished estates and to ensure that there is adequate access and participation by citizens and public representatives in decision making and policy formation. The resources of my Department will be directed primarily towards supporting the implementation of the Government’s commitments in these areas.

My Department is finalising the review of a number of specific complaints, following the initiating of the process by the former Minister. When this review is completed, I will issue a public statement outlining the complaints at issue, my response and any appropriate actions to

be pursued in regard to further policy development and guidance, in line with commitments in the *Programme for Government*.

### **Local Authority Housing**

406. **Deputy David Stanton** asked the Minister for the Environment, Community and Local Government if he has been notified of the number of housing estates in each of the local authority areas that have not yet been taken in charge by the respective local authorities; and if he will make a statement on the matter. [15811/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** My Department does not collect information on the numbers, names or locations of housing estates taken or not taken in charge by planning authorities.

*Question No. 407 answered with Question No. 358.*

### **Private Rented Accommodation**

408. **Deputy David Stanton** asked the Minister for the Environment, Community and Local Government the progress made to date in the drafting of the Residential Tenancies (Amendment) Bill which aims to reduce the delays in the Private Residential Tenancies Board by streamlining and simplifying the Residential Tenancies Act 2004; if it is still his intention to amalgamate the PRTB and the rent tribunal through this legislation; and if he will make a statement on the matter. [15813/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** The Residential Tenancies Act 2004 sets out the rights and obligations of landlords and tenants in the private rented residential sector. The Private Residential Tenancies Board (PRTB) was established under the Act to operate a national tenancy registration system and to resolve disputes between landlords and tenants in the private rented residential sector.

My Department conducted a review of the Act in 2009 with a specific emphasis on whether the Act best supports the PRTB’s key functions and on whether legislative amendments would support either the achievement of additional operational efficiencies by the PRTB in the delivery of those functions or the broader good working of the private rented sector. The outcomes of the review were announced in April 2010 and the drafting of the Residential Tenancies (Amendment) Bill 2011 was approved by Government in July 2011. The Bill is currently in preparation by the Office of the Parliamentary Counsel in collaboration with my Department and I hope to publish the Bill before the end of 2012.

The administrative merger of the Rent Tribunal and the PRTB took effect on 1 October 2009 and since then the PRTB has provided administrative support services to the Rent Tribunal which is now located at the offices of the PRTB at O’Connell Bridge House, D’Olier Street, Dublin 2. It is intended to give formal legislative effect to the merger in the context of the Residential Tenancies (Amendment) Bill 2011.

### **EU Directives**

409. **Deputy David Stanton** asked the Minister for the Environment, Community and Local Government if EU directives (details supplied) have all been transposed in full; if not the details of those that remains to be transposed into Irish legislation; and if he will make a statement on the matter. [15820/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** In respect of Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (the Environmental Impact Assessment (EIA) Directive), as amended by Directives 97/11/EC, 2003/35/EC and 2009/31/EC, these have been transposed into Irish law primarily by means of the European Communities (Environmental Impact Assessment) Regulations 1989 to 1999, and have also been incorporated more generally into various consent legislation.

In March 2011, the Court of Justice of the European Union found against Ireland in Case C-50/09 to the effect that Ireland had not fully or correctly transposed elements of the EIA Directive, as amended. As I indicated in my reply to Parliamentary Question No. 469 of 28 February 2012 which detailed the measures being taken to rectify matters in this case, sections 53 and 54 of the Planning and Development (Amendment) Act 2010 directly transpose Article 3 of the EIA Directive into Irish planning legislation. Furthermore, acknowledging the wider applicability of Article 3 to other consent systems provided for in Irish law, my Department, in consultation with other Departments, is currently in the process of engaging on these other legislative consent processes outside the planning system to ensure full and correct transposition of Article 3 in those codes.

In respect of Directive 92/43/EC on the conservation of natural habitats and wild fauna and flora (Habitats Directive), this Directive has been fully transposed into Irish law by means of the Planning and Development (Amendment) Act 2010, as amended, and by the European Communities (Birds and Natural Habitats) Regulations 2011. These replaced the European Communities (Natural Habitats) Regulations 1997 to 2005 and have addressed deficiencies identified by the Court of Justice of the European Union in the transposition of the Habitats and Birds Directives into Irish law.

In respect of Directive 96/82/EC on the control of major-accident hazards involving dangerous substances (Seveso II Directive), transposition is primarily the responsibility of the Department of Jobs, Enterprise and Innovation. I understand from that Department that the Seveso II Directive was transposed into Irish law by means of the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2006. In addition, the land use provisions of the Directive have been incorporated into the Planning and Development Acts 2000-2011.

### **Criminal Assets Bureau**

410. **Deputy Catherine Murphy** asked the Minister for Justice and Equality the amount of money transferred to the State from the Criminal Assets Bureau in 2009, 2010 and 2011; if these funds are retained or ring-fenced for a particular purpose; and if he will make a statement on the matter. [14981/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** In accordance with the provisions of section 21 of the Criminal Assets Bureau Act 1996 an annual report on the activities of the Criminal Assets Bureau is prepared and laid before the Houses of the Oireachtas.

Included in such reports are details of the monies returned by the Bureau for the benefit of the Exchequer.

Set out below is the information sought by the Deputy in respect of the years 2009 and 2010. Work is currently underway on the preparation of the 2011 report.

## Criminal Assets Bureau — monies returned to the Exchequer

Year	Proceeds of Crime Act, 1996/2005	Revenue Legislation	Social Welfare Provisions	Total
	€	€	€	€
2009	1,421,332.11	5,100,494.72	160,335.00	6,682,161.83
2010	3,114,312.59	4,084,498.00	181,272.00	7,380,082.59
Total	4,535,644.70	9,184,992.72	341,607.00	14,062,244.42

Monies to be returned to the Exchequer by the Bureau are not ringfenced for any particular purpose. Such funds are paid into the Government's Central Fund. It is this Central Fund from which the Government draws for expenditure on all necessary public services and investment.

From time to time, it has been suggested that such monies should be used to fund community programmes. While it is accepted that there may be some symbolic value in the suggestion, it is problematic and raises a number of practical difficulties.

While allowing for a very small number of very specific targeted exceptions, it is believed that earmarking revenues for a specific expenditure programme would, in general, constrain the Government in the implementation of its overall expenditure policy.

It could also be argued that a significant proportion of the monies secured by the Bureau are already owed to the Exchequer as it often relates to non-payment of taxes and social welfare fraud.

Also, given the variable and uncertain nature of the value of the assets seized by the Bureau in any given year, in addition to the potential delays through the possibility of legal challenge to court disposal orders, the proposal would be problematic in terms of the proper planning of any recipient programme.

There is also the problem of additional costs which would accrue in the administration of any scheme to divert such funds to local programmes and additional administrative costs without any additional revenues being generated.

### Execution of Wills

411. **Deputy John Paul Phelan** asked the Minister for Justice and Equality if he will review the current situation whereby an executor of a will becomes liable for the payments of maintenance costs, utility costs, insurance costs, the costs of obtaining a BER certificate for the house, the household charge and the second house charge; and if he will make a statement on the matter. [15719/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The position is that the Succession Act 1965, as amended, contains specific provisions relating to the appointment of an executor or administrator of the estate of a deceased person and the duties and powers of the person so appointed. These duties include ongoing administration of assets pending distribution, while the powers include a power of sale of assets in certain circumstances. I appreciate that the role of personal representative is a demanding one and that particular difficulties arise at the present time in relation to the disposal of property assets. I would therefore draw attention to section 60(3) of the Act which confers additional powers on the personal representative, including powers to lease land and to raise money by way of mortgage or charge for the payment of expenses, debts and liabilities.

### Property Ownership

412. **Deputy Dara Calleary** asked the Minister for Justice and Equality if he can confirm if lands (details supplied) in County Donegal are still under the ownership of the Land Commission and if not, who is the registered owner. [15728/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I can inform the Deputy that under the Registration of Deeds and Title Act 2006, the Property Registration Authority (PRA) was established as and from 4 November 2006. The PRA replaces the Registrar of Deeds and Titles as the registering authority in relation to property registration in Ireland and, subject to the above Act, is independent in the performance of its functions.

The Deputy will be aware of the service to T.D.s and Senators which provides information on the current status of applications, such as the subject of this question, which was introduced in May 2006. The service provides a speedier, more efficient and more cost effective alternative to submitting Parliamentary Questions. It is operated by the PRA and is available all year round. I can further inform the Deputy that his query has been forwarded to the PRA for attention and direct reply via the above mentioned service.

### Garda Stations

413. **Deputy Billy Kelleher** asked the Minister for Justice and Equality the position regarding the acquisition of a new premises for Glanmire Garda station, Glanmire, County Cork; and if he will make a statement on the matter. [14884/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The programme of replacement and refurbishment of Garda accommodation is based on agreed priorities established by An Garda Síochána. The programme is progressed in co-operation with the Office of Public Works, who have responsibility for capital expenditure in respect of Garda accommodation. I am advised by the Garda authorities that a premises has been acquired to serve as a new Garda station in Glanmire. In addition, I have been informed that a list of contractors from whom tenders will be invited for the necessary fit-out work is currently being finalised by the Office of Public Works.

### Garda Operations

414. **Deputy Dara Calleary** asked the Minister for Justice and Equality if he will outline the Garda policy of charging for availability and for service at public events that is concerts, parades and so on; the charges involved; if there are any waivers for community based events; and if he will make a statement on the matter. [14890/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Garda Commissioner is the Accounting Officer for the Garda Vote. In that context I have sought information from the Garda authorities in relation to the matters raised in this Question and I will respond to the Deputy when I receive the relevant material.

### International Agreements

415. **Deputy Seán Ó Fearghail** asked the Minister for Justice and Equality the date on which he will sign the Council of Europe convention on prevention and combatting violence against women; and if he will make a statement on the matter. [14895/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** As I have previously stated in my responses to PQ numbers 485 and 521 of Tuesday, 14th February, 2012, 543 of Tuesday, 28th

February, 2012 and 74 of Tuesday, 13th March, 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, has examined the Convention and has requested observations on potential policy and legislative implications from relevant government departments and state agencies. Following receipt of the observations, consideration will be given to any issues which need to be addressed. It is hoped that this will be quickly followed by a submission to the Government on the question of signature of the Convention by Ireland.

### **Departmental Expenditure**

416. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of programme expenditure, current and capital, for An Garda Síochána for each of the past three years. [14928/12]

418. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the average amount paid to staff and members of An Garda Síochána for travel and subsistence on annual basis; the details of the types of expenses staff may recoup; and if he will make a statement on the matter. [14930/12]

419. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of moneys paid by An Garda Síochána for training and development and incidental expenses during each of the past three years; and if he will make a statement on the matter. [14931/12]

420. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of spending on postal and telecommunications services by An Garda Síochána during each of the past three years. [14932/12]

421. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of spending on office equipment and external IT services by An Garda Síochána during each of the past three years; and if he will make a statement on the matter. [14933/12]

422. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide details of any external companies which performed duties for An Garda Síochána during each of the past three years; the types of services they provided; and the amounts they were paid for these services. [14934/12]

423. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide the details of any office premises expenses of An Garda Síochána during each of the past three years; the amounts paid in rent; and if he will make a statement on the matter. [14935/12]

424. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of moneys paid during each of the past three years by An Garda Síochána for consultancy services and value for money and policy reviews; the names of those who provided these services and reviews and the purpose of each review and service. [14936/12]

425. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of spending on maintenance of Garda premises during each of the past three years; and if he will make a statement on the matter. [14937/12]

426. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide details of spending on station services during each of the past three years; and if he will make a statement on the matter. [14938/12]

427. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of spending under implementation of Garda SMI during each of the past three years. [14939/12]

429. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide details of non-pay related administration in An Garda Síochána during each of the past three years; and if he will make a statement on the matter. [14941/12]

430. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of transport spending by An Garda Síochána during each of the past three years. [14942/12]

431. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of spending on communications and other equipment by An Garda Síochána during each of the past three years; the types of communications equipment acquired. [14943/12]

432. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of spending on aircraft by An Garda Síochána during each of the past three years. [14944/12]

434. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the amount of funding allocated to St. Paul's Garda Medical Aid Society for each of the past ten years; the purpose for which this funding is allocated; the average salary of gardaí in receipt of those benefitting from this society. [14946/12]

435. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of spending on compensation by An Garda Síochána during each of the past five years; and if he will make a statement on the matter. [14947/12]

460. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of the programme expenditure under the Courts Service Vote in budgets for each of the past three years. [15049/12]

462. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the average amount paid to staff in the Courts Service for travel and subsistence on an annual basis; the details of the types of expenses staff may recoup.; and if he will make a statement on the matter. [15051/12]

463. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of moneys paid out by the Courts Service for training and development and incidental expenses during each of the past three year; and if he will make a statement on the matter. [15052/12]

464. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of spending on postal and telecommunications services in the Courts Service. [15053/12]

465. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of spending on office equipment and external IT services in the Courts Service. [15054/12]

466. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide details of any external companies which performed duties for the Courts Service during each of the last three years; the types of services they provided; and the amounts they were paid for these services. [15055/12]

467. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of moneys paid during each of the past three years by the Courts Service for consultancy services and value for money and policy reviews; the names of those who provided these services and reviews and the purpose of each review and service. [15056/12]

468. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of administration non-pay related in the Courts Service during each of the past three years. [15057/12]

469. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide details of spending on capital works and courthouses by the Courts Service during each of the past three years. [15058/12]

470. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of funding allocated to PPP costs A4 in the Courts Service section of the Estimates for each of the past three years and the purposes of this funding. [15059/12]

471. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of programme expenditure under the Property Registration Authority in budgets for each of the past three years. [15060/12]

473. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the average amount paid to staff in the Property Registration Authority for travel and subsistence on an annual basis; the details of the types of expenses staff may recoup; and if he will make a statement on the matter. [15062/12]

474. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of moneys paid out by the Property Registration Authority for training and development and incidental expenses during each of the past three years; and if he will make a statement on the matter. [15063/12]

475. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of spending on postal and telecommunications services in the Property Registration Authority. [15064/12]

476. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of spending on office equipment and external IT services in the Property Registration Authority. [15065/12]

477. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide the details of any external companies which performed duties for the Property Registration Authority during each of the past three years; the types of services they provided; and the amounts they were paid for these services. [15066/12]

478. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of moneys paid during each of the past three years by the Property Registration Authority for consultancy services and value for money and policy reviews; the names of those who provided these services and reviews and the purpose of each review and service. [15067/12]

479. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of spending on offices premises expenses by the Property Registration Authority during each of the past three years. [15068/12]

480. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of administration non-pay related in the Property Registration Authority during each of the past three years. [15069/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 416, 418 to 427, inclusive, 429 to 432, inclusive, 434, 435, 460, 462 to 471, inclusive, and 473 to 480, inclusive, together.

I wish to inform the Deputy that since taking office I have made every effort to provide Deputies with the information requested in their Parliamentary Questions, including, on occasions, information concerning matters in respect of which I am not responsible to the Dáil and/or was already in the public domain. The information requested by the Deputy in the above Parliamentary Questions clearly relates to the detail of the day to day operations of the organisations concerned. The information sought does not relate to the public affairs of my Department, to matters of administration for which I am officially responsible nor to matters of Government policy in respect of bodies under the aegis of my Department. While I would like to be of assistance to the Deputy, the provision of the sheer volume of information requested in the above Parliamentary Questions, especially where I have no official responsibility for the matters raised, would require the allocation and expenditure of a disproportionate and inordinate amount of staff time and effort which can not be justified where there are other significant demands on resources both in my Department and the organisations concerned. I regret therefore that I am not in a position on this occasion to provide the Deputy with the information he is seeking.

### **Garda Remuneration**

417. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the total number of staff employed in An Garda Síochána; the number of these employees in receipt of salaries in excess of €200,000, in excess of €150,000 and in excess of €100,000, and their job titles. [14929/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have asked the Garda Commissioner for the requested information and I will write to the Deputy when it is to hand.

*Question Nos. 418 to 427, inclusive, answered with Question No. 416.*

### **Garda Reserve**

428. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of spending on the Garda Reserve each year since its introduction; and if he will make a statement on the matter. [14940/12]

438. **Deputy Simon Harris** asked the Minister for Justice and Equality if he will provide a list of the expenses payable to members of the Garda Reserve; and if he will make a statement on the matter. [15000/12]

439. **Deputy Simon Harris** asked the Minister for Justice and Equality if he will provide the current strength of the Garda Reserve; the total annual cost of the Garda Reserve by year since its formation; if he will provide an itemised annual expense breakdown for the Garda Reserve since its creation in tabular form; and if he will make a statement on the matter. [15001/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I wish to inform the Deputy that it has not been possible to provide the information required in the time available. The information is currently being collated and will be forwarded to the Deputy as soon as it is to hand.

*Questions Nos. 429 to 432, inclusive, answered with Question No. 416.*

### **Garda Operations**

433. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide details of spending on the witness security programme during each of the last three years. [14945/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I wish to inform the Deputy that it has not been possible to provide the information required in the time available. The information is currently being collated and will be forwarded to the Deputy as soon as it is to hand.

*Questions Nos. 434 and 435 answered with Question No. 416.*

### **Deportation Orders**

436. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice and Equality, further to Parliamentary Questions Nos. 182 and 183 of 25 January 2012, when a response will issue. [14972/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I wrote to the Deputy on the 16 March, 2012 providing the detailed information sought in Parliamentary Questions 182 and 183 of 25 January 2012.

### **Garda Investigations**

437. **Deputy Finian McGrath** asked the Minister for Justice and Equality the reason he has not responded to previous parliamentary questions regarding an investigation into fraud at the National Educational Welfare Board (details supplied). [14996/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have now received information from the Garda authorities about the matters referred to by the Deputy. In relation to Parliamentary Question No. 133 regarding a Garda investigation into alleged fraud at the National Education Welfare Board, I am informed by the Garda authorities that the complaint in question was originally received by An Garda Síochána in 2006. An investigation was carried out into the matter referred to and no prosecution resulted. I am further informed that the Garda investigation was a lengthy process due to the complex nature of the investigation which required examination and analysis of a significant volume of information technology data and communications. In particular I am informed that progress in the investigation was hampered because of the unavailability of a person the Gardaí wished to interview.

[Deputy Alan Shatter.]

In relation to Parliamentary Question No. 134 asking if I would confirm that the Gardaí received a complaint regarding possible internet browsing of child pornography at the National Educational Welfare Board by the NEWB in 2005, I am informed by the Garda authorities that an investigation was carried out into the matter referred to and that no prosecution resulted. As the Deputy will appreciate, I have no role in the investigation or prosecution of alleged offences and accordingly it would be inappropriate for me to comment further on either of the cases referred to by the Deputy.

*Questions Nos. 438 and 439 answered with Question No. 428.*

### **Probation and Welfare Service**

440. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the projects and organisations allocated funding by the Probation Service during each of the past five years; and the amounts allocated to each of these organisation during each of these years. [15017/12]

441. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the number of projects and organisations the Probation Service has referred clients to during each of the past five years; the number of persons referred to each project each year; and if he will make a statement on the matter. [15018/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 440 and 441 together.

I wish to inform the Deputy that it has not been possible to provide the information required in the time available. The information is currently being collated and will be forwarded to the Deputy as soon as it is to hand.

### **Irish Prison Service**

442. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of programme expenditure under the prisons Vote in budgets for each of the past three years. [15019/12]

443. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the number of staff employed in the Irish Prison Service; the number of these employees in receipt of salaries over €200,000, over €150,000 and over €100,000; and their job title. [15020/12]

444. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the average amount paid to staff in the Irish Prison Service for travel and subsistence on an annual basis; the details of the types of expenses staff may recoup; and if he will make a statement on the matter. [15021/12]

445. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of moneys paid out by the Irish Prison Service for training and development and incidental expenses during each of the past three years; and if he will make a statement on the matter. [15022/12]

446. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of spending on postal and telecommunications services in the Irish Prison Service. [15023/12]

447. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of spending on office equipment and external IT services in the Irish Prison Service. [15024/12]

448. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide details of any external companies which performed duties for the Irish Prison Service during each of the past three years; the types of services they provided; and the amounts they were paid for these services. [15025/12]

449. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of moneys paid during each of the past three years by the Irish Prison Service for consultancy services and value for money and policy reviews; the names of those who provided the services and reviews; and the purpose of each review and service. [15026/12]

450. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will explain the €2 million in unspent 2010 appropriations in capital supply services under the prisons section of the Revised Estimates for Public Services 2012; and if he will make a statement on the matter. [15027/12]

451. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of administration, non-pay related, in the Irish Prison Service during each of the past three years. [15028/12]

452. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide details of spending on buildings and equipment under the Irish Prison Service budget during each of the past three years. [15029/12]

453. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of funding allocated to prison services, A4. in the prisons section of the Estimates, for each of the past three years and the purposes of this funding. [15030/12]

454. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of spending on educational services by the Irish Prison Service for each of the past three years; the funding allocated to any external agencies for provision of such services; and if he will make a statement on the matter. [15031/12]

455. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the amount of funding allocated to the Prison Officers Medical Aid Society for each of the past ten years; the purpose for which this funding is allocated; the average salary of staff in receipt of benefits from this society. [15032/12]

456. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of funding allocated by the Irish Prison Service to social disadvantage measures during each of the past five years; the projects this funding was allocated to; and if he will make a statement on the matter. [15033/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 442 to 456, inclusive, together.

I wish to inform the Deputy that it has not been possible to provide the information required in the time available. The information is currently being collated and will be forwarded to the Deputy as soon as it is to hand.

### Legal Aid Service

457. **Deputy Catherine Murphy** asked the Minister for Justice and Equality the number of staff employed by the Legal Aid Board; the number that are located in each of the Dublin and Kerry offices; the number of solicitors employed; the number of law centres and the location of same; the number of solicitors and administrative staff employed in each centre; if it is planned to recruit additional staff; if so, to which location and in what capacity; and if he will make a statement on the matter. [15041/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I can inform the Deputy that the Legal Aid Board currently employs 340.7 staff, of whom 109.5 are solicitors. The information set out shows the locations of, and the number of staff, solicitors and administrative, working in all of the Board offices and law centres. While the Board has no immediate plans for additional recruitment, it does have a limited and temporary derogation from the moratorium on public service recruitment in order to fill a small number of front-line positions which might become vacant.

The Board has also made a request to fill three solicitor posts which recently became vacant due to retirements. In addition to the above, the Board also recently took over responsibility for the Family Mediation Service, which employs a further 25 staff in whole time equivalents.

#### *Blanchardstown*

2.5 solicitors

4.4 support staff

#### *Clondalkin*

2.8 solicitors

3.6 support staff

#### *Finglas*

4 solicitors

4.6 support staff

#### *Gardiner Street*

5.6 solicitors

7.8 support staff

#### *Tallaght*

3 solicitors

4.6 support staff

#### *Athlone*

4.1 solicitors

4 support staff

#### *Castlebar*

2 solicitors

3.1 support staff

*Cavan*

2 solicitors

2 support staff

*Cork — Pope's Quay*

6.6 solicitors

7.6 support staff

*Cork — South Mall*

6.9 solicitors

6.6 support staff

*Dundalk*

1 solicitor

3.2 support staff

*Ennis*

2.8 solicitors

4 support staff

*Galway*

5 solicitors

5.8 support staff

*Kilkenny*

4.6 solicitors

4.7 support staff

*Letterkenny*

3 solicitors

4 support staff

*Longford*

1 solicitor

2.5 support staff

*Limerick*

3 solicitors

4 support staff

*Monaghan*

2.6 solicitors

1.8 support staff

*Navan*

2 solicitors

3.4 support staff

[Deputy Alan Shatter.]

*Nenagh*

2.6 solicitors

4.1 support staff

*Newbridge*

3 solicitors

4.5 support staff

*Portlaoise*

2 solicitors

2.9 support staff

*Sligo*

1.8 solicitors

3 staff

*Tralee*

2.8 Solicitors

5 support staff

*Tullamore*

2 solicitors

3 support staff

*Waterford*

2.6 solicitors

4.5 support staff

*Wicklow*

2.6 solicitors

3.5 support staff

*Wexford*

3.7 solicitors

4.5 support staff

*Georges Lane, Dublin 7*

2 Solicitors

4 support staff

*Medical Negligence Unit, Montague Court, Dublin 2*

2 Solicitors

3 support staff

*Refugee Legal Service Galway*

2 solicitors

3 support staff

*Nth Brunswick Street, Dublin 7*

4.5 solicitors

5 support staff

*Dolphin House, Dublin 2*

2 solicitors

3 support staff

*Refugee Legal Service Smithfield, Dublin 7*

7.4 solicitors

22.3 support staff

7 IT unit

*Research and Information Unit, Montague Court, Dublin 2*

11.5 support staff

*Mount St, Dublin 2*

14.6 (including 2 solicitors)

*Cahirciveen, Co. Kerry*

43.1

458. **Deputy Catherine Murphy** asked the Minister for Justice and Equality the progress made towards amalgamating criminal legal aid, the family mediation services, the Garda legal aid scheme, the CAB legal aid scheme with the Legal Aid Board; the timelines involved; and if he will make a statement on the matter. [15043/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I can inform the Deputy that a new Criminal Justice (Legal Aid) Bill is being drafted which will transfer the management and administration of criminal legal aid to the Legal Aid Board. This is in keeping with practice internationally and is intended to achieve a more dedicated focus to the management and delivery of all of the schemes. Subject to drafting, my intention is to transfer the functions in 2013. In the meantime the Board has agreed to manage a number of non-statutory legal aid schemes on an administrative basis which include the Garda Station Advice Scheme, the Attorney General's Scheme and the Criminal Assets Bureau Scheme. Of these, the Board is already administering the Garda Station Scheme and will begin administering the other schemes in the coming months. I understand that this phased transfer is progressing well and I am grateful to the Board for their cooperation.

I can further inform the Deputy that the Family Mediation Service (FMS) was formally integrated into the Legal Aid Board on 1 November 2011, in line with the provisions of the Civil Law (Miscellaneous Provisions) Act 2011. As I have set out to the House previously, I am firmly of the view that, in many family law cases, mediation offers a better route and outcome for the parties than the adversarial environment of the courts. The formal integration of the FMS into the Board builds on the joint initiative already in place in the Dublin District

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Family Law Court at Dolphin House, which provides mediation and legal aid services within the same location. I am confident that the integration of the FMS into the Legal Aid Board will result in a greater use of mediation in a number of areas of family law. The use of mediation in, *inter alia*, family law matters will be reinforced by the provisions of the new Mediation Bill, the draft general scheme of which I published on 1 of March.

459. **Deputy Catherine Murphy** asked the Minister for Justice and Equality his views regarding the rise in the demand for civil legal aid at a time when the budget has been reduced; if he foresees a situation whereby some of the work can be outsourced in order to deal with the waiting lists; and if he will make a statement on the matter. [15046/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I can inform the Deputy that there has been a very significant increase in demand for civil legal aid services from the Legal Aid Board. In 2007, just over 10,164 persons sought legal services from the Board in relation to general civil (non asylum) matters while 2,650 persons sought legal services for asylum related issues. In 2011, the demand for general civil matters had increased to a figure of 18,727 while the number seeking services in relation to asylum matters continued to drop (979). Inevitably the increase in demand has created pressures for the Board and its capacity to deliver legal services within a reasonable period of time. As of 1 January 2012 there were 4,443 persons waiting for a first appointment. This compares to 3,153 on 1 January 2011, 2,335 on 1 January 2010 and 1,681 on 1 January 2009. On 1 March 2012 there were 4,665 persons waiting for a first appointment.

The Board has considerably increased the amount of work that it has outsourced to private solicitors. The Board operates two Schemes involving private solicitors for the purpose of providing services to persons with family problems. The main Scheme, the District Court Scheme, involves the retention of private solicitors on a case by case basis for the purpose of providing legal aid in maintenance, domestic violence, custody, access and guardianship cases. The Board referred 1,977 applicants on foot of this Scheme in 2007. That number rose to 5,200 in 2010 but for budgetary reasons it was necessary to put some constraints on the number in 2011 when 4,854 referrals were made. The Board has budgeted for in or around 5,000 referrals in 2012.

The second Scheme, the Circuit Court Scheme, involves the retention of private solicitors on a case by case basis for the purpose of providing legal aid in divorce and separation cases. The Board has constrained the use of this Scheme in recent years as the cost per case is a multiple of the cost per case of a matter referred on foot of the District Court Scheme. In 2007, 329 referrals were made on foot of the Scheme however only 8 referrals were made in 2011.

The Board's grant-in-aid for general civil matters, which accounts for the vast majority of its funding, has effectively been maintained for 2012 at its 2011 level. I have also now incorporated the grant for asylum services into the grant-in-aid which should give the Board greater flexibility in using its resources.

I can further inform the Deputy that there are a number of other measures taken, or being taken, which I believe can have a positive impact for persons seeking services from the Board as follows:

- As of the 1 November 2011 the Board assumed responsibility for the Family Mediation Service (following the enactment of the Civil Law (Miscellaneous Provisions) Act 2011). The Board is currently reviewing the operation of the State funded mediation

service with a view to achieving synergies with its legal services and better options in terms of resolving family disputes;

- The arrangements on foot of which barristers are retained have been in place since 1998 and are currently under review. There will be a level of restructuring of the current arrangements;
- The Board is working with individual law centres with a view to trying to deliver greater efficiencies in a number of its centres. It is assisted in this regard by the preparation of a Value for Money Review Report prepared by my Department and the Department of Finance (now the Department of Public Expenditure and Reform); and
- The Board will be piloting a ‘triage’ service to commence very shortly. The objective of the pilot will be to ensure that every applicant for services gets to see a solicitor for the purpose of getting early legal advice within a period of a month. While it is recognised that those seeking further services will experience a wait, it is anticipated that an early consultation will benefit the client in terms of signposting actions the client can take themselves and signposting other support services.

*Question No. 460 answered with Question No. 416.*

#### **Courts Service**

461. **Deputy Jonathan O’Brien** asked the Minister for Justice and Equality the number of staff employed in the Courts Service; the number of these employees in receipt of salaries in excess of €200,000, in excess of €150,000 and in excess of €100,000, and their job titles. [15050/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I wish to inform the Deputy that it has not been possible to provide the information required in the time available. The information is currently being collated and will be forwarded to the Deputy as soon as it is to hand.

*Questions Nos. 462 to 471, inclusive, answered with Question No. 416.*

#### **Property Registration Authority**

472. **Deputy Jonathan O’Brien** asked the Minister for Justice and Equality the number of staff employed in the Property Registration Authority; the number of these employees in receipt of salaries in excess of €200,000, in excess of €150,000 and in excess of €100,000, and their job titles. [15061/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I wish to inform the Deputy that it has not been possible to provide the information required in the time available. The information is currently being collated and will be forwarded to the Deputy as soon as it is to hand.

*Questions Nos. 473 to 480, inclusive, answered with Question No. 416.*

#### **Garda Deployment**

481. **Deputy Seán Kenny** asked the Minister for Justice and Equality the total cost of the Garda dog unit, Garda mounted unit and the Garda water unit in 2008, 2009, 2010 and 2011 separately; if he will provide a breakdown in tabular form of the various categories of spending and their corresponding cost in each of these years; and if he will make a statement on the matter. [15217/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The provision and deployment of Garda resources, including specialist units, is a matter for the Garda Commissioner. I am informed by the Garda authorities that the costs of the Garda Dog Unit, the Garda Mounted Unit and the Garda Water Unit for the years requested by the Deputy were as set out in the following tables:

Garda Dog Unit

Subhead Description	2008	2009	2010	2011
Salaries, Wages and Allowances	1,344,754	1,198,097	978,163	971,891
Travel and Subsistence	168,197	97,934	72,031	63,417
Other Expenses	106,988	100,081	127,592	105,966
<b>Total</b>	<b>1,619,939</b>	<b>1,396,112</b>	<b>1,177,786</b>	<b>1,141,274</b>

Garda Mounted Unit

Subhead Description	2008	2009	2010	2011
Salaries, Wages and Allowances	1,147,367	1,083,949	966,975	953,414
Travel and Subsistence	53,417	32,602	26,924	19,377
Other Expenses	184,249	335,088	150,630	205,392
<b>Total</b>	<b>1,385,033</b>	<b>1,451,639</b>	<b>1,144,529</b>	<b>1,178,183</b>

Garda Underwater Uni

Subhead Description	2008	2009	2010	2011
Salaries, Wages and Allowances	1,284,108	1,236,470	1,094,390	1,222,669
Travel and Subsistence	157,160	83,113	56,485	48,852
Other Expenses	262,732	255,062	278,476	266,933
<b>Total</b>	<b>1,704,000</b>	<b>1,574,645</b>	<b>1,429,351</b>	<b>1,538,454</b>

**Garda Transport**

482. **Deputy Seán Kenny** asked the Minister for Justice and Equality if he will allocate funding to purchase additional unmarked Garda vehicles and Garda motorbikes; and if he will make a statement on the matter. [15218/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The provision and deployment of Garda resources, including transport, is a matter for the Garda Commissioner.

I am advised by the Garda authorities that an order for 40 new Garda cars has recently been placed and that these vehicles are currently being rolled out. In addition, a tendering process is under way to put in place a contract which will allow for the provision of further Garda vehicles. This is a matter that will be pursued in the light of An Garda Síochána's operational priorities and the availability of financial resources.

I am further informed by the Garda authorities that a full and comprehensive policing service is being delivered throughout the country. They have also confirmed that the relevant policing

arrangements are being kept under on-going review to ensure that optimum use is made of Garda resources.

### Crime Levels

483. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality if the sunset clause in the 2009 Criminal Justice (Amendment) Act has been renewed on an annual basis since the law was first enacted; the number of citizens that have been charged and convicted under this legislation; and if he will make a statement on the matter. [15272/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Criminal Justice (Amendment) Act 2009 was enacted in July 2009 to put in place certain additional legislative measures to tackle organised crime. Among those measures was section 8 which provides that certain organised crime offences under Part 7 of the Criminal Justice Act 2006 are scheduled offences for the purposes of Part V of the Offences against the State Act 1939. In effect, this means that the offences in question shall be tried in the Special Criminal Court without prejudice, *inter alia*, to the power of the Director of Public Prosecutions to direct that a person not be sent forward for trial by that court.

Section 8 also provides that it shall cease to be in operation unless a Resolution had been passed by each House of the Oireachtas resolving that it should continue in operation for a period to be determined by the Oireachtas. The section has been renewed twice since commencement and currently remains in effect until the 29th June 2012, when consideration will once again be given to the necessity for its retention.

To date, no cases have fallen to be tried in the Special Criminal Court by virtue of this section. However, that does not invalidate the reasoning for having such a provision on the Statute Books. As we have seen from recent events, organised criminal groups 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.

Since enactment, and up to the 29th of February 2012, (the latest period for which statistics are available) the legislation has been used on 160 occasions where arrests relating to organised crime are concerned. To date, eight individuals have been charged under the legislation; six under Section 72 of the Criminal Justice (Amendment) Act 2009 which relates to participating in or contributing to certain activities and two under Section 71A of the Criminal Justice (Amendment) Act 2009 which relates to directing the activities of a criminal organisation. In February 2012, the two persons charged with offences contrary to section 71A, Criminal Justice (Amendment) Act 2009 were before the Courts and pleaded guilty to the lesser charge of an offence contrary to section 72, i.e. participating or contributing to certain activities. The Law Officers directed that the other charges be withdrawn and the matter has been put back to 30th April, 2012 for sentencing.

The Deputy may also wish to note that arising from the 160 arrests, other charges have been preferred for firearms offences, sale and supply of drugs and drug trafficking, violent disorder, demanding money with menaces, threats to Kill (Non-Fatal Offences against the Person Act), theft (ATM robbery), Aggravated Burglary with firearms, Immigration offences and offences under the Post Office (Amendment) Act, 1951.

### Deportation Orders

484. **Deputy Paul J. Connaughton** asked the Minister for Justice and Equality the reason a person (details supplied) in County Galway is to be deported given that they are still married to an EU citizen; and if he will make a statement on the matter. [15303/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I wish to advise the Deputy that the person concerned was granted permission to remain in the State for a period of five years on the 11 June 2008 on the basis that he was the Spouse of an EU citizen who was residing in the State and in exercise of her EU Treaty Rights. However, the grounds under which he was granted permission to remain no longer apply as his EU citizen spouse, is no longer exercising her EU Treaty Rights in this State. Therefore, the residence permission which was granted under the provisions of the European Communities (Free Movement of Persons) Regulations 2006 and 2008 has now been revoked.

As the person concerned now has no immigration status in the State his file has been referred to the Repatriation Section for consideration of removal under Regulation 20 of the European Communities (Free Movement of Persons) Regulations 2006 and 2008.

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.

#### **Residential Institutions**

485. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the position regarding his consideration of the issues relating to the former Bethany Home, Dublin; and the way he intends to address these issues. [15309/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I refer the Deputy to my reply to Parliamentary Question No. 179 on 16 February last. The matter remains under consideration. As stated in my response to Parliamentary Question No. 139 on 8th February, 2012, the Government has charged the inter-departmental committee with clarifying any State interaction with the Magdalen institutions and producing a narrative detailing such interaction. There are presently no plans to expand its brief beyond those institutions. The Deputy can be assured however that every consideration is being given to issues relating to the former Bethany Home and how they might be addressed. I regret that I cannot be more specific at this time but it is my intention to give a full consideration to this important matter.

#### **Citizenship Applications**

486. **Deputy Peadar Tóibín** asked the Minister for Justice and Equality the position regarding the handling of the case for naturalisation in respect of a person (details supplied); the average waiting time for a decision in a case for naturalisation; and when a decision on this case will be made. [15338/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that an application for a certificate of naturalisation was received from the person referred to by the Deputy in August, 2011. The application is currently being processed with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation. 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.

### **Crime Prevention**

487. **Deputy Finian McGrath** asked the Minister for Justice and Equality the position regarding anti-social behaviour in an area (details supplied) in Dublin 5. [15341/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have requested a report from the Garda authorities in relation to the matter referred to by the Deputy. I will contact the Deputy again when the report is to hand.

### **Regulation of Charities**

488. **Deputy Mattie McGrath** asked the Minister for Justice and Equality if he will detail the sections of the Charities Act 2009 that have commenced in advance of the establishment of the charity regulatory authority; and if he will make a statement on the matter. [15345/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** Though the Charities Act was passed in 2009, it did not come immediately into force. Any sections that it is possible to commence in advance of the establishment of the Charities Regulatory Authority have been commenced. To date, the following sections of the Act have been commenced, by way of two commencement orders, S.I. No. 284 of 2009 and S.I. No. 315 of 2010: Sections 1, 2, 4, 5, 10 (other than subsections (3) and (4)); 90, and 99. The purpose of the commencement orders to date is to allow the Courts to grant relief to a Charity Trustee from liability for breach of trust where the Trustee acted honestly and reasonably and in good faith and to provide for the regulation of the sale of presigned Mass cards.

489. **Deputy Mattie McGrath** asked the Minister for Justice and Equality if he will make public the outcome of his Department's comprehensive review of expenditure as it relates to the full implementation of the Charities Act 2009; and if he will make a statement on the matter. [15346/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am sure the Deputy is aware that under the Troika agreement, the Irish Government is committed to reducing public service numbers, not increasing them. It is committed to increasing the efficiency of service delivery, which the Government is doing, for example, in the case of the legal profession. It is committed to reducing bureaucracy, and reducing the number of State bodies.

The Deputy will appreciate that the implementation of the Charities Act 2009 had to be looked at in that overall context. On balance, I considered, within the comprehensive review of expenditure, that it was not practicable to proceed with the full implementation of the Act at this time given the financial and staffing resources that would have been required, and that

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the implementation of the Act should be deferred until the budgetary situation improves sufficiently.

490. **Deputy Mattie McGrath** asked the Minister for Justice and Equality his plans to introduce a mandatory system of registration for charities operating here as a matter of urgency in the interests of increased transparency; and if he will make a statement on the matter. [15347/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** In taking on the charities regulation function, in the context of the reorganisation of Government Departments in May last year, I recognised that full implementation of the Charities Act 2009, which would necessitate the establishment of a new regulatory body for charities, presented a challenge, particularly given the moratorium on public service recruitment.

The Irish Government, under the agreement with the Troika, is committed to reducing public service numbers, not increasing them. It is committed to increasing the efficiency of service delivery, which the Government is doing, for example, in the case of the legal profession. It is committed to reducing bureaucracy, and reducing the number of State bodies.

The Deputy will appreciate that the implementation of the Charities Act 2009 had to be considered in that overall context. On balance, I considered, within the comprehensive review of expenditure, that it was not practicable to proceed with the full implementation of the Act at this time given the financial and staffing resources that would have been required, and that the implementation of the Act should be deferred.

I would like to reassure the Deputy that it is not the case that charities in Ireland are currently devoid of oversight — charitable organisations are already subject to scrutiny by various State bodies. The Revenue Commissioners have granted charitable tax exemptions to almost 8,000 charities, and they have significant powers to help them to ensure that such charitable organisations comply with tax law. A full list of eligible charities is available to the public at [www.revenue.ie](http://www.revenue.ie). Many charitable organisations are companies limited by guarantee and, as such, are also subject to the provisions of company law and are generally required to provide information to the Companies Registration Office under the Companies Acts, which can be accessed by the public. Such charitable organisations would also potentially be subject to scrutiny by the Office of the Director of Corporate Enforcement. Charitable organisations that take the form of a trust are subject to the provisions of trust law. And, of course, any business entity is subject to general criminal and fraud legislation.

I am also committed to developing approaches, within available resources, to enhance the transparency and oversight of the Irish charities sector, in order to maintain public confidence, and to help to develop a climate of philanthropic giving in Ireland. For example, my Department is supporting the development of Codes of Practice to regulate charitable fund-raising in partnership with the charities sector through Irish Charities Tax Reform Ltd (ICTRL), an umbrella body for the sector. The new Guidelines and Code of Practice for fund-raising were developed after extensive consultation with industry experts and stakeholders including charities, non-profit organisations, legal and financial advisers, donors and academics. These Codes are intended to complement the statutory regulation of collections that is administered by An Garda Síochána under the Street and House to House Collections Act 1962.

The Deputy will note therefore that it is certainly not the case that the sector will be unregulated pending the implementation of the Charities Act 2009 when circumstances permit.

### Legal Services Regulation

491. **Deputy Catherine Byrne** asked the Minister for Justice and Equality the way the current solicitors disciplinary tribunal will change in the context of the Legal Services Regulation Bill 2011; if staff currently working in the solicitors disciplinary tribunal can automatically transfer to the new tribunal in view of their experience and expertise; and if he will make a statement on the matter. [15350/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The new Legal Services Regulatory Authority to be established under the Legal Services Regulation Bill 2011 will be independent of the legal professions and of the Government in the performance of its functions. This will include new and independent procedures relating to allegations of professional misconduct by either solicitors or barristers. Such complaints will be dealt with under the auspices of the Authority's Complaints Committee and supported, where appropriate, by the work of the new and independent Legal Practitioners' Disciplinary Tribunal. Under the Bill, members of the public will no longer go to the Law Society or to the Bar Council and their respective disciplinary tribunals to deal with complaints, as happens at the moment, but will instead do so through the Legal Services Regulatory Authority.

The Law Society has recently recognised that it would be “in the best interests of the public and the profession” if complaints about solicitors were no longer to be dealt with by the Society but by the new Regulatory Authority to be established under the Bill. The independence of the new Regulatory Authority and of its attendant complaints and Disciplinary Tribunal procedures is, therefore, fundamental to their success and to the avoidance of any perception that complaints about lawyers are being dealt with by lawyers themselves or their representative bodies.

Under the Legal Services Regulation Bill 2011, therefore, the complaints systems currently operated by the legal professional bodies are to be replaced by new procedures the independence of which will have to be reflected in the relevant recruitment and appointment processes. In closing the Second Stage debate on the Bill I confirmed that I am considering possible Committee Stage amendments to create appropriately independent procedures for the appointment of members of the Legal Services Regulatory Authority, its Complaints Committee and of the Legal Practitioners' Disciplinary Tribunal. Similarly, I expressed the view that staff appointments to the new Authority would be better made by the Authority itself under a public competition carried out by the Public Appointments Service. While the transition to a new and independent complaints procedure under the Bill will have an impact on staff currently involved in that area it will be open to such staff — who would obviously possess the relevant skills and experience — to offer to apply for positions advertised by the new and independent Legal Services Regulatory Authority.

### Irish Prison Service

492. **Deputy Alan Farrell** asked the Minister for Justice and Equality if he has considered outsourcing any portion of or portions of the prison service; and if he will make a statement on the matter. [15390/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I can advise the Deputy that the Department of Public Expenditure and Reform has requested that my Department conduct a review of what services or parts of services are suitable for outsourcing. While that is ongoing, the Irish Prison Service is also conducting a detailed Task Review Process under the Public Service Agreement which is seeking to identify areas that can demonstrate clear financial sav-

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ings and delivery benefits. The Irish Prison Service will bring forward proposals in accordance with the provisions of the Agreement in due course.

### Proposed Legislation

493. **Deputy Brian Walsh** asked the Minister for Justice and Equality if he plans to introduce legislation to provide for the expungement of criminal convictions; and if he will make a statement on the matter. [15401/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I intend to publish the Criminal Justice (Spent Convictions) Bill 2012 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 the 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.

### Asylum Applications

494. **Deputy Maureen O'Sullivan** asked the Minister for Justice and Equality if he will explain the reason in recent years that there has been a consistent drop in Ireland's first instance positive determinations rate and if he acknowledges that Ireland is the member State with the most restrictive approach to granting asylum in the EU for the year 2010; and if he will make a statement on the matter. [15421/12]

495. **Deputy Maureen O'Sullivan** asked the Minister for Justice and Equality if he acknowledges that although Estonia is used as an example of how countries with small application rates shift the EU average rates, if he will explain the reason the four states with the highest asylum decision rate for the year 2010 — France, Germany, Sweden and the United Kingdom — are able to maintain a first instance positive determination rate of between 13-30% despite their higher number of applications; and if he will make a statement on the matter. [15422/12]

496. **Deputy Maureen O'Sullivan** asked the Minister for Justice and Equality if he acknowledges that in 2010 all signatories to Dublin II could use the regulation to transfer applications to the first state where the asylum seeker entered the EU and that EUROSTAT and ORAC figures state Ireland had 273 transfer requests accepted in 2010 and that this represents 17% of first instance decisions which is in fact below the EU average of 18.2%; and if he will make a statement on the matter. [15423/12]

497. **Deputy Maureen O'Sullivan** asked the Minister for Justice and Equality if he accepts the argument that the large proportion of Ireland's asylum seekers are made in respect of children less than three years of age, due to unsupported asylum claims by their parents, does not fully explain the discrepancy between Ireland's rate of positive determinations and the rate of other EU countries; and if he will make a statement on the matter. [15424/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 494 to 497, inclusive, together.

In my reply to Question No. 231 of 15 February, 2012, I drew the Deputy's attention to some significant features of the asylum caseload in 2010 which accounted for a large proportion of

the negative determinations made at first instance in that year. My purpose in highlighting these features was not to draw comparisons in those respects with other EU Member States but to draw attention to the fact that they alone accounted for about 50% of all first instance determinations made in 2010. I might add that this has been the position over the past 3 years. It is therefore important that this be taken into consideration when comment is being made about the first instance recognition rate.

I do not accept that Ireland has the most restrictive approach to granting asylum in the EU. While attention has focused on the recognition rate of 1.3% at first instance in 2010, I would draw the Deputy's attention to the trend in that regard in the surrounding years. In 2008 the recognition rate was 7.5%; in 2009 it was 3%; in 2011 it was 4.2% and it currently stands at 5.0% for 2012. This simply serves to illustrate that recognition rates can go up and down commensurate with the merits or otherwise of the applications presented.

In my view, it is important that the asylum recognition rate not be perceived as some target to be achieved irrespective of the merits of applications. In this regard, I would remind the Deputy that applications for refugee status in the State are assessed at first instance by the statutory independent Office of the Refugee Applications Commissioner in accordance with a prescribed legal framework and exclusively on their merits having regard to their subjective and objective elements. The Commissioner has indicated that he is satisfied that the assessment and investigation processes in his Office are fully in line with national and international requirements and best practice. In support of this he has pointed to the ORAC training programmes on refugee status determination which have been developed in conjunction with the United Nations High Commissioner for Refugees. The Refugee Applications Commissioner has indicated his continuing commitment to the operation of a comprehensive asylum determination process which ensures that all applicants are treated with dignity, respect and every opportunity to present and have considered on its merits, and on no other basis, all elements of their request for asylum in the State.

The implication in the Deputy's questions is that there is something untoward going on in our asylum process and that there are persons who are entitled to protection in Ireland who are not getting it. I do not accept such an implication. I am satisfied that our asylum system is robust but fair and that anybody who presents here seeking asylum and who is entitled to refugee status gets it. Anything less would not be acceptable to me.

### **Garda Stations**

498. **Deputy Pat Breen** asked the Minister for Justice and Equality the situation regarding the future of a Garda station (details supplied); and if he will make a statement on the matter. [15429/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** As you are aware 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 10 Garda Stations and the closure of 39 Garda Stations. Miltown Malbay Garda Station is not on this list. The only station in the Clare Garda Division which is due to close is Carrigaholt Garda Station.

In preparing the Policing Plan, the Garda Commissioner reviewed all aspects of the Garda Síochána's policing model, including the deployment of personnel, the utilisation of modern technologies and the operation of Garda stations, both in terms of opening hours and possible closures. In addition, all Divisional Officers were asked to assess the level of activity in each Garda Station in their area. It must be stressed that the key objective of the station closures is to promote the more efficient and effective deployment of resources rather than secure modest

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cash savings. In this context the Commissioner has concluded that Garda resources could be better deployed and more effectively used on the frontline if a particular station no longer had to be staffed and maintained. The Policing Plan for 2013 has not yet been prepared and therefore it is not possible to say at this stage what it may contain.

Specifically in relation to the Clare Garda Division, on 29 February 2012, the latest date for which figures are readily available, there were 296 Gardaí assigned to the Division of which 33 are assigned to the Ennistymon District and 3 are assigned to the Miltown Malbay Garda Station. There are also 19 Garda Reserve members and 33 civilian staff assigned to different stations across the Division. 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.

### **Road Traffic Offences**

499. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality the action he intends to take to address the serious problem of dangerous driving caused by the use of a mobile phone while driving; if he intends to introduce any measures to facilitate the routine testing of phone records in the aftermath of a fatal or serious road collision; and if he will make a statement on the matter. [15438/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed that the Garda authorities continue to focus their enforcement activities on the main causes of death and serious injury on our roads. Driving while holding a mobile phone is a Fixed Charge Penalty Offence and subject to ongoing enforcement by An Garda Síochána. In this regard, I am also informed that there were a total of 33,279 fixed charge penalty notices issued by An Garda Síochána in 2011 for the offence of driving while using a mobile phone and 2,427 in 2012 up to 31 January, 2012.

I am further informed by the Garda authorities that the primary offences emanating from the investigation of serious road traffic incidents include dangerous driving; dangerous driving causing death; serious injury; driving without due care and attention; or careless driving. Evidence relating to the use of a mobile phone by a driver at the time of the collision would form part of the investigation file submitted to the Law Officers and could result in proceedings for the criminal offence of using a hand held mobile device while driving.

Insofar as the investigation into a serious injury collision is concerned, An Garda Síochána would in certain circumstances seek to preserve for any subsequent prosecution evidence of the use of a mobile phone. However, I am also advised that there would need to exist a suspicion that the use of a mobile phone was a contributing factor in the collision under investigation. Such a suspicion would arise taking into account all the circumstances of the collision and evidence gathered.

### **Garda Stations**

500. **Deputy Dara Calleary** asked the Minister for Justice and Equality if he will confirm that Garda stations (details supplied) will remain open during 2012 and beyond; and if there has been any discussion regarding to their closure. [15453/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** As the Deputy is aware, 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 10 Garda Stations and the closure of 39 Garda Stations. Rhode, Clonbologue and Daingean Garda Stations are not on either of these

lists. The only station in the Laois/Offaly Garda Division which is already closed and is listed for formal closure is Geashill Garda Station.

In preparing the Policing Plan, the Garda Commissioner reviewed all aspects of the Garda Síochána's policing model, including the deployment of personnel, the utilisation of modern technologies and the operation of Garda stations, both in terms of opening hours and possible closures. In addition, all Divisional Officers were asked to assess the level of activity in each Garda Station in their area. It must be stressed that the key objective of the station closures is to promote the more efficient and effective deployment of resources rather than secure modest cash savings. In this context the Commissioner has concluded that Garda resources could be better deployed and more effectively used on the frontline if a particular station no longer had to be staffed and maintained. The Policing Plan for 2013 has not yet been prepared and therefore it is not possible to say at this stage what it may contain.

Specifically in relation to the Laois/Offaly Garda Division, on 29 February 2012, the latest date for which figures are readily available, there were 292 Gardaí assigned to the Division of which 92 are assigned to the Tullamore District including 1 assigned to Clonbologue Garda Station, 2 to Daingean Garda Station and 2 to Rhode Garda Station. In addition there are 14 Garda Reserve members and 5 civilian staff also serving in the Tullamore District. 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.

### Departmental Agencies

501. **Deputy Mary Lou McDonald** asked the Minister for Justice and Equality if he will provide in tabular form a list of all agencies and bodies and internal organisations under his aegis. [15506/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I can inform the Deputy that the information sought is set out in the following table:

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#### Agencies/Bodies/Other

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Audit Committee of the Department of Justice and Equality  
 Commissioners of Charitable Donations and Bequests for Ireland  
 Commission for the Support of Victims of Crime  
 Committee Appointed to Monitor the Effectiveness of the Garda Diversion Programme under Section 44 of the Children Act 2001  
 Community Programmes Unit of the Irish Youth Justice Service  
 Cosc — The National Office for the Prevention of Domestic, Sexual and Gender-based Violence, an executive office within my Department.  
 Courts Service  
 Criminal Assets Bureau  
 Criminal Injuries Compensation Tribunal  
 Criminal Law Codification Advisory Committee  
 Equality Authority  
 Equality Tribunal  
 Forensic Science Laboratory  
 Garda Confidential Recipient  
 Garda Síochána  
 Garda Síochána Complaints Board  
 Garda Síochána Inspectorate  
 Garda Síochána Ombudsman Commission

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Agencies/Bodies/Other

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Irish Film Classification Office (including: The Classification of Films Appeal Board, The Censorship of Publications Board, The Censorship of Publications Appeal Board)

Irish Human Rights Commission

Irish Legal Terms Advisory Committee

Irish Naturalisation and Immigration Service

Irish Prison Service

Judicial Appointments Advisory Board

Legal Aid Board

Mental Health (Criminal Law) Review Board

Ministerial Council on Migrant Integration

National Disability Authority

Office of the Data Protection Commissioner

Office of the Inspector of Prisons

Office of the Refugee Applications Commissioner

Office of the State Pathologist

Parole Board

Private Security Authority

Private Security Appeals Board

Probation Service

Property Registration Authority

Property Services Regulatory Authority

Reception and Integration Agency

Refugee Appeals Tribunal

Victims of Crime Office

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### Ministerial Travel

502. **Deputy Ciarán Lynch** asked the Minister for Justice and Equality if he will set out the mileage claimed by any Minister of State in his Department for each year from 2005 to 2010; and if he will make a statement on the matter. [15521/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The mileage/kilometres expenses paid in monetary terms on the basis of claims submitted in respect of Ministers of State attached to this Department in the period 2005 to 2010 are set out in the table that follows. The details relate to amounts paid in a particular year and in some cases may include travel undertaken in a prior financial year.

	2005	2006	2007	2008	2009	2010
Minister of State Frank Fahey	€31,239.80	€33,241.81	€17,958.75	—	—	—
Minister of State Sean Power	—	—	€13,746.20	€24,134.14	—	—
Minister of State Conor Lenihan	—	—	€7,166.79	€15,763.50	€10,853.66	—

### Residency Permits

503. **Deputy Pearse Doherty** asked the Minister for Justice and Equality the current status

and progress made to date in the determination of a decision in respect of a person (details supplied) in County Donegal of a stamp 4; and if he will make a statement on the matter. [15565/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** An application for residency in the State based on family dependency of an Irish National was received in the Spouse of Irish National Unit of the Irish Naturalisation and Immigration Service (INIS) on the 24 February 2012 arising from the recent naturalisation of the parents of the person concerned on 3 February 2012. The application was acknowledged and the person in question was advised to maintain their existing registration whilst their application was receiving attention. These applications are being processed in chronological order based on date of receipt and a decision will be notified to the person concerned in due course.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

### **Garda Equipment**

504. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide a breakdown of the number, type and model of firearms and ammunition purchased for use by the Garda during each of the past five years; and if he will make a statement on the matter. [15589/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Garda Commissioner is responsible for the provision of firearms for Garda personnel. In that context I have sought information from the Garda authorities in relation to the matters raised in this Question and I will communicate with the Deputy when I receive the relevant response.

505. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if there are guidelines provided to gardaí for the purchasing of the firearms; and if he will make a statement on the matter. [15590/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda authorities that there are established procedures within An Garda Síochána regarding the selection of firearms. These procedures include the technical and operational evaluation of the firearms. In relation to the purchase of firearms the position is that contracts are dealt with in accordance with the relevant procurement requirements which include advertising in the Official Journal of the European Union.

### **Submissions to Departments**

506. **Deputy Peadar Tóibín** asked the Minister for Justice and Equality if he will provide the list of bodies and individuals who have made submissions to his Department; and if he will make the contents of these submissions available. [15593/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** As the Deputy will no doubt appreciate, my Department receives a substantial number of submissions from bodies and members of the public on a daily basis. Given the sheer volume of these submissions, the collation of this information would represent a disproportionate and inordinate amount of staff

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time and effort which can not be justified where there are other significant demands on resources both in my Department and the organisations concerned.

### **Public Liability Insurance**

507. **Deputy Terence Flanagan** asked the Minister for Justice and Equality the reason motor insurance is the only compulsory insurance here; if he has any plans to make public liability insurance compulsory; and if he will make a statement on the matter. [15596/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I must inform the Deputy that motor insurance policy, as well as policy relating to the area of public liability insurance, does not fall within my remit as Minister for Justice and Equality.

### **Garda Disciplinary Proceedings**

508. **Deputy Michelle Mulherin** asked the Minister for Justice and Equality, further to Question No. 296 of 10 May 2011, the outcome of an internal investigation into the alleged non-execution of a bench warrant or community order issued at Castlebar District Court, County Mayo; the format the investigation took; if disciplinary action has been taken; if so, what action was taken; and if he will make a statement on the matter. [15597/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have been informed by the Garda authorities that, arising from the investigation referred to by the Deputy, disciplinary proceedings are currently ongoing under the Garda Discipline Regulations.

### **Garda Transport**

509. **Deputy Seán Kenny** asked the Minister for Justice and Equality if any Garda station in the Garda R or J district of the Dublin region will receive an additional Garda vehicle when those vehicles are rolled out shortly; and if he will make a statement on the matter. [15611/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The provision of Garda resources, including transport, is a matter for the Garda Commissioner. At Divisional level the deployment of Garda vehicles is undertaken by the Divisional Officer in the light of operational requirements. I am advised by the Garda authorities that the allocation of Garda transport at both District and Divisional level is subject to ongoing review. Additionally, I am advised that a new Garda vehicle has been allocated to both the Raheny District (J) and the Coolock District (R) in 2012.

I am also informed that provision has been made by the Garda authorities to acquire new Garda vehicles. This is a matter which will be pursued in the light of An Garda Síochána's identified policing requirements and the availability of financial resources. In this context I understand that the needs of the areas referred to by the Deputy will be fully considered.

### **Garda Resources**

510. **Deputy Seán Kenny** asked the Minister for Justice and Equality the cost of increasing the number of horses in the Garda mounted unit by an additional seven; the cost of increasing the number of dogs in the Garda dog unit by an additional seven; and if he will make a statement on the matter. [15612/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am advised by the Garda authorities that it would cost in the region of €42,000 to buy an additional seven horses for the Garda Mounted Unit. In addition, I understand that the accommodation currently available to

the Unit is fully utilised and that it cannot cater for further horses at this stage. I have also been informed by the Garda authorities that the cost of purchasing dogs for the Garda Dog Unit will vary and depend, for example, on the breed and the expertise required. However, they have estimated generally that it would cost in the region of €14,000 to buy an additional seven dogs for the Garda Dog Unit.

The Deputy will appreciate that an increase in the number of Garda horses and dogs would result in a consequential increase in costs for the Units, including ongoing expenses such as food and veterinary services. It would also be the case that appropriate training would be required and this would give rise to further costs.

### **Road Traffic Offences**

511. **Deputy Seán Kenny** asked the Minister for Justice and Equality the number of drivers prosecuted for driving a vehicle while holding a mobile telephone in each of the years 2009, 2010, 2011 and to date in 2012; and if he will make a statement on the matter. [15613/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** In the time available it has not been possible for the Garda authorities to supply the information requested by the Deputy. I will be in contact with the Deputy when the information is to hand.

### **Drug Courts**

512. **Deputy John Lyons** asked the Minister for Justice and Equality when the next review of the Drug Treatment Court will be published; and if he will make a statement on the matter. [15622/12]

513. **Deputy John Lyons** asked the Minister for Justice and Equality, in view of the positive results the Drug Treatment Court programme can have for participants, their families and communities, the measures that have been undertaken to implement the recommendations of the 2010 review of the court; his plans to increase participation in the programme and to increase the completion rates of those who enter the programme; and if he will make a statement on the matter. [15623/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 512 and 513 together.

I indicated in my response to Question No. 620 of 14 September last that a review of the Drug Treatment Court would take place during 2012 as recommended in the report published by my Department in 2010. One of the actions taken following that report was the establishment of a Support and Advisory Committee comprising representatives of each of the agencies involved with the Court which has met regularly to progress and monitor the programme's throughput and effectiveness. I have requested that Committee to undertake a detailed evaluation of the court's operation and potential and I expect the Committee will furnish a report to me by mid-2012.

As the Deputy recognises, the findings of the 2010 review found there was some evidence that participants on the court's programme have reduced rates of recidivism and improved health, education and social skills. However, the Report also identified issues to be addressed in terms of the court's management and operation and particularly its throughput. As I have previously informed the House, the catchment area served by the Drug Treatment Court was significantly expanded with effect from July 2011 and the Court is now in a position to deal with offenders from a much wider area including offenders who are resident in all areas of

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Dublin north of the river Liffey and to offenders receiving treatment in the Castle Street Drug Treatment Centre which provides services to people residing in Dublin 2, 4, 6 and 8.

This welcome initiative was undertaken with a view to increasing throughput with co-operation from the Health Services Executive in the provision of vital testing and treatment support services. In addition to the extension of the catchment area, several other recommendations have been fully implemented including the introduction of an agreed protocol to assist Judges in determining whether defendants before them qualify for participation in the Drug Treatment Court Programme.

### **Seized Property**

514. **Deputy Kevin Humphreys** asked the Minister for Justice and Equality if he will indicate, in tabular form, the amount of money raised by An Garda Síochána from the auctioning of seized property in 2009, 2010 and 2011; if 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; the number of auctions or sales held on an annual basis; the effort that is made to maximise the sale value through publicity and other actions; and if he will make a statement on the matter. [15697/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Garda Commissioner is the Accounting Officer for the Garda Vote. In that context I have sought information from the Garda authorities in relation to the matters raised in this Question and I will respond to the Deputy when I receive the relevant material.

### **Crime Levels**

515. **Deputy Ann Phelan** asked the Minister for Justice and Equality the legislation or proposals in place to combat the high level of crime that is taking place on a local level around the country and the impact of a growing fear of crime on quality of life; his views on the minimal sentencing that ensues for petty crimes given that the aftermath of these crimes are so considerable; and if he will make a statement on the matter. [15717/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** While I share the Deputy's concerns about crime and assure her of the Government's commitment to respond effectively, it should be noted that Central Statistics Office recorded crime statistics for the third quarter of 2011, the most recent figures available, 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.

All crime trends nationally are closely monitored by Senior Garda management. Regional Assistant Commissioners and Assistant Commissioners in charge of the National Units have put in place appropriate intelligence led initiatives to target criminality with special intelligence led operations to tackle serious and organised criminal activity. At a local level, Garda management closely monitors the allocation of all resources in the context of crime trends, policing needs and other operational strategies to ensure optimum use is made of Garda resources, and that the best possible service is provided to the public. Senior Garda management is satisfied that a comprehensive policing service continues to be delivered and that current structures in place meet the requirement to deliver an effective and efficient policing service to the community. I am further informed that Garda management is satisfied that adequate resources and strategies are available to deal with the current level of crime being recorded.

I would also like to emphasise that partnership between An Garda Síochána and the community in preventing and detecting crime and in maintaining a safe environment for everyone is of great significance. An Garda Síochána is committed to continuing to invest time and energy in those partnerships and relationships to the benefit of all. This is reflected in the Garda Community Policing Model, as well as in work undertaken by An Garda Síochána in partnership with Community Alert, Neighbourhood Watch, Business Watch, Crime Stoppers and also through the work of the Joint Policing Committees.

The Gardaí make full and effective use of the criminal law in order to investigate and prosecute offenders. Nevertheless, I am committed to keeping that legislation under review so that it continues to provide for effective measures to respond to offending. I have, in particular, requested that my Department review the operation of the organised crime provisions contained in the Criminal Justice (Amendment) Act 2009 to see if its provisions can be strengthened, and that process is ongoing in consultation with the Garda authorities. In so far as sentencing decisions in individual cases are concerned, the Deputy will appreciate that judges are independent in the matter of sentencing as they are in other matters concerning the exercise of judicial functions, subject only to the Constitution and the law.

I can further inform the Deputy that I intend to build on existing work in order to put in place a National Anti-Crime Strategy, arising from the White Paper on Crime consultation process. This will provide a strategic framework for all of the measures in place to tackle crime, including prevention, intervention and enforcement measures, as well as measures to support victims. My intention is to publish this Strategy later this year and that it will help to guide our work to tackle crime into the future.

### **Legal Aid Service**

516. **Deputy Jerry Buttimer** asked the Minister for Justice and Equality if he will provide details of current waiting times at each legal aid centre; the measures that have been taken to reduce waiting times; and if he will make a statement on the matter. [15735/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I can inform the Deputy that the waiting times as of 1 March 2012 for non-prioritised matters at each of the Board's law centres are set out below. I am aware that the waiting times have got longer since the downturn in the economy and the very significant increase in demand for the Board's services. The Board's grant-in-aid for general civil matters, which accounts for the vast majority of its funding, has effectively been maintained for 2012 at its 2011 level. I have also now incorporated the grant for asylum services into the grant-in-aid which should give the Board greater flexibility in using its resources.

There are a number of other measures taken or being taken which I believe can have a positive impact for persons seeking services from the Board:

- The Board has outsourced to private solicitors significantly more work in recent years than it did a number of years ago. There is, of course, a budgetary constraint on what can be referred and it is not possible to accommodate all of the additional demand through private referral.
- As of 1 November 2011 the Board assumed responsibility for the Family Mediation Service (following the enactment of the Civil Law (Miscellaneous Provisions) Act 2011). The Board is currently reviewing the operation of the State funded mediation service with a view to achieving synergies with its legal services and better options in terms of resolving family disputes;

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- The arrangements on foot of which barristers are retained have been in place since 1998 and are currently under review. There will be a level of restructuring of the current arrangements;
- The Board is working with individual law centres with a view to trying to deliver greater efficiencies in a number of its centres. It is assisted in this regard by the preparation of a Value for Money Review Report prepared by my Department and the Department of Finance (now the Department of Public Expenditure and Reform); and
- The Board will be piloting a “triage” service to commence very shortly. The objective of the pilot will be to ensure that every applicant for services gets to see a solicitor for the purpose of getting early legal advice within a period of a month. It is recognised that those seeking further services will experience a wait however, it is anticipated that an early consultation will benefit the client in terms of signposting actions the client can take themselves and signposting other support service.

Law Centre	Maximum current waiting time at 29/02/12 (months)
Dublin	
• Blanchardstown	6
• Brunswick Street	7
• Clondalkin	11
• Finglas	5
• Gardiner Street	8
• Tallaght	8
Cork	
• Popes Quay	8
• South Mall	6
Athlone	5
Castlebar	6
Cavan	5
Dundalk	0
Ennis	6
Galway	5
Kilkenny	8
Letterkenny	4
Limerick	4
Longford	5
Monaghan	1
Navan	6
Nenagh	8
Newbridge	9
Portlaoise	9
Sligo	6
Tralee	5
Tullamore	3
Waterford	6
Wexford	5
Wicklow	8

### Residency Permits

517. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current or expected position in relation to an application for residency in the case of a person (details supplied) in Dublin 7; and if he will make a statement on the matter. [15742/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The person concerned is a failed male asylum seeker. The up to date position is that my Department wrote to the person concerned on 25 January 2010, requesting additional documentation. However, to date this documentation has not been received.

The case of the person concerned case is currently awaiting consideration under 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.

### Garda Vetting of Personnel

518. **Deputy Joan Collins** asked the Minister for Justice and Equality if he will review a matter in respect of a person (details supplied) in Dublin 12; and if he will make a statement on the matter. [15792/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** This question relates to an application made to the Private Security Authority (PSA). As the Deputy will be aware, the PSA, established under the Private Security Services Act 2004, is the regulatory body with responsibility for regulating and licensing the private security industry. The Authority is an independent body under the aegis of my Department and so the processing of licence applications is a matter solely for the Authority.

As the Deputy will appreciate, garda vetting is an integral part of that licensing process. I am informed by the Garda Authorities that a vetting application in respect of the person referred to was received by the Garda Central Vetting Unit (GCVU) and is being processed by the GCVU at present. The GCVU will be in contact with the relevant registered organisation, in this case the PSA, when that processing is completed.

### Departmental Bodies

519. **Deputy Mary Lou McDonald** asked the Minister for Justice and Equality if he will provide, in tabular form, a breakdown of the position, salary, allowance and expenses paid to each of the employees of the Human Rights Commission and the National Disability Authority in 2011. [15798/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** It has not been possible for the organisations concerned in the time available to compile figures for expenses as sought by the Deputy. I shall write to the Deputy when this information has been collated and made available

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to me. The remaining details requested by the Deputy are given in the following table. The salary details provided are the salary range applicable to the post.

Body	Grade	No. in Grade	Salary Scale Min-Max	Allowances paid in 2011
Irish Human Rights Commission	CEO	1 (position vacant from January 2011)	€134,523 — €153,885	Nil
Director	2	€84,132 — €103,472(*)	Nil	
Senior Enquiry and Legal Services Officer	1	€71,359 — €88,598(*)	Nil	
Senior Research and Policy Officer	1 (on career break from June 2011)	€65,185 — €80,678(*)	Nil	
Senior Human Rights Awareness Officer	1	€65,185 — €80,678(*)	Nil	
Enquiry and Legal Services Officer	1	€46,081 — €58,294(*)	Nil	
Administration, Finance and HR Officer	1	€30,516 — €47,975(*)	Nil	
Desk Officer	3	€23,177 — €37,341(*)	Nil	
National Disability Authority	Principal Officer (higher scale)	1	€85,597 — €105,429	0
Principal Officer (standard)	3	€84,132 — €103,472	0	
Assistant Principal Officer (higher scale)	1	€71,359 — €88,598	0	
Assistant Principal Officer (standard)	9 Full time & 3 Part time	€65,185 — €80,678	€799.61	
Higher Executive Officer	3	€46,081 — €58,294	0	
FÁS Grade 8	1 Part time	€34,049 — €55,315	0	
Admin and Clerical Grade VI	2	€44,849 — €55,032	0	
Admin and Clerical Grade V	1	€40,209 — €48,496	0	
Admin and Clerical Grade IV	8 Full time & 2 Part time	€28,330 — €42,891	0	
Admin and Clerical Grade III	2	€23,187 — €37,341	0	
Porter	1	€27,504 — €30,525	0	
Service Attendant	1	€21,732 — €27,808	€1,860.29	
Security	2 Part time	€21,732 — €27,808	0	

(\*)After 6 years satisfactory service at the maximum.

520. **Deputy Mary Lou McDonald** asked the Minister for Justice and Equality if he will provide, in a tabular form, a breakdown of the number of members of the boards of the Human Rights Commission and the National Disability Authority, respectively, and their respective annual remuneration for 2011. [15799/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The information requested by the Deputy is set out in the following table:

Body	Commissioner/ Boardmember	Remuneration for 2011 (fees and expenses)
Irish Human Rights Commission (see Note 1 below)	Maurice Manning (President)	salary (see Note 1 below) and expenses of €2,185.29
	Michael Farrell	€15,245.57

Body	Commissioner/ Boardmember	Remuneration for 2011 (fees and expenses)
National Disability Authority (see Note 2)	Olive Braiden	€14,963.00
	Robert Daly	€16,200.77
	Roger Sweetman	€14,963.00
	Rosemary Byrne	€14,963.00
	Suzanne Egan	€14,963.00
	Tom O'Higgins	€14,963.00
	William Binchy	€14,963.00
	Katherine Zappone	€14,963.00
	Lia O'Hegarty	€14,963.00
	Alice Leahy	€14,963.00
	Conleth Bradley	Nil
	Gerard Quinn	€15,094.00
	Helen O'Neill	€14,963.00
	Peter McKeivitt — Chair	€9,580.40
	Shane Hogan	Nil
	Linda Grealy	Nil
	James O'Grady	€7,918.82
	David Joyce	€5,985.00
	Frank Cunneen	€5,985.00
	Des Kenny	€5,985.00
	Joanne McCarthy	€5,985.00
	Fiona Duignan	€5,985.00
	Tony Bates	€5,985.00
Mary Lavelle	€5,985.00	
Tara Cunningham	€7,474.79	
Caroline Burrell	€6,297.28	

Note 1: The President's salary is set at High Court Judge level (€243,080 per annum) and was voluntarily reduced to €199,000 in 2011. The fees for members of the Human Rights Commission in 2011 were €14,963 per annum, paid quarterly in arrears. Fees paid in 2011 included payment in January 2011 for the 4th quarter, 2010. Fees in respect of the period 20 December 2011 to 31 December 2011 for the Commissioners reappointed in December 2011 (Helen O'Neill, Conleth Bradley and Roger Sweetman) will be paid in the first quarter, 2012 and the annual rate is now €7,695.

Note 2: Board fees and expenses for the National Disability Authority in respect of 2011 were paid in two instalments, in June 2011 and in January 2012.

### Citizenship Applications

521. **Deputy Michael Lowry** asked the Minister for Justice and Equality the position regarding an application for naturalisation in respect of persons (details supplied) in County Tipperary; the current status of said applications; the progress that has been made on same; the reasons for this case taking in excess of three years; the steps being taken to resolve the issue; and if he will make a statement on the matter. [15817/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that valid applications for certificates of naturalisation were received from the persons referred to by the Deputy in December, 2008. The applications are currently being processed with a view to establishing whether the applicants meet 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

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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.

### **Defence Forces Reserve**

522. **Deputy Robert Troy** asked the Minister for Defence the progress he has made in securing alternative premises for the members of the Defence Forces Reserve who are homeless following his decision to close Columb Barracks, Mullingar, County Westmeath. [15285/12]

**Minister for Defence (Deputy Alan Shatter):** Following the Government's decision to further consolidate Defence Forces personnel into fewer locations, Columb Barracks will close on 30 March 2012. The Reserve Defence Force in Mullingar will be provided with alternative rented accommodation. This is a normal arrangement for Reserve Units in other locations around the country and consistent with how the previous Government dealt with the matter.

In this regard the Department recently placed advertisements in local newspapers seeking expressions of interest for the provision of suitable accommodation in the Mullingar area to facilitate the local Reserve Unit. These expressions of interest are being examined at the present time and a final decision on accommodation will be made shortly.

### **Irish Red Cross**

523. **Deputy Finian McGrath** asked the Minister for Defence if his attention has been drawn to the fact that at a recent meeting of the Committee of Public Accounts it was indicated that the committee may have been misled by the Irish Red Cross; his views on same; and if he will make a statement on the matter. [15469/12]

526. **Deputy Finian McGrath** asked the Minister for Defence his views on a suggestion made at a recent meeting of the Committee of Public Accounts that his Department should engage an independent third party to conduct an independent investigation into conflicting evidence presented to the committee in regard to the Irish Red Cross; and if he will make a statement on the matter. [15525/12]

**Minister for Defence (Deputy Alan Shatter):** I propose to take Questions Nos. 523 and 526 together.

I welcome the fact that the Oireachtas Committee of Public Accounts (PAC) recently examined the Chapter on Financial Control in the Irish Red Cross Society that was contained in the Comptroller and Auditor General's recent Report. It is clear that the PAC dealt in some

considerable depth with a wide range of issues relating to weak financial controls in the past and allegations of poor corporate governance.

As the Deputy is aware, the PAC is completely independent in its operations. Any issues that arise from evidence given to the Committee by third parties is a matter for the Committee itself in the first instance. It would not be appropriate for me to attempt to influence the Committee in the performance of its work.

### Departmental Bodies

524. **Deputy Mary Lou McDonald** asked the Minister for Defence if he will provide, in tabular form, a list of all agencies, bodies and internal organisations under his aegis. [15499/12]

**Minister for Defence (Deputy Alan Shatter):** The bodies under the aegis of my Department are as follows:

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Civil Defence Board
Army Pensions Board
Board of Coiste an Asgard.

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### Ministerial Travel

525. **Deputy Ciarán Lynch** asked the Minister for Defence if he will set out the mileage claimed by any Minister of State in his Department for each year from 2005 to 2010; and if he will make a statement on the matter. [15514/12]

**Minister for Defence (Deputy Alan Shatter):** The Ministers of State appointed to the Department of Defence from 2005 to 2010 were as follows:

1. Mr. Tom Kitt T.D. 29 September 2004 to 6 May 2008.
2. Mr. Pat Carey T.D. 7 May 2008 to 22 March 2010.
3. Mr. John Curran T.D. 23 March 2010 to 23 January 2011.

The Ministers of State were also appointed as Government Chief Whip and Minister of State at the Department of the Taoiseach. They were assigned two official drivers and an official car. Records held at the Department of Defence confirm that, in this context, no mileage payments were made to the Ministers of State in the period in question.

*Question No. 526 answered with Question No. 523.*

### Irish Red Cross

527. **Deputy Finian McGrath** asked the Minister for Defence when he next expects to make Government nominations to the central council of the Irish Red Cross; the number of nominees he expects to appoint; the criteria he will use to select suitable nominees; and if he will make a statement on the matter. [15526/12]

528. **Deputy Finian McGrath** asked the Minister for Defence if he has signed the new statutory order for the Irish Red Cross; and if he will make a statement on the matter. [15527/12]

529. **Deputy Finian McGrath** asked the Minister for Defence when he expects to commence the detailed legal review of the basis, structures, governance and so on of the Irish Red Cross

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as per the commitment in the programme for Government; if he envisages substantial changes to existing Irish Red Cross legislation; if the review may result in a new Irish Red Cross Bill during the lifetime of the present Government; and if he will make a statement on the matter. [15528/12]

**Minister for Defence (Deputy Alan Shatter):** I propose to take Questions Nos. 527 to 529, inclusive, together.

Officials from my Department and the Office of the Attorney General have recently finalised the text of the proposed Government Order that will amend the Irish Red Cross Society Order 1939. One of the key changes proposed in the amendment Order, which will be brought to Government very shortly, concerns the composition of the Society's governing body, its General Assembly — to be renamed as such instead of Central Council — whereby not more than 10% of its membership can be nominated by Government. I expect to be in a position in the coming weeks to seek Government approval for the nomination of up to four people to the General Assembly.

In addition, the Programme for Government provides for the initiation of a detailed legal review of the basis, structures and governance of the Red Cross in Ireland to improve its functioning in the light of changing circumstances. Work has commenced in my Department in this regard and I expect that the Heads of a new Red Cross Bill should be ready for publication later this year. I believe that an overriding principle must be to ensure that any legislative changes made have the full support of the International Federation of Red Cross and Red Crescent Societies.

530. **Deputy Finian McGrath** asked the Minister for Defence the contacts he has had with the Irish Red Cross regarding corporate governance issues at the charity; and if he will make a statement on the matter. [15529/12]

**Minister for Defence (Deputy Alan Shatter):** The Irish Red Cross Society is an independent charitable body corporate which, in accordance with relevant legislation, is responsible for handling its own internal affairs.

Whilst I am conscious of the importance attaching to its independence, I wrote to the Chairman of the Society last year in relation to corporate governance matters. I subsequently met with both the Chairman and the Secretary General of the Society and the progress made in relation to governance reform was outlined. Overall, it was a very positive meeting; I offered my support to the Chairman and the Secretary General in their efforts and I am satisfied that very good progress is being made in this regard.

Officials from my Department meet regularly with the Irish Red Cross and they have also met with the International Federation of Red Cross and Red Crescent Societies in the context of the proposed changes to the Irish Red Cross Society Order 1939.

531. **Deputy Finian McGrath** asked the Minister for Defence if he is satisfied that, as an external stakeholder in the Irish Red Cross, his views on rotation at leadership levels in the society will be taken into account by the central council members of the IRC when they elect the next executive committee in May this year; and if he will make a statement on the matter. [15530/12]

**Minister for Defence (Deputy Alan Shatter):** I am on record of saying that I do not believe that it is conducive to good corporate governance for any individual to serve indefinitely on the Central Council or the Executive Committee of the Irish Red Cross Society, or in the same

appointment. I have previously written to the Chairman of the Society and expressed my views on the need for mandatory breaks in service. I welcome the fact that the issue of turnover and rotation at leadership levels was raised by him at a subsequent Central Council meeting and that agreement was reached by the members to introduce a mandatory three-year break for Executive Committee members in circumstances where a member may have previously served for two consecutive three year terms.

I am aware of the fact that it is the firm view of the International Federation of Red Cross and Red Crescent Societies that membership of the Executive Committee is a matter for the Irish Red Cross Society and I am satisfied that the members will consider the views of their external stakeholders when determining the composition of the next Executive Committee.

### **Millennium Projects**

532. **Deputy Martin Ferris** asked the Minister for Agriculture, Food and the Marine in his capacity as the major shareholder on behalf of the Irish people in Coillte, if he will make a statement regarding the status of certificated of ownership issued to persons for the 1.2 million native trees planted as part of the 2002 millennium project. [15592/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The mission of the People's Millennium Forests Project was to ensure that all future generations can enjoy the benefits of Ireland's native forests. One element of the Project was the issue of a certificate to each household. While each tree was planted for a household as stated, it did not confer legal ownership of the tree to that household. The context in which the trees were planted is that they would be part of a woodland community that would remain in place in perpetuity. People were invited to participate in the People's Millennium Forests Project by visiting the forests and to enjoy the ever-changing natural environment of native woodland with its associated flora and wildlife.

### **Single Payment Scheme**

533. **Deputy Pat Breen** asked the Minister for Agriculture, Food and the Marine the position regarding an application in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [14953/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** An application under the Single Payment Scheme /Disadvantaged Areas Scheme was received from the person named on the 16th May 2011.

This application was selected for a Cross Compliance Inspection. During the course of the inspection irregularities were recorded in relation to the Identification and Registration of Cattle concerning the failure to adequately maintain a herd register, missing and unavailable passports and the failure to notify the movement of cattle to the Animal Identification and Movement System (formerly CMMS).

As similar irregularities had been recorded at a previous Cross Compliance inspection in 2010 the breaches at this inspection were deemed to be repeated and a 15% penalty was recorded against the direct payments to the person named in 2011. The person named was formally notified of this decision by letter on the 12th of January 2012 and of his right to seek a review. He was also informed of his right to appeal the outcome of any review to the independent Agriculture Appeals Office. A request for such a review was received on the 20th of February 2012 and is currently being considered. The person named will be informed of the outcome as soon as it is available.

### Departmental Expenditure

534. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Agriculture, Food and the Marine further to Parliamentary Question No. 159 of 1 February 2012 when a response will issue from the Health Service Executive [15040/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The information requested by the Deputy was issued to him in a letter dated Friday 16 March 2012.

### Employment Support Services

535. **Deputy Frank Feighan** asked the Minister for Agriculture, Food and the Marine if he will consider arranging at least one or two courses during the summer months for young farmers to pursue an 18-day course which is part of the qualifying condition to qualify as fully trained farmer. [15073/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** This is an operational matter for Teagasc, a non-commercial semi state body operating under the aegis of my Department. Under the Agriculture, (Research, Training and Advice) Act, 1988, Teagasc has statutory responsibility for the provision of education, research and advisory services to the Agriculture sector. It is a matter for Teagasc to prioritise activities in the delivery of these services and to allocate its resources in accordance with these priorities.

Teagasc provide a wide range of full and part-time agricultural and horticultural courses through their network of agricultural colleges, regional education centres and in collaboration with Institutes of Technologies and Universities.

I am advised that each year they put on a programme of Advanced Certificate in Agriculture courses for Non-agricultural Award Holders. These courses are designed to facilitate people with non-agricultural awards and, as such, are run on a part-time/distance learning basis. The programmes are largely delivered online but do require attendance at a Teagasc location for 18 to 20 days for the purpose of Skills Training, Discussion Group Meetings and Course Assessment. The programme includes a period of home farm placement extending over a 12 months period in order to provide participants with a range of learning experiences extending over a full farming calendar year.

In 2012 Teagasc is putting on seven such programmes across the country with a total of 275 participants. The timing of the attendance at the centre is based on the availability of facilities and staff for skills training and also to facilitate the best timing for discussion group meetings. For these reasons Teagasc advises that it is not possible to confine the programme to the summer months.

### Grant Payments

536. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Kerry will receive 25% payment of the 2012 agri-environment options scheme; and if he will make a statement on the matter. [15206/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named was approved for participation in the Agri-Environment Options Scheme with effect from 1 September 2010 and full payment totalling €608.11 issued in respect of 2010.

Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, must be completed again for 2011 before any payment can issue. This application was

also randomly selected for an on farm inspection. 75% Payment in respect of 2011 totalling €3,146.36 issued to the applicant on 15 December 2011. There are outstanding issues to be resolved arising from this on farm inspection and any balancing payment due to the person named will issue following the satisfactory resolution of these issues.

537. **Deputy Pat Breen** asked the Minister for Agriculture, Food and the Marine when payment will issue to a person (details supplied) in County Clare; and if he will make a statement on the matter. [15261/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named submitted an application for entitlements under Category B of the 2011 National Reserve. Category B caters for new entrants to farming who commenced farming since 15 May 2009. A New Entrant is defined as a farmer who did not pursue any agricultural activity in his/her own name or at his/her own risk in the five years immediately preceding the commencement of the new agricultural activity.

The application was deemed ineligible as the person named had commenced farming prior to 15 May 2009. According to Departmental records he has been a registered herdowner since 12 July 2006. The person named was notified in writing of this decision on 24 August 2011 and was given an opportunity to appeal. To date no appeal has been received. The person named submitted an application for 2011 Single Payment/Disadvantaged Areas Schemes which was received in my Department on 13 May 2011. The person named has no Single Payment Entitlements therefore no payment is due under the Single Payment Scheme. The person named does not qualify for the 2011 Disadvantaged Areas Scheme as he did not submit the minimum threshold of 3 hectares of land on his application.

### Aquaculture Licences

538. **Deputy Maureen O’Sullivan** asked the Minister for Agriculture, Food and the Marine if his attention has been drawn to the publication in the peer-reviewed *Canadian Journal of Fisheries and Aquatic Sciences* of an article, “Evidence for sea lice-induced marine mortality of Atlantic salmon (*Salmo salar*) in western Ireland from experimental releases of ranched smolts treated with emamectin benzoate”, authored in part by scientists from Inland Fisheries Ireland, which confirms that wild salmon passing through bays with salmon farms infected with sea lice results in increased mortality of the salmon; this also impacts adversely on the fresh water pearl mussel in our salmon rivers which requires these fish to complete its life cycle; if he will therefore protect these species by instructing his officials to ensure that no further licences are issued or renewals granted in these bays unless the operations use closed containment systems which ensure separation of wild and farmed salmon. [15280/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** My Department’s policy on sea lice controls is strictly evidence based. The control protocols are operated by the Marine Institute on behalf of the State and are more advanced than those operated in other jurisdictions for the following reasons:

- the inspection regime is totally independent of the industry,
- data obtained as a result of inspections is published,
- treatment trigger levels are set at a low level.

These controls are generally regarded as representing best practice internationally.

[Deputy Simon Coveney.]

Applications for aquaculture licences are assessed under the provisions of the 1997 Fisheries (Amendment) Act which provide for extensive consultation with stakeholders, including Inland Fisheries Ireland, and also a period of general public consultation. Licence decisions are made following detailed advice from my Department's scientific and technical advisers.

### Departmental Reports

539. **Deputy Maureen O'Sullivan** asked the Minister for Agriculture, Food and the Marine if there was a report in 1994 by the then Minister with relevant responsibility, which recommended that fish farms not be allowed any closer than 20 km from any wild salmon river, if so the reason this report was never published; and if such a report was prepared under the auspices of his Department he will make it available in the Oireachtas Library. [15292/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The precise nature of the report referred to by the Deputy is not clear. However, my Department's records indicate that a report entitled 'The Sea Trout Working Group 1994' was commissioned by the Department of the Marine, prepared by the Fisheries Research Centre and published in early 1995.

### Grant Payments

540. **Deputy Paul J. Connaughton** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Galway will be paid their REP scheme 2011 payment; and if he will make a statement on the matter. [15305/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named commenced REPS 4 in October 2009 and received payment for the first two years of their contract.

REPS 4 is a measure under the current 2007-13 Rural Development Programme and accordingly is subject to EU Regulation which require detailed administrative checks on all applications to be completed before any payments can issue. These checks are being finalised and as a consequence of a change in the system of farming and the creation of a milk partnership by the person named an adjusted plan was requested. This plan was received by my Department and officials are currently examining the adjusted plan with a view to an early resolution and payment in respect of 2011.

541. **Deputy Paul J. Connaughton** asked the Minister for Agriculture, Food and the Marine the reason the agri-environment option scheme payment is held up for 2010 and 2011 in respect of a person (details supplied) in County Galway; and if he will make a statement on the matter. [15368/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named was approved for participation in the Agri-Environment Options Scheme with effect from 1 November 2010.

Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue. During these checks an issue arose in respect of the accumulation of actions on one parcel. This issue has been satisfactorily resolved and payment will shortly issue to the person named.

### **Disadvantaged Areas Scheme**

542. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine if he will review a matter in respect of a person (details supplied) in County Kerry. [15383/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** As the Disadvantaged Areas Scheme is co-funded by the EU under the Rural Development Programme 2007/2013, it is necessary to obtain the agreement of the EU Commission to any proposed changes; my officials are involved in ongoing discussions with Commission officials in this regard and a decision is awaited. It should be noted that the proposed criteria may be subject to some changes following the conclusion of the discussions with the EU Commission. However, it is intended that, should agreement be forthcoming, those farmers who do not qualify for the 2012 Scheme on the basis of not having achieved a minimum stocking rate of 0.3 livestock units per forage hectare in 2011 will be allowed appeal, with provision will be made for exceptional circumstances, including recognised Force Majeure.

*Question No. 543 withdrawn.*

### **Rural Environment Protection Scheme**

544. **Deputy Noel Grealish** asked the Minister for Agriculture, Food and the Marine if REP scheme inspectors can call unannounced to farms to make inspections; the health and safety standards these inspectors are trained to; what, if any insurance do inspectors have when they are carrying out farm inspections; and if he will make a statement on the matter. [15414/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** REPS 4 is a measure under the current 2007-13 Rural Development Programme and is subject to the relevant EU Regulation in relation to inspection procedures and other issues. My Department's policy with regard to REPS inspections is that they are unannounced. This practice is provided for in the EU regulations. All Inspectors are aware of health and safety standards and that they must comply with these standards. At all times the State carries the liability for its employees in the performance of their duties.

### **Animal Welfare Issues**

545. **Deputy Maureen O'Sullivan** asked the Minister for Agriculture, Food and the Marine if he will investigate into the welfare of the horses owned by a person (details supplied) which have undergone serious health complications and injuries that occurred while in the care of the Turf Club and Horse Racing Ireland by licensed trainers and staff and are currently at serious health risk; and if he will make a statement on the matter. [15417/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I am aware of the issues raised by the person to whom the Deputy refers. There has been extensive contact between the individual concerned and officials from my Department regarding these matters. I have also written to this individual and I have explained to him my Department's responsibilities with regard to the welfare of horses and the options open to him should he wish to further progress the matters he complains of.

I have clarified that my Department has no role, or jurisdiction, in resolving the issues referred to and that it is for him to decide if he wishes to report these matters to the Gardaí or indeed if he wishes to institute civil proceedings. My officials have set out the Departments position in this matter both verbally and in writing by way of direct contact with the individual

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and also in responses issued to earlier representations made on his behalf. Officials from my Department have also met with this person and explained the situation to him.

Furthermore it is my understanding that this person has submitted complaints to various regulatory bodies, that his complaints have been investigated and the outcome of those investigations have been made known to the complainant.

My Department's responsibility, which is set down in legislation, extends to the welfare and protection of farmed animals only i.e. animals normally bred or kept for the production of food or for use in or for the purpose of farming. The relevant legislation in this area is the Protection of Animals Kept for Farming Purposes Act 1984 and the European Communities (Welfare of Farmed Animals) Regulations 2010, SI 311 of 2010. Animals "used in competitions/shows, cultural or sporting events or activities while so being used" are outside the scope of SI 311 of 2010. Accordingly it is clear that the complaints forwarded by the named individual to my Department are not covered by this legislation and thus fall outside the remit of the Department and the Department must operate at all times in accordance with legislation.

The principal statutes governing cruelty to all animals including race horses, in this country is the Protection of Animals Act 1911 and the Protection of Animals (Amendment) Act, 1965. Responsibility for enforcing this legislation rests with An Garda Síochána who may, on receipt of a complaint, investigate and bring a prosecution against any person alleged to have committed an offence under these Acts.

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.

546. **Deputy Maureen O'Sullivan** asked the Minister for Agriculture, Food and the Marine in respect of a person (details supplied) and the poor health of his horses, if he will confirm that the welfare of race horses during training and racing falls under the responsibility of the member state and therefore, the provisions the State will afford to the person to preserve the welfare of his horses; if responsibility falls under the Turf Club and Horse Racing Ireland, the accountability they must show with regard to the animal welfare claims made; and if he will make a statement on the matter. [15418/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I am aware of the issues raised by the person to whom the Deputy refers. There has been extensive contact between the individual concerned and officials from my Department. I have also written to this individual and I have explained to him my Department's responsibilities with regard to the welfare of horses and the options open to him should he wish to further progress the matters he complains of. I have clarified that my Department has no role, or jurisdiction, in resolving the issues referred to and that it is for him to decide if he wishes to report these matters to the Gardaí or indeed if he wishes to institute civil proceedings. My officials have set out the Department's position in this matter both verbally and in writing by way of direct contact with the individual and also in responses issued to earlier representations made on his behalf, they have also met with him. It is my understanding that this person has submitted complaints to various regulatory bodies, that his complaints have been investigated and the outcome of those investigations have been made known to the complainant.

My Department's responsibility, which is set down in legislation, extends to the welfare and protection of farmed animals only i.e. animals normally bred or kept for the production of food or for use in or for the purpose of farming. The relevant legislation in this area is the Protection of Animals Kept for Farming Purposes Act 1984 and the European Communities (Welfare of Farmed Animals) Regulations 2010, SI 311 of 2010. Animals "used in competitions/shows, cultural or sporting events or activities while so being used" are outside the scope of SI 311 of 2010. Accordingly it is clear that the complaints forwarded by the named individual to my Department are not covered by this legislation and thus fall outside the remit of the Department.

The principal statutes governing cruelty to all animals including race horses, in this country, is the Protection of Animals Act 1911 and the Protection of Animals (Amendment) Act, 1965. Responsibility for enforcing this legislation rests with An Garda Síochána who may, on receipt of a complaint, investigate and bring a prosecution against any person alleged to have committed an offence under these Acts.

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.

### **Animal Diseases**

547. **Deputy Thomas Pringle** asked the Minister for Agriculture, Food and the Marine if there is definitive evidence that the Schmallenberg virus cannot be transmitted animal to animal and if he has been in contact with his counterpart in the Northern Ireland Assembly with a view to adopting an all-Ireland approach to ensuring the virus does not make it to these shores; and if he will make a statement on the matter. [15434/12]

548. **Deputy Thomas Pringle** asked the Minister for Agriculture, Food and the Marine the percentage of the beef and sheep meat trades respectively that involve live imports; if he has considered restrictions to these imports in view of the Schmallenberg virus outbreak in the United Kingdom and Europe; and if he will make a statement on the matter. [15435/12]

549. **Deputy Thomas Pringle** asked the Minister for Agriculture, Food and the Marine the provisions he has adopted to ensure that there is not an outbreak in the national herd and flock of the Schmallenberg virus; and if he will make a statement on the matter. [15436/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I propose to take Questions Nos. 547 to 549, inclusive, together.

Schmallenberg virus (SBV) was confirmed in December 2011 following the birth of deformed lambs in the Netherlands. Its manifestation in adult cattle (as low grade fever and unexplained milk drop-from which animals made a full recovery) had been under investigation in Germany and the Netherlands since summer/autumn 2011. The current situation is that it has now been recorded in eight Member States (Germany, Belgium, France, Luxemburg, UK, Netherlands, Spain and Italy) on about 2000 farms in total (out of a total ruminant population of 85 million). It is not a notifiable disease as it doesn't meet the OIE criteria for notification mainly because neither morbidity nor mortality appear to be significant. There are currently no trade implications for movement of animals or products within the EU. Animals may move subject to normal health inspection and certification systems.

[Deputy Simon Coveney.]

The virus is a newly emerging disease. The information available on the Schmallenberg virus suggests that this is part of the Simbu serogroup of viruses, which are mostly found in ruminants in Asia, Australia, Africa and the Middle East and are primarily transmitted by insect vectors (midges, mosquitoes) with no direct transmission from animal to animal.

Vertical transmission for SBV is suspected given the infections of foetuses. SBV can be identified through PCR testing. There is currently no serological (blood) test available for large scale testing but work is in place to develop one. No vaccines are currently available.

The EU Commission in collaboration with the MS through the Standing Committee on the Food Chain and Animal Health (SCoFCAH) has published a guidance document on its website in which it sets out full details of the knowledge to date on the virus and procedures for providing surveillance data to the European Food Safety Agency (EFSA) who have been tasked with providing a full report on the virus by end of May 2012. An interim report is due by 31 March 2012. The Commission is also working to dissuade third countries from placing restrictions on trade, as in line with OIE recommendations, there is no justification for any ban on milk or meat as these commodities do not pose any risk for Schmallenberg Virus transmission. The Commissioner briefed yesterday's Agriculture Council on this point.

There is no evidence to suggest that the disease is transmissible to humans. To date, people who have been in close contact with infected animals (e.g. animal workers, farmers and veterinarians) have not reported any unusual illnesses. The European Food Safety Authority and ECDC European Centre for Disease Control and also the animal and human health authorities at national level, are collaborating to ensure rapid detection of any change in the epidemiology in animals and humans.

There is no evidence that the virus is present in this country. Equally there is no proof in the absence of tools for sero-surveillance that it is not here. My Department has notified relevant persons (Veterinary staff/PVPs) to report and submit samples of any animals showing unexplained clinical symptoms of SBV or suspect birth defects. Samples from 63 animals tested to date in the Department's laboratory from animals presenting with clinical signs that may be associated with infection have tested negative.

Applying additional controls at entry points would not add anything by way of increased bio-security. Such a move would also be contrary to current European animal health law. Single Market rules preclude Member States from interfering with intra-union trade in animals except on legitimate animal health grounds.

Accordingly, animals are free to move in trade in the Union provided they are certified as being compliant with animal health rules. My Department would always urge importers to ensure that any imports are fully compliant with EU rules and that they operate to the highest standards of bio-security to ensure that no diseases are introduced to Ireland via such imports or the vehicles transporting them.

We will continue to monitor this developing situation, maintain close contact with the Commission, our EU colleagues including Northern Ireland and will review and modify our response as appropriate in light of any new information that becomes available or with the development of new testing capabilities.

### **Agri-Environment Options Scheme**

550. **Deputy John O'Mahony** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Mayo will receive their agri-environment options scheme payments; and if he will make a statement on the matter. [15454/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named was approved for participation in the Agri-Environment Options Scheme with effect from 1 September 2010. Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, have to be completed before any payment can issue. During these checks a query arose in respect of land parcels declared which required digitisation. This is being dealt with by my Department at present and once the digitisation process is completed, the application will be processed with a view to making payment in respect of 2010 at the earliest opportunity.

### Departmental Agencies

551. **Deputy Mary Lou McDonald** asked the Minister for Agriculture, Food and the Marine if he will provide, in a tabular form, a breakdown of the position, salary, allowance and expenses paid to each of the employees of the agencies (details supplied) in 2011. [15476/12]

552. **Deputy Mary Lou McDonald** asked the Minister for Agriculture, Food and the Marine if he will provide, in a tabular form, a breakdown of the number of board members and their respective annual remuneration for 2011 of agencies (details supplied). [15477/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I propose to take Questions Nos. 551 and 552 together.

The information requested by the Deputy for the named agencies can be found in the following table. However, queries regarding additional allowances and expenses issued to employees of these State Bodies should be addressed to the State agencies themselves.

Body	Total Number of Staff (Full-time equivalents)	Job Titles	Total Number of Board Members	Remuneration	Total Annual Wage Bill
Bord Bia (Irish Food Board)	92.8	Wide variety of job titles	15	Chair: €20,520 Ordinary Board member: €11,970	€11.113m (total pay per annual account 2010, includes wages and salaries, social welfare and pension costs)
Bord Iascaigh Mhara	117.7	Wide variety of job titles	6	Chair: €11,970 Ordinary Board member: €7,695	€8.949m (including pensioners)
Marine Institute	186.1	Wide variety of job titles	9	Chair: €11,970 Ordinary Board member: €7,695	€7.4m (Centrally Funded Staff) €3.325m (Other wage costs funded independently of central pay funding)
Sea Fisheries Protection Authority (SFPA)	93.2	Wide variety of job titles	3	Authority is comprised of 3 staff. No additional remuneration paid to Authority members.	€7.2m

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Body	Total Number of Staff (Full-time equivalents)	Job Titles	Total Number of Board Members	Remuneration	Total Annual Wage Bill
Teagasc	1,189	Wide variety of job titles	11	Chair: €20,520 Ordinary Board member: €11,970	€77.652m

553. **Deputy Mary Lou McDonald** asked the Minister for Agriculture, Food and the Marine if he will provide, in tabular form, a list of all agencies and bodies and internal organisations under his aegis. [15495/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** There are currently 12 State Bodies that fall under the aegis of my Department.

1. Aqua Licensing Appeals Board (ALAB)
2. Bord Bia
3. Bord na gCon
4. BIM
5. Coillte
6. Horse Racing Ireland
7. Irish National Stud
8. Marine Institute
9. National Milk Agency
10. Sea Fisheries Protection Authority
11. Teagasc
12. Veterinary Council of Ireland

#### Ministerial Travel

554. **Deputy Ciarán Lynch** asked the Minister for Agriculture, Food and the Marine if he will set out the mileage claimed by any Minister of State in his Department for each year from 2005 to 2010, inclusive; and if he will make a statement on the matter. [15510/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The expenses in respect of mileage (kilometre) claimed by Ministers of State in this Department for each year from 2005 to 2010 is set out in the following table:

Minister Of State	2005	2006	2007	2008	2009	2010
Mr. Brendan Smith	€35,998.68	€35,014.72	€10,981.32			
Mr. John Browne	€35,852.83	€6,792.03	€19,662.73	€17,525.55		

Minister Of State	2005	2006	2007	2008	2009	2010
Ms. Mary Wallace		€39,270.40	€44,765.52	€15,065.96		
Mr. Trevor Sargent			€7,710.88	€14,969.83	€11,403.16	€2,829.58
Mr. Tony Killeen				€17,812.87	€25,652.80	€7,180.10
Mr. Sean Connick						€14,278.46

### Forestry Sector

555. **Deputy Pat Breen** asked the Minister for Agriculture, Food and the Marine the position regarding an application in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [15538/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Applications for forestry plant must meet certain criteria to be eligible for such applications to proceed. All applications submitted to my Department for approval to undertake afforestation are examined regarding the suitability of the site from a silvicultural, productivity and environmental perspective. The application by the person named is currently with the relevant Forestry Inspector for consideration and when this is complete, a decision on eligibility will be given.

### Beef Industry

556. **Deputy Dominic Hannigan** asked the Minister for Agriculture, Food and the Marine the way the new beef technology adoption programme was devised; when was the contract for it tendered; the number of applications for tender he received; when is the contract up for review; and if he will make a statement on the matter. [15541/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The establishment of an effective discussion group model similar to that successfully employed in the dairy sector was a key recommendation of the report of the industry-led Beef 2020 Activation Group which was set up to advise on the implementation of the Food Harvest 2020 strategy. The Beef Technology Adoption Programme (BTAP) giving effect to this recommendation was devised following extensive consultation and in collaboration with all industry stakeholders. The purpose of the Programme is to address the significant challenges to farm-level profitability by providing a financial stimulus that will encourage participants to improve the technical efficiency of their beef enterprises by focusing on the key profit drivers (such as breeding, animal health, financial and grassland management) thereby growing the overall output value of the beef sector.

In common with other measures supporting primary agricultural production, the BTAP will be administered and managed by my Department. The Programme will be delivered directly by my Department utilising facilitation services provided by Teagasc and private consultants. The BTAP is open to all applicants meeting the eligibility criteria and independent operators are free to act as facilitators provided that they hold a B.Agr.Sc. degree (Level 8), or equivalent, and have engaged in the relevant FETAC-accredited training in facilitation. My Department does not have a contract either with the applicants or with the facilitators, who are paid directly by the applicants. My intention is that the Programme will run over 3 years subject to funding and that it will be subject to ongoing review over that period to ensure that it is meeting its objectives.

### Public Procurement

557. **Deputy Dominic Hannigan** asked the Minister for Agriculture, Food and the Marine

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the steps he is taking to ensure that Irish small and medium enterprises can compete for tenders from his Department; and if he will make a statement on the matter. [15542/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** My Department implements the Department of Public Expenditure and Reform Circular 10/10 “Facilitating SME Participation in Public Procurement”. Public procurement contracts, including prior information notices, are advertised by my Department on the national e-tenders and official EU Journal websites where appropriate and in line with the financial thresholds applicable. The e-Tenders website provides e-mail alerts to registered suppliers when contract notices of interest to them are published.

In setting down the terms of contracts my Department has regard to the capacity of SMEs to fulfil the contract requirements having due regard to their financial and technical capability. Where possible my Department utilises the standard template Request for Tenders and Contract documents circulated to Departments for use in public procurement competitions for the procurement of routine, non-bespoke and low to medium risk supplies and services and which assist in streamlining and standardising the tender process both for suppliers and Contracting Authorities. I recognise that, in the present economic climate, the Irish SME sector is very important to the economy and that public procurement can be an important source of business for these enterprises. My Department’s newly established Central Procurement Unit will, taking account of obligations arising under competition and procurement law, continue to assess ways of ensuring that SMEs are not hindered in competing for contracts that they could perform effectively.

### **Common Agricultural Policy**

558. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the extent to which he proposes to reform all farm payments or supports; and if he will make a statement on the matter. [14859/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The Deputy will be aware that the EU Commission published proposals for reform of the Common Agricultural Policy in October last that will, if implemented, bring about significant changes to the Single Farm Payment and to the systems of support for the market and for rural development.

My priorities in these negotiations are:

- To ensure that the negotiations on the next EU budget framework deliver a well-resourced CAP to support sustainable food production in the EU;
- To retain Ireland’s funding both for direct payments and for rural development in any redistribution of CAP funds between Member States;
- To obtain flexibility for Member States in relation to payment models and transition arrangements for distribution of single payment funds to farmers;
- To ensure that rural development policy includes appropriate targeted measures to support competitiveness and sustainability; and finally,
- To keep CAP processes as simple and as effective as possible and to minimise unnecessary bureaucracy for the farmer and costs for the State.

At present we are at a very early stage in what are likely to prove lengthy negotiations in relation to these proposals, with work currently taking place at technical level. In that connec-

tion, since I took up office last year I have made it a priority to build up alliances with my counterparts in like-minded Member States in order to garner support for my position on the proposed reform of the CAP. My intention is to maintain and develop alliances with like-minded Member States to secure the best possible outcome for Ireland in these negotiations.

### **Poultry Industry**

559. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the total level of employment in the poultry sector, in each of the past three years and to date in 2012; the potential for expansion with resultant increased employment; and if he will make a statement on the matter. [14858/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The farm gate value of the poultry sector, at €150m (approx €120m meat and €30m eggs), is 3% of gross agricultural output. Export values in 2011 increased by 3% to €210 million arresting the decline experienced in recent years. Most of this increase occurred in European and Asian markets. Approximately 6,000 people are employed across the sector. *Food Harvest 2020* targets a 10% increase in the value of output by 2020. It has identified scope for some reduction in transport costs together with efficiencies through cost effective energy use in terms of increased scale and volume of modern housing facilities. In addition, improved feed conversion rates and an improvement in the quality of birds produced can help achieve these targets and maintain producer viability. Investment in innovation and value-added output together with ongoing promotion under Quality Assurance Schemes will also help in this regard.

### **Fishing Industry**

560. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the extent to which the tonnage of fish catches landed at Irish ports has fluctuated in each of the past four years to date in 2012; and if he will make a statement on the matter. [14857/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The Sea Fisheries Protection Authority is the body within the State responsible for gathering data and reporting on the landings of sea fish by Irish Sea Fishing Boats and other fish landings into Irish ports. I have asked the Authority to provide the Deputy directly with the data requested.

561. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the total number of jobs currently in the fish processing sector; the potential for increased employment at this level; and if he will make a statement on the matter. [14856/12]

563. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the extent to which he expects the fishing industry to expand in the next four years; the level of employment likely to be generated as a result; and if he will make a statement on the matter. [14854/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I propose to take Questions Nos. 561 and 563 together.

I am advised by an Bord Iascaigh Mhara that some 2,870 people are presently employed in the Irish seafood processing industry. *Food Harvest 2020* aims to increase employment in the seafood sector as a whole, from 11,000 to 14,000 by 2020. Both *Food Harvest 2020* and *Action Plan for Jobs 2012* recognise that most of the potential for increased employment in the seafood sector is in the areas of processing and aquaculture.

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Arising specifically from an investment of €7.4 million by 18 seafood processing companies in 2011, with financial assistance under the Seafood Processing Scheme operated by BIM, 158 jobs are expected to be created in the processing sector by those companies by 2014. A new call for proposals under the 2012 Scheme has just been issued by BIM and further jobs can be expected to be created over the next 4 years by companies expanding and modernising with the assistance of the Scheme.

The aquaculture sector has been identified as having particularly significant potential for growth and employment creation. To achieve that potential, BIM is promoting the development of 3 deep sea salmon farms. It is expected that each farm will be capable of producing up to 15,000 tonnes of Irish organic farmed salmon annually, valued at €102 million. If we can have just one deep sea aquaculture production licence in place by 2015, up to 300 direct and 150 indirect jobs can be created.

### Food Industry

562. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the total number of persons employed in the food industry at all levels — production, processing and services; the extent of potential for increased employment in the sector; and if he will make a statement on the matter. [14855/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The Central Statistics Office publishes employment statistics in its Quarterly National Household Survey, the most recent of which was in respect of Quarter 4, 2011. The following table shows these figures and those for the 4th Quarters of the previous three years. Following a dip in 2009 and 2010 employment in the sector has, during the course of 2011, returned to previous levels. On the basis of the most recent data it provides employment for more than 3% of the population. CSO figures may be subject to revision for various reasons.

	Q4 2008	Q4 2009	Q4 2010	Q4 2011
Manufacture of Food Products	47,800	41,900	38,800	48,800
Manufacture of Beverages	5,300	5,500	5,400	5,800
Food & Beverages	53,100	47,400	44,200	54,600
% of Overall Employment	2.58%	2.51%	2.42%	3.02%

*Question No. 563 answered with Question No. 561.*

### Beef Industry

564. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the current strength of the beef herd; the extent to which he expects growth in numbers over the next three years; and if he will make a statement on the matter. [14853/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The latest CSO data indicates that the beef cow herd numbered 1.063m head in December 2011, a marginal reduction of 7,400 head (or 0.7%) on the figure for December 2010. Improved cattle prices have helped to stabilise suckler cow numbers but overall herd size is not expected to grow significantly. Ultimately, the size of the national herd, including the beef cow herd, is a function of market forces.

Cattle prices in 2011 for all animal age categories were substantially higher than in 2010 and this led to an increase in the value of cattle production on Irish farms. For example, the price of weanlings increased by more than 35% in 2011 while the price for store animals was approximately 20% higher in 2011 than in 2010. The impact of these higher output prices on margins more than offset the higher cost of concentrate feed and fertiliser. Increased returns have helped to stabilise cow numbers and have generated renewed confidence in suckler beef production.

Notwithstanding the buoyant market situation, I am continuing to maintain support measures for the beef sector. To date, my Department has paid out over €127m under the Suckler Cow Welfare Scheme (AWRBS) which, since its introduction in 2008, has made a major contribution to improving the competitiveness of the beef sector. The animal welfare measures have directly contributed to improved prices for weanlings and improved the reputation of Irish beef and live exports in key markets.

In recognition of the need to improve to improve profitability at farm level in the beef sector and to achieve the targets set out in the Food Harvest 2020 strategy, last month I launched the Beef Technology Adoption Programme (BTAP) to equip farmers with the knowledge and skills necessary to improve the productivity and profitability of their beef enterprises. Utilising a discussion group format, this new initiative is aimed at upskilling participants to enable them apply best practice in all the vital areas of a successful beef production business: i.e. financial management, grassland management, animal breeding, herd health and production to meet market specifications. 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. I think that there will be tremendous opportunities for the development of the beef industry in the coming years but we must address the fundamental issue of inefficiency and poor margins at farm level if the industry to take full advantage of these opportunities. The payback on the BTAP investment will deliver real gains at individual farm level and upgrade the overall beef production system at national level.

### Food Industry

565. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the extent to which he expects Irish food exports to increase over the next 12 months on European or global markets; and if he will make a statement on the matter. [14852/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The prospects for Irish food and drink exports in 2012 are positive. That being said, lower output availability in some sectors and softening global commodity prices are likely to result in more limited growth potential than the 25% export growth achieved in the past two years. In that context the Central Bank forecast an overall export growth of 5.9% in 2012 and in *Milestones for Success*, I have already indicated export milestones of €9 billion in 2013 and €10 billion in 2015.

566. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the degree to which Irish food exports remain competitive on European and world markets; and if he will make a statement on the matter. [14851/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The fact that agri-food exports increased by 25% over the past two years is an indication that this sector remains competitive on European and world markets. This view is also borne out by the Forfas produced National Competitiveness Scorecard, which benchmarks Ireland's competitiveness against 17 key competitors. In July 2011, it indicated that between April 2008 and February

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2011, Ireland's Harmonised Competitiveness Index (HCI) depreciated by over 12%, which is helping the sector's competitiveness on export markets.

567. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the extent and location for new markets established for Irish food exports in the past two years and to date in 2012; and if he will make a statement on the matter. [14850/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** My Department, together with Bord Bia and the Department of Foreign Affairs and Trade continues to place the highest priority on ensuring and developing market access to markets worldwide for Irish food products. Bord Bia estimates that the value of Irish food and drink exports increased by 12%, or €1 billion, in 2011 to reach an all-time high of €8.85 billion. For the first nine months of last year, food and drink exports increased at three times the rate of total merchandise exports. As a result the sector accounted for 25% of the rise in total export revenue. Over the last two years, the value of Irish food and drink exports has increased by €1.8 billion or 25%. It is also estimated that Irish Food & Drink is exported to 170 countries world-wide. Bord Bia undertake a comprehensive review of market opportunities every two years and prioritize markets according. The objective is to identify opportunities which best match our export potential and allocate resources on this basis. This does not always equate to increasing the number of countries involved but focuses on the best opportunities in terms of returns. That said I am of the belief that it is always beneficial to have a wide range of outlets available for our high quality agricultural produce. To this end my Department engages with Bord Bia and the Department of Foreign Affairs, in consultation with the industry, to secure access to more third country outlets.

In relation to meat, we reached agreements in 2010 and 2011 with the authorities in Tunisia, Morocco, Turkey, Egypt and Singapore which allow for the export of Irish beef. In 2010 the Russian and Chinese markets were re-opened to Irish pork following the dioxin crisis. My Department has also hosted visits in the past two year by official delegations from Morocco (beef access), Israel (beef and sheep access), Philippines (beef access), Australia (pork access), China (pork and beef access) and Korea (pork access) as part of our efforts to gain access for Irish meats to these rapidly growing markets. There are ongoing discussions at EU level with the Russian Federation which, it is hoped, will allow for the export of sheepmeat from EU counties (including Ireland), in the future, and we have been pressing at EU level for an adjustment in the US TSE rule which would permit Irish and EU beef and sheepmeat to be exported to the US. In this regard the Deputy may be aware that last week I welcomed the fact that the US has begun the process of bringing their BSE requirements for imports into line with those of the OIE. Longer term targets for Irish meat access include China for beef and lamb, and Japan for beef. In this regard I will shortly be visiting both China and the US to raise the profile of the Irish Agri food industry, and market access issues will be raised during those visits. Other targeted markets include access for Irish beef and lamb to the North African and Middle East regions. My Department is engaging actively with the authorities in these countries in order to secure access for these products. There is a strong demand for meat globally and my Department remains focused, in consultation with the industry, on ensuring that Irish exporters are able to take full advantage of the opportunities that arise. At present 20% of all Irish pork is exported outside of the EU and most Irish exports of beef and lamb go direct to other EU countries.

On the dairy side, Ireland already has access to dairy markets worldwide. Nonetheless I am working with industry to raise the profile of the Irish dairy sector, and the Irish agri food sector generally in emerging markets. In this regard I visited Algeria last September to meet my

counterpart, Minister Rachid Benaissa and to open a new Irish Dairy Board Office and Packing Centre in what is already a significant, but expanding market for Irish dairy products, and I am confident that my continuing work in this area will ultimately pay dividends for the dairy and other sectors.

In terms of seafood, Ireland exported €420 million of seafood to over 70 countries globally during 2011, an increase of 13%. European markets remain the key outlet for Irish seafood exports, accounting for 63% of exports in 2011, with a value of €265 million. The key export markets in the region are France, Spain, Italy and Germany, all of which showed strong growth during 2011. The UK continues to account for 10% of seafood exports, with trade worth €45 million in 2011. There was strong growth in the value of seafood exports to international markets in 2011, led by Asia, Russia and Africa. More than a quarter of Irish seafood exports are now destined for markets outside of Europe. This trade was worth an estimated €110 million in 2011. Bord Bia maintains a dedicated seafood presence at appropriate international trade shows. These trade shows are essential to allow Irish seafood processors to maintain contact with key international buyers and to identify new market and product opportunities. Bord Bia will be participating in trade shows in Nuremburg, Brussels, Vigo and China in 2012.

It is important to point out that once my Department has obtained access to markets for any agri food products, the extent to which those markets are exploited by Irish agri food businesses is determined by the usual commercial considerations, including demand, supply and price. My Department and I remain committed to working with industry, through Bord Bia and with the assistance of the international network of Irish Embassies, to raise the profile of Ireland and the Irish agri food sector, and to build the kind of confidence in our production and control systems that forms the foundation of successful international trade, so that Irish agri food businesses can continue to develop a strong international profile and increase exports in traditional and emerging markets.

In terms of the scoping and development of new markets, Bord Bia implements a comprehensive market development programme to acquire new customers for Irish food and drink companies in priority markets. Through a network of 10 overseas offices, Bord Bia undertakes in excess of a thousand buyer presentations/meetings per year. In addition the Bord Bia Marketing Fellowship with 26 experienced graduates undertaking 106 commercial assignments in 12 overseas markets from the US to South Korea delivers increased business and market insight for about 80 exporting companies. Bord Bia's Marketplace International 2012 held in February was the biggest event it has ever hosted and brought over 500 buyers together with 176 companies.

### **Agri-Environment Options Scheme**

568. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine when the agri-environment option scheme payment will be available to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [15569/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named was approved for participation in the Agri-Environment Options Scheme with effect from 1 November 2010. Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue. During these checks a query arose in respect of land parcels declared which required digitisation. This is being dealt with by my Department at present and once the digitisation process is completed, the application will be processed with a view to making payment in respect of 2010 at the earliest opportunity.

### National Milk Agency

569. **Deputy Brendan Ryan** asked the Minister for Agriculture, Food and the Marine the amount it cost the Exchequer to run the National Milk Agency in 2011; and if he will make a statement on the matter. [15577/12]

570. **Deputy Brendan Ryan** asked the Minister for Agriculture, Food and the Marine the amount that was collected for the National Milk Agency from the specific levy which is collected on a per litre basis from milk suppliers; and if he will make a statement on the matter. [15578/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I propose to take Questions Nos. 569 and 570 together.

The National Milk Agency is entirely funded by a levy of 0.145 cent per litre of milk purchased for processing for liquid consumption by milk processors. In 2010 this amounted to €609,765. The 2011 accounts for the agency are not yet finalised. The Agency does not receive any Exchequer funding. On 17th November 2011, as part of the Public Service Reform Plan, the Government announced a critical review of a number of State agencies. This included an announcement stating that the National Milk Agency would be reviewed by end of June 2012 with a view to either abolishing it or merging it with Bord Bia. This review is currently in progress.

### Forestry Sector

571. **Deputy Martin Ferris** asked the Minister for Agriculture, Food and the Marine if he will release a record of the 1.2 million trees planted as part of the millennium project in 2000; and if those trees for which individual ownership was given to members of the public could be sold in the event of any sale of Coillte forestry. [15585/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The mission of the People's Millennium Forests Project was to ensure that all future generations can enjoy the benefits of Ireland's native forests. 16 sites were chosen throughout Ireland, 12 sites owned by Coillte, 2 owned by the Northern Ireland Forest Service, 1 owned by the National Parks and Wildlife Service and 1 owned by the Westmeath County Council.

The following is a record of the trees planted, by site, as part of that Project.

Breakdown of Species Planted in the People's Millennium Forests

('000 Plants)

	Oak	Birch	Ash	Scots pine	Alder	Hazel	Cherry	Rowan	Yew	Total	
Ballygannon	52.59	11.25		10.38						74.22	6%
Camolin	34.00									34.00	3%
Coill an Fhalaigh	145.50	17.40	32.00	21.40	43.50		0.90	18.40		279.10	22%
Cullentra	2.00	43.00		10.00	6.10		0.20	1.60		62.90	5%
Derrygill	68.20	9.50	1.40	2.00	3.00			4.00		88.10	7%
Derrygorry	82.40	9.05	17.15	12.20	12.20	0.10				133.10	11%
Glengarra	48.00	3.00		6.00	3.50					60.50	5%
Lacca	22.05		10.20	5.25					0.70	38.20	3%
Portlick	9.50	3.54	19.60			0.10				32.74	3%
Rosacroonaloo	7.80	2.00			5.00					14.80	1%

	Oak	Birch	Ash	Scots pine	Alder	Hazel	Cherry	Rowan	Yew	Total	
Rosturra	148.40	16.10	32.70	5.00	6.10	1.00		3.00		212.30	17%
Shelton (2 sites)	85.95	10.20	35.00		18.60	0.60				150.35	12%
Tourmackeady	34.00	13.00	19.30	18.00	3.00					87.30	7%
	740.39	138.04	167.35	90.23	101.00	1.80	1.10	27.00	0.70	1,267.61	100%

As the Deputy can see, over 1.2 million trees were planted as part of the Project.

One element of the Project was the “Household Tree Scheme” whereby each household in Ireland had a native tree planted at one of the 13 sites of the 14 sites in the Republic of Ireland. The 14th site was exclusively for the protection of a unique native yew wood in Killarney. While a certificate was issued to each household in relation to the “Household Tree Scheme”, it did not confer legal ownership of the tree to that household. The context in which the trees were planted is that they would be part of a woodland community that would remain in place in perpetuity. People were invited to participate in the People’s Millennium Forests Project by visiting the forests and to enjoy the ever-changing natural environment of native woodland with its associated flora and wildlife.

I am aware that 12 of the 16 sites involved in the Peoples Millennium Forest Project form part of the Coillte forest estate. As recently announced by the Government, consideration will be given to the possible sale of some assets of Coillte excluding the sale of land. A valuation of Coillte assets is currently being undertaken by the NTMA (NewERA unit) in conjunction with my Department and the Department of Public Expenditure and Reform. No decision on the possible sale of Coillte assets will be taken until the valuation process is completed. As I have indicated previously, the protection of the People’s Millennium Forests is one of the issues to be considered in the decision-making process in relation to the possible sale of Coillte assets.

### Harbours and Piers

572. **Deputy Arthur Spring** asked the Minister for Agriculture, Food and the Marine the amount spent by him in the past carrying out public works in Fenit Island, County Kerry; and if he will make a statement on the matter. [15586/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** My Department administers the Fishery Harbour and Coastal Infrastructure Development Programme. This Programme provides for maintenance and development works at the six State-owned Fishery Harbour Centres, together with the upkeep of various aids to Navigation for which my Department is responsible. In addition, funding for works at Local Authority owned harbours is also provided for under the programme, subject to the availability of the necessary exchequer resources. Each year where resources permitted my Department invited Coastal Local Authorities to submit applications in respect of priority harbour development projects for inclusion under the programme.

The Fenit Slipway is owned by Kerry County Council and responsibility for the maintenance and development of the pier rests with that local authority in the first instance. In 2011, Kerry County Council submitted an application for funding in respect of necessary works at Fenit Slipway. The application was successful and funding in the amount of €46,736 was paid to Kerry County Council in respect of these works.

### Pension Provisions

573. **Deputy Noel Harrington** asked the Minister for Agriculture, Food and the Marine if he

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will examine the calculation of the lump sum payment of a former employee (details supplied) of the Department regarding the deductions especially the interest on a previous payment by a previous State organisation; it he will give a detailed breakdown of the way these figures were calculated on a yearly basis; and if he will make a statement on the matter. [15634/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** My Department has re-checked the calculation of the deductions from the lump sum in this case and is satisfied that it is correct. A letter is being sent to the person concerned outlining the basis upon which this deduction was made from the lump sum paid to him.

### Forestry Sector

574. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine his plans for the future with regards to the ongoing management of existing forest on peat lands in addition to current available afforestation options for unenclosed land; the number of hectares of forestry to be planted in the coming year; and if he will make a statement on the matter. [15637/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The afforestation schemes provide attractive grants and premiums to incentivise the planting of agricultural land by farmers and other landowners, to support the continued development of a viable and sustainable national forest resource.

All applications submitted to my Department for approval to undertake afforestation are examined regarding the suitability of the site from a silvicultural, productivity and environmental perspective. Certain sites are less suited for forestry. Poorer quality site types are predominantly peat and are often characterised by poor fertility, high elevation and constrained by poor access, wind stability issues and high fire risk. These poor site types are also very sensitive from an environmental perspective and have limited timber productivity. In the current economic climate, my Department is not prioritising the use of limited Exchequer funds to support the establishment of new forests on such sites, on silvicultural, site productivity and environmental grounds.

A Working Group will be established shortly by my Department to examine the future management of existing forests on peatlands. The group will also be examining the afforestation options with regard to unenclosed land. The priority must be to ensure that limited financial resources are targeted towards lands that provide the best value for money with a view to expanding the forest estate so that it can be sustainably and economically managed into the future.

As regards the number of hectares of forestry to be planted in the coming year, I am pleased that sufficient funding has been provided to pay for approximately 7,000 hectares of new planting in 2012.

### Fisheries Protection

575. **Deputy Brian Walsh** asked the Minister for Agriculture, Food and the Marine if he is concerned that plans for a deep sea fish farm off the west coast could pose a risk of epizootics spreading to the wild salmon population, given the proximity of its proposed location to its migration route; and if he will make a statement on the matter. [15654/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I understand that Bord Iascaigh Mhara will shortly submit an aquaculture licence application in respect of a deep

sea fish farm in Galway Bay. The application will be considered under the provisions of the 1997 Fisheries (Amendment) Act as is normal with all such applications. The legislation provides for extensive consultation with all relevant stakeholders and also provides for a period of general public consultation. A final decision on the application will be made following full consideration of all the relevant matters and on foot of detailed advice from my Department's scientific and technical advisors.

### Single Payment Scheme

576. **Deputy John McGuinness** asked the Minister for Agriculture, Food and the Marine when payment will be made to a person (details supplied) in County Kilkenny; and if the matter will be expedited. [15663/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** An application under the 2010 Single Payment Scheme was received from the person named on 20 April 2010. During processing of the application, one land parcel was found to be dual-claimed with another Scheme applicant and, following correspondence, the person named confirmed that he was not entitled to declare this parcel. Consequently, the parcel was rejected and the appropriate reduction penalty applied, as per the Terms and Conditions of the Scheme. The balancing payment, which issued on 1 December 2010, was calculated on this basis. On further review, taking into account a sworn affidavit submitted by the Agricultural Consultant employed by the person named, it was decided to delete this parcel without penalty. The 2010 application was re-processed on this basis and all outstanding payments have issued.

An application under the 2011 Single Payment Scheme was received from the person named on 16 May 2011. Following processing, payment issued in respect of the eligible hectares declared. The Advance Payment issued on 17 October 2011 with the balance issuing on 1 December 2011.

### Cattle Identification Scheme

577. **Deputy Noel Grealish** asked the Minister for Agriculture, Food and the Marine the requirement of the State to ensure that each bovine animal in the State is properly accounted for and identified by reference to the passport-cattle identity card for that animal; the procedures adopted by the State to ensure each bovine animal within the State on each farm holding is readily identifiable by reference to the passport-cattle identity card for that animal; the penalty on the State for failure to ensure all bovines within the State are readily identifiable by reference to their unique passport; the number of bovine animals within the State for which there is no traceability for such animals by reference to the passport-cattle identity system; and if he will make a statement on the matter. [15698/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** All bovines in the state must be identified in accordance with Regulation (EC) No. 1760 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No. 820/97 and S.I. No. 77 of 2009 [European Communities (Identification of Bovines) Regulations 2009]. This legislation sets out the four pillars of bovine identification that include eartags, passports, on-farm registers and computerised databases containing information on animal identity and location.

The legislation requires that all bovines must be tagged within 20 days of birth with a specific individual tag that identifies the holding, with the birth recorded on the herd register of the keeper and details of date of birth, breed, sex and dam registered on the AIM database within

[Deputy Simon Coveney.]

7 days of tagging. The passport for the animal is issued by post to the keeper following receipt of a valid application for registration of the animal by the keeper.

All tag numbers are validated against the AIM database before a movement takes place. If an animal is moved from its holding, it must be accompanied by a valid passport. An exception to this requirement applies when an animal or herd has been placed under movement control by the Department whereby the requirement for a passport is replaced by a requirement to be accompanied by a permit issued by the local District Veterinary Office. If an animal loses a tag, a replacement tag must be ordered immediately. If a passport is lost then the keeper must order a replacement passport from the District Veterinary Office.

Inspections are carried out also under cross compliance for the Single Farm Payment to ensure that animals are identified correctly and that all passports are in order. Penalties may be applied to Single Farm Payments where non-compliance with identification requirements is found. Identification of animals is checked also at the annual TB herd test and any identification issues are addressed at this time, including any discrepancies between the herd profile generated from the AIM database and animals present on the holding. In certain cases keepers may be required to undertake DNA testing to establish the identity of an animal. If the identification of an animal cannot be established the animal may be destroyed or restricted to the holding for life and may not enter the food chain. Keepers may be prosecuted under SI 77 of 2009 for failing to identify an animal. Bovine animals that don't comply with the legislation referred cannot be traded legally.

Audits conducted by or on behalf of the EU may sanction a Member State if checks are not conducted as specified under EU legislation.

### **Irish Land Commission**

578. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the agent to contact on behalf of a land estate (details supplied) to gain consent for the use of a small portion of the land for a public project; and if he will make a statement on the matter. [15715/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The records of the former Irish Land Commission are being examined by my Department to ascertain if the information sought is available. I will write to the Deputy as soon as possible.

### **Departmental Offices**

579. **Deputy Dara Calleary** asked the Minister for Agriculture, Food and the Marine if he will clarify the plans for his Department office in Raphoe, County Donegal; and if additional clerical staff will be employed in the office to deal with the additional workload. [15727/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** All local offices of my Department are being reconfigured to provide a better service in a more efficient manner to our stakeholders; essentially, this process involves doing more work with fewer staff under the terms of the Government Reform Plan. The Department's public office in Raphoe is one of the Departments 16 enhanced offices, providing services on a regional basis, which have replaced 58 public offices that operated in the past. Its enhancement coupled with the Croke Park Agreement has allowed my Department to make a number of staff available to the Department of Social Protection throughout County Donegal which ensures that social protection services are maintained for the benefit of the citizens of Donegal.

A key benefit derived from the Department's strategic investments in ICT and disease control measures is a reduced staffing requirement. This, together with business process improvements planned for all 16 regional offices will enable my Department's office in Raphoe to continue to increase its productivity, dealing effectively with any additional work without the need to employ additional administrative staff.

### Grant Payments

580. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine the position regarding the stocking rate in 2012 (details supplied); and if he will make a statement on the matter. [15747/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The budgeted expenditure under the 2012 Disadvantaged Areas Scheme is being reduced to from €220 million to €190 million. In order to make the necessary savings it is proposed to make technical adjustments to the Scheme criteria to ensure that the aid payment is focused on farmers whose farming enterprises are situated exclusively in DAS areas and who are making a significant contribution to achieving the objectives of the Scheme, which are defined in the governing EU legislation as follows:

- To ensure continued agricultural land use and thereby contribute to the maintenance of a viable rural community;
- To maintain the countryside;
- To maintain and promote sustainable farming systems which, in particular, take account of environmental protection measures.

As the Disadvantaged Areas Scheme is co-funded by the EU under the Rural Development Programme 2007/2013, it is necessary to obtain the agreement of the EU Commission to any proposed changes; my officials have been involved in ongoing discussions with Commission officials in this regard and a decision is awaited. It should be noted that the proposed criteria may be subject to some changes following the conclusion of the discussions with the EU Commission.

581. **Deputy Pat Breen** asked the Minister for Agriculture, Food and the Marine the position regarding an application for a single farm payment in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [15778/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** It is understood that the Deputy is referring to the proposed changes to the 2012 Disadvantaged Areas Scheme. As the Disadvantaged Areas Scheme is co-funded by the EU under the Rural Development Programme 2007/2013, it is necessary to obtain the agreement of the EU Commission to any proposed changes; my officials are involved in ongoing discussions with Commission officials in this regard and a decision is awaited. It should be noted that the proposed criteria may be subject to some changes following the conclusion of the discussions with the EU Commission. However, it is intended that, should agreement be forthcoming, those farmers who do not qualify for the 2012 Scheme on the basis of not having achieved a minimum stocking rate of 0.3 livestock units per forage hectare in 2011 will be allowed appeal, with provision will be made for exceptional circumstances, including recognised Force Majeure.

582. **Deputy John O'Mahony** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Mayo will receive a single farm payment; and if he will make a statement on the matter. [15784/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** An application under the Single Payment Scheme/Disadvantaged Area Scheme was received from the person named on 11 May 2011. During processing of the application an apparent over-claim was identified in respect of a land parcel and the person named disputed the reference area assigned to this parcel under my Department's Land Parcel Identification System. The matter was re-examined by my Department's mapping section following which the original reference area was re-assigned to this parcel and payment will issue to the person named in the near future.

### Departmental Expenditure

583. **Deputy Michael Healy-Rae** asked the Minister for Children and Youth Affairs if she will review a matter (details supplied) regarding funding; and if she will make a statement on the matter. [15509/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The Family Support Agency, under my Department, operates the Scheme of Grants to voluntary organisations providing marriage and relationship, child and bereavement counselling services. Some 600 organisations receive funding each year, including the organisation in question, which is one of 28 larger organisations that receive multi-annual funding under the scheme.

On 5 December 2011, the Government announced the funding levels being made available to my Department in 2012. As part of the national effort to address Ireland's fiscal deficit, the Family Support Agency, like all other State bodies, has been asked to make significant savings across all the programmes which it administers. The Agency is required to achieve savings of 12% per annum over 2012-2014 on the costs of the Scheme of Grants to voluntary organisations providing marriage and relationship, child and bereavement counselling services. The Agency is acutely aware of the challenges that the reduction in funding raises for the voluntary organisations concerned and has asked the larger organisations to focus on identifying the scope for greater efficiency through reducing administration and overhead costs in order to protect the front line services.

The Deputy is seeking that a lower savings requirement be applied to the organisation in question in order to give them an opportunity to restructure. Such a decision would mean that a significantly greater reduction in funding would have to be borne by the other organisations funded under the programme, with consequent impact on their services. In these circumstances, it will not be possible for the Agency to accommodate this proposal. In 2012 an allocation of €26.465m has been made to the Family Support Agency to fund its services for families. This includes funding of over €9.4m for the Scheme of Grants for the counselling organisations.

### Health Services

584. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs further to Parliamentary Question No. 211 of 12 January 2012, when a response will issue from the Health Service Executive. [14960/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I forwarded the information requested in Parliamentary Question No. 211 of 12 January 2012 to the Deputy on 28 February 2012.

### Child Care Services

585. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs further to Parliamentary Question No. 538 of 15 November 2011, when a response will issue from the Health Service Executive. [14963/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The HSE did not collect information on the number of children who were discharged from care on reaching 18-years of age since 2005. A child may enter care for a short period of time or may have a number of entries into care during the year for short periods. Not all children leaving care are aged 18 years of age and children leave care for many reasons. The HSE has however provided a global estimate of the number of children who left care by calculating the number of children who were in care at the end of the previous year, the number of children who entered care during the year and subtracting that from the number of children in care at the end of that year. The information since 2006 is as follows:

Children in care at the end of the year		New Admission during the year		Minus Children in care at the end of the year		Total number of children who left care during the year
Dec 06	4,249	2007	2,159	Dec 06	5,307	1,101
Dec 07	5,307	2008	2,019	Dec 07	5,357	1,969
Dec 08	5,357	2009	2,372	Dec 08	5,675	2,054
Dec 09	5,675	2010	2,291	Dec 09	5,965	2,001

Information in relation to 2011 is expected to be available from the HSE in May/June 2012.

I am advised that the HSE has begun to collect data on a quarterly basis regarding the number of children discharged from care by age from January 2012. This will include the number of children in care turning 18 during the year.

### Health Services

586. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs further to Parliamentary Question No. 10 of 15 December 2011, when a response will issue from the Health Service Executive. [14964/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I forwarded the information requested in Parliamentary Question No. 10 of 15 December 2011 to the Deputy on 30 January 2012.

587. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs further to Parliamentary Question No. 18 of 15 December 2011, when a response will issue from the Health Service Executive. [14965/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I forwarded the information requested in Parliamentary Question No. 18 of 15 December 2011 to the Deputy on 28 February 2012.

588. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs further to Parliamentary Question No. 22 of 15 December 2011, when a response will issue from the Health Service Executive. [14966/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I have once again asked the HSE to provide me with the information requested by the Deputy as a matter of urgency and I will forward same on receipt.

589. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs further to Parliamentary Question No. 25 of 15 December 2011, when a response will issue from the Health Service Executive. [14967/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I have further requested the Health Service Executive to update the Deputy as a matter of urgency.

590. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs further to Parliamentary Question No. 35 of 15 December 2011, when a response will issue from the HSE. [14968/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I have further requested the Health Service Executive to update the Deputy as a matter of urgency.

591. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs further to Parliamentary Question No. 38 of 15 December 2011, when a response will issue from the Health Service Executive. [14969/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I have further requested the Health Service Executive to update the Deputy as a matter of urgency.

592. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs further to Parliamentary Question No. 42 of 15 December 2011, when a response will issue from the Health Service Executive. [14970/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I have further requested the Health Service Executive to update the Deputy as a matter of urgency.

593. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs further to Parliamentary Question No. 47 of 15 December 2011, when a response will issue from the Health Service Executive. [14971/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I have further requested the Health Service Executive to update the Deputy as a matter of urgency.

#### **Child Care Services**

594. **Deputy Jonathan O'Brien** asked the Minister for Children and Youth Affairs the date on which she will end the practice of sending children to St. Patrick's Institution; and if she will make a statement on the matter. [13859/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I refer the Deputy to the responses provided recently on 14 February 2012 to Parliamentary Questions 8059/12 and 8061/12. The position remains unchanged.

#### **Departmental Agencies**

595. **Deputy Mary Lou McDonald** asked the Minister for Children and Youth Affairs if she will provide in a tabular form a breakdown of the position, salary, allowance and expenses paid to each of the employees of agencies (details supplied) in 2011. [15486/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The information requested by the Deputy in respect of the National Educational Welfare Board, the Family Support Agency, the Adoption Authority of Ireland and the Office of the Ombudsman for Children is as follows:

*National Educational Welfare Board (NEWB)*

€4.953m was spent on basic salary costs during 2011 covering 102 people. During 2011, a total of €52,162 was spent on acting-up allowances (4 people) and €266,234 was spent on travel and subsistence incurred by 91 people. A breakdown by pay grade and salary band is set out below:

Pay Grade	Total
Principal Officer	3
Senior Educational Welfare Officer	13
Assistant Principal	7
Educational Welfare Officer	64
Higher Executive Officer	5
Executive Officer	3
Research Associate	1
Clerical Officer	6
Grand Total	102

Salary Banding	Total
Over €125,000	0
€70,001-€125,000	5
€30,001-€70,000	85
€0-€30,000	12
Total	102

*Family Support Agency (FSA)*

€0.716m was spent on basic salary costs during 2011 covering 15 people. During 2011, a total of €7,437 was spent on acting-up allowances (1 person) and €10,555 was paid out in expenses incurred by 10 people. A breakdown by pay grade and salary band is set out below:

Pay Grade	Total
Chief Executive Officer	1
Assistant Principal	2
Higher Executive Officer	4
Executive Officer	5
Clerical Officer	3
Grand Total	15

[Deputy Frances Fitzgerald.]

Salary Banding	Total
Over €125,000	1
€70,001-€125,000	1
€30,001-€70,000	9
€0-€30,000	4
Total	15

#### *Adoption Authority of Ireland*

€1.244m was spent on basic salary costs during 2011 covering 28 people. During 2011, a total of €16,314 was spent on travel and subsistence incurred by 10 people. A breakdown by pay grade and salary band is set out below:

Pay Grade	Total
Chief Executive Officer	1
Principal Officer	1
Assistant Principal	2
Higher Executive Officer	4
Probation and Welfare Officer	1
Senior Welfare Officer	1
Executive Officer	4
Welfare Officer	4
Staff Officer	2
Clerical Officer	7
Services Officer	1
Grand Total	28

Salary Banding	Total
Over €125,000	1
€70,001-€125,000	3
€30,001-€70,000	19
€0-€30,000	5
Total	28

#### *Office of the Ombudsman for Children*

€0.839m was spent on basic salary costs during 2011 covering 13 people. During 2011, a total of €2,860 was spent on travel and subsistence incurred by 4 people. A breakdown by pay grade and salary band is set out below:

Pay Grade	Total
Assistant Secretary	1
Principal Officer	1

Pay Grade	Total
Assistant Principal	3
Higher Executive Officer	3
Executive Officer	5
Grand Total	13

Salary Banding	Total
Over €125,000	1
€70,001-€125,000	4
€30,001-€70,000	8
€0-€30,000	0
Total	13

596. **Deputy Mary Lou McDonald** asked the Minister for Children and Youth Affairs if she will provide in a tabular form a breakdown of the number of board members and their respective annual remuneration for 2011 of agencies (details supplied). [15487/12]

**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 the 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.

There is no Board of Management for the Ombudsman for Children.

I have set out in the following table a list of Board memberships for 2011 and the remuneration received for each individual:

National Educational Welfare Board members for all or part of 2011

Board member	Remuneration 2011
Cathal Flynn (Chair)	€5,000
Aine Lynch	—
Eileen Randles	—
Billy Sheehan	—
Sonja Croke	—
Catherine Hazlett	—
Declan Dunne	—
Fionnuala Anderson	—
Nuala Doherty	—
Jack Keane	—
Ruairi Gogan	—
Michele Clear	—
Don Myers	—

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Board member	Remuneration 2011
Brendan Broderick	—
Anne McDonnell	—
Pat McSitríc	—
Clare Ryan	—
Eamonn Flynn	—
Marie-Claire McAleer	—

## Children Detention Schools Board members for all or part of 2011

Board Member	Remuneration 2011
Pat McLoughlin (Chair)	€2,661.27 (Entitled to €5,000 p.a but resigned on 18th May, 2011 and payment apportioned)
Dolores Kavanagh	—
Dan Kelleher	—
Deirdre Keyes	—
Gerry McKiernan	—
Ned Ryan	€2,993
Pat Rooney	€2,993
Elizabeth Howard	€2,993
Dermot Cronin	—
Martin Clougher	—
Fiona McGowan	€2,993
Alice Leahy	€2,993
John Harraghy	—
Cathal Flynn	€2,993

## Family Support Agency Board members for all or part of 2011

Board Member	Remuneration 2011
Micheal O'Kennedy	€ 4,952.43 (Entitled to € 8,978 p.a but retired in July 2011 and payment apportioned)
Marie Fenlon	€5,985
Catherine Hazlett	—
Dick Hickey	€ 5,524.62 (Entitled to €5,985 p.a but gap of weeks in Quarter 2 2011 while awaiting re-appointment to FSA Board)
Imelda Martin	—
Yvette O'Malley	—
Bríd Rocks	€2,071.73 (Entitled to €5,985 p.a but retired in May 2011 and payment apportioned)
Caroline Murphy	€5,985
Muriel Walls	€2,071.73 (Entitled to €5,985 p.a but retired in May 2011 and payment apportioned)

## Adoption Authority of Ireland Board members for all or part of 2011

Board Member	Remuneration 2011
Geoffrey Shannon (Chair)	€63,120
Helen Collins	€7,965
Corinna Carrick	€7,965
Siobhan Keogh	€7,965
Ann McWilliams	€7,965

597. **Deputy Mary Lou McDonald** asked the Minister for Children and Youth Affairs if she will provide in tabular form a list of all agencies and bodies and internal organisations under her aegis. [15497/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The Agencies and Bodies under the aegis of my Department are the:

- Adoption Authority of Ireland
- Office of the Ombudsman for Children
- Family Support Agency
- National Educational Welfare Board
- Children Detention Schools

#### Ministerial Travel

598. **Deputy Ciarán Lynch** asked the Minister for Children and Youth Affairs if she will set out the mileage claimed by any Minister of State in her Department for each year from 2005 to 2010; and if she will make a statement on the matter. [15512/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The question is not applicable to my Department as it was only established on 2 June 2011.

#### Foreign Adoptions

599. **Deputy Brian Walsh** asked the Minister for Children and Youth Affairs the position regarding progress made following her approval for the Adoption Authority of Ireland to examine the feasibility of a bilateral adoption agreement with Ethiopia; and if she will make a statement on the matter. [15790/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** Adoptions from Ethiopia, effected under the transitional arrangements provided for in the Adoption Act 2010, are ongoing and are currently being examined, and recognised, by the Adoption Authority of Ireland (AAI). These transitional arrangements may lead to adoptions from Ethiopia taking place up to the end of October 2013.

Adoptions from Ethiopia which are not covered by the transitional arrangements referred to above would require a bilateral agreement between Ireland and Ethiopia. The negotiation of bilateral agreements on intercountry adoption with states who have not ratified the Hague Convention is governed by Section 73 of the Adoption Act 2010 which states that “the Authority, with the prior consent of the Minister, may enter into discussions with any non-contracting state concerning the possibility of the Government entering into a bilateral agreement with that State.”

[Deputy Frances Fitzgerald.]

I have written to the AAI giving approval for the commencement of the process of examining the feasibility of a bilateral agreement with Ethiopia. The AAI have confirmed that, with the assistance of the Irish Embassy in Addis Ababa, they have sought an expert legal narrative and description of the current Ethiopian adoption law. The AAI will examine this to test for compatibility and compliance with the Adoption Act 2010. A delegation from the Adoption Authority will visit Ethiopia in the near future as part of this process. Arrangements for the AAI visit are currently being put in place by the AAI in conjunction with the Irish Embassy in Ethiopia. The review and the visit by the Authority will inform the AAI advice to me on the feasibility of a bilateral agreement with Ethiopia. The AAI is aware that I am anxious to bring clarity to the situation with regard to Ethiopia as soon as possible.

Any future bilateral arrangements which might be entered into would also be required by law to meet the minimum standards set out in the Hague Convention. As the Hague Convention is designed to ensure a minimum set of standards in intercountry adoption, the Adoption Authority of Ireland have indicated that their first priority is to reach agreement on arrangements with other Hague countries. The AAI are in the process of developing administrative arrangements with a number of countries who are signatories to the Hague Convention.

### Adoption Services

600. **Deputy Clare Daly** asked the Minister for Children and Youth Affairs, further to Parliamentary Question No. 82 of 14 February 2012 in which she acknowledges that a report in respect of 2009 and the period up to the end of October 2010 when the former Adoption Board was replaced by the Adoption Authority of Ireland is not yet available, if she will explain the reason the report was not prepared to cover this 22-month period. [15818/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The issue raised by the Deputy is a matter of concern and my Department has previously raised the matter with the Adoption Authority of Ireland (AAI). I can assure the Deputy that the issue is receiving priority attention and I expect to receive the report, which I understand is at a very advanced stage of preparation, very shortly. The delay in preparing the final Annual Report of the Adoption Board has arisen owing to the significant workload being managed by the Authority as a consequence of the transition to a new agency and owing to the need to develop new procedures to reflect the requirements of the Adoption Act, 2010.

As I informed the Deputy previously, Section 117 of the Adoption Act, 2010 provides that the Authority shall prepare and adopt an annual report in relation to the performance of the Authority's functions during the preceding year. The first annual report of the Authority, which will cover the period from its inception to the end of 2011, is therefore due to be presented before the end of June 2012.

### Health Services

601. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health, further to Parliamentary Question No. 477 of 7 February 2012, when a response will issue from the Health Service Executive. [14962/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter it has been again referred to the Health Service Executive for direct reply.

602. **Deputy Pat Deering** asked the Minister for Health the reason a person with fibromyalgia is being denied their benefits on paper work alone that is not being seen by a departmental doctor. [15573/12]

**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.

### **Water Fluoridation**

603. **Deputy Tom Fleming** asked the Minister for Health his views on the fact that 98% of Europe has now rejected fluoridation, the fact that many medical experts throughout the world have strongly voiced their opposition to the adding of fluoride to water supplies; his plans to put an end to this practice; and if he will make a statement on the matter. [15606/12]

608. **Deputy Noel Harrington** asked the Minister for Health if he intends to make any changes to rules governing the fluoridation of public water supplies here; and if he will make a statement on the matter. [15683/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** I propose to take Questions Nos. 603 and 608 together.

The Forum on Fluoridation, which reported in 2002, advised that the fluoridation of piped public water supplies should continue as a public health measure. One of the recommendations of the Forum was to amend the Regulations regarding fluoridation of public water supplies to redefine the optimal level of fluoride in drinking water from 0.8 to 1.0 parts per million (ppm) to between 0.6 and 0.8 ppm. Regulations were introduced in 2007 to give legal effect to this change.

The Irish Expert Body on Fluorides and Health advises that the balance of scientific evidence worldwide confirms that water fluoridation, at the optimal level, does not cause any ill effects and continues to be safe and effective in protecting the oral health of all age groups. The report of the EU Scientific Committee on Health and Environmental Risks (SCHER), published in June 2011, has not made any findings of negative health or environmental effects concerning fluoridation of water. There are no plans to discontinue the policy of fluoridation of public water supplies, which continues to make an effective contribution to oral health in Ireland.

### **International Agreements**

604. **Deputy Brendan Griffin** asked the Minister for Health if Ireland will sign up to Article 5 of the Convention on Human Rights and Biomedicine; and if he will make a statement on the matter. [15626/12]

**Minister for Health (Deputy James Reilly):** Ireland is not in a position to sign the Council of Europe Convention on Human Rights and Biomedicine for the time being. There are a range of policy issues that need to be considered in order to inform a decision on whether Ireland should become a signatory to the Convention. Until these issues have been resolved, it is not possible to say when, or if, the Convention will be signed by Ireland.

However, as Article 5 of the Convention deals with consent, I am pleased to inform the Deputy that in 2011 the HSE Quality and Patient Safety Directorate established a National Consent Advisory Group with broad stakeholder representation to develop an overarching consent policy and supporting documentation, which will include national guidelines. It is anticipated that the policy will be available in the latter part of 2012.

### **Water Fluoridation**

605. **Deputy Dessie Ellis** asked the Minister for Health his plans to instruct local authorities to cease the fluoridation of drinking water until the Department of Health and his Department can be sure of the implications of this measure, particularly in view of the recommendations

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and findings of a number of reports including that by environmental scientist, Declan Waugh, outlining the human health risks, environmental impacts and legal implications of water fluoridation and the fact that no human health risk or environmental assessments have been undertaken on the commercial grades of silicofluorides used in water treatment in the State.

[15642/12]

607. **Deputy Finian McGrath** asked the Minister for Health his views on correspondence regarding fluoridation of water (details supplied). [15682/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** I propose to take Questions Nos. 605 and 607 together.

I have received a copy of the recent Report to which the Deputies refer and I have asked the Irish Expert Body on Fluorides and Health to examine it.

The Forum on Fluoridation, which reported in 2002, advised that the fluoridation of piped public water supplies should continue as a public health measure. One of the recommendations of the Forum was to amend the Regulations regarding fluoridation of public water supplies to redefine the optimal level of fluoride in drinking water from 0.8 to 1.0 parts per million (ppm) to between 0.6 and 0.8 ppm. Regulations were introduced in 2007 to give legal effect to this change.

The Irish Expert Body on Fluorides and Health advises that the balance of scientific evidence worldwide confirms that water fluoridation, at the optimal level, does not cause any ill effects and continues to be safe and effective in protecting the oral health of all age groups. The report of the EU Scientific Committee on Health and Environmental Risks (SCHER), published in June 2011, has not made any findings of negative health or environmental effects concerning fluoridation of water. There are no plans to discontinue the policy of fluoridation of public water supplies, which continues to make an effective contribution to oral health in Ireland.

### **National Carers Strategy**

606. **Deputy Pat Deering** asked the Minister for Health when the national carers strategy will be implemented. [15675/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The development of a National Carers Strategy ‘to support carers and to address issues of concern’ is a key commitment in the current *Programme for Government*.

While issues relating to carers span a number of different Departments, the Taoiseach has allocated responsibility for co-ordination of the preparation of the Strategy to me with the support of the Minister for Social Protection.

The Strategy will address the needs of informal and family carers. It will be conceptual and visionary and will establish a number of high-level principles, goals and objectives and a road map to implementation. The State already faces challenges in maintaining existing levels of services from within limited resources and the Strategy is being developed in that context. The Strategy will not be an operational plan but will set the strategic direction for future services and supports for carers in recognition of their role and contribution to maintaining children, adults and older people with physical or mental health difficulties in their own homes.

Work on developing the Strategy is on-going and a consultation process with other Departments is currently taking place. It is hoped that a draft will be completed by the end of March 2012 as a basis for final consultation prior to submission to Government and publication.

*Question No. 607 answered with Question No. 605.*

*Question No. 608 answered with Question No. 603.*

### **Health Services**

609. **Deputy Sean Fleming** asked the Minister for Health if he had brought the funding arrangements for the national children's hospital to the Cabinet this year as promised, ahead of the recent decision by An Bord Pleanála. [15822/12]

610. **Deputy Sean Fleming** asked the Minister for Health the amount of funding he assigned to the national children's hospital project in 2012. [15823/12]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 609 and 610 together.

The Minister for Public Enterprise and Reform, Minister Howlin, T.D., announced in November 2011, at the publication of the "Infrastructure and Capital Investment 2012-2016: Medium Term Exchequer Framework" that the Government had decided to fund the construction of the New Children's Hospital with part of the proceeds from a new licensing arrangement for the National Lottery which would involve an up-front payment in exchange for a longer term licence. He indicated that details of the proposal would be brought to Government early 2012.

The Department of Public Expenditure and Reform is currently examining the various options with respect to the next National Lottery licence. Minister Howlin expects to be in a position to revert to Government shortly on the matter. The Government's intention is to seek a large upfront payment to the State as part of the arrangements for the new licence, with some of the payment to be used to help fund the building of the proposed new National Children's Hospital. Following the publication of the Infrastructure and Capital Investment 2012-2016 Report, the Health Service Executive commenced drawing up its capital programme for the multi-annual period 2012-2016. The Executive is required to prioritise the capital infrastructure projects within its overall capital funding allocation taking into account the existing capital commitments and costs to completion over the period. A draft capital plan for the period 2012-2016 has been submitted to my Department. My Department has been reviewing the proposals and following up with the HSE where further details are required.

The recent developments regarding the National Children's Hospital will require that some of the assumptions made in the plan in that regard are reviewed and my Department, together with the HSE, will be addressing the issues arising as a matter of priority.

611. **Deputy Sean Fleming** asked the Minister for Health when a person (details supplied) in County Kildare will be given a date for an operation. [14870/12]

**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

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hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or daycase surgery.

As this is a service matter, it has been referred to the HSE for direct reply. Should the patient's general practitioner consider that the patient's condition warrants an earlier appointment, he/she would be in the best position to take the matter up with the consultant and facility involved.

612. **Deputy Jack Wall** asked the Minister for Health when a person (details supplied) in County Galway will receive the orthodontic treatment for which they have applied; and if he will make a statement on the matter. [14876/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter it has been referred to the HSE for direct reply.

### EU Funding

613. **Deputy David Stanton** asked the Minister for Health with regard to pre-commercial procurement strategy, the amount of funding available in 2011 and 2012 at European level; the amount applied for and drawn down by his Department and the Health Service Executive respectively in 2011 and 2012; and if he will make a statement on the matter. [14877/12]

**Minister for Health (Deputy James Reilly):** 7 (the Seventh Framework Programme for Research and Technological Development) is the EU's main instrument for funding research in Europe. Funding awarded to Irish participants in EU Research Projects in Health under 7 2007-2011 was €47.4m. Specific funding was made available for Pre-Commercial Procurement (PCP) Actions at EU level in the 7 ICT 2011-2012 Work Programme. The Call for funding closed January 2012.

My Department has not applied for or drawn down any funding in 2011 or 2012 in relation to the EU pre-commercial procurement strategy with regard to ICT. In relation to the HSE, the policy to date in relation to the deployment of Exchequer funded operational ICT systems has been primarily based on the application of mature, proven technologies. However, I have also referred your question to the HSE for direct reply.

You may wish to contact the 7 National Contact Points for more detailed information on the thematic areas of the programme: the Health Research Board in respect of Health; Enterprise Ireland in respect of ICT (<http://www.fp7ireland.com>).

### Medical Cards

614. **Deputy Jim Daly** asked the Minister for Health the position regarding a medical card application in respect of a person (details supplied); and if he will make a statement on the matter. [14881/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### Community Pharmacy Services

615. **Deputy Billy Kelleher** asked the Minister for Health the reason for the delay in reimbursement of vital medicines under the high-tech drug scheme; the likely timescale of decisions in view of the urgent medical needs that exist; and if he will make a statement on the matter. [14883/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The HSE is currently considering applications for a number of products to be reimbursed under the community drugs schemes and the availability of resources to fund these new products.

### Hospital Services

616. **Deputy Billy Kelleher** asked the Minister for Health if he will detail the reconfiguration plans for Mallow General Hospital, County Cork, regarding the facilities and services that will remain; and if he will make a statement on the matter. [14888/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for direct reply.

### Health Services

617. **Deputy Seán Ó Fearghail** asked the Minister for Health if he will seek to have urgently required surgery expedited in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [14894/12]

**Minister for Health (Deputy James Reilly):** I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by dramatically improving the flow of patients through the system, and by streamlining waiting lists, including referrals from GPs. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

As a priority, public hospitals were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or daycase surgery.

As this is a service matter, it has been referred to the HSE for direct reply. Should the patient's general practitioner consider that the patient's condition warrants an earlier appointment, he/she would be in the best position to take the matter up with the consultant and facility involved.

### Home Help Service

618. **Deputy Terence Flanagan** asked the Minister for Health the position regarding a home help service (details supplied) in Dublin 13; and if he will make a statement on the matter. [14979/12]

**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.

619. **Deputy Pearse Doherty** asked the Minister for Health if the Health Service Executive has signed a contract with a company (details supplied) in County Donegal in respect of home help carers being cared for by the company. [14988/12]

**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.

### Diabetes Strategy

620. **Deputy Thomas P. Broughan** asked the Minister for Health if he is considering bringing forward a new diabetes strategy; and if he will make a statement on the matter. [14991/12]

**Minister for Health (Deputy James Reilly):** There are no plans for a new diabetes strategy. In the meantime work is continuing in order to improve services available for this chronic disease across the health system. The HSE's National Clinical Programme for Diabetes — which includes the care of children and adolescents with diabetes — was established within its Clinical Strategy and Programmes Directorate. The purpose of the Programme is to define the way diabetic clinical services should be delivered, resourced and measured; and a clinician has been appointed to lead on the development of the programme, which has as its central aim to save lives, eyes and limbs of patients with diabetes.

The objectives of the National Diabetes Programme are to develop a National Retinopathy Screening Programme for Diabetes to prevent blindness and visual loss from diabetes; develop a footcare screening and treatment service to prevent foot ulceration and subsequent lower limb amputation; develop an Integrated Care Programme for patients with Type II Diabetes; improve Diabetes control (including paediatrics); develop a National Diabetes Register.

This year's National Service Plan for the HSE contains important developments in relation to diabetic services, including the development of an insulin pump service for children under 5 years of age with diabetes and the commencement, in primary care, of a phased roll-out of chronic disease management for diabetes.

### Health Services

621. **Deputy Finian McGrath** asked the Minister for Health the position regarding a long-term care plan in respect of a person (details supplied) in Dublin 3. [14993/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter the question has been referred to the HSE for direct reply.

### Departmental Reports

622. **Deputy Sandra McLellan** asked the Minister for Health the actions he will take regarding the plight of all the victims of symphysiotomy. [15005/12]

**Minister for Health (Deputy James Reilly):** My Department has received a draft report from the independent academic researcher who was appointed to complete a report into the practice of symphysiotomy in Ireland.

I have asked the Attorney General to consider the draft report. Subject to her views, I propose to make the draft report available for consultation. The draft report will then be finalised by the academic researcher, taking account of the consultative process and any legal considerations. I will consider the outcome of the consultation process and the full report when it has been finalised. I will then make decisions regarding the appropriate next steps. I am determined to bring this matter to a satisfactory conclusion for all the women concerned as soon as possible.

I am very conscious of the distress that this procedure has caused to a number of women in the past and recognise the pain that this issue has caused to those affected by it. The Government is committed to dealing with it sensitively, so that if at all possible, closure can be brought to those affected by it. In the first instance, it is important to make sure that the health needs of those who have had a symphysiotomy are met quickly and effectively. With this in mind I

am committed to ensuring that the greatest possible supports and services are made available to women who continue to suffer effects of having undergone this procedure. The women concerned continue to receive attention and care through a number of services which have been put in place. These include the provision of medical cards, the availability of independent clinical advice and the organisation of individual pathways of care and the arrangement of appropriate follow-up.

I intend that there will be a named person to deal with all queries in relation to symphysiotomy. I would appeal to any woman who has had a symphysiotomy to make contact with this individual to ensure they obtain the services we are providing and they are entitled to.

The provision of these necessary support services for women is monitored and overseen by the HSE who are committed to being proactive in seeking out and offering help to women who underwent a symphysiotomy.

### Health Services

623. **Deputy Sandra McLellan** asked the Minister for Health the number of consultant neurologists based in the Health Service Executive south; the average waiting time for a consultation and the way he intends to address this matter. [15006/12]

**Minister for Health (Deputy James Reilly):** The HSE Clinical Programmes Directorate are currently developing appropriate models of care to ensure the delivery of safe and effective services across epilepsy, stroke services and neurology outpatient services. This programme of work is ongoing and will inform the most appropriate structure, staffing and organisation of services.

With regard to the detailed information sought by the Deputy, as they are service matters, they have been referred to the HSE for direct reply.

### Medical Cards

624. **Deputy Michelle Mulherin** asked the Minister for Health the reason a person (details supplied) in County Mayo has been refused a medical card when their spouse has a medical card. [15010/12]

**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

625. **Deputy Billy Kelleher** asked the Minister for Health his views on reports that some public health nurses are covering up to five areas as a result of the moratorium on staff recruitment; the way he proposes to address this issue; and if he will make a statement on the matter. [15012/12]

626. **Deputy Billy Kelleher** asked the Minister for Health his policy in relation to nursing services in the community and his views on the fact the while some areas receive universal nursing service in other areas the service is only provided to medical card holders; and if he will make a statement on the matter. [15013/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** I propose to take Questions Nos. 625 and 626 together.

The health and social care needs of individuals/families/communities are met by Primary Care Teams, which include general practice (GP and Practice Nurses), physiotherapy, public

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health nursing, occupational therapy, etc. and through the broader range of Health and Social Care Network Services, e.g. psychology, dietetics, podiatry/chiroprody, audiology, community ophthalmology, etc. who work with a number of Primary Care Teams. Public Health and Community Nurses are key members of Primary Care Teams.

Due to the challenging financial environment that has prevailed and continues to exist, the moratorium on recruitment and recent exit schemes, the provision of primary care team and network services, including public health/community nursing services, have been impacted on and severely challenged in many instances. Contingency planning is ongoing in this regard in order to ensure quality safe services can be delivered and these include : redeploy staff across HSE areas, where possible, in order to fulfil the HSE's statutory obligations; merge Nursing Management functions across Health Areas; consolidate nursing functions across Health Areas, such as, administration, Home Care Packages, etc.; examine existing service provision with respect to eligibility.

Planning for the delivery of health services is undertaken within the context of the annual National Service Planning process. This process ensures that all factors, including budgets and staffing levels and any other emerging issues, including the impact of the retirements under the 'Grace Period', are factored into the plan for what services will be delivered within the coming year.

In line with the commitment in the Programme for Government to significantly strengthen primary care services, funding of €20 million has been provided for in the HSE's National Service Plan 2012 to fill as many vacancies as possible and to expand existing arrangements where sessional services are provided by allied health professionals. This will be increased to €25m if it can be established that there is scope for further savings of €5m in demand-led schemes. Proposals are underway for the filling of these posts, which will address priorities that have been identified by Health Managers. This process is being overseen by the Universal Primary Care Project Team established to oversee the future development of Primary Care Services.

It is recognised that under the former Health Board system, many practices evolved locally in response to local patient demand with the express purpose of providing responsive primary care services to patients in order to avoid further deterioration of their conditions and possible hospitalisation. This led to variations in practice which result in inconsistencies of approach and differing levels of service in certain areas of the country.

However, it is worth noting that under the Maternity and Infant Care Scheme services are provided universally to both medical card and non medical card holders. Similarly, Public Health Nursing (PHN) services associated with child health are provided on a universal basis and the dissemination of information and advice on health by PHNs are provided universally to all sectors of the population.

627. **Deputy Billy Kelleher** asked the Minister for Health the contingency plans that have been put in place to assist public health nurses to cope with the increased volume of post natal visits in view of the baby boom; and if he will make a statement on the matter. [15014/12]

**Minister for Health (Deputy James Reilly):** Approximately 4,400 health service staff retired between September 2011 and February 2012. Contingency plans have been developed locally for hospital and community services, reflecting risk assessments undertaken by each hospital/community manager. These have been reviewed at regional and national levels to ensure appropriate measures are in place across all services. The focus is on protecting and maintaining critical front-line services such as Emergency Department, maternity, critical care

and neonatal services. In order to achieve this, it is essential that changes in work practices and in how services are organised are pursued in the first instance. These include staff redeployment, streamlining of management structures, changing business processes and integrating services, as well as rostering and skill-mix changes.

The number of births has risen in the last decade from 60,500 to approximately 74,000 annually. The dedication of the Public Health Nurse workforce has meant that the majority of babies are receiving their designated visits within 72 hours. Details on specific regional plans in relation to Public Health Nurses are being sought and will be made available to the Deputy when they have been compiled.

628. **Deputy Billy Kelleher** asked the Minister for Health his plans to introduce a record system whereby public health nurses may document information regarding children and families following core visits which would contribute greatly to child protection; and if he will make a statement on the matter. [15015/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The Health Service Executive has recently completed a project evaluating the Child and Family Health Assessment. As part of the assessment, Public Health Nurses record any children and families who they have identified as vulnerable during the core visits. The result of this evaluation will be available in the very near future.

#### Medical Cards

629. **Deputy Brendan Griffin** asked the Minister for Health if a medical card will be renewed in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [15034/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

630. **Deputy Brendan Griffin** asked the Minister for Health if a medical card will be renewed in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [15035/12]

**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

631. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health further to Parliamentary Question No. 592 of 31 January 2012 when a response will issue from the Health Service Executive [15037/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has again been referred to the Health Service Executive for direct reply to the Deputy.

632. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health further to Parliamentary Question No. 611 of 31 January 2012 when a response will issue from the Health Service Executive. [15038/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The HSE has advised that a reply issued to the Deputy on 2 February 2012.

633. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health further to Parliamentary Question No. 195 of 1 February 2012 when a response will issue from the Health Service Executive. [15039/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it was referred to the HSE for direct reply. The HSE has informed my Department that a reply issued to the Deputy on 31 January 2012. The Deputy may wish to contact the HSE's Parliamentary Affairs Division (01-6352505) to request a copy of same.

#### **Redundancy Payments**

634. **Deputy Jack Wall** asked the Minister for Health if a person (details supplied) in County Kildare is entitled to a redundancy payment from the Health Service Executive; and if he will make a statement on the matter. [15044/12]

**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.

#### **Departmental Expenditure**

635. **Deputy Gerry Adams** asked the Minister for Health the cost of the treatment of a patient (details supplied). [15070/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter the question has been referred to the HSE for direct reply.

#### **Vaccination Programme**

636. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health the number of confirmed Pandemrix-related cases of Narcolepsy and/or Cataplexy in Ireland; his plans to address this matter; and if he will make a statement on the matter. [15078/12]

**Minister for Health (Deputy James Reilly):** The HSE is currently ascertaining the number of narcolepsy cases that may be associated with Pandemrix vaccination. All cases will be offered a multi-disciplinary assessment by the HSE to identify medical and educational needs, and appropriate services will be offered.

#### **Medical Cards**

637. **Deputy Niall Collins** asked the Minister for Health when a medical card will issue to a person (details supplied) in County Limerick; and if he will make a statement on the matter. [15202/12]

**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**

638. **Deputy Billy Timmins** asked the Minister for Health the position regarding a hospital appointment in respect of a person (details supplied) in County Wicklow; and if he will make a statement on the matter. [15210/12]

**Minister for Health (Deputy James Reilly):** I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute

services by dramatically improving the flow of patients through the system, and by streamlining waiting lists, including referrals from GPs. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

As a priority, public hospitals were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or daycase surgery.

As this is a service matter, it has been referred to the HSE for direct reply. Should the patient's general practitioner consider that the patient's condition warrants an earlier appointment, he/she would be in the best position to take the matter up with the consultant and facility involved.

639. **Deputy Seán Kenny** asked the Minister for Health the amount of money generated through parking charges at Beaumont Hospital, Dublin 9 for the years 2008, 2009, 2010, 2011 and to date in 2012; and if he will make a statement on the matter. [15219/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

640. **Deputy Eamonn Maloney** asked the Minister for Health the numbers attending the out of hours general practitioner service in Tallaght hospital since its opening; the way this has impacted on the numbers attending the accident and emergency department in the hospital and the number of Tallaght based GPs that sit in the TLC out of hours service [15221/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

### **Cancer Incidence**

641. **Deputy Tony McLoughlin** asked the Minister for Health if he proposes to assess the public health implication on local residents due to test drilling for gas using hydraulic fracturing at Gubb, Glangelvin, County Cavan known as Dowra 2 and also Dowra 1 between 1963 and 2003; his views on the high incidents of cancer in Gubb townland; and if he will make a statement on the matter. [15232/12]

**Minister for Health (Deputy James Reilly):** On the specific health matters the Deputy has raised, the National Cancer Registry Ireland (NCRI) has, at my request, considered your question and has also provided some general information in relation to cancer incidence. In particular, the NCRI would point out that most variation for cancer between areas is known to be due to personal characteristics and not the external environment. Gubb, Glangelvin is located in the Derrynananta/Dunmakeever area. The figures of cancer in respect of this area and a number of surrounding areas were compared with the rates for Cavan/Leitrim and Ireland. The NCRI concluded that the results in both the local and wider areas were not statistically significant. The NCRI, in considering the range of cancers diagnosed and the age at which they are diagnosed, compared Derrynananta/Dunmakeever and the surrounding areas with Cavan/Leitrim and Ireland and there was little difference in either the cancer type or age profile of patients. There are a number of parliamentary questions in relation to this matter also due for answer today by the Minister of State at the Department of Communications, Energy and Natural Resources which will set out the difference between “fracturing of wells” in relation to conventional gas exploration and production and “hydraulic fracturing” in relation to exploration and production of unconventional gas. The Department of Communi-

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cations, Energy and Natural Resources has also confirmed to my Department that any exploration licence that proposes the use of hydraulic fracturing as part of an unconventional gas exploration programme would be subject to a full environmental impact assessment, including consideration of the impact of the project on the population, fauna, soil, water, air, and climatic landscape.

### **Liquor Licensing Laws**

642. **Deputy Sandra McLellan** asked the Minister for Health if there will be grant aid available to retailers to offset the cost of section 9 of the Intoxicating Liquor Act 2008, namely structural separation if enacted; and if he will make a statement on the matter. [15252/12]

**Minister for Health (Deputy James Reilly):** The position is that following receipt of the third Compliance Report on the Implementation of the Code of Practice on the Display and Sale of Alcohol in Mixed Trading Premises, my colleague the Minister for Justice and Equality launched a public consultation process inviting views on the report and on the voluntary approach to implementing structural separation objectives in mixed trading premises preparatory to a decision on whether to commence the statutory provisions on structural separation in section 9 of the Intoxicating Liquor Act 2008.

I understand that following examination of the submissions received in response to the consultation process, the Minister for Justice and Equality expects to be in a position to seek Government approval for proposals in relation to the display and sale of alcohol products in mixed trading outlets in the coming weeks.

### **Water Fluoridation**

643. **Deputy Michelle Mulherin** asked the Minister for Health in view of current scientific and medical findings and the latest information available to him, the threats he considers fluoridation of water presents to public health; and if he will make a statement on the matter. [15256/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The Forum on Fluoridation, which reported in 2002, advised that the fluoridation of piped public water supplies should continue as a public health measure. One of the recommendations of the Forum was to amend the Regulations regarding fluoridation of public water supplies to redefine the optimal level of fluoride in drinking water from 0.8 to 1.0 parts per million (ppm) to between 0.6 and 0.8 ppm. Regulations were introduced in 2007 to give legal effect to this change.

The Irish Expert Body on Fluorides and Health, established in 2004, advises that the balance of scientific evidence worldwide confirms that water fluoridation, at the optimal level, does not cause any ill effects and continues to be safe and effective in protecting the oral health of all age groups. The report of the EU Scientific Committee on Health and Environmental Risks (SCHER), published in June 2011, has not made any findings of negative health or environmental effects concerning fluoridation of water. There are no plans to discontinue the policy of fluoridation of public water supplies, which continues to make an effective contribution to oral health in Ireland.

### **Health Services**

644. **Deputy Michelle Mulherin** asked the Minister for Health the support and assistance the State gives to a group (details supplied). [15270/12]

**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.

#### **Pension Provisions**

645. **Deputy Mary Lou McDonald** asked the Minister for Health if former Minister for State, Mary Wallace, is due to receive a Health Service Executive pension. [15273/12]

**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.

#### **Departmental Properties**

646. **Deputy Michelle Mulherin** asked the Minister for Health his plans for St. Colman's Day Care Centre, Achill Island, which has lain incomplete since May 2011 due to the main contractor ceasing to trade; and if he will make a statement on the matter. [15277/12]

647. **Deputy Michelle Mulherin** asked the Minister for Health the provisions that have been made to compensate sub-contractors for work done to date on St. Colman's Day Care Centre in Achill and who were left unpaid when the main contractor (details supplied) ceased to trade; the amount paid to this company and its liquidator in respect of those works; and if he will make a statement on the matter. [15278/12]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 646 and 647 together.

Management of the Health Service Executive property portfolio is a service matter. Therefore your question has been referred to the Executive for direct reply.

#### **Hospital Staff**

648. **Deputy Michelle Mulherin** asked the Minister for Health the reason there is a delay in appointing a consultant endocrinologist to Mayo General Hospital; if the appointee will offer a service to persons with type 1 diabetes and to persons with type 2 diabetes; and if he will make a statement on the matter. [15279/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

#### **Hospital Services**

649. **Deputy Robert Troy** asked the Minister for Health if he will examine the possibility of providing the necessary funding to the Health Service Executive Dublin-mid-Leinster to ensure that the mortuary at the Midlands Regional Hospital is reopened as the current facilities at the Midland Regional Hospital Tullamore does not have the capacity to cater for an area that is currently been served by Tullamore, County Offaly. [15281/12]

**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**

650. **Deputy Seán Ó Fearghaíl** asked the Minister for Health if he will expedite an application for a medical card in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [15290/12]

**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.

651. **Deputy Niall Collins** asked the Minister for Health when a medical card will issue to a person (details supplied) in County Limerick; and if he will make a statement on the matter. [15291/12]

**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.

652. **Deputy John McGuinness** asked the Minister for Health the time it will take for the primary care reimbursement service office to consider further information regarding an application for a medical card in respect of a person (details supplied) in County Kilkenny. [15298/12]

**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.

653. **Deputy Niall Collins** asked the Minister for Health when a medical card will issue to a person (details supplied) in County Limerick; and if he will make a statement on the matter. [15299/12]

**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.

654. **Deputy Robert Dowds** asked the Minister for Health if he will provide an update in the general practitioner visit card; the medical cover it provides and the cohort of persons eligible for same. [15321/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The Programme for Government committed to reforming the current public health system by introducing Universal Health Insurance with equal access to care for all. As part of this reform programme the Government is committed to introducing Universal GP Care within the first term of office of this Government.

Initially it is intended to extend GP cover without fees to persons with defined long-term illnesses who are in receipt of drugs and medicines under the Long Term Illness Scheme. Primary legislation is required to give effect to this commitment. Once primary legislation has been approved by the Oireachtas, the details of the new arrangements will be announced.

The GP visit card was introduced in 2005 as a graduated benefit, so that people on lower incomes, particularly parents of young children, who do not qualify for a medical card, would not be deterred on cost grounds from visiting their GP. The GP visit card covers the cost of general practice consultations. The income guidelines used by the HSE to assess applications for GP visit cards are 50% higher than those used in assessing applications for medical cards.

655. **Deputy Colm Keaveney** asked the Minister for Health the reason a person (details supplied) has been issued a general practitioner visit card when all other members in their family have been issued with a full medical card. [15322/12]

**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

656. **Deputy Bernard J. Durkan** asked the Minister for Health if he will indicate the possibility of obtaining respite care in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [15340/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As the Deputy's question relates to service matters, I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

### Hospital Procedures

657. **Deputy Ciarán Lynch** asked the Minister for Health the number of patients, by county, treated for foot ulcerations, which do not require a full or partial limb amputation, in 2010 and 2011; the number of those patients who had diabetes; and if he will make a statement on the matter. [15348/12]

659. **Deputy Ciarán Lynch** asked the Minister for Health the number of patients under the age of 65 years by county treated for foot ulcerations, which did not require a full or partial limb amputation, in 2010 and 2011; the number of those patients who had diabetes; and if he will make a statement on the matter. [15353/12]

660. **Deputy Ciarán Lynch** asked the Minister for Health the number of full and partial lower limb amputations that were carried out in 2010 and 2011 by county on persons in each year; the number of these patients who had diabetes; and if he will make a statement on the matter. [15354/12]

661. **Deputy Ciarán Lynch** asked the Minister for Health the number of full and partial lower limb amputations that were carried out in 2010 and 2011 by county on persons under 65 years of age in each year; the number of these patients who had diabetes; and if he will make a statement on the matter. [15356/12]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 657 and 659 to 661, inclusive, together.

The information requested by the Deputy is set out in the table below. The Department of Health considers that the 2011 HIPE file is not sufficiently complete for reporting purposes. Discharges continue to be added to the database. The Department expects to be able to report provisional 2011 data in July of 2012.

County of Residence	2010							
	Number of discharges with diagnosis of foot ulcerations, and without full or partial lower limb amputation				Lower Limb Amputations			
	All Ages	All Ages, With Diabetes	Aged Under 65	Aged Under 65 & With Diabetes	All Ages	All Ages, With Diabetes	Aged Under 65	Aged Under 65 & With Diabetes
Carlow	61	29	16	11	11	7	9	7
Cavan	90	32	16	8	16	6	8	<5
Clare	114	55	25	12	27	16	9	6
Cork	360	155	84	46	86	50	33	22
Donegal	100	64	26	20	30	17	12	7
Dublin	985	303	288	105	167	89	79	43
Galway	187	54	57	16	44	18	19	10

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County of Residence	2010							
	Number of discharges with diagnosis of foot ulcerations, and without full or partial lower limb amputation				Lower Limb Amputations			
	All Ages	All Ages, With Diabetes	Aged Under 65	Aged Under 65 & With Diabetes	All Ages	All Ages, With Diabetes	Aged Under 65	Aged Under 65 & With Diabetes
Kerry	104	40	27	22	21	12	14	8
Kildare	146	71	59	43	26	17	10	7
Kilkenny	118	65	23	9	10	6	<5	0
Laois	37	16	9	<5	16	11	7	5
Leitrim	31	16	10	6	7	6	<5	<5
Limerick	235	93	49	32	47	31	17	12
Longford	17	6	<5	<5	7	5	<5	<5
Louth	87	28	27	14	13	<5	6	<5
Mayo	76	36	21	17	18	11	6	<5
Meath	101	51	24	18	29	14	15	5
Monaghan	64	22	15	7	12	6	<5	<5
Offaly	51	23	11	7	17	11	9	5
Roscommon	54	18	12	<5	7	<5	<5	<5
Sligo	64	26	11	<5	14	5	7	<5
Tipperary North	84	29	12	8	20	9	7	<5
Tipperary South	120	49	23	13	24	6	6	<5
Waterford	130	47	32	11	25	14	9	<5
Westmeath	56	14	15	6	15	6	<5	<5
Wexford	194	79	52	26	24	11	10	5
Wicklow	97	28	36	10	17	11	7	<5
Non-resident	6	<5	<5	<5	<5	<5	<5	<5
Total for All Counties	3,769	1,453	985	480	751	402	315	177

Source: Hospital Inpatient Enquiry (HIPE).

Notes:

Data refer to discharges from publicly funded acute hospitals, and are based on the final 2010 HIPE file (End of December 2011).

For reasons of confidentiality, cells with between 1 and 4 cases are displayed as <5.

Data refer to the following ICD-10-AM / ACHI Diagnoses and Procedure codes:

Diabetes: E10 (Type 1 diabetes mellitus), E11 (Type 2 diabetes mellitus), E13 (Other specified diabetes mellitus), E14 (Unspecified diabetes mellitus).

Foot Ulcers: L97 (Ulcer of lower limb, not elsewhere classified), E10.73 (Type 1 diabetes mellitus with foot ulcer due to multiple causes), E11.73 (Type 2 diabetes mellitus with foot ulcer due to multiple causes), E13.73 (Other specified diabetes mellitus with foot ulcer due to multiple causes), E14.73 (Unspecified diabetes mellitus with foot ulcer due to multiple causes).

Lower Limb Amputations: Block 1484 (Amputation of pelvis or hip), Block 1533 (Amputation of ankle or foot), 44367-01 (Disarticulation at knee), 44367-02 (Amputation below knee). Note that these procedure codes include amputation of toes.

### Medical Cards

658. **Deputy Jim Daly** asked the Minister for Health if medical expenses will be backdated in the case of a person (details supplied) as they now have received their medical card; and if he will make a statement on the matter. [15349/12]

**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.

*Questions Nos. 659 to 661, inclusive, answered with Question No. 657.*

### Health Service Staff

662. **Deputy Ciarán Lynch** asked the Minister for Health the position regarding the recruitment of podiatry posts at centres (details supplied) in view of the high levels of diabetes related amputations and foot ulcers here; the Health Service Executive's progress on the development of a national foot care and screening programme; and if he will make a statement on the matter. [15360/12]

**Minister for Health (Deputy James Reilly):** The HSE has advised that there are currently 5 of the 16 podiatry posts appointed, a further 3 are awaiting start dates, and the remaining 8 are under active recruitment — to support the national multidisciplinary Footcare model.

The National Diabetes Programmes has set a target of April 30 to have all podiatrists recruited and appointed and are hopeful of achieving that target.

### Health Screening Programmes

663. **Deputy Ciarán Lynch** asked the Minister for Health the position regarding the development of the national retinopathy screening programme; and if he will make a statement on the matter. [15362/12]

**Minister for Health (Deputy James Reilly):** In 2006 the Department of Health and Children made a number of policy guidance recommendations on the model of care, and services for people with diabetes and recommended a structured diabetic retinopathy screening programme as a priority.

The HSE has stated that screening, followed by treatment of sight threatening retinopathy, has been shown to be effective. Effective treatment of diabetic retinopathy may include laser photocoagulation or vitrectomy. Of the population screened and treated, 6 per cent are prevented from going blind within a year of treatment and 34 per cent within ten years of treatment. In addition, the costs of preventing blindness through screening for retinopathy are much lower than those for treatment of advanced lesions.

The national programme will be a population-based, call-recall programme of screening for sight-threatening diabetic retinopathy, delivered on an annual basis. Screening will be by digital photography and will be offered to people with diagnosed diabetes, aged 12 years and over, registered with the programme. The programme will be delivered locally and provided to the highest, internationally comparable, quality assured standards.

The National Cancer Screening Service (NCSS) was requested by the HSE National Directorate of Clinical Strategy and Programmes in 2011 to commence the planning and development of a national diabetic retinopathy screening programme. The NCSS has experience in developing population health based screening programmes and manages the BreastCheck and CervicalCheck programmes. The screening model proposed by the NCSS and agreed with the HSE National Directorate of Clinical Strategy and Programmes is one that is largely contract based and reliant on third party service providers.

The HSE's National Service Plan 2012 commits to continuing the implementation of the national diabetic retinopathy screening programme. I have asked the NCSS to provide my Department with commencement dates as soon as possible and I remain confident in the HSE's commitment to this programme.

### Hospital Services

664. **Deputy Billy Kelleher** asked the Minister for Health the reason a positron emission scanner at Cork University Hospital is still lying idle; the reason the posts have not been

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filled to operate the CT scanner; when recruitment will commence; his views that this delay is unacceptable; and if he will make a statement on the matter. [15363/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

### Health Services

665. **Deputy Denis Naughten** asked the Minister for Health the specific steps which are being taken to address the crisis in ophthalmic services for children in County Roscommon; the steps being taken to address the backlog in adult services; and if he will make a statement on the matter. [15364/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter it has been referred to the HSE for direct reply.

### Medical Cards

666. **Deputy Joanna Tuffy** asked the Minister for Health when a decision will issue on a medical card application in respect of persons (details supplied) in Dublin 22; the reason for the delay in dealing with this application which were submitted in November 2011; and if he will make a statement on the matter. [15369/12]

**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

667. **Deputy Peter Mathews** asked the Minister for Health his views on a matter (details supplied) regarding patient transport services for a person (details supplied) in Dublin 16; and if he will make a statement on the matter. [15372/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

668. **Deputy Ciarán Lynch** asked the Minister for Health when a home care package, already approved, will be provided for a person (details supplied) in County Cork; and if he will make a statement on the matter. [15381/12]

**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 Homeless Strategy

669. **Deputy Peter Mathews** asked the Minister for Health further to Parliamentary Question No. 504 of 6 March 2012, the Minister of State who has political responsibility for this budget; and if he will make a statement on the matter. [15384/12]

**Minister for Health (Deputy James Reilly):** The Department of Environment, Community and Local Government and local authorities have statutory responsibility for the provision of housing services in Ireland in line with the National Homeless Strategy, 'The Way Home 2008-2013' and 'Pathway to Home' which sets out the new configuration of support services to be provided in the Dublin region for those at risk of, or currently experiencing homelessness.

Local authorities identify and address social housing need, through a range of community based accommodation options and related housing supports, and the HSE and its partner agencies arrange health and personal social care supports appropriate to the individual service user's needs.

### Medical Cards

670. **Deputy Michelle Mulherin** asked the Minister for Health the position regarding renewal of a medical card application in respect of a person (details supplied) in County Mayo; if it will be expedited in view of the fact that the renewal application was submitted early December 2011; and if he will make a statement on the matter. [15391/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### Nursing Home Repayment Scheme

671. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health if his attention has been drawn to the case of a person (details supplied) in County Cork; if he will expedite this case with the long stay charges or repayment scheme as a matter of urgency; and if he will make a statement on the matter. [15394/12]

**Minister for Health (Deputy James Reilly):** I understand that this case relates to a claim under the Health (Repayment Scheme) Act 2006, which was the subject of an appeal in respect of the recoverable health charge due to the claimant as determined by the Scheme Administrator. I understand that, on 8 October 2010, the Health Repayment Scheme Appeals Officer wrote to the claimant to convey his decision on the appeal, which was to confirm the determined amount, and to provide the reasons for the decision. I further understand that the amount offered was subsequently accepted by the claimant and that the payment cheque was encashed on 11 January 2011. Accordingly, this claim is concluded in relation to the repayment of any recoverable charges under the Health Repayment Scheme.

### Medical Cards

672. **Deputy Michelle Mulherin** asked the Minister for Health the position regarding the renewal of a medical card in respect of a person (details supplied) in County Mayo; if it will be expedited in view of the fact that the renewal application was submitted in November 2011; and if he will make a statement on the matter. [15398/12]

**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

673. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health if his attention has been drawn to the case of a person (details supplied); if he will confirm the date on which the test will be scheduled; and if he will make a statement on the matter. [15400/12]

**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.

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As a priority, public hospitals were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or daycase surgery.

As this is a service matter, it has been referred to the HSE for direct reply. Should the patient's general practitioner consider that the patient's condition warrants an earlier appointment, he/she would be in the best position to take the matter up with the consultant and facility involved.

### Medical Cards

674. **Deputy Finian McGrath** asked the Minister for Health the position regarding a medical card application in respect of a person (details supplied) in County Sligo; if he will confirm if the medical card can be backdated and the person concerned can claim back moneys for medication; and if he will make a statement on the matter. [15402/12]

**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.

### Primary Care Strategy

675. **Deputy Billy Kelleher** asked the Minister for Health the progress that was made with regard to implementing the primary care strategy from 2001 to 2011; the actions that were taken; the consultation that took place with the medical professionals and unions involved; the capital investment that took place; the public private partnerships if any involved; the number of teams in place within one stop shops and outside them; and if he will make a statement on the matter. [15445/12]

676. **Deputy Billy Kelleher** asked the Minister for Health the progress that was made with regard to implementing the primary care strategy from 2011 to present; the actions that were taken; the consultation that took place with the medical professionals and unions involved; the capital investment that took place; the public private partnerships if any involved; the number of teams in place within one stop shops and outside them; and if he will make a statement on the matter. [15446/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** I propose to take Questions Nos. 675 and 676 together.

The information requested by the Deputy is not readily available within the required time-frame. I will respond to the Deputy in full when the relevant information has been compiled.

### Services for People with Disabilities

677. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health if he and or the Health Service Executive has had discussions with the Rehab Group regarding its employment policy in view of its failure to implement Labour Court recommendations; and if he will make a statement on the matter. [15448/12]

**Minister for Health (Deputy James Reilly):** The Rehab Group is an independent organisation grant-aided under Section 39 of the Health Act 2004. Staff in such agencies are not public servants and are not subject to public service pay rates and terms and conditions. Therefore, I have no function in the matter raised.

### Medical Aids and Appliances

678. **Deputy Simon Harris** asked the Minister for Health the process by which the Health Service Executive procures wheelchairs and other assistive aids; and if he will make a statement on the matter. [15450/12]

679. **Deputy Simon Harris** asked the Minister for Health the cost to the Health Service Executive of procuring wheelchairs and similar assistive aids, for each of the years 2007 to 2012; the savings made by the implementation of the aids and appliances recycling programme in each of these years; and if he will make a statement on the matter. [15451/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I propose to take Questions Nos. 678 and 679 together.

As the Deputy's questions relate to service matters I have arranged for the questions to be referred to the Health Service Executive for direct reply to the Deputy.

### Medical Cards

680. **Deputy Peter Mathews** asked the Minister for Health his views on a matter (details supplied) regarding medical cards for over 70s; and if he will make a statement on the matter. [15456/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### Departmental Agencies

681. **Deputy Mary Lou McDonald** asked the Minister for Health if he will provide in a tabular form a breakdown of the position, salary, allowance and expenses paid to each of the employees of agencies (details supplied) in 2011. [15474/12]

**Minister for Health (Deputy James Reilly):** The information requested by the Deputy relates to in excess of 1,500 staff and is not routinely collated by my Department. However, the number of staff in specific pay cohorts is supplied by the agencies on a quarterly basis. The most recent data provided by the agencies relates to 31/12/2011 and is set out in the following table:

Agency	Salary Cohort	Headcount	WTE
		1,543	1,425.97
An Bord Altranais	0-30,000	8	8
	30,001-70,000	26	24.5
	70,001-125,000	10	10
	Over 125,000	1	1
Irish Blood Transfusion Service	0-30,000	119	76.24
	30,001-70,000	458	418.93
	70,001-125,000	39	38.35
	Over 125,000	10	9.72
Dental Council	0-30,000	3	3
	30,001-70,000	2	2
	70,001-125,000	1	1
	Over 125,000	0	0
Food Safety Authority of Ireland	0-30,000	10	10
	30,001-70,000	45	41.64
	70,001-125,000	25	24.3
	Over 125,000	1	1

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Agency	Salary Cohort	Headcount	WTE
Food Safety Promotion Board	0-30,000	3	3
	30,001-70,000	22	21.6
	70,001-125,000	7	6.8
	Over 125,000	0	0
Health and Social Care Professionals Council	0-30,000	1	1
	30,001-70,000	7	6.08
	70,001-125,000	4	4
	Over 125,000	0	0
Health Information and Quality Authority	0-30,000	6	6
	30,001-70,000	87	86.5
	70,001-125,000	54	53.8
	Over 125,000	3	2.4
Health Insurance Authority	0-30,000	2	1.58
	30,001-0,000	4	4
	70,001-125,000	3	3
	Over 125,000	0	0
Health Research Board	0-30,000	0	0
	30,001-70,000	49	47.5
	70,001-125,000	20	20
	Over 125,000	1	1
Irish Medicines Board	0-30,000	45	45
	30,001-70,000	163	153.49
	70,001-125,000	63	60.44
	Over 125,000	1	1
Medical Council	0-30,000	10	9.5
	30,001-70,000	36	36
	70,001-125,000	7	7
	Over 125,000	1	1
Mental Health Commission	0-30,000	9	8.8
	30,001-70,000	16	15
	70,001-125,000	6	5.4
	Over 125,000	8	5.65
National Cancer Registry Board	0-30,000	3	3
	30,001-70,000	49	44.7
	70,001-125,000	3	3
	Over 125,000	0	0
National Council — Prof Dev of Nursing and Midwifery	0-30,000	0	0
	30,001-70,000	0	0
	70,001-125,000	2	1.4
	Over 125,000	0	0
National Paediatric Hospital Development Board	0-30,000	0	0
	30,001-70,000	0	0
	70,001-125,000	1	1
	Over 125,000	1	0.5
National Treatment Purchase Fund	0-30,000	0	0
	30,001-70,000	41	40.6
	70,001-125,000	5	5
	Over 125,000	1	1

Agency	Salary Cohort	Headcount	WTE
Opticians Board	0-30,000	0	0
	30,001-70,000	1	1
	70,001-125,000	1	1
	Over 125,000	0	0
Pharmaceutical Society of Ireland	0-30,000	0	0
	30,001-70,000	16	15.8
	70,001-125,000	8	6.75
	Over 125,000	1	1
Pre-Hospital Emergency Care Council	0-30,000	0	0
	30,001-70,000	9	9
	70,001-125,000	5	5
	Over 125,000	0	0

682. **Deputy Mary Lou McDonald** asked the Minister for Health if he will provide in a tabular form a breakdown of the number of board members and their respective annual remuneration for 2011 of agencies (details supplied). [15475/12]

**Minister for Health (Deputy James Reilly):** The information requested is being collated and will be forwarded to the Deputy as soon as it is available.

#### Health Services

683. **Deputy Patrick O'Donovan** asked the Minister for Health if he will provide details of the scoring system that was employed by the Health Service Executive in awarding the tender for home care in County Limerick in the recent past; if he will provide details of the competencies of those that awarded the tender; if the unsuccessful applicants have been informed as to the reasons they were not awarded; if there is an appeals mechanism in place; if officials of the HSE have discussed the award with all the applicants; if the HSE will re-tender the packages every year; and if he will make a statement on the matter. [15494/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

#### Departmental Agencies

684. **Deputy Mary Lou McDonald** asked the Minister for Health if he will provide in tabular form a list of all agencies and bodies and internal organisations under his aegis. [15504/12]

**Minister for Health (Deputy James Reilly):** The Non Commercial State Agencies currently operating under the aegis of my Department and are set out in the table below. In addition, two North — South bodies, the Institute of Public Health and the Food Safety Promotion Board receive funding from my Department. The Voluntary Health Insurance Board is the only Commercial State Agency operating under my Department.

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Dept. of Health

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An Bord Altranais

Dental Council

Food Safety Authority of Ireland

Health and Social Care Professional Council (CORU)

Health Information and Quality Authority

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Dept. of Health

Health Insurance Authority  
 Health Research Board  
 Irish Blood Transfusion Service  
 Irish Medicines Board  
 Medical Council  
 Mental Health Commission  
 National Cancer Registry Board  
 National Paediatric Hospital Dev Board  
 National Treatment Purchase Fund  
 Opticians Board  
 Pharmaceutical Society of Ireland  
 Pre-Hospital Emergency Care Council

### Ministerial Transport

685. **Deputy Ciarán Lynch** asked the Minister for Health if he will set out the mileage claimed by any Minister of State in his Department for each year from 2005 to 2010; and if he will make a statement on the matter. [15519/12]

**Minister for Health (Deputy James Reilly):** The mileage claimed by the Ministers of State in my Department for each year from 2005 to 2010 is set out in the table.

Year	Minister of State	Mileage claimed
2005	Brian Lenihan T.D.	€19,234.42
	Tim O'Malley T.D.	€34,616.98
	Sean Power T.D.	€38,837.72
2006	Brian Lenihan T.D.	€19,914.80
	Tim O'Malley T.D.	€36,209.16
	Sean Power T.D.	€28,286.46
2007	Tim O'Malley T.D.	€12,987.83
	Sean Power T.D.	€27,014.59
	Jimmy Devins T.D.	€16,699.90
	Maire Hctor T.D.	€15,458.78
	Pat the Cope Gallagher T.D.	€28,645.63
2008	Jimmy Devins T.D.	€19,791.11
	Maire Hctor T.D.	€29,561.88
	Pat the Cope Gallagher T.D.	€19,409.18
	John Moloney T.D.	€19,102.04
	Mary Wallace T.D.	€27,018.40
2009	John Moloney T.D.	€22,628.97
	Mary Wallace T.D.	€15,465.66
	Aine Brady T.D.	€17,044.47
2010	John Moloney T.D.	€23,945.04
	Aine Brady T.D.	€20,352.79

### Health Service Staff

686. **Deputy Billy Kelleher** asked the Minister for Health the number of paediatric neurologists working in the health service; the change since this time last year; the number who have taken early retirement; if these will be replaced; and if he will make a statement on the matter. [15531/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for direct reply.

### Medical Cards

687. **Deputy Michael Creed** asked the Minister for Health the position regarding a medical card renewal for a person (details supplied) in County Cork; if he will clarify the situation regarding correspondence which issued from the Health Service Executive to the applicant in this case regarding evidence of shares/investments; if he will accept that share certificates and evidence of dividend income from same should suffice when calculating income from the source; and if he will make a statement on the matter. [15543/12]

**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

688. **Deputy Barry Cowen** asked the Minister for Health if he will arrange an outpatients appointment for an operation to be brought forward in respect of a person (details supplied) in County Offaly. [15556/12]

**Minister for Health (Deputy James Reilly):** I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by dramatically improving the flow of patients through the system, and by streamlining waiting lists, including referrals from GPs. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

As a priority, public hospitals were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or daycase surgery. As this is a service matter, it has been referred to the HSE for direct reply. Should the patient's general practitioner consider that the patient's condition warrants an earlier appointment, he/she would be in the best position to take the matter up with the consultant and facility involved.

### Medical Cards

689. **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. [15567/12]

**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.

### Cancer Screening Programme

690. **Deputy Pat Deering** asked the Minister for Health when the colorectal screening will commence in early 2012. [15574/12]

**Minister for Health (Deputy James Reilly):** The National Cancer Screening Service (NCSS), part of the Health Service Executive's National Cancer Control Programme, is responsible for the development and implementation of Ireland's first national colorectal screening programme. The programme is planned to commence nationwide in the final quarter of 2012 for men and women aged 60 to 69 years initially. Preparations for implementation are continuing to ensure that every element of the screening programme is in place and fully quality assured before the programme is introduced.

### Water Fluoridation

691. **Deputy Tom Fleming** asked the Minister for Health if he will carry out a public health survey on the effects of fluoridation of public water supplies as no Irish Government has carried out such a survey during the past 40 years even though it is a requirement under the Health (Fluoridation of Water Supplies) Act 1960 ; and if he will make a statement on the matter.  
[15576/12]

706. **Deputy Dessie Ellis** asked the Minister for Health if he has met with the Department of the Environment, Community and Local Government regarding the serious concerns over the fluoridation of the water supply by local authorities in view of the fact that there has not been sufficient information gathered on the implications of this practice for public health.  
[15694/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** I propose to take Questions Nos. 691 and 706 together.

Since the introduction of water fluoridation under the Health (Fluoridation of Water Supplies) Act 1960, my Department has commissioned a series of dental epidemiological research studies. Adult epidemiological surveys were conducted in 1979, 1990 and 2002 and data on children's oral health was gathered in 1961-63, 1984, in a number of local surveys in the 1990s and in 2002. A bio-monitoring study of total fluoride intake in Ireland is planned and the HSE is currently considering the establishment of a high level advisory group to provide technical and academic oversight of the study.

The Forum on Fluoridation, which reported in 2002, advised that the fluoridation of piped public water supplies should continue as a public health measure. One of the recommendations of the Forum was to amend the Fluoridation of Water Supplies Regulations, 1965 to redefine the optimal level of fluoride in drinking water from 0.8 to 1.0 parts per million (ppm) to between 0.6 and 0.8 ppm. Regulations were introduced in 2007 to give legal effect to this change.

The Irish Expert Body on Fluorides and Health, established in 2004, advises that the balance of scientific evidence worldwide confirms that water fluoridation, at the optimal level, does not cause any ill effects and continues to be safe and effective in protecting the oral health of all age groups. The report of the EU Scientific Committee on Health and Environmental Risks (SCHER), published in June 2011, has not made any findings of negative health or environmental effects concerning fluoridation of water. There are no plans to discontinue the policy of fluoridation of public water supplies, which continues to make an effective contribution to oral health in Ireland.

### Health Service Staff

692. **Deputy Catherine Murphy** asked the Minister for Health if he will confirm the numbers of paediatric neurologists who are currently engaged by the Health Service Executive; if he will detail if there are any outstanding gaps in service provision at present; if he will advise if

there is a national strategy in place in relation to same, or if a national strategy is planned; and if he will make a statement on the matter. [15594/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for direct reply.

### Health Services

693. **Deputy Regina Doherty** asked the Minister for Health the number of children aged five to 18 years awaiting physiotherapy services in the Health Service Executive, especially in the Meath region; the shortest, longest and average waiting times for such services in the Meath area; and if he will make a statement on the matter. [15609/12]

**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.

### Accident and Emergency Services

694. **Deputy Seán Kenny** asked the Minister for Health the average waiting time in the accident and emergency department of Beaumont Hospital, Dublin 9 since the start of 2012; the immediate steps being taken to reduce the lengthy waiting times in the department; if personnel from outside Ireland are being brought in to get the waiting times reduced; and if he will make a statement on the matter. [15615/12]

**Minister for Health (Deputy James Reilly):** Building on the achievements of 2011 the SDU will work with the NTPF, the HSE Clinical Programmes and hospitals to minimise patient waiting times in emergency departments and reduce waiting periods for in patient and day case elective surgical care. The improvements already won have to be secured and continually improved upon. There is a specific SDU liaison process in place for all of these hospitals with varying degrees of intensity commensurate with the issues on the ground in each location.

The next phase of work by the SDU, which will encompass these six hospitals, will include:

- February 2012 begun to see the focus in ED turn to patient journey time monitoring (along with trolley waits) as part of the new national score card for measuring performance.
- Unscheduled Care Target to be introduced in 2012: Ensure that 95% of all attendees at EDs are discharged or admitted within 6 hours of registration, and that those who need to be admitted through ED wait no more than 9 hours from registration.
- Scheduled Care Targets to be introduced in 2012: Move to reduce maximum waiting time for elective surgery to 9 months or less. 20 weeks or less for elective paediatric procedures. Endoscopy procedures the target is 13 weeks.
- Set targets for improved access to outpatient (OPD) services in the first quarter of 2012.
- The introduction of hospital groups will provide further opportunities for inter site cooperation Although achieving these targets will be challenging given the difficult budgetary position the health services are facing I am encouraged by the recent successes of the SDU.

By the end of 2011 very significant progress was made on the two key SDU priority initiatives for 2011 in relation to trolley waits and the 12 month maximum waiting time target for elective in patient and day case surgery. Following on from the 27% reduction nationally in 2011, the

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number waiting on our trolleys continues to fall in 2012. The cumulative number waiting on trolleys from 1 January 2012 to 16 March 2012 is 17% less than the previous year.

The SDU continues to work on an ongoing basis with Beaumont Hospital through its Liaison Officer process. Following a competitive tendering process, the SDU has appointed a Director of Performance Improvement in Scheduled Care to manage the improvement process. The successful person will take up duty on 26th March 2012 and will bring extensive knowledge of the UK and Irish Health Services to bear on the key issues in ED. The specific data requested by the Deputy is not readily available in my Department. I will revert to the Deputy shortly on this matter.

### Medical Cards

695. **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. [15616/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### Departmental Correspondence

696. **Deputy Michael McCarthy** asked the Minister for Health when a response will issue to correspondence (details supplied) dated 23 February 2012; if any progress has been made on the issue; and if he will make a statement on the matter. [15618/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

### Health Services

697. **Deputy Brendan Griffin** asked the Minister for Health if he will review a matter (details supplied) regarding funding cuts; and if he will make a statement on the matter. [15630/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

### Medical Cards

698. **Deputy Tom Fleming** asked the Minister for Health when a decision will issue on a medical card application in respect of persons (details supplied) in County Kerry; and if he will make a statement on the matter. [15631/12]

**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.

### Infectious Diseases

699. **Deputy Sean Fleming** asked the Minister for Health the steps being taken to deal with the situation that has arisen in a location (details supplied) in County Laois; if he will ensure there is direct communication with all the parents involved as urgently as possible such that any medical treatment required is provided without delay; and if he will make a statement on the matter. [15635/12]

**Minister for Health (Deputy James Reilly):** Following notification of a case of TB in a primary school in Co Laois, all children from one class have been screened for TB by Public Health Physicians as per National Guidance. The screening identified some children who needed further investigation. This is being undertaken by a Consultant Paediatrician. Once the appropriate tests are completed, a decision will be taken on the appropriate treatment, if any, needed. Public Health Physicians have met with all the parents involved and have also provided information leaflets. Communication with parents is ongoing.

It should be noted that the process of screening for TB takes a number of months to complete. The school screening has not identified any further cases of active TB. No delay is anticipated. Investigation and control of TB in the Midlands is carried out in accordance with national TB guidelines — “Guidelines on the Prevention and Control of Tuberculosis in Ireland 2010” available at:

<http://www.hpsc.ie/hpsc/A-Z/VaccinePreventable/TuberculosisTB/Publications/File,4349,en.pdf>.

Due to data protection legislation and respect for patient confidentiality, more detailed information will be provided only to the relevant parents.

### Health Services

700. **Deputy Bernard J. Durkan** asked the Minister for Health the number of persons deemed or expected to need full-time care annually over the next ten years on the basis of population trends; and if he will make a statement on the matter. [15638/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I am assuming that this Question relates to Older People and not those with disabilities. Government policy is to support vulnerable older people to remain living at home and in their communities for as long as possible, or alternatively, to provide, where appropriate, access to high quality long term residential care. In this context, the Government is improving the planning, policy, and service delivery for older people. In particular, we will ensure that the Department of Health, the Health Service Executive, and all other relevant agencies, whether in the statutory or non-statutory sectors, implement the policies and services set out in the current *Programme for Government, Government for National Recovery, 2011-2016*. This includes completion of the National Positive Ageing Strategy which will set out the strategic direction for future policies and services by relevant Government Departments and agencies.

The various initiatives planned or underway will also have to take account of reform of our health and personal social services overall, including addressing the challenges and opportunities presented by changing demographics and care needs of older people in future years. This includes, for example, a projected significant increase in the population, in the coming decades, of those aged 65 and over. At present approximately 500,000 people, or 11% of the population, are over age 65. This is expected to rise to around 1 million by 2021, and to 1.4 million by 2041.

On current projections, therefore, the number of older people is expected to triple in the next 30 years. This could be used to extrapolate a tripling of requirement based on the current quantum of care provision. However, any forecasting would also have to take into account the effect of improving diagnostic and treatment options and their impact on morbidity, together with changes in lifestyle and the impact of assisted technologies

There are, at present, approximately 30,000 residential care beds nationally, including long-term and short-term care. There are 22,306 recipients in receipt of financial and other support towards the cost of long-term residential care. In addition, some 100,000 older people receive community based supports such as Home, Help, Home Care Packages, Meals-on-Wheels or Day Care. The projected increases in the number of vulnerable older people will, inevitably,

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result in additional demands for health and social care. This will have to be met in line with evolving service priorities and overall resource availability, and through a more focused approach to protecting the most vulnerable requiring care.

### **Hospital Staff**

701. **Deputy Niall Collins** asked the Minister for Health if he will renew a contract for a consultant paediatric neurologist at the Mid-Western Regional Hospital in Limerick; if his attention has been drawn to the consequences to patients if this contract is not renewed; and if he will make a statement on the matter. [15667/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for direct reply.

### **Medical Cards**

702. **Deputy John McGuinness** asked the Minister for Health if a medical card will be issued to a person (details supplied) in County Kilkenny. [15670/12]

**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.

703. **Deputy John McGuinness** asked the Minister for Health if a medical card will be issued immediately to persons (details supplied) in County Kilkenny; and if he will expedite the matter. [15672/12]

**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**

704. **Deputy Regina Doherty** asked the Minister for Health the number of children aged between five and 18 awaiting speech and language services in the Health Service Executive especially in the County Meath region; the shortest, longest and average waiting times for such services in the County Meath area; and if he will make a statement on the matter. [15674/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As the Deputy's question relates to service matters, I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

### **Health Insurance**

705. **Deputy Patrick Nulty** asked the Minister for Health if he will provide an update on plans to provide universal free general practitioner care as stated in the programme for Government; and if he will make a statement on the matter. [15681/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The Programme for Government committed to reforming the current public health system by introducing Universal Health Insurance with equal access to care for all. As part of this reform programme the Government is committed to introducing Universal GP Care within the first term of office of this Government.

Initially it is intended to extend GP cover without fees to persons with defined long-term illnesses who are in receipt of drugs and medicines under the Long Term Illness Scheme. Primary legislation is required to give effect to this commitment. Once primary legislation has been approved by the Oireachtas, the details of the new arrangements will be announced.

*Question No. 706 answered with Question No. 691.*

### **Hospital Services**

707. **Deputy David Stanton** asked the Minister for Health the reasons for the delay in developing new heart failure units in the Health Service Executive South (details supplied) which form part of the HSE clinical care programme and were intended to be operational by the end of 2011; when two new units in two Cork City hospitals will be operational; and if he will make a statement on the matter. [15707/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for direct reply.

### **Drugs Payment Scheme**

708. **Deputy Terence Flanagan** asked the Minister for Health the position regarding hepatitis C medication (details supplied); and if he will make a statement on the matter. [15708/12]

**Minister for Health (Deputy James Reilly):** The Deputy's question relates to service delivery matters and accordingly I have asked the HSE to respond directly to him.

### **Hospital Services**

709. **Deputy Mick Wallace** asked the Minister for Health his plans to upgrade the cardiac and cancer services at Our lady's Children's Hospital, Crumlin, Dublin, in view of the outdated nature of the current facilities; and if he will make a statement on the matter. [15720/12]

**Minister for Health (Deputy James Reilly):** I am committed to providing the best possible health service for our children and their families. I want this to be delivered through a new National Children's Hospital where tertiary and acute services can be provided from one site.

Immediately following the decision of An Bord Pleanála to refuse planning permission for the National Children's Hospital, I announced my intention to establish a group to review the implications of the decision. The Government has agreed the terms of reference for the Review Group and I announced the composition of the group last week. Currently the three Dublin Children's Hospitals work together as a unified network under the leadership of a Clinical Director to ensure optimisation of resources and facilities. The Hospitals are fully aware of the challenges facing their young patients and of the need to support families.

The HSE has taken steps to provide as high a level of protection as possible for the funding of the children's hospitals. The budget adjustment to Our Lady's Hospital Crumlin was significantly less than the average in the HSE Dublin Mid-Leinster Service Plan 2012. Additional funding was also provided to Our Lady's Hospital Crumlin this year in order to strengthen the Cardiac Programme in the hospital, including the provision of funding for an additional Anaesthetist and a Cardiologist.

I am aware that the Medical and Research Foundation at Crumlin hospital, has launched an appeal for €8 million to help renovate the hospital's cancer ward and to build a new cardiac facility. I have no difficulty with Crumlin Children's hospital's decision to raise funds for a new cardiac unit at this time. However, I hope to expedite the building of the new hospital so that a new cardiac unit for Crumlin would be unnecessary.

The challenges presented by the current infrastructure in the current children's hospitals can only be fully addressed through the construction of the new National Children's Hospital. The delivery of a new national hospital, providing the highest level of care for the children of Ireland remains a priority for the Government. We are committed to building this hospital in the shortest possible time frame. I will await the completion of the work of the Review Group.

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One thing is clear; I am determined to deliver a national children's hospital for the children of this country.

710. **Deputy Mick Wallace** asked the Minister for Health his views on reports of cramped conditions and a lack of privacy at Wexford General Hospital due to wards catering for more patients than they are designed for; and if he will make a statement on the matter. [15721/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for direct reply.

#### Medical Cards

711. **Deputy John McGuinness** asked the Minister for Health if a medical card will be issued to a person (details supplied) in County Carlow. [15752/12]

**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.

712. **Deputy John McGuinness** asked the Minister for Health the position regarding a medical card application in respect of a person (details supplied) in County Carlow; if he will expedite a response in view of the state of health of the applicant. [15754/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

#### Pension Provisions

713. **Deputy Michael Healy-Rae** asked the Minister for Health with regard to the 4,326 persons who retired from the Health Service Executive up until to the end of February, if there is an inability at present to deal with the volume of retirees and will these persons receive their lump sum payments on time; and if he will make a statement on the matter. [15761/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

#### Health Services

714. **Deputy Denis Naughten** asked the Minister for Health the plans, if any, to establish a national paediatric home nursing care fund; the reason such a fund has not been established to date; and if he will make a statement on the matter. [15775/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** This is a potentially a wide ranging proposal spanning a number of different care programmes, over and above existing care provision to children. In relation to this year, the Health Service Executive National Service Plan 2012 aims to progress the implementation of the recommendations in the national policy document Palliative Care for Children with Life-Limiting Conditions in Ireland (2009). This Policy aims to ensure that all children with life-limiting conditions will have the choice and opportunity to be cared for at home.

#### Hospital Accommodation

715. **Deputy Seamus Healy** asked the Minister for Health if, in view of the recent threat of closure of St. Anthony's unit for the elderly, Clonmel, County Tipperary, he will confirm that the unit will remain open and fully operational for both residential and respite care; and if he will make a statement on the matter. [15777/12]

**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.

### **Services for People with Disabilities**

716. **Deputy Seán Kyne** asked the Minister for Health if his attention has been drawn to the Health Service Executive plans to cease funding for essential support services for persons with disabilities who graduate from schools; and if a permanent facility may be established to avoid the occurrence each year of this issue which causes immense worry and distress for families across the country. [15795/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** Under the Health Act 2004 the Health Service Executive (HSE) is required to manage and deliver, or arrange to be delivered on its behalf, health and personal social services, including Disability services.

The HSE Service Plan for 2012 sets out a reduction of 3.7% in funding for disability services. The HSE's aim will be to apply any reductions in a way which minimises the impact on service users and their families as much as possible, although some reductions in services will be unavoidable. However, the Service Plan states that at least 2% of the reduction should not impact on services and needs to be generated from other savings and increased efficiencies.

While the HSE makes every effort to provide day services to people over 18 on leaving school, this has always been dependent on the availability and location of suitable places coupled with the needs of the individual school-leaver.

The HSE, through its Occupational Guidance Service, works with schools, service providers, service users and families to identify the needs of young people with disabilities who are due to complete their second level education. This process requires a certain amount of flexibility from disability service providers and the maximisation of additional capacity from within existing resources. The aim is to address the needs of individuals in one or more of the following ways:

- Health funded rehabilitative training;
- Health funded day services;
- FÁS funded rehabilitative training;
- FÁS funded vocational training;
- Approval to extend education placement for a specified time.

The plan for each individual is dependent on:

- Final decisions by service users where more than one service model may be considered.
- Approval, if requested, to extend current educational placement.
- Capacity of providers to make best use of available resources.

The HSE monitors the outcome of this process to ensure that, in as far as possible, the needs of each individual young person with a disability leaving school are addressed.

The demand for services for school leavers continues to grow. The planning process is underway to ensure all school leavers requiring services are considered and prioritised. The HSE would expect that approximately 600 school leavers will require services in 2012.

### Medical Cards

717. **Deputy Alex White** asked the Minister for Health the position regarding a medical card application in respect of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [15800/12]

**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.

### HSE Transition Teams

718. **Deputy Billy Kelleher** asked the Minister for Health the number of times transition teams have met; when the meetings took place; the persons who were present; the outcome of the meetings; and if he will make a statement on the matter. [15819/12]

**Minister for Health (Deputy James Reilly):** Considerable work was undertaken by my Department and the HSE in recent months to manage and plan for the impact of retirements from the health sector in the lead-up to the end of the 'grace period' on 29 February last. The focus was and continues to be on protecting and maintaining critical front line services.

Within the HSE, contingency plans were developed locally for both hospital and community services, reflecting risk assessments undertaken by each hospital/community manager. These have been reviewed on an ongoing basis at regional and national levels to ensure appropriate contingency measures are in place across all services.

The contingency planning process is overseen by the Transition Team for the health sector, which is chaired by an Assistant Secretary in my Department and includes key HSE Directors at national and regional level. This team first met formally on 2 February 2012 and since then the personnel concerned have been in very regular contact in order to review and assess the arrangements in place. In recent weeks an additional assurance process was put in place which involves a daily review of the transition arrangements to ensure that any issues arising are identified and addressed. This work has been conducted without formal meetings being required.

### Rail Services

719. **Deputy Paschal Donohoe** asked the Minister for Transport, Tourism and Sport if his attention has been drawn to any plans that Irish Rail may have regarding improvements to the quality of public lighting at a location (details supplied) in Dublin 7; and if he will make a statement on the matter. [15071/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** This issue is a matter for both Irish Rail and Dublin City Council. I have referred the Deputy's question to Irish Rail for direct reply. Please inform my private office if you do not receive a reply within 10 working days.

### Road Safety Strategy

720. **Deputy Seamus Kirk** asked the Minister for Transport, Tourism and Sport if his attention has been drawn to the concern in the agricultural industry to proposed weight restrictions on single axle, double axle and triple axle agricultural trailers, because of the weight threshold reductions and greater fuel consumption for tractors; and if he will make a statement on the matter. [15208/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Action 117 of my Department's Road Safety Strategy 2007-2012 provides that the Road Safety Authority will conduct a public consultation process in relation to the use of agricultural vehicles on public

roads and introduce policy proposals for the use of these vehicles. The RSA undertook the consultation over a prolonged period from 2008 to 2009, which involved discussion and deliberation with all relevant stakeholders.

Following this review, appropriate maximum weight thresholds for agricultural vehicles are now under consideration in my Department in consultation with the RSA. The issues being considered included vehicle safety, road strength, pavement wear as well as the views and needs of the agricultural sector. There has been ongoing consultation with all stakeholders, including the agricultural sector in this regard. I hope to be in a position to make a decision and statement on this matter in the near future.

### **Fuel Rebate Scheme**

721. **Deputy Clare Daly** asked the Minister for Transport, Tourism and Sport his views on a submission regarding a fuel rebate scheme (details supplied). [15258/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Taxes and excises are a matter for the Minister for Finance and one in which I have no role.

### **Public Transport**

722. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport his views on a matter (details supplied) regarding the removal of a bus stop; and if he will make a statement on the matter. [15419/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Under section 85 of the Road Traffic Act 1961, An Garda Síochána currently have the responsibility, in the first instance, for the placement of bus stops in consultation with the relevant local authority and the transport provider. I have referred the Deputy's question to Bus Éireann for direct reply. Please inform my private office if you do not receive a reply within 10 working days.

### **Road Safety**

723. **Deputy Thomas P. Broughan** asked the Minister for Transport, Tourism and Sport if he is considering new measures to facilitate the routine checking of telephone records in the aftermath of a fatal or serious road collision; and if he will make a statement on the matter. [15439/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The investigation of fatal or serious road traffic collisions, including any proposals to routinely check the mobile phone records of drivers involved in such collisions, as part of the investigation, is primarily a matter for the Garda Síochána.

### **Road Network**

724. **Deputy Jim Daly** asked the Minister for Transport, Tourism and Sport when the 2012 national secondary road funding allocation will be made to Cork County Council; the funding that will be awarded; and if he will make a statement on the matter. [15443/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I assume the Deputy is referring to the 2012 Grant Allocations to Local Authorities for National Roads. The allocations for each local authority are available in the Dáil Library.

### **Marine Safety**

725. **Deputy Michael Colreavy** asked the Minister for Transport, Tourism and Sport his plans

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for all life jackets on fishing vessels to contain a GPS tracking device to make it easier to search for lost fishermen; and if he will make a statement on the matter. [14651/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Currently all Irish registered fishing vessels are required to be fitted with Emergency Indicating Position Beacons (EPIRBs). All fishing vessels over 12 metres in length must carry an automatically activating float-free automatic EPIRB and vessels less than 12 metres LOA (length over all) only have to carry a manually operated EPIRB. Officials from my Department are examining, in conjunction with Bord Iascaigh Mhara, issues relating to the carriage of Personal Locator Beacons (PLBs) by fishermen as an enhancement to existing measures. The effectiveness of such electronic devices when used in conjunction with existing safety measures such as life-jackets and Personal Floatation Devices needs to be assessed.

The current requirements in relation to the wearing of life-jackets on fishing vessels are set out in the Fishing Vessel (Personal Flotation Devices) Regulations, 2001 (S.I. No. 586 of 2001). Under the regulations every fishing vessel must carry a suitable personal flotation device for every person on board. The personal flotation device must be worn at all times by the crew of the fishing vessel, when on the exposed deck of the vessel, or, in the case of open un-decked vessels, on board the vessel, whether at sea, in harbour or coming to and from moorings.

#### **Local Improvements Scheme**

726. **Deputy James Bannon** asked the Minister for Transport, Tourism and Sport if he will urgently reinstate the LIS, for the benefit of farmers and residents living in remote rural areas; and if he will make a statement on the matter. [15461/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The current expenditure for regional and local roads will be reduced significantly over the next few years. Cuts of the magnitude proposed necessitated that some very good and worthwhile projects be curtailed.

In making adjustments to the regional and local roads budget the primary aim has been, 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. Given that priority it is not possible to assist with any works on non-public roads, and the decision was taken to suspend this scheme in respect of 2012.

While the importance of this scheme to rural communities and in assisting local development projects on non-public accommodation roads is acknowledged, the maintenance and improvement of these roads is, in the first instance a matter for the relevant landowner. If and when the financial position of the State improves, I will examine the possibility of re-opening this scheme. In the interim, it is open to local authorities to continue to operate the scheme or a similar scheme from their own resources and I am sure they will do if they consider it to be a good use of limited resources.

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 one-off levies, etc. In addition, the level of contribution from the local landowners towards such projects in any new scheme may need to be increased.

#### **Departmental Agencies**

727. **Deputy Mary Lou McDonald** asked the Minister for Transport, Tourism and Sport if he will provide in a tabular form a breakdown of the position, salary, allowance and expenses paid to each of the employees of agencies (details supplied) in 2011. [15480/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The level of detail sought by the Deputy is not held in my Department. I have referred the question to the identified State Agencies who will respond direct to the Deputy. If you do not receive a reply from the Agencies within ten working days, please advise my private office.

728. **Deputy Mary Lou McDonald** asked the Minister for Transport, Tourism and Sport if he will provide in a tabular form a breakdown of the number of board members and their respective annual remuneration for 2011 of agencies (details supplied). [15481/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Details of members of all State Boards under the aegis of my Department are available on the Department's website — *www.dttas.ie* — together with details of fees payable.

The Commission for Aviation Regulation and the Railway Safety Commission do not have boards. SFADCo is an agency that primarily operates under the aegis of the Department of Enterprise, Jobs and Innovation who have responsibility for board appointments and associated fees.

729. **Deputy Mary Lou McDonald** asked the Minister for Transport, Tourism and Sport if he will provide in tabular form a list of all agencies and bodies and internal organisations under his aegis. [15508/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The Deputy will find a list of all agencies and bodies under the aegis of my Department on the Departmental website *www.dttas.ie*

#### Ministerial Travel

730. **Deputy Ciarán Lynch** asked the Minister for Transport, Tourism and Sport if he will set out the mileage claimed by any Minister of State in his Department for each year from 2005 to 2010; and if he will make a statement on the matter. [15524/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The mileage for which expenses were claimed and the amounts paid to Ministers of State of this Department from 2005 to 2009 are set out below. No mileage claims were made in 2010.

Name	Year	Kms	Amount €
Ivor Callely	2005	80,467	34,388
Pat the Cope Gallagher	2006	80,015	32,489
	2007	36,773	14,176
Noel Ahern	2008	20,800	6,030
	2009	15,200	8,367

#### Departmental Agencies

731. **Deputy Shane Ross** asked the Minister for Transport, Tourism and Sport if he will consider having English language training promoted by Enterprise Ireland; and if he will make a statement on the matter. [14811/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Fáilte Ireland was established under the National Tourism Development Authority Act 2003, following the amalgamation of Bord Fáilte Éireann and CERT. Its primary functions are the development of quality

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tourism product, domestic tourism marketing, tourism standards, enterprise support, capability building and human resource development for the tourism industry.

Tourism Ireland Limited, was incorporated in December 2000 by the Northern Ireland Tourist Board (NITB) and the then Bord Fáilte Éireann. It is accountable to the North South Ministerial Council with funding for its operations being provided by the Department of Enterprise, Trade and Investment in Northern Ireland and my own Department. The primary remit of the company is to promote the island of Ireland as a tourist destination in overseas markets.

The International Education Strategy 2010-15 “Investing in Global Relationships” retained Fáilte Ireland’s role in the promotion of English language training in Ireland, within the overall framework for international education, based on its record in the sector. This was confirmed by the Minister for Education and Skills and the Minister for Jobs, Enterprise and Innovation in March 2011 when they launched the cross-sectoral “Education in Ireland” brand, the umbrella brand for marketing the Irish higher education and the English Language Sectors internationally. Fáilte Ireland works in strategic partnership with tourism interests to support the industry in its efforts to be more competitive and more profitable and to help individual enterprises to enhance their performance. Fáilte Ireland works closely with the industry, with Tourism Ireland in the overseas markets and also with Enterprise Ireland, which manages the Education in Ireland brand.

732. **Deputy Seán Kenny** asked the Minister for Transport, Tourism and Sport the number of staff by grade in the Tourism Ireland’s Offices in Australia, Canada, China, India, Japan, South Africa, New Zealand, United Arab Emirates and the USA; and if he will make a statement on the matter. [15614/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The matter raised is an operational one for Tourism Ireland Limited as the body responsible for promoting the island of Ireland as a visitor destination overseas. I have referred the Deputy’s Question to Tourism Ireland for direct reply. Please advise my private office if you do not receive a reply within ten working days.

### **Public Transport**

733. **Deputy Joe O’Reilly** asked the Minister for Transport, Tourism and Sport the reason the holder of a licence (details supplied) was refused acceptance as a provider of a feeder service between Bailieborough and Virginia, County Cavan; his plans to provide, in the future, a feeder service from Bailieborough to Virginia and to the hourly bus service to Dublin; and if he will make a statement on the matter. [15740/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The responsibility for the licensing of Public Bus Passenger Services was transferred under Statutory Instrument No. 566 of 2010 from my Department to the National Transport Authority (NTA) with effect from 1 December 2010.

In the circumstance, I have forwarded your correspondence to the NTA for its attention and direct reply. If you do not receive a reply within ten working days please notify my private office.