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DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

TUAIRISC OIFIGIÚIL—*Neamhcheartaithe*

(OFFICIAL REPORT—*Unrevised*)

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IMLEABHAR 761 VOLUME 761

Dé Céadaoin, 28 *Márta* 2012.
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Chuaigh an Ceann Comhairle i gceannas ar 10.30 a.m.

Paidir.

Prayer.

Leaders' Questions

Deputy Micheál Martin: The former Minister for the Environment, Heritage and Local Government, John Gormley, established an independent review into the planning practices in a number of local authorities and had undertaken considerable work to ensure these would be completed.

Deputy Pat Rabbitte: Is Deputy Martin interested in corruption in planning now?

Deputy Micheál Martin: I will come to that. Why are the Minister, Deputy Phil Hogan, the Minister of State, Deputy Alan Kelly, and the Minister of State, Deputy Kehoe, misleading the public by suggesting that the former Minister, Mr. Gormley, had done nothing to progress his independent reviews of planning practices in a number of local authorities? It is more than one year since he took office. Why is there still no outcome to his internal reviews nine months after he suppressed the independent reviews the former Minister, Mr. Gormley, established?

I wish to put on the record of the House what the Minister, Deputy Hogan, had on his desk when he arrived into office.

Deputy Michael McNamara: What was on Deputy Martin's desk?

Deputy Micheál Martin: He had an extensive dossier prepared by planning officials in the Department following an internal review of complaints made from 2007 to 2009. He had a

[Deputy Micheál Martin.]

series of reports from the managers in each of the local authorities submitted in response to a formal request from the Minister using his statutory powers under the planning and development Acts. He had terms of reference for a panel of planning consultants to carry out independent reviews in the six local authorities. He had a completed tender process to select the panel of consultants and he had letters of appointment ready to be issued to the members of the panel. On the basis of the dossiers presented to him he was convinced that these matters required an independent review of planning.

An Ceann Comhairle: A question, please.

Deputy Micheál Martin: Given the debate going on in the House this week everyone seems to be agreed that the planning process has to be above reproach. There are significant reasons the former Minister, Mr. Gormley, proceeded with these inquiries.

An Ceann Comhairle: A question, please.

(Interruptions).

Deputy Micheál Martin: Frankly, questions need to be answered about why an independent review was suppressed by the incoming Government. It is a serious issue that demands a serious response from the Government.

Deputy Bernard J. Durkan: What took place for the past 20 years was serious too.

Deputy Micheál Martin: Why were the independent reviews established by Mr. Gormley suppressed?

(Interruptions).

An Ceann Comhairle: Excuse me. The Tánaiste is perfectly capable of answering the question without assistance.

The Tánaiste: Thank you, a Cheann Comhairle.

An Ceann Comhairle: Can we please allow him to answer a question? I have worked with him long enough and I have every confidence in him.

Deputy Michael McNamara: He has no difficulty answering questions.

The Tánaiste: I am greatly reassured by the Ceann Comhairle's confidence. I welcome Deputy Martin's interest in probity in the planning system. The former Minister for the Environment, Heritage and Local Government, Mr. Gormley, announced independent inquiries into seven local authorities in June 2010. When he left office more than seven months later, he had still not commenced these.

A Deputy: Do not be surprised.

Deputy Brendan Howlin: He did not read that file.

The Tánaiste: The new Minister considered that the considerable cost of retaining consultants to conduct these inquiries required further examination. He instructed officials to conduct an internal review and to report to him on what further actions might be warranted. These further actions might include changes to legislation, new regulations or further guidance on a range of issues related to the operation of the planning system in the local authorities. However, the

findings of the internal review were not to be prejudged and it was always the case that some further investigations, including independent inquiries as originally announced, might form part of these outcomes. This remains the position today. The review will be completed following the publication of the retail planning guidelines due before the end of April. The Minister has committed to issuing a public statement outlining in full the complaints at issue, the response and any appropriate actions to be pursued in regard to further policy development and guidance in line with the commitments in the programme for Government and the relevant recommendations in the report of the Mahon tribunal.

Deputy Martin should note that no planning inquiry is being suppressed. The reviews are being conducted in the Department of the Environment, Community and Local Government. When that process is completed following the publication of the retail planning guidelines at the end of April a full public statement will be made. This will set out in full the complaints made, the action taken in the Department of the Environment, Community and Local Government to review and examine those complaints and what further action might need to be taken arising from the review. Nothing is being suppressed. It is being looked at in the Department of the Environment, Community and Local Government. The full information will be published.

Deputy Micheál Martin: That is completely disingenuous.

Deputy Emmet Stagg: Mirror, mirror on the wall.

Deputy Micheál Martin: It is important to point out that an internal review of these complaints has already been carried out.

Deputy Tom Hayes: Was Deputy Martin afraid of it?

Deputy Micheál Martin: The answer given this morning is a complete whitewash. As far back as 2009 the spatial planning section of the Department of the Environment, Heritage and Local Government had carried out an internal review of planning practices in these counties. I illustrate this with the comments of the former Louth county manager, Mr. Quinlivan, who carried out an investigation into matters in Carlow.

An Ceann Comhairle: A supplementary question, please.

Deputy Micheál Martin: I am asking a question. This is a serious issue.

An Ceann Comhairle: I appreciate that but you have one minute.

Deputy Micheál Martin: He stated that effective planning enforcement to ensure legislation was observed "was not in place" in Carlow.

Deputy Bernard J. Durkan: What did Deputy Martin do about in when he was in government?

Deputy Micheál Martin: It rendered the whole enforcement process questionable. Mr. Quinlivan recommended that "prolonged consultation with those who breached the planning system must not take place". Complaints were received from many people, including members of the public, the Ombudsman, An Taisce and many other reputable bodies, about planning practices in these counties in recent years.

(Interruptions).

Deputy Niall Collins: Who controlled those local authorities?

Deputy Micheál Martin: There is much heckling but I am not prejudging anything.

Deputy Niall Collins: Government councillors control all those local authorities.

An Ceann Comhairle: Please ask your question.

Deputy Micheál Martin: I am not prejudging anything. I have no difficulty without fear or favour of having independent planning investigations. Why?

An Ceann Comhairle: Ask your question. You are over time.

Deputy Micheál Martin: I have spoken to the former Minister, Mr. Gormley. The bottom line is that there was resistance to these inquiries within the system.

(Interruptions).

Deputy Micheál Martin: There was internal resistance to these planning investigations. I asked questions yesterday evening including whether we are all satisfied that our planning processes are above reproach. I call on the Tánaiste to meet the former Minister, Mr. Gormley, and to look at the dossier himself.

Deputy Bernard J. Durkan: Deputy Martin held meetings with him for long enough.

Deputy Micheál Martin: He should look at the extensive material. He established an independent inquiry and a process but it was suppressed. It is completely dishonest to say that there should now be another internal review. An internal review had been completed.

An Ceann Comhairle: Thank you, Deputy. Please resume your seat.

Deputy Micheál Martin: Consultants were appointed. The Minister, Deputy Hogan, had stated previously that they were spurious complaints. He suppressed them when he came into office.

Deputy Pat Rabbitte: Next, Deputy Martin will be subscribing to An Taisce.

An Ceann Comhairle: Please resume your seat. This is about asking a question. The Tánaiste will reply. Can I have some silence, please? Thank you. We cannot hear what is being said.

The Tánaiste: The position is that each year, the Department of the Environment, Community and Local Government receives approximately 8,000 representations from various sources, including members of the public, NGOs, representative organisations and, sometimes, planning authorities. Some of these concern complaints and dissatisfaction with regard to planning decisions or policies that have been carried out. A number of these were identified by the former Minister, John Gormley, in a number of local authorities. The local authorities concerned were Dublin City Council, Carlow County Council, Galway County Council, Cork City Council, Cork County Council, Meath County Council and Donegal County Council. These are being examined.

Deputy Micheál Martin: They were examined, but the examinations have been suppressed.

Deputy Brendan Howlin: What is the question here?

The Tánaiste: There is no suppression. There was nothing done about these in the period from when they were announced until the former Minister left office.

Deputy Micheál Martin: That is not true. The Tánaiste should not mislead the House.

The Tánaiste: There was some question of appointing consultants, but one does not need consultants for everything. One of the problems of the previous Government was anytime there was an issue——

A Deputy: We have enough reports.

Deputy Micheál Martin: Any examination should be independent of the system.

An Ceann Comhairle: Allow the Tánaiste to proceed.

The Tánaiste: Anytime there was an issue to be addressed by the previous Government, the first response was always to send for consultants and spend a large amount of money on a consultancy report.

Deputy Micheál Martin: The Tánaiste is playing politics again. There is something rotten in the State of Denmark.

The Tánaiste: There is no need for the Deputy to get excited.

An Ceann Comhairle: I am getting excited because we are way over time on this.

The Tánaiste: There is no need at all for Deputy Martin to get excited about this. The issues that are being examined will be published in full. If there is any follow-up action required, that action will be taken.

Deputy Micheál Martin: The Government has suppressed the follow-up action.

The Tánaiste: There has been no suppression.

An Ceann Comhairle: Comments should be addressed through the Chair.

The Tánaiste: I can understand why Fianna Fáil is on the back foot on planning this week, with the debate on the Mahon tribunal. It is classic political defence to make attack the best form of defence. What Deputy Martin is doing is——

Deputy Micheál Martin: The Tánaiste is ignoring the question.

The Tánaiste: I am not ignoring it. The issue is being examined in the Department of the Environment, Community and Local Government and the review will be published in full. Does Deputy Martin understand that? It will be published in full and then, whatever action needs to be taken will be taken.

Deputy Micheál Martin: An internal review is being done, by insiders, civil servants.

Deputy Pat Rabbitte: Deputy Martin must have his An Taisce card at this stage.

An Ceann Comhairle: I now call on Deputy Gerry AdaMs I remind Deputies that we went four minutes over time on the last question and I ask them to obey the rules they set themselves and show some sort of respect to the person who poses the question and the person responding to it.

Deputy Mattie McGrath: Stop the heckling.

An Ceann Comhairle: I do not need any help from Deputy McGrath.

Deputy Mattie McGrath: I was not helping the Chair. I was just saying the Government side should stop the heckling.

An Ceann Comhairle: I call Deputy Adams and ask Deputies to please stay quiet.

Deputy Gerry Adams: Tá sé ag éirí níos soiléire go mbeidh méid mór airgid á n-íoc ag an Rialtas le Anglo ag deireadh na seachtaine seo agus ag an uair chéanna go mbeidh bochtanas ag ardú de bharr pholasaí an Rialtais. Nach bhfuil sé fíor nach mbeidh aon buntáiste ansin do ghnáth saoránaigh atá ag fulaingt faoi mheáchan an Rialtais agus de bharr an pháirt glactha ag an troika? The Oireachtas Joint Committee on Finance, Public Expenditure and Reform was briefed yesterday by the Governor of the Central Bank about the promissory note debt to Anglo Irish Bank. It is clear now, as the Taoiseach told us many times, that the Government intends to pay in full the €31 billion promissory note to Anglo and that it will pay Anglo €3.1 billion later this week. Will the Tánaiste confirm that Anglo will purchase an Irish Government bond at an interest rate of approximately 7% and does he accept that this interest rate is higher than would be paid under the promissory note? Will the Tánaiste also confirm that this agreement will not involve any write-down in the principal debt to Anglo and will actually lead to an increase in the State's overall sovereign debt? To help Sinn Féin understand, is this what the Tánaiste meant when he said it would be "Labour's way"?

Deputy Pat Rabbitte: Sinn Féin needs another meeting with Government to help it understand.

The Tánaiste: I am a little surprised by Deputy Adams question because following the meeting of the committee yesterday, Sinn Féin's spokesman on finance, Deputy Doherty, acknowledged on radio that this is a good deal and that it will enhance our ability to return to the market in 2014 and would get us over the hump.

Deputy Pearse Doherty: That is not——

(Interruptions).

An Ceann Comhairle: I ask Deputies again to show respect. Thank you.

The Tánaiste: Yesterday at the committee, the Governor of the Central Bank confirmed what the Minister for Finance has said and what the Taoiseach and I have said here consistently, namely, that the Government is negotiating an arrangement whereby the cash payment of the promissory note will be settled by way of a long-term Government bond. He confirmed that those negotiations are going well and expressed optimism, which I share, that they will be concluded successfully. The negotiations are complex and technical and are proceeding. I share the Governor's confidence that they will be concluded successfully.

To be honest and in the country's interest, the time is here when Deputy Adams should put country before party. In the country's interest, he should wish this process well, rather than rise here every day and be gleeful, as he is now, at any prospect that the process will go wrong.

Deputies: Hear, hear.

Deputy Gerry Adams: I am bemused by the Tánaiste's unmitigated cheek, but will ignore that. I remind the Tánaiste of what the person who founded his party said: "Ireland without its people means nothing to me." Both the Tánaiste and Taoiseach have said they will never look for a debt write-down, would not have the name "defaulter" written on their foreheads

and would not impose losses on bondholders. The Tánaiste used the phrase describing the process as "complex and technical". What is complex and technical?

Deputy Pat Rabbitte: Deputy Adams clearly does not understand it.

Deputy Gerry Adams: The Tánaiste also makes that point that it will be successful. Why would it not be successful? Let me try to explain to the Tánaiste that I understand——

An Ceann Comhairle: Please do not. Ask a question.

Deputy Gerry Adams: Will the Tánaiste confirm for me that Labour's way, regardless of what was said during the election, means that it intends paying this bad banking debt, that it will replace this bad banking debt with an increased sovereign debt, that its deal increases the State's sovereign debt and that it intends paying a higher interest on the €3.1 billion? Will the Tánaiste please answer this question? I urge him not to go off on flights of fancy but to answer the question put to him.

The Tánaiste: I share James Connolly's view that the country without its people means nothing to me. This includes the people who are no longer with us.

Deputies: Hear, hear.

The Tánaiste: On the negotiations, lest the Deputy finds the issue too complex, let me explain it to him in clear terms.

Deputy Gerry Adams: Answer the question.

The Tánaiste: When it was formed, the Government set out to negotiate a better deal for Ireland, to negotiate better terms for the bailout arrangements that had been made by the previous Government and better terms on the EU-IMF deal. Part of those negotiations was to negotiate an arrangement but we considered that the promissory note arrangement which was entered into by the previous Government, was a very expensive way of dealing with the bank bailout. We set about negotiating an alternative way of doing it. As the Minister for Finance has made clear to the House, that approach is based on settling the promissory note issue by way of a long-term Government bond. The discussions on the detail in this regard are continuing. The Governor of the Central Bank yesterday told the Joint Committee on Finance, Public Expenditure and Reform that those negotiations are going well and he expressed optimism about their outcome. While those negotiations are underway I do not think it is useful to get into the detail of what may or may not emerge from them. The negotiations are going well and the Governor of the Central Bank——

Deputy Gerry Adams: The Tánaiste will not answer the question.

Deputy Brendan Howlin: When it is done.

The Tánaiste: I have made it very clear.

An Ceann Comhairle: We are over time, please.

The Tánaiste: Neither a shop steward——

Deputy Gerry Adams: A higher interest rate. The Government is going to make this bad banking debt into a sovereign debt. Is this Labour's way?

An Ceann Comhairle: Please, Deputy Adams.

The Tánaiste: ——in an individual employment nor the Governor of the Central Bank nor the Minister for Finance will negotiate in public.

Deputy Gerry Adams: Is this the way Labour does its business?

Deputy Pearse Doherty: The Governor answered all those questions yesterday.

The Tánaiste: This needs to be understood——

(Interruptions).

An Ceann Comhairle: We are over time and I ask the Tánaiste to conclude.

Deputy Michael McCarthy: What

The Tánaiste: What matters is that we get the best outcome in the interests of the Irish people and I am confident that the Government will succeed in doing this. When this is completed, it will be announced by the Minister for Finance in the House just as he announced the broad framework of his actions last week.

Deputy Shane Ross: I refer to two announcements made yesterday, one of significance and to which Deputy Adams has referred, the confirmation by the Governor of the Central Bank, Patrick Honohan, that the deal was done or virtually done. The second announcement was made by the Tánaiste in the House that a referendum would be held on 31 May. An observer could be forgiven for noting that the timing was not possibly coincidental. I congratulate the Government if it has achieved a substantial progress on the Anglo Irish Bank promissory notes. Any concession is a good concession. However, I am worried by what the Governor is reported as saying yesterday. It was news to me that this is official policy when he said that the Anglo Irish promissory notes were a source of risk to the financial stability of the State. If this is the case — and if it is sealed within the next 24 or 48 hours — it is a deal on a very small part of the Anglo Irish promissory notes, in that instance a total of €3.1 billion. The Government is briefing that this is part of a staging post of ongoing negotiations and we will get further concessions on the debt. Will the financial stability of the State still be at risk from these notes next week?

The Tánaiste: I thank Deputy Ross for his acknowledgment and congratulation of the Government on the progress to date. The Government has been in discussions for some time with the troika on the overall size of the promissory note, the entire issue of €31 billion. The object is to reach a point in those negotiations where a paper will be produced with the troika which will address the issue in its totality. The issue of the promissory note which falls due on 31 March clearly has to be dealt with. As I have said in an earlier reply, the Minister for Finance has indicated that the approach being discussed to deal with this is to settle it by way of a long-term Government bond.

As Deputy Ross says, the whole issue is framed in the context of debt sustainability for the State. I do not think there is any secret about the fact that this time last year, when the new Government took over, this country was teetering on the edge of a cliff and the debt sustainability of the State and its future economic well-being, was very much at risk. Over the course of the past year, we have pulled this situation back from the edge and we have succeeded in a series of negotiations, with the troika in particular, to achieve changes in the terms of the bailout arrangement which were negotiated prior to our entry into Government. These changes

in the terms included the issue of the interest rate, a number of changes which allowed the Government a greater degree of flexibility in our own recovery process. I refer also to the current discussions about the promissory note due on 31 March and the wider issue of the promissory notes in their totality. We are confident of achieving a good outcome from those negotiations.

At this stage, the Government has brought about stability in our economic situation and financial state and we now need to move on to recovery, to ensuring that jobs and investment are created. Therefore, in parallel with the discussions between the Government and the troika, we have also actively engaged in a strong marketing strategy in order to secure investment for the country. Part of that strategy is the work being done by the Taoiseach over the past days and today in China.

Deputy Shane Ross: I thank the Tánaiste for his reply. I take it he means that the financial stability of the State, therefore, is restored. This brings me to my final question. If this relief on the €3.1 billion and on further bank debt is to restore the financial stability of the State, we have been rightly led to believe that the austerity package which the Government has imposed on the country and on the people of the country, is due to the fact that the banks have behaved in such an irresponsible manner and incurred such debt. Now that we are getting relief from the bank debt, can the Tánaiste point to some tangible relief from austerity to show the people as a result of the achievement this week?

The Tánaiste: This is a slow, gradual process and there is no instant one-day solution to take us out of the economic difficulties. We have moved from being on the edge of the cliff to a situation where we have achieved a stabilisation of the financial situation in the country. We are making progress as regards the arrangements made for the bailout. Separate to that we have a problem with our deficit in that we are spending more than we are taking in and as a consequence we have to borrow. The Government aims to reduce the deficit because no country can continue to spend more than it earns and continue to add to its borrowings. We also must achieve growth in the economy and the creation of more jobs. This is the reason the Government has put such a strong emphasis on getting jobs and investment and the reason we are investing so much effort in the restoration of our international reputation as we believe this will bring about investment.

11 o'clock

The other dimension of this, the European dimension, is only partly within our control. There is no doubt that the uncertainty surrounding the euro and the eurozone in the latter part of 2011, moving into 2012, has created difficulties in terms of securing investment in this country. To return to the opening line of the Deputy's question, that is why it is important that the stability treaty is supported — in order to bring stability and security to the euro which, in turn, will underpin the confidence investors need to invest in Europe and, in particular, in Ireland.

Order of Business

The Tánaiste: It is proposed to take No. 14, statements on the Final Report of the Tribunal of Inquiry into Certain Planning Matters and Payments (resumed). Private Members' business shall be Central Bank and Financial Services Authority of Ireland (Amendment) Bill 2011 — Second Stage (resumed), to conclude at 9 p.m., if not previously concluded.

An Ceann Comhairle: There are no proposals to be put to the House. I call Deputy Martin.

Deputy Micheál Martin: I would appreciate the Tánaiste's confirmation that of the 26 Bills on the A list, which the Government undertook to publish this session, only three have been

[Deputy Micheál Martin.]

published, along with the heads of two others. The Tánaiste must agree that the legislative performance of the Government in this session is at best underwhelming.

Deputy Michael McNamara: Your party is underwhelming.

Deputy Micheál Martin: Can he give any explanation to the House as to this inability to progress the legislation on the A list to which he committed and those Bills he committed to publishing before the end of this session? What is the problem, why is the Government not in a position to publish the legislation it has committed to doing and will the Tánaiste explain to the House the extraordinary lack of published Bills? Perhaps this illustrates why much of this session has been taken up in more general debates and activity rather than with a specific focus on legislation.

The Tánaiste: The Bills that have been published are the Motor Vehicle (Duties and Licences) Bill 2012, the Finance Bill 2012 and the Clotting Factor Concentrates and other Biological Products Bill 2012. Another Bill, not on the A list, was published, namely, the Euro Area Loan Facility (Amendment) Bill 2012. Two further Bills have been approved at Cabinet and are awaiting publication, namely, the animal health and welfare Bill, agreed at Cabinet on 6 March, and the road traffic Bill, agreed on 27 March. In addition, there is the Bill providing for the referendum which was agreed at Cabinet on 27 March and which will be published later this week.

If Deputy Martin wishes, I can go through the list. I have three pages but I do not want to hold up the House with this. I can go through it and tell the Deputy where exactly every Bill stands that is on the list.

Deputy Micheál Martin: Why has the Government's commitment to publish 26 Bills not materialised?

The Tánaiste: The session is not yet completed.

A Deputy: It is now.

The Tánaiste: As to the Deputy's point about the time being taken up with debates on matters other than legislation, in all cases the debates were asked for by the Opposition and the Government agreed to have them.

Deputy Micheál Martin: There is no legislation available.

The Tánaiste: There is legislation.

Deputy Micheál Martin: When will it be published?

An Ceann Comhairle: I suggest that this matter be taken up between the Whips.

The Tánaiste: I will go through it.

Deputy Micheál Martin: Will the Tánaiste send me the correspondence and give me a explanation for the inordinate delay? He promised 26.

The Tánaiste: There is no inordinate delay. The Deputy was long enough——

An Ceann Comhairle: We are not having an across the floor conversation. Speak through the Chair, please.

Deputy Micheál Martin: Where are the 26? That is a fair point, by any standard. Something must be wrong.

Deputy Timmy Dooley: 'Fess up.

An Ceann Comhairle: Will the Tánaiste circulate the information?

The Tánaiste: I will put it on the record.

Deputy Micheál Martin: The Tánaiste is dodging the question again. He promised 26 Bills but has only produced three.

An Ceann Comhairle: There is no need for that.

Deputy Micheál Martin: That is fairly unprecedented.

The Tánaiste: I will give it to the Deputy. There is the Houses of the Oireachtas Commission (Amendment) Bill, of which a second draft has been received. Following a consultation with the Houses of the Oireachtas, a final draft will be available shortly. The children first Bill——

Deputy Micheál Martin: "Shortly" is the Tánaiste's greatest word.

The Tánaiste: Does the Deputy want the information?

Deputy Micheál Martin: Nine months ago, the Minister, Deputy Phil Hogan, said the planning review would be available shortly.

An Ceann Comhairle: Will the Deputy show some example, please? It is not about shouting across the floor. Please proceed.

The Tánaiste: I am quite happy——

Deputy Micheál Martin: It is very frustrating. It is extraordinary stuff.

The Tánaiste: ——to give the Deputy details on all the legislation if he wishes to have it. If he asks about any Bill, I will give him the answer.

An Ceann Comhairle: I call Deputy Adams.

Deputy Gerry Adams: I do not envy the Ceann Comhairle his job. He called me some moments ago but the Tánaiste ignored him. Ba mhaith liom ceist a cur faoi reachtaíocht atá forógraithe.

The workplace relations law reform Bill is on the C list and will deal with the issue of statutory employment rights. Will it deal with situations such as that in the Game shops, where workers are protesting? Other situations that continue include Vita Cortex, while La Senza was dealt with only after workers occupied the shop. At Lagan Brick, workers are not being paid their redundancy entitlements. Does the Government intend that the workplace relations Bill will ensure workers have their rights legally bound and will not have to resort to such lengths to vindicate those rights?

The Tánaiste: It is intended that the workplace relations law reform Bill, which is to provide for reform of statutory employment rights and industrial relations adjudication bodies, will be published this year.

An Ceann Comhairle: I call Deputy Durkan.

Deputy Gerry Adams: The Tánaiste did not answer my question. I mentioned that the Bill was on the C list. I did not ask when it would be published but whether it would include——

An Ceann Comhairle: On the Order of Business we do not deal with the content of legislation, only with when Bills will be finished.

Deputy Gerry Adams: Okay.

Deputy Bernard J. Durkan: In view of the concerns expressed by the leader of the Opposition about delays in bringing forward legislation, I remind the House of the numerous occasions when the group on this side of the House was on the other side of the House——

An Ceann Comhairle: We know all that. Will you get on to the legislation?

Deputy Willie O'Dea: The Ceann Comhairle has got it right for once.

Deputy Timmy Dooley: He can be thorny enough.

Deputy Bernard J. Durkan: The Ceann Comhairle will remember that time himself. Reams and reams of legislation were promised, for up to ten years——

An Ceann Comhairle: Will you ask the question?

Deputy Bernard J. Durkan: ——but were never moved.

An Ceann Comhairle: There are people snapping at my heels——

Deputy Bernard J. Durkan: There are two Bills of particular import at present.

An Ceann Comhairle: Thank you.

Deputy Bernard J. Durkan: This week, a law-abiding citizen had to leave the country for his own protection. No. 88, the bail Bill, has been promised for some time and was, in fact, promised by the previous Administration which failed to deliver it. There is also the criminal justice (miscellaneous provisions) Bill. Both of these must be enacted as a matter of some urgency in order to ensure that legislators take back the initiative that criminals seem to have seized at this time.

An Ceann Comhairle: Tánaiste, on the two Bills, on bail and criminal justice.

The Tánaiste: The draft heads of the bail Bill are at an advanced stage. It is not possible to give a precise date for its publication. The criminal justice (miscellaneous provisions) Bill will come later this year.

An Ceann Comhairle: I call Deputy McGrath, on promised legislation.

Deputy Mattie McGrath: Yes, indeed. The Water Services (Amendment) Bill is very much promised and very much on the way at present in regard to the consultation process for rural waste water treatment plants. That process closes on Friday next. There was totally inadequate publication and advertisement——

An Ceann Comhairle: What is your question?

Deputy Mattie McGrath: Can this period be extended? The closing date for submissions is this Friday.

An Ceann Comhairle: No, no.

Deputy Mattie McGrath: It has been completely lost.

An Ceann Comhairle: That is not about promised legislation.

Deputy Mattie McGrath: It is about part of the legislation.

An Ceann Comhairle: Do I have to say this to the Deputy every single morning?

Deputy Mattie McGrath: No, no. When will the regulations be published in full? Can the date for public consultation be extended beyond Friday? This debate has been lost because the Minister has made such a mess of the household charge, but it has not gone away

An Ceann Comhairle: On legislation.

Deputy Mattie McGrath: When will the regulations be published?

An Ceann Comhairle: Regulations——

Deputy Mattie McGrath: The Ceann Comhairle put people out of the House for asking about this.

(Interruptions).

An Ceann Comhairle: The Deputy will be put out of the House if he continues in this vein.

Deputy Mattie McGrath: I am only asking a question. This is a fact.

Deputy Paul Kehoe: You should ask Mícheál to write it out for you.

An Ceann Comhairle: I do not want to have to do this every single morning with you. Will you please try to stay within Standing Orders?

Deputy Mattie McGrath: I am trying to.

An Ceann Comhairle: If you need a lesson in Standing Orders I will be only too pleased to give it to you, personally. Thank you very much.

Deputy Mattie McGrath: I appreciate that.

(Interruptions).

An Ceann Comhairle: Come up to my office. I will be delighted. It would be better than having it here.

Deputy Niall Collins: This den of iniquity. Can the Deputy sit on the Ceann Comhairle's knee?

An Ceann Comhairle: When will we know about the regulations?

The Tánaiste: The Water Services (Amendment) Act was enacted on 2 February and regulations arising are a matter for the Minister for the Environment, Community and Local Government.

Deputy Mattie McGrath: Where is he?

The Tánaiste: When regulations are made, he will lay them before the House.

Deputy Mattie McGrath: When?

An Ceann Comhairle: Deputy Mattie McGrath should table a parliamentary question.

Deputy Mattie McGrath: He said it was too complicated for the public to understand——

An Ceann Comhairle: There is no need to shout. I ask Deputy McGrath to resume his seat.

Deputy Bernard J. Durkan: It is not only the public that finds it too complicated.

Deputy Brendan Howlin: That is a stretch.

Deputy Micheál Martin: He wrote it.

Deputy Mattie McGrath: It is in writing.

Deputy Paul Kehoe: Deputy Mattie McGrath should get Deputy Martin to write a letter for him.

Deputy Michael Healy-Rae: With regard to the proposed charities (amendment) Bill 2012, is there a provision to remove the requirement on small community groups to provide an annual audit as it is an unnecessary expense for these groups?

An Ceann Comhairle: What legislation is Deputy Healy-Rae talking about?

Deputy Michael Healy-Rae: It is the proposed charities (amendment) Bill.

The Tánaiste: I do not think there is a charities (amendment) Bill promised.

Deputy Michael Healy-Rae: I believe there is. I am sorry to have to inform the Tánaiste of that.

The Tánaiste: I will come back to the Deputy on that but I cannot find it on the list.

Deputy Timmy Dooley: Was it part of the deal?

Deputy Charlie McConalogue: Following the announcement by the Tánaiste yesterday that the fiscal compact referendum will take place at the end of May, can we have a reassurance that the Tánaiste is at one with the Minister for Children and Youth Affairs that the children's referendum will take place during 2012? Perhaps the Tánaiste can update us on whether the national vetting bureau will be published before Easter, as promised. If not, what are the delays?

The Tánaiste: The national vetting bureau Bill is due for publication by the end of April. The Minister for Children And Youth Affairs has already stated that it is intended to hold the children's referendum on a standalone basis.

Deputy Charlie McConalogue: Will it be held this year?

The Tánaiste: It is intended to have it this year.

Deputy Willie O'Dea: One of the most important items of legislation in the programme for Government from the point of view of public concern is the residential tenancies (amendment) Bill, which will deal with problems in the PRTB regarding private lettings, many of which are

subvented by the HSE. Can the Tánaiste give some indication when the Bill will be published? It is a matter of urgency.

The Tánaiste: The heads of the Bill have been approved. The PRTB is researching the viability of a deposit retention scheme. It is intended to publish it late in 2012.

Deputy Pearse Doherty: I would appreciate if the Tánaiste did not misquote me but I may have the opportunity to correct the record at a later stage. Can the Tánaiste outline when the new site valuation tax legislation will be before the House? Following the statement from the Minister for the Environment, Community and Local Government that council officials will call to houses, the Garda Síochána reports that the opportunity is being used by criminals. Perhaps the Tánaiste can take this opportunity to say that no council official or individual on behalf of the State will seek €100 from any person.

An Ceann Comhairle: That is a separate issue.

Deputy Pearse Doherty: The second question concerns an item of legislation I have asked for on numerous occasions. When will the Údarás na Gaeltachta Bill, to do away with the democratically elected Údarás na Gaeltachta and change the way we deal with the Gaeltacht, be published?

My third question concerns the census. The Government's plans for next year are to bring people home. Publication of the next census requires legislation because of the 100 year rule. This was promised a number of years ago but it seems the work has not been done since. This will not be published in time for people to come back and trace their ancestry and roots. Can the Minister outline whether the legislation will be published so that the census can be released to the public before 2012?

The Tánaiste: The property tax will be introduced to replace the household charge. Work is being done to develop the basis for such a site valuation tax or property tax or whatever title one puts on it. When work is completed, the legislation will be published and introduced. In the meantime, the Government is anxious to hear proposals, including from Deputy Doherty, about how such a tax should be developed. I look forward to receiving those proposals from Deputy Doherty. The Gaeltacht Bill is due to be published this year. I do not have an answer on the census question but I will revert to the Deputy on that point.

Deputy Timmy Dooley: The Government promised legislation to deal with the unregulated practice of vehicle clamping. When is it hoped to have the Bill before the House?

The Tánaiste: What Bill is that?

Deputy Timmy Dooley: Vehicle clamping.

The Tánaiste: The vehicle immobilisation regulation Bill is the official title.

Deputy Timmy Dooley: A clamp will immobilise most vehicles.

The Tánaiste: It is expected to be published this year.

Deputy Ray Butler: I refer to the criminal justice (proceeds of crime) Bill, which intends to strengthen the powers of CAB with regard to money laundering by the medium of diesel laundering. Another diesel laundering plant was discovered in Virginia, taking €5 million from the Exchequer.

An Ceann Comhairle: What is the question?

Deputy Ray Butler: Will CAB be given greater powers on diesel laundering and money laundering, which are all part of the same operation?

An Ceann Comhairle: Is there promised legislation?

Deputy Ray Butler: Yes, the criminal justice (proceeds of crime) Bill intends to strengthen the powers of CAB in forfeiting the proceeds of crime.

The Tánaiste: Consultation is taking place with the CAB about the Bill but I do not have a date for its publication.

Deputy Michael McGrath: One of the most important documents published every year by the Department of Finance is the stability programme update, which is sent to the European Commission. Unfortunately, it is widely expected that it will confirm a further downward revision of the growth forecast for the Irish economy in 2012. Do we have the date when that document will be published?

The Tánaiste: I do not have the date of publication.

Topical Issue Matters

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Éamon Ó Cuív — the need to ensure the inclusion of a new school building for Clifden Community School, County Galway, in the list of schools in a five-year building programme; (2) Deputy Patrick O'Donovan — the future participation of Irish citizens who are overseas in referendums and elections; (3) Deputy Brendan Smith — the reason that some DEIS band 1 schools particularly schools in Dublin (details supplied) will lose teaching posts in September; (4) Deputy Eoghan Murphy — the attempts being made to locate an Irish citizen missing in Rishikesh, India, since February; (5) Deputy Timmy Dooley — the need for a replacement paediatric neurologist at the Mid-Western Regional Hospital, Limerick; (6) Deputies Gerald Nash, Terence Flanagan and Seamus Kirk — the need to ensure the retention of jobs in Vodafone in Dundalk and Drogheda, County Louth; (7) Deputy Ann Phelan — delays within the appeals system under the Department of Social Protection and the need to streamline urgent cases; (8) Deputy Caoimhghín Ó Caoláin — the loss of 121 jobs in the 14 GAME stores across the State and the need to ensure that the workforce are fairly treated and that all customers with accrued credit are fully reimbursed; (9) Deputy Aodhán Ó Ríordáin — the need to find an appropriate site for the Dublin City Central Library; (10) Deputy Simon Harris — the need to formalise the referral procedures and aftercare services in place for the Selective Dorsal Rhizotomy operation; (11) Deputy Mattie McGrath — the use of Kickham Barracks, Clonmel, County Tipperary as a Garda station; (12) Deputy Thomas Pringle — the shortage of one and two bedroom apartments for rent in rural areas; (13) Deputy Thomas P. Broughan — the proposed changes to the community welfare services in the Darndale Belcamp Village Centre, Dublin 17; (14) Deputy Kevin Humphreys — the proposed incinerator at Poolbeg, Dublin, and regulation of the waste market; (15) Deputy Niall Collins — payment methods and an information campaign for the household charge; (16) Deputy Aengus Ó Snodaigh — the sit-in by staff at GAME stores; (17) Deputy Pearse Doherty — the impact of changes in boundaries for school transport for post-primary students particularly in the Finn Valley area of County Donegal; (18) Deputy Tom Hayes — the need to maintain rural Garda stations; (19) Deputy Derek Keating — the need for a dedicated child protection service in view of the

recently published report of the Ombudsman for Children; (20) Deputy Brian Stanley — the use of council staff to go door to door encouraging households to pay the household charge; (21) Deputy Richard Boyd Barrett — the deferral of the new school building at Newpark Comprehensive School, Blackrock. Dublin; and (22) Deputy Peter Fitzpatrick — sheep worrying in the Cooley Peninsula, County Louth.

The matters raised by Deputies Patrick O'Donovan, Anne Phelan, Thomas Pringle and Gerald Nash, Terence Flanagan and Seamus Kirkhave been selected for discussion.

Landlord and Tenant (Business Leases Rent Review) Bill 2012: First Stage

Deputy Dara Calleary: I move:

That leave be granted to introduce a Bill entitled an Act to make provision for the prohibition of clauses within business leases which provide exclusively for the upward review of the rent payable under the lease and to ensure that all existing business leases may be reviewed in a manner that allows for the fixing of a rent which is less than, greater than or the same as the amount of the rent payable prior to the date on which the rent is reviewed.

An Ceann Comhairle: Is the Bill opposed?

Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe): No.

Question put and agreed to.

An Ceann Comhairle: Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

Deputy Dara Calleary: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Mahon Tribunal Report: Statements (Resumed)

Deputy Niall Collins: I was in the middle of my contribution last night and I propose to share time with Deputy Dara Calleary.

I do not accept the double standards that are being applied. It is important for other political parties also to acknowledge their involvement. Mary Muldoon, a Fine Gael councillor, stated on radio yesterday morning that 50% of Fine Gael councillors took bribes. That was a reference to the "2 by 4" club and how regular meetings and lunches took place between some councillors and Frank Dunlop.

As a relatively new Fianna Fáil TD, I am confident these findings are being dealt with in the swiftest way possible. Within 12 hours of the report being published, the party's officer board met and decided to take action. Already, five individuals have resigned as members of Fianna Fáil. Even after acting swiftly, however, Fianna Fáil is being criticised for not acting sooner, that we should not have believed certain evidence when it was being given and that we should have pre-empted the final report. That kind of partisan commentary is lazy and immature. As a republican, I believe in fair process and firmly believe our party could not have acted on any individual prior to the final report being published.

It is ironic, therefore, that Fine Gael and Labour have yet to act on the recommendations of the Moriarty tribunal report even though it was published one year ago to the day last Thursday. When it was published the Taoiseach stated: "This report will not gather dust." That is exactly what is happening with it. Again, this is a case of double standards, particularly when

[Deputy Niall Collins.]

at the time the Taoiseach stated "...to recreate political virtue, to rebuild public trust, to restore our reputation, it is no longer sufficient to do what is correct...we must do what is right".

There is no evidence of any such action being taken. It has joined the long list of broken promises made already by this Government. The Taoiseach, while welcoming the Moriarty report, was very careful about accepting the recommendations of the report and to my knowledge has yet to do so. I acknowledge the report was referred to the Director of Public Prosecutions and to the Garda but has either the Taoiseach or the Tánaiste accepted the recommendations and said so publicly?

The Fianna Fáil Party I am a member of will not tolerate or fail to condemn abuse of public office, whether in our own party or, as the Moriarty report revealed, in other parties. As a party, we have advanced draft legislation that seeks to implement the recommendations of the Moriarty report. I hope the Government parties will show the support for this legislation to back up their rhetoric.

When the Mahon report was first published, rather than concentrating on what the report said about Fine Gael members, Government TDs and Ministers rushed to latch on to comments made in the report about Cabinet Ministers in the previous Government. They were like a choir saying the previous Government tried to obstruct the tribunal. That was not a finding in the report. The reference did not contain any names. I do not believe there was ever any attempt by any previous Government Minister to obstruct the tribunal. There was a great deal of public commentary and political debate about the length of time and the cost of the tribunal but it was never anything more than that. There was no reference last week to the time the Minister, Deputy Alan Shatter, accused the Smithwick tribunal of trying to interfere with that inquiry. There was never any criticism when the Minister, Deputy Howlin, criticised the role of the independent Referendum Commission following the most recent referendum result. The selectivity is remarkable.

Deputy Jan O'Sullivan: The Deputy's own selectivity is remarkable too.

Deputy Niall Collins: Regarding what has been said about the planning inquiries initiated by the former Minister, John Gormley, it is not good enough that these planning inquiries are being delayed and conducted on the basis of an internal review.

Deputy Jan O'Sullivan: He never set them up in the first place. He never appointed anybody to do them.

Deputy Niall Collins: It is having a Department review of local authorities when such serious questions and allegations are arising. Inaction is suppression, and it ill behoves any Minister to try to suppress such an important process which was commenced by John Gormley.

Deputy Jan O'Sullivan: That is not fair. There was no attempt to suppress anything.

Deputy Niall Collins: It is ironic that anybody should seek to——

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

Deputy Niall Collins: ——criticise John Gormley, above all people, for trying to initiate and set up a process of a planning inquiry.

Deputy Jan O'Sullivan: He never set it up. He did not appoint people in the seven months.

Deputy Niall Collins: We know his credentials, and that must be said in his defence because his——

An Ceann Comhairle: Deputy, we are over time.

Deputy Jan O'Sullivan: He had seven months.

Deputy Niall Collins: ——actions have been misrepresented by Government speaker after Government speaker. We will wait and see what will be the actions of this Government regarding the follow through on these inquiries which he did initiate.

Deputy Jan O'Sullivan: He had seven months and he never set them up.

Deputy Dara Calleary: I welcome the opportunity to speak on the Mahon report. Since we as Members were elected to both this House and the other House we have been placed in a very challenging position with the publication of the Mahon tribunal report but also with the publication of the Moriarty tribunal report. I cannot imagine that any Oireachtas in the history of this institution had before it in one term two reports that have gone to the heart of everything we do as Members of an Oireachtas and as public representatives both locally and nationally. Regardless of whether we belong to a party, we must act on these reports to ensure that no future Oireachtas has to deal with this kind of legacy.

The Mahon report is a catalogue of disservice. Every single finding represents disservice, at the very least, betrayal and, in many cases, treachery. It represents disservice to the people in communities across this country who are the living victims of the report and everything contained in it. They were sent into housing without proper facilities in areas where there are still no functioning community, transport or sporting facilities. It is a disservice in terms of the trust communities across this country placed in their public representatives, be they local or national. It is a disservice to the reputation of this country nationally and internationally.

In terms of those members of my party against whom findings have been made it is a disservice to the very decent members of our party across this island who feel betrayed and disgusted by everything they had seen in the Mahon tribunal and who feel let down by those members of our party named in the report. It is a disservice to the thousands of people who serve and have served as public representatives in this House, in the other House and in council chambers across the country since the foundation of the State who served only in the interest of their communities and in doing so made huge sacrifices.

As an Oireachtas, we face a particular challenge. We have got to deal with the findings in this report and in the previous report. We must deal with that legacy of disservice and ensure that we act and meet the challenge head-on. All of us would do well to read chapter 18 and the recommendations therein. I hope that rather than coming back with some vague aspirational proposal the Minister, Deputy Hogan, as the Government's co-ordinator of the response, will come back in May with an action plan for the Government's implementation plans and timelines for dealing with the proposals in chapter 18. As we prepare to enter the Easter recess it is not too much to ask that by the time we approach the summer recess in the middle of July many of the recommendations, legislatively or otherwise, will be in place or published because if we are serious we must do it as quickly as that.

I know the Government parties are slightly sensitive about the entire area of the Moriarty report. I will not engage in the slagging because I do not want to deflect the focus from the report we are discussing but we must consider that this week last year we were having a similar debate on the Moriarty tribunal. In that debate 99% of us who are in this House to try to do the job expressed the same thoughts and annoyance but a year later we are not much further

[Deputy Dara Calleary.]

on in regard to the Moriarty report. For the sake of those of us who are here and those we serve, much greater attention must be paid to that particular tribunal report.

It is clear that our party is the focus of this tribunal report, although other parties are mentioned. We moved very quickly on it. Within hours of the publication of the report we convened our officer board and moved very quickly in terms of expulsions and reorganisation of areas. However, it is important from our point of view that the meeting that will take place this Friday is not the end of the process but the start of a process. The document has gone to our rules and procedures committee and we will bring in many changes to the way we do things. We take this report seriously and those of us who serve the party today will be measured by the way we have reacted to this report and the way we have changed our way of doing things.

All the focus of the coverage has been on the personalities within the tribunal and the political classes. Meanwhile, the people in those communities I mentioned — I am glad the Minister of State is in the Chamber — who are the real victims have not been the focus of that coverage. Communities in this city and probably throughout the island have been really blighted by bad planning and by the manner in which maps and zonings were moved around like pieces on a chessboard, and today people live in communities with no facilities. The Minister of State, Deputy Jan O'Sullivan, should consider an audit of the planning decisions referred to in the Mahon tribunal report, or perhaps going further to include all planning decisions made at the time by Dublin City Council and examine what community, sporting, justice and child care facilities are in place in these communities.

If a targeted investment programme needs to be put in place to give the people in these communities the facilities they deserve, I think the Minister of State would have the support of the entire House to do so. Rather than merely dealing with all of the political issues contained in the Mahon tribunal report, let us not forget the people who lives are affected every day by the decisions and choices made as a result of the madness. They need to be remembered. I hope the Department's response includes an audit of facilities, particularly in west Dublin.

I have been re-elected to the Dáil, and there is a theory that those of us whose parents or grandparents also served here inherited our seats. This is wrong. What I have not heard is a certain respect for the House and a certain standard of how one operates as a Member of the House. It really pains me this standard has been weakened for all of us. The actions of the few have impugned every Member whether we like it or not. Unfortunately, the Mahon tribunal report has impugned every person who has served in the House since the foundation of the State. It makes me mad that the decent people in all parties and none who served in the House and in council chambers are tarred with the same brush as those named in the report and those who destroyed this profession in the interests of lining their own pockets.

We need to go through the Punch and Judy aspect of this, which we are doing now, but unless the Oireachtas decides this is it and that no future Oireachtas will have to debate such a tribunal and unless we take action by the summer recess to ensure this never happens again, we will not only do a disservice to future parliamentarians, but also to those who have served without their careers being impugned. We entrust this to the Government and the Ceann Comhairle and they will have my full support in doing so.

Deputy Jonathan O'Brien: The final report of the Mahon tribunal into certain planning matters and payments, which was published last week, is a tale of deceit and corruption which was 15 years in the making. These 15 years have been condensed into just over 3,200 pages which confirm what many members of the public had believed during that time, namely, that big business and those in high political office conspired to corrupt the planning process at the expense of ordinary citizens.

Since the publication of the Mahon tribunal report I have spoken with many grassroot members of Fianna Fáil, some of whom are personal friends of mine. As Deputy Calleary pointed out, there is no doubt many of them are hurting at the revelations outlined in the Mahon tribunal report. As a political activist, I know the time and effort invested in political parties. They are now questioning what it was all for. They feel betrayed and dismayed by the actions of fellow Fianna Fáil members, whether former taoisigh, Ministers or councillors. They put their faith and trust in them to represent everything they held dear but, as we now know, they abused that trust.

Greedy individuals with no sense of remorse used their positions of influence in Fianna Fáil to line their own pockets with corrupt payments by corrupt developers at the expense of the very communities they were elected to represent. There can be no doubt in anyone's mind following this report that some of the most senior figures in Fianna Fáil were up to their necks in the type of politics which served nobody but themselves. These same people, leading members of Fianna Fáil, were responsible for nurturing, developing and maintaining the brown envelope culture which has existed for far too long in Irish political life. As a politician and Member of the House, I am angry at this. More importantly, as a citizen of the State, I am absolutely sickened by their actions. There is no place in Irish politics for the sleazy dishonest bribery and corruption which prevailed in Fianna Fáil and which a broke political system based on partition helped cultivate. There was no place for it then, there is no place for it now and there is certainly no place for it in the future.

The dog in the street knew the story with brown envelopes, golden circles and political parties such as Fianna Fáil and Fine Gael. It is a scandal that it took so long and so much of taxpayers' money for it to come out eventually. The people named in the report disgraced themselves, their families, their party and the State. When it came to the planning process in the State, the old phrase, "it is not what you know but who you know", sprang to mind. With the corrupt local public representatives of the time and those in high office, it was not only about who one knew, but how much cash to take with one. It was not a question of whether they could be corrupted, but at what price. They sold the integrity of politics to whomever they wanted regardless of the consequences for the ordinary hard-working decent people on the island. The citizens had already been shafted by the government of the day which was hell-bent on introducing policies to widen the gap between the haves and the have nots. They did more to embed inequality into the social fabric of Ireland then our colonial neighbours across the water.

From the very bottom to the very top of government, politics was corrupt. Those at the centre of it operated as if they were untouchable. Phrases such as the "Drumcondra mafia" and the "Teflon Taoiseach" would not sound out of place in an episode of "The Sopranos" but sadly they were the people entrusted with the public interest of Irish citizens.

When people asked questions, the political gangsters high on the trappings of power acted with a level of audacity that is nothing short of astonishing. Throughout the duration of the tribunal's workings a serious amount of criticism was directed at its members by the very political elite which had established it in the first place. Rather than defending its integrity, they chose to attack its independence for self-serving reasons. Attempts were made to end the tribunal altogether with concerns for public spending used as a smokescreen to hide naked self-interest and self-preservation.

The report of the Mahon tribunal states that during 2007 and 2008 members of the Cabinet embarked on a sustained attack against it. Some Cabinet members questioned not only the legality of the tribunal, but also the integrity of its members. These attacks came about mainly but not exclusively as a result of the tribunal's inquiries into Bertie Ahern's conduct. Deputy

[Deputy Jonathan O'Brien.]

Micheál Martin was a senior member of the Cabinet then and he is now leader of Fianna Fáil. Deputy Martin has a number of questions to answer regarding the conduct and credibility of his party colleagues who are still members of the Dáil and who were Cabinet Ministers at the time. The public has a right to know whether these people, such as Deputies Martin and O'Dea, are willing to share in the collective responsibility that comes with serving in Cabinet, and whether they are willing to take ownership of the attacks on the tribunal. People also have a right to know if these attacks went to the top and were part of an orchestrated campaign at the behest of the disgraced former Taoiseach, Mr. Bertie Ahern. If Fianna Fáil could find it within itself to be honest, to put citizens' interests before party interests, to act in the State's interest rather than in its own it could then address this section of the report comprehensively. Deputy Martin had an opportunity to do this yesterday but rather than take responsibility for the actions of a Cabinet in which he served he rounded on every other political party in this Chamber. He was busy pointing out what he believed were Sinn Féin's flaws and failings as if this made what was discovered about Fianna Fáil by the Mahon tribunal any less repulsive.

Rather than lecture others, Deputy Martin should concentrate on getting his own house in order. It is simply not good enough for the leader of Fianna Fáil, a former Cabinet Minister, to say he does not know to whom the tribunal was referring in terms of its attacks on Fianna Fáil's integrity. One needs only to read the media reports from that time to know which Ministers were being referred to. Deputy Willie O'Dea, a man not unknown for attacking the integrity of honest people, had no hesitation in attacking the tribunal with his flippant comments about communion money and half crowns from Mr. Owen O'Callaghan. Just as people did not believe him in 2010, they do not believe his current statement that he did not try to undermine the Mahon tribunal.

Listening to the debate on this report, is it any wonder people have no faith in the political system? For far too long the political elite in this State, including Fianna Fáil, Fine Gael, the Labour Party and the defunct Progressive Democrats, fostered a culture of dependency by citizens on politicians. Politician after politician allowed a system to develop which ensured people felt subservient to those in power. Citizens were forced into believing that if they wanted access to their rights they needed the nod and wink of their local councillor or Deputy for that to happen.

People have criticised the cost of the Mahon tribunal. Those who were against its existence were and remain happy to feed into that. Yes, it was lengthy and expensive but it was necessary. It was necessary because of the need to restore faith in the political structures of this State. Getting to the truth should not have cost so much. It is hoped the Director of Public Prosecutions' investigations into those found to have received corrupt payments will not take as long.

The allegation of corruption against former Taoiseach, Mr. Bertie Ahern, may not have been sustained in the tribunal but Justice Mahon did not hold back when he said he did not believe a word of his contributions to the inquiry. The former Taoiseach now feels hard done by. It is time for him to shut up or put up. If he feels aggrieved by the tribunal's findings he should take up the matter with the courts. He should recount to them the nature of his dealings, the bank accounts he did not have and tales about winning money on the horses. He can spin his untruths and false statements any way he wants to the courts. He should roll the dice and await the outcome. Better still, he should save us all the bother of having to listen to this sorry tale again and jump back into his cupboard, close the door and never reappear again.

The days of politicians believing they can operate like Mafia dons must be over if we are ever to restore public confidence in politics. Hundreds of people across this State are now bunkering down hoping all of this will blow over and that the outrage and anger of the people

will be a one week wonder. They believe that if they can avoid scrutiny, wait it out and bide their time, they will then be able to come out from hiding underneath rocks and normal service will resume. The questions that we need to ask are how fundamental a break we want from the Frank Dunlops of this world and how committed are we to confronting and challenging these people and to breaking the golden circles, of which there was never just one, at the intersection of property, capital and elected representatives. The debate and choices before us are bigger than the Mahon tribunal. They are certainly bigger than the grubby little men exposed in this report as corrupt.

What happens in a few weeks when all has been said and done on the Mahon report and politicians have finished their finger wagging and political posturing depends on how we in this Chamber react. The vast majority of elected representatives in this Chamber, from all parties and none, are committed to public service. Corrupt politicians got us into this mess and it is now up to us as politicians to get us out of it. No person or party can turn away from the collective job of cleaning up politics for good. In that spirit, I ask that the Government consider the establishment of an all-party Oireachtas committee, the objective of which will be implementation of the Mahon tribunal recommendations. What better way for us to restore faith in the political system than through Members of all parties and none returning to this House in a few short months with some of the most far-reaching proposals for reform of the political system which this State has ever seen? While that would be a massive challenge rather than a small task it is one which we are up to, one which we will approach with humility and in the spirit of co-operation.

I urge the Taoiseach to look again at the scope and remit of the constitutional convention. The Mahon tribunal has sent out the clear message that our political system is corrupt from the ground up and that the very architecture of the State is crumbling. Trust in the institutions of democracy in Ireland is falling apart. A constitution is a contract between the people and the State. The Constitution of this State has been broken and cannot be repaired. It must be created anew. This Government should seize the opportunity afforded by its decision to hold a constitutional convention to open up a real debate on what the republic envisaged by the men and women of 1916 was about. Let us give all of the people on this island the opportunity to build a new republic, one which cherishes all of the children equally. If we do not grab that opportunity, we will be back here in the future discussing further corruption and other corrupt politicians.

An Ceann Comhairle: The next speaker is Deputy Mattie McGrath, whom I understand is sharing time with Deputy Maureen O'Sullivan.

Deputy Mattie McGrath: I too welcome the opportunity to contribute to the debate on the final report of the Mahon tribunal. It is a pity it took 15 years for the tribunal to complete its work and that the costs associated with its work are huge. However, I suppose no price is too high in ensuring the truth is outed.

The Mahon tribunal investigated shady dealings, political payments, possible corruption and financial immorality. No one imagined this inquiry would take so long. While I do not wish to attack the tribunal I believe there was also financial immorality in terms of payments to some staff associated with its work, some of whom earned up to €2,500 per day. This must be examined in the context of future inquiries. The amount of money paid out in fees is equal to what it would cost to pay 2,500 highly qualified specialised nurses for one year, which staff are badly needed in our hospitals and so on. One can make many analogies. The costs associated with the tribunal are a serious issue of concern.

[Deputy Mattie McGrath.]

We all witnessed the charades last week when this report was published. There were similar charades in this House yesterday and again this morning. Inquiries were set up by the former Minister, John Gormley.

Deputy Jan O'Sullivan: He never set them up.

Deputy Mattie McGrath: It has been alleged that they have been suppressed.

Deputy Jan O'Sullivan: He never put them in place.

Deputy Mattie McGrath: He did put them in place. Excuse me. Can I continue without interruption? He did put them in place.

Deputy Jan O'Sullivan: He never appointed the people.

Deputy Mattie McGrath: He did put them in place.

Deputy Jan O'Sullivan: He did not.

Deputy Mattie McGrath: I knew he did at the time. Where have they gone? What is happening to them at the moment? That is what I want to know. I believe we need——

Deputy Jan O'Sullivan: The Deputy can check with the Department.

Deputy Mattie McGrath: I said to the media last week that we should not have any tribunal. We should have a Garda inquiry. References should be sent on to the Director of Public Prosecutions. There should be court cases. If anybody breaks the law, they should be before the courts rather than in an expensive tribunal. I believe we need the Criminal Assets Bureau and a proper inquiry at a very senior level of An Garda Síochána. This week, we saw the price of justice in Limerick. A decent family in the Minister of State's constituency had to leave this country because it had stood up to thuggery That should not have happened. It ill behoves us all in here to engage in cross-fire. The people want trust but they are not getting it. It is a pity that things have gone down that road.

I would like to speak about my former colleagues in Fianna Fáil. I have hundreds, thousands of friends in the Fianna Fáil Party. The highest of impeccable people up and down the country give their service to the party and to the country without ever expecting to get anything. They do it for love of country and for love of party. Indeed, my late father was a founding member of the party in my own area. The carry-on of a small number of people is hurting those people as well. Deputy Martin, who is now the leader of the party, has to deal with the residue of what is left of a cabal in my constituency of Tipperary South. The members of the cabal were the absolute architects of armageddon for the party, for the country and for the county. It is unfortunate that Deputy Martin is still dealing with the residue of that. He has to learn his own lessons there. He has to reach out over that cabal to the ordinary decent people of his party, in Tipperary South and beyond.

We have heard the findings of this tribunal and the last one, but what about the legacy? There have been no court cases. No one has been charged. What about the legacy? In fairness to the members of the mafia that has been mentioned, they are decent compared to some of the members of the cabal I have had to deal with during my political career in Tipperary South. What about Bertie Ahern? Who did he appoint as chairman of the ethics committee before he left here? All of these questions have to be asked. We are still dealing with the legacy of the very flawed judgment he showed. What about all of the many appointments to senior positions

of trust that were made over the years? The vast majority of these people give top-class and outstanding service to this country. However, it is clear that there are bad apples in every bunch. I have come across a few of them. I have been the victim of a few of them. That is the legacy that has been left. How will that be cleaned out? I am disappointed that the new Government has made political appointment after political appointment to senior positions. I am talking about the justices and everything else. That system has to break. The Workers Party appointed them when it was there as well. I have no doubt that Sinn Féin would appoint them if it could get into government.

The system needs to be cleansed of political involvement because it is not safe. I became a victim of it. I am calling for a full-scale Garda inquiry. The Nora Wall case involved a friend of mine in Dungarvan. My own case was dragged through the courts. I want an inquiry into that because I believe there was political interference at the highest level. Openly political activists have been appointed as judges. I got one of them for my own court case. He did not come as a friend for me. He came to act on the behest of somebody else. It is just outrageous what went on, what is going on and what has gone on. Lives have been destroyed. People's families are in everyday trepidation and fear. There is political connectivity with senior positions in the Garda. I am talking about a small minority of gardaí. I support the Garda 100%. I am not talking about 99.9% of gardaí, but about one or two in the Dungarvan district, including a retired superintendent who was obviously the subject of a political appointment. A former Government Deputy went around boasting that he spoke to him and he was going to sort me out. In the name of God, the Mafia would pale into insignificance. He pointed out the kind of charges I was going to be charged with before I was ever charged. Thankfully, I was freed by a jury of my own peers. The fact that my judge could leave the court without ever dismissing the charges against my five co-defendants and myself——

An Ceann Comhairle: Sorry, Deputy.

Deputy Mattie McGrath: That such institutional nepotism and corrupt practice could carry on in this country——

Deputy Jan O'Sullivan: The Deputy should be very careful in what he says in here.

Deputy Mattie McGrath: Gabh mo leithscéal. It will take a long time before we clean that. We have to do it here. It behoves every elected member to do so. In fairness, 99.9% of all elected people here and everywhere else were elected for good motives — to serve the public rather than to be self-serving. I believe the pensions should be removed. There is no point in saying we cannot go back. We should remove the pensions of people who are found to have engaged in these activities. If I was convicted that time, I would be out of this House. That was the intention. That did not happen, thankfully, because of the decision of the jury. We have to remove the pensions from those who have tarnished the good names of the 1916 leaders, those involved in the War of Independence and those who established this State. The people in question have tarnished politics and tarnished democracy. Some of them are continuing to contaminate it. Some of the good people who go into careers in the Garda Síochána and the Judiciary etc., are being tarnished. They are not strong enough to stand up to it. This was the problem. I also want to inquire into certain planning matters in Clonmel town, which I did not represent on the town council. I refer to the decisions of former members of the council who are now retired. I have nothing to say about any serving members. As far as I am concerned, they are all above reproach.

An Ceann Comhairle: I ask the Deputy to be careful. I said at the beginning of this debate that we must be careful not to imply wrong acts against people who are not here to defend themselves.

Deputy Mattie McGrath: What is meant by "wrong acts"?

An Ceann Comhairle: I appreciate that the Deputy has not mentioned names.

Deputy Mattie McGrath: No.

An Ceann Comhairle: He has mentioned positions. Therefore, the person could be identified. I ask the Deputy to be careful.

Deputy Mattie McGrath: Okay. I appreciate that, a Cheann Comhairle. I know that.

An Ceann Comhairle: We should proceed in good faith.

Deputy Mattie McGrath: I appreciate that everybody is entitled to his or her good name, as I am to mine. My good name was cleared by a jury, thank God. I referred to certain decisions that have been taken. I know an old man who wants his name to be cleared because of shady dealings before he goes to his grave. I met a former member of a corporation on Monday night and spoke to him at length. He wants his good name to be cleared. There is only one way to clear it and that is an inquiry. The man in question was bullied to vote in a certain way when he was a member of the corporation. The only way to clear his name is to have a proper inquiry. If it takes a Garda inquiry, so be it. I will be writing to the Garda Commissioner to look for such an inquiry. I have the height of respect for the senior gardaí in Clonmel and the people who will investigate it. I have no problem with them.

I also have the height of respect for the people who investigated my case, including Superintendent Dave Sheehan, an independent man who is now doing great work in dealing with serious crime in the Minister of State's constituency of Limerick City. There are some brilliant people but there are also some bad apples. In the middle of my case, one of them asked me why I did not pay the fellows who were making allegations against me. My retort was "Pay them off? And how much would you want? Get out of my face quick". I would not stand for that kind of political or Garda interference. It was just one man, or two people, but the rest of the good people are being tarnished by them.

We need a proper cleansing. That is why Deputy Martin has a hard job to do in putting Fianna Fáil back on the road. That has to be done for the sake of the past generations, those who are serving at the moment and the good people who want to go into politics. I was proud to be a part of that party, which has a proud heritage. Why do Deputies think I am outside it now? Certain cabals decided I was not fit for it, I might be too straight for it or I was not the right kind of person for it. My late brother, who was a paediatrician of some renown, was insulted on the night I was picked at a convention when he was told: "Do not worry. He will not be going for election. We will make sure. He might be nominated at the head of the poll but we will ensure he will be disgraced before the election comes along." They engaged in that kind of cronyism, blackguarding and bullying because they knew they would get away with it. They had the contacts. It was wrong that something like that could be said to a man who was never involved in politics.

I believe passionately that if we are to learn anything from the Mahon tribunal, we should learn lessons for the public and for all political parties. I wish Deputy Martin well. In fairness to him, he has dealt with it as best he can, as far as I can see from outside the party. Councillors across the floor have not been expelled or dealt with. Similarly, the Moriarty tribunal has not been dealt with. We need to be honest with ourselves and straight with the people. We should meet and support ordinary law-abiding citizens. We have to ensure there is trust in all our institutions and systems, from the bottom rank up. The political system, the Garda Síochána and the Judiciary, etc., need to live up to the highest standards at all levels. The people need

to be able to have trust and faith in them. That has not happened in some cases, sadly. We need to learn lessons from those cases if we are to establish a decent political reputation and serve our people as we are supposed to do. It should not be a case of self-service.

Deputy Maureen O'Sullivan: My initial reaction to the publication of the Mahon report was to say it took far too long — 15 years — and cost far too much for it to be produced. It has been suggested that the tribunal has cost €97.9 million to date, but that figure could increase considerably if it is decided that all legal costs are to be met. My point is that any suggestion of wrongdoing — such suggestions were made prior to the 1990s and since — should be a matter for criminal investigation. Charges, trials, findings, judgments and punishments, as the case may be, could have emerged from those investigations. All of that would have been in progress or finished by now. We have tribunal millionaires as a result of the inordinate length of time the tribunal took. One of the reasons for this was the way the tribunal was set up. Its terms of reference were far too wide. I cannot help wondering if there was a certain ulterior motive for having such wide terms of reference. Was it hoped that nothing would be discovered?

12 o'clock

I accept the tribunal's defence that the 32 legal challenges were part of the reason it took 15 years to complete its work. The resources of the tribunal had to be diverted to meet those challenges, rather than concentrating on the work it was set up to do. The way in which the tribunal was set up did not give sufficient thought to the costs. The costs that were paid to barristers at the outset — €2,250 per day for senior counsel and €1,500 per day for junior counsel — were very generous.

It was only in 2009 and 2010 that these rates of pay were reduced by 16%. However, the rates are still very generous, at €1,760 per day for senior counsel and €1,173 per day for junior counsel. I trust the lesson is that tribunals are not the way to investigate wrongdoing. However, if we must have a tribunal again, I hope there will be narrow terms of reference, a timeframe and much more realistic costs commensurate with the fact that we are in a recession and in great economic distress.

For over 35 years, I was very proud to say I was a teacher. It is different for me now as a politician, public representative and Deputy because, in a sense, we are all tainted by the findings of the tribunal. I know that many public representatives are, like me, honest but great damage has been done to the reputations of those elected because of the view that all politicians are the same. We are not all the same but everyone elected to the Dáil, Seanad and local authorities has a responsibility to ensure there is honesty and integrity in public life.

All our institutions have been tainted. I refer to banking, finance, the church, the State and aspects of the media. I cannot help but wonder whether there is something in the male psyche causing the problem as the institutions are all male dominated. The common denominators are greed, self-interest, massive egos and a sense of self-righteousness. On reading the Mahon tribunal report, it is clear that those named and implicated are guilty in respect of all these traits and that they believe they are above correction and can do what they like.

It is horrifying to read the findings in the Mahon tribunal report because they comprise a damning indictment of our political institutions. I can only describe it as a cancer. There has been a malevolent cancer at the heart of what the tribunal investigated. Like all cancers, there is a need for radical and invasive treatment if it is to be removed.

The findings of the report show that people in elected office did not tell the truth. Fianna Fáil Ministers launched what are described as "extraordinary and unprecedented attacks on the Tribunal" to erode its independence and collapse it. Fianna Fáil is the same party that set it up. A former Minister received money for the benefit of his political party but then used it

[Deputy Maureen O'Sullivan.]

for his own personal benefit. The report refers to a developer who embraced and adopted the strategy of corruptly engaging with councillors; a developer who made or authorised payments to politicians for their backing on rezoning; politicians seeking and taking payments; abuse by a former Deputy, an elected representative, who corruptly sold political services and abused his position as an elected representatives for his own personal gain; a lobbyist making a significant personal fortune by actively and purposely misleading the tribunal; requests for party donations by two former taoisigh which the tribunal found entirely inappropriate and to constitute an abuse of political power and Government authority; findings of corruption against some 11 councillors; a former Taoiseach who failed to act on information about wrongdoing, yet proceeded to appoint the implicated person as a Minister. The central word in all of this is "abuse", that is, abuse of the office of an elected representative of the people.

One could walk up to the court in the Phoenix Park today and find people being fined or sentenced to jail for minor offences. While I do not condone wrongdoing, I must ask whether any individual named in the tribunal's findings has been punished proportionately. If we examine the punishments to date, we note that four people went to jail. One was sentenced to two years, with six months suspended. One spent eight months in jail and another six weeks.

Central to the findings is the unhealthy relationship between business and politics. This is crony capitalism but it is really corruption. Corruption became so firmly rooted that it appears that it became the way to do business. What happened was that some in elected office had power and used it to make millionaires of friends through very favourable rezoning decisions. Those councillors and Deputies prostituted themselves.

There is more corruption to be unearthed, particularly in respect of the way in which we have sold off our resources of gas and oil to date. Corrib Gas is a prime example. Another pertains to our contention that we charge corporation tax at 12.5%, yet much of this tax is not collected.

The damage to communities cannot be underestimated. The building boom was at the heart of what the Mahon tribunal investigated. I refer to land rezoning, the selling of vital green landscapes and the building of estates solely for profit with no regard for the services needed to make a housing estate into a community. Necessary services include playgrounds, libraries, sports facilities, shops and transport. All the housing developed did not clear the housing waiting list, nor did it see an end to homelessness. The development was utterly profit driven.

Let us consider the reactions of those named in the report. The report states former Taoiseach Bertie Ahern failed to truthfully account for the amounts lodged and that there was no credible explanation of their origin, yet Mr. Ahern stated he never accepted a bribe or corrupt payment. People who testified on Mr. Ahern's behalf under oath had their evidence rejected by the tribunal and they are now taking refuge in the fact that one word, "corrupt", was not used. The developer found by the tribunal to be aware of, and actively engaged in facilitating, the corrupt disbursement of payments to politicians utterly rejects the findings of the tribunal and will be seeking a judicial review.

Let us consider those who looked on. In respect of them, the Mahon tribunal report states corruption continued because nobody was prepared to do enough to stop it. One of the reasons was that those who had the power to stop it were frequently implicated. There was general apathy and not enough pressure on politicians to do anything.

In April 2007, Frank Connolly in the then *Mail on Sunday* carried an article on Bertie Ahern entitled "Bertie: The Money Trail". That same morning, Bertie Ahern went to Áras an Uachtaráin to request the dissolution of the Dáil. Revelations about the money trail dominated the first half of the election campaign in 2007. While I agree with the principle that one is

innocent until proven guilty, it is remarkable that in Dublin Central in the 2007 election, Bertie Ahern received three times the number of first preferences that my predecessor, the late Tony Gregory, received. Tony Gregory was a man of integrity and honesty. There was evidence in 2007 that was ignored by the Fianna Fáil Party to ensure it would stay in power. However, it was also ignored by the electorate.

The Garda, most unfortunately, is among the organisations that could have done more. Senior gardaí were found to have failed to properly investigate allegations of corruption and bribery involving senior officials and politicians. Certain sections of the media seemed to have been having a love affair with Bertie Ahern and there was no criticism allowed. The Fianna Fáil Party and its members had collective responsibility because what was occurring had been occurring for a long time. It is still disturbing to listen to and read comments by constituents of Mr. Pádraig Flynn and Mr. Bertie Ahern outlining all they did for their constituencies while disregarding the damage they and their cohorts did for the country.

One must acknowledge those who did something. Mr. Michael Smith and Mr. Colm Mac Eochaidh saw corruption and wanted to do something about it. Certain journalists persevered doggedly and some continued in the face of personal attacks on them and their reputations. It was interesting to read about Mr. Trevor Sargent of the Green Party having tried to expose corruption at a council meeting by producing a cheque from a developer. I believe he had to be escorted from the chamber for his own protection.

Can we hope for lessons to be learned? Can we say "Never again", mean it and set about putting in motion what is necessary to root out corruption and get to the point where one can say with pride that one is a Deputy, Senator or councillor?

The Mahon report recommends that politicians who are convicted of corruption or who have failed to explain adequately their sources of income be stripped of their pensions. It recommends that other planning investigations be reopened, not by the tribunal but by a group of independent planning experts; that the CAB, the DPP and Revenue Commissioners continue to do their work; that an end be put to the massive tax reliefs for developers and to political donations; that there be a ban on gifts; and that non-co-operative witnesses pay their own costs and the costs of the tribunal. It is also recommended that there be rigorous and transparent planning regulations, which means reform of local government to ensure there are no more deals on rezoning. This means an independent planning regulator. Standards in public office ought to be more rigorous and there should be a register of lobbyists. The report recommends also that the Kenny report be implemented in full. The investigation behind this report began in 1971 and the report was published in 1974, and it called for an effective end to land speculation.

It was disquieting to listen yesterday to Deputy Martin speaking in the House. While he acknowledged wrongdoing, it seemed to have been a case of his saying, "Moriarty found out more about you than Mahon did about us." That is not the way forward. The way forward is to say we will never let what occurred happen again, mean this and take action to ensure it.

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I had the honour of being elected to this House in 1987. Throughout my time here, the spectre of corruption has hung over political life. While endemic to the system, it has not been endemic to all parties. The role played by Labour Party and other councillors during this period in opposing the prostitution of the planning process in county Dublin in particular has not been afforded ample recognition. A price was paid for that opposition. Opposition to the planning process was often successfully portrayed as opposition to development and the sting was considerable. The mantra was often, "Support us and our plans or oppose the economic well-being of your constituents". At a time when there is rightly considerable cynicism about politics, the consistent and honourable approach of some is worthy of mention. I am proud to be now standing by one of

[Deputy Brendan Howlin.]

those people, Deputy Joan Burton. As the Tánaiste indicated last night while corruption may have infected all levels of political life, it did not affect all parties. This is primarily a Fianna Fáil problem. Like Deputy Maureen O'Sullivan, I am disappointed with Deputy Martin's response last night. Finger pointing and "What About You" are no response to the crisis his party is rightfully facing. To be honest, I expected more.

I want to concentrate on how we can address some of the issues this report gives rise to, issues that must be addressed if we are to restore some trust in politics. This is not the first time my party has led a response to the misdoings of others. In the aftermath of the beef tribunal we led the political charge on ethics legislation and controls on electoral spending. Those reforms are noted by the Mahon tribunal. Now in the areas of whistleblowing, freedom of information, ethics and the regulation of lobbyists we need to go further.

The original legislation under which tribunals of inquiry operate — the Tribunals of Inquiry (Evidence) Act 1921 — predates the establishment of the State. As noted by the 2005 Law Reform Commission report on public inquiries, the tribunal of inquiry legislation was in fact put in place originally to investigate allegations of political corruption. In the early years of the State the tribunals of inquiry mechanism was utilised to inquire into a broad diversity of policy issues, as well as quasi-criminal matters. The process was also used in the aftermath of what might be termed "disaster". As the final decade of the last century unfolded, however, tribunals of inquiry increasingly became and now remain synonymous in the public mind and in popular culture with the purpose for which the legislation was initially passed, namely to inquire into allegations of political corruption. It is a matter of the most profound political regret and most serious public concern that following the publication of this recent report we find ourselves marking in this House yet another milestone in a litany of tribunal reports — the beef tribunal, McCracken, Moriarty and now Mahon.

Despite the voluminous information provided in the final report of the Mahon tribunal, analysed in forensic detail over 2,730 pages, the second paragraph of the first page of the introductory section of the report provides us with one stark overriding conclusion, widely-reported and almost chilling in its brevity: "Throughout the period examined by the tribunal up to the late 1990s, corruption in Irish political life was both endemic and systemic". The findings of the Mahon tribunal, following from those tribunals which preceded it, inevitably raises some far-reaching and searching questions for the political system in the first instance, but also for its administrative, regulatory, law enforcement and judicial systems, as well as for the Fourth Estate, the media, and indeed for society more generally. We cannot expect to find facile answers to what are in certain instances deep-seated and entrenched probleMs Neither can we afford when faced with some uncomfortable and unpalatable truths to allow ourselves lapse into passivity or a sense of perceived powerlessness. Rather the findings of this report must provide further impetus and momentum to the delivery of key elements of the Government's existing political reform programme which in several important respects echo some of the major recommendations of the tribunal.

The report should also encourage us, as already is evidenced by the Government's response to it, to review the case for deepening and intensifying various reform commitments contained in the programme for Government that can help deal decisively and definitively with some of the legislative gaps and regulatory weaknesses that permitted the abuses and serious malfeasance disclosed by the tribunal of inquiry to flourish. It is equally important we adopt an entirely objective, balanced and clear-sighted perspective on the findings of the report. It is striking and highly significant that in the opening page of the final report, directly following the overarching conclusion to which I have already referred, the tribunal also stresses the majority of

public officials perform their functions with the utmost integrity. This is an important point to be acknowledged.

There can, of course, be no doubt whatsoever that the findings of this report have done significant damage to the reputation of and public trust in the political system. However, in vigorously condemning the corruption, abuse of office and significant ethical lapses disclosed in the tribunal's report and in taking all necessary and appropriate steps to prevent their recurrence, it is imperative that we do not fall victim to pessimism and despondency regarding ethical standards in the public service and among holders of public office which is properly characterised in the tribunal's report as the mistaken assumption that, to quote the report, "everyone is doing it". I believe the enduring threat to public confidence in the legitimacy, basic decency and integrity of our political and administrative system resides not in the findings of this report, as serious as they are relating to specific instances of corrupt behaviour and unreliable and unbelievable testimony. Rather, it lies in what seems sometimes, almost routinely, to be accepted as a conventional wisdom denying there is a clear and navigable way forward in fixing what has been demonstrably wrong. It can also be manifested, dispiritingly, in strident declarations that we have heard from some that the State is morally bankrupt and its political culture rotten.

Such sentiments are to a certain extent understandable in the immediate aftermath of a tribunal report whose findings were so damning in particular respects. They are also often borne out of a deep frustration and pronounced fatigue regarding the slow pace of political reform, particularly evident over the past decade following a period of significant political reforms including, for example, the introduction of Freedom of Information legislation in 1997, the Electoral Act in 1997 and the Ethics Acts of 1995, all under the last Labour Government.

Ultimately, the final report of the tribunal itself stated: "Those who believe that those in the public sphere are corrupt do a great disservice to these individuals. In addition, they may inadvertently contribute to corruption by both dissuading those of high integrity from entering public office". Some of the main initiatives which I am actively progressing in my Department include the introduction of whistleblowing legislation, the regulation of lobbyists, the restoration and extension of freedom of information and the examination of how accountability requirements for the Civil Service can be strengthened. I will bring greater detail of these to the various committees involved in introducing them. This is a comprehensive programme and one to which my Department is totally committed. Some may use this report to fuel further opposition to politics and the political process. Phrases like "they are all at it" have been music to the ears of wrongdoers over the years. However, we in political life would do well to reflect on why such frustration abounds amongst the public. Ultimately, it is because it is perceived there is insufficient accounting for wrongdoing.

It is not simply about this report or previous reports about political issues. There has been no adequate accounting for the crisis that has impoverished the State and its people. Not only have those responsible not been punished, if that is appropriate, they have not even been stood up and asked to explain themselves.

The line between the Executive and those that prosecute offences is clear and understood. Nonetheless, the public has a right to expect the State ensures wrongdoing, by whomsoever, carries consequences and penalties.

Deputy Willie O'Dea: I welcome much of what the Minister for Public Expenditure and Reform has said, particularly his proposed programme of reforms which I was pleased to hear him announce. I endorse the sentiments expressed by the Fianna Fáil Deputies who have addressed this matter already. In particular, I support the actions that have been taken by our party leader, Deputy Martin. In the introduction of its report, the tribunal referred to certain

[Deputy Willie O'Dea.]

statements by Ministers during its proceedings that it believed were calculated to undermine or collapse it. Some sections of the media have attributed one such statement to me, but the tribunal did not name the individuals to whom it was referring. If the tribunal regards my statement as too flippant, harsh or disrespectful, I regret making it. However, in no way was I seeking to undermine or collapse the tribunal's work, nor was I acting in concert with my colleagues or anyone else.

My position on these matters was set out comprehensively in a speech that I gave in the Dáil on 30 January 2008. Like the many people throughout the country, including those I represent, whose taxes were paying for the tribunal, I was concerned by the length of time that it was taking and the consequent cost. I referred to Mr. Justice Flood's interim report, in which he acknowledged the need for urgency. When he formed the opinion that continued questioning would not resolve conflicts of evidence, he stated so and moved on. I dared to suggest that his successor should follow that precedent. Logically, if my criticism of the urgency with which the tribunal was proceeding undermined the tribunal, it was equally undermined by Mrs. Justice Denham in her judgment in a case arising from the Mahon tribunal on 4 July 2007. She stated: "The fact that the tribunal is still inquiring ten years later is the antithesis of an urgent public inquiry."

Former Fine Gael Minister and distinguished jurist, the late Professor John Kelly, argued in his authoritative work on the Constitution that "criticism of the Courts is permissible". That quotation can be found on page 933 of the latest edition of his seminal work. Professor Kelly quoted various legal cases and judgments in support of his proposition that, not only should people be allowed to criticise the courts, but that such criticism should be welcomed. If it is permissible to criticise the courts without undermining their authority, surely it is permissible to criticise a tribunal similarly.

If some found my criticism unacceptable, how would they regard the criticisms of various superior court judges in various cases taken during the course of the tribunal? For example, in the 2004 O'Callaghan *v.* Judge Alan Mahon and ors case, the High Court declared that certain procedures of the tribunal amounted to "a failure to observe and protect the applicant's rights to fair procedures and to natural and constitutional justice". What about Mr. Justice Hardiman of the Supreme Court who stated in open court that the tribunal's procedures were "extraordinarily unfair" and that there was a reasonable inference that the tribunal had "prejudged vital issues" or "suppressed" certain materials? What about his comment in the same judgment where he referred to the "profoundly flawed nature of the Tribunal's procedures and its insensitivity to the requirements of justice which that produced"? My remark, however flippant it may have been, pales into significance by comparison. I have not quoted these judgments to attack the tribunal further, but to put my remark in the context of the ponderous declarations of superior court judges and to show that, had my remark been calculated or served to undermine the tribunal, it would have been further undermined by those.

Not only did I enthusiastically support the establishment of the tribunal, I supported its efforts at all times to discover the truth about the corruption in the planning process. Several times while I had the privilege of sitting around the Cabinet table, the Government of the day received various requests from the tribunal for assistance of one type or another. I readily supported all such requests, as my then Cabinet colleagues will be aware. Nor did I act in some form of conspiracy with anybody. A few times, the Government Press Office asked if I would give a media interview concerning the workings of the tribunal. I agreed to do so when I was available. I informed no other colleague in advance of giving those interviews, nor did colleagues inform me of interviews they gave. A number of times, the media contacted me directly and I agreed to speak with them without consulting anybody. Given the fact that I went on

record quite a bit concerning the tribunal, I am amazed that the national broadcaster, RTE, which has a well deserved reputation for balance and a lack of bias, could only find one statement.

Sinn Féin criticised me in the House and accused me of making an incorrect statement concerning what it called an honest and honourable man. I admit that I was incorrect and I paid a heavy price, but I dispute the claim that my statement was about an honourable and decent man. I wish to lay down a marker, in that I will take no criticism on standards from the spawn of murderers, robbers, extortionists and purveyors of every sort of crime imaginable. When Sinn Féin of all parties talks about standards, it sticks in my craw.

The report's findings are public. I accept them and urge the Government to act immediately on the report's recommendations. I was delighted when the Minister, Deputy Howlin, confirmed that this was his intention. I have no difficulty with any of the tribunal's recommendations. They should be implemented as quickly as possible. The only reservation I have is about whether the recommendations on their own will be sufficient to ensure that these practices do not recur. In this regard, it would be of considerable assistance if the various organs of State to which the Government rightly referred the report took decisive action as quickly as possible against the various people whose actions have been condemned therein.

It is difficult for somebody from outside Dublin to comprehend the full extent of the corruption in respect of rezonings and planning permissions in the Dublin area. I represent an urban area, although a much smaller one, that required a fair amount of land rezoning as the suburbs spread out from the 1970s onwards. However, there was not a hint of anything similar to that which occurred in Dublin. The former Minister for the Environment, Heritage and Local Government, Mr. Gormley, instituted an investigation into planning practices in five local authorities before he left office. Whatever the dispute about the facts, the current Minister should institute an independent inquiry into the matters in question. I do not recall the then Minister's decision being discussed at Cabinet. Perhaps it occurred after I had left the Government, but there must have been at least some basis for it. In light of the type of activity revealed in the report of the Mahon tribunal, surely we should leave no stone unturned to ensure that the process in each local authority area is beyond reproach.

The Mahon report is not the only tribunal report that we have to hand. It has been more than a year since the Moriarty tribunal made a series of recommendations that have not as yet been implemented. Although Harold Wilson stated that a week could be a long time in politics, I realise that a year can be a short time in politics, particularly in the case of a new Government that has had many other issues on its mind. However, the Government has both reports to hand. I earnestly urge it to implement all of their recommendations with the greatest possible speed and to do whatever else is necessary to ensure that the integrity of the planning system is beyond reproach.

Minister for Social Protection (Deputy Joan Burton): I agree with Deputy O'Dea, in that the greatest scandal perpetrated in Ireland was the armed struggle conducted by the IRA and Sinn Féin against the people of this country, including the many thousands who were killed, injured or had their lives destroyed.

The Mahon tribunal paints a picture of corruption and abuse of power endemic in politics, primarily in Fianna Fáil. The tribunal found that former Fianna Fáil Taoiseach Bertie Ahern had been untruthful, that former EU Commissioner and Fianna Fáil Minister Pádraig Flynn was corrupt, that former Fianna Fáil Taoiseach Albert Reynolds abused power, that former Fianna Fáil member Liam Lawlor abused his role as a public representative, that former Fianna Fáil Government press secretary Frank Dunlop made corrupt payments for developers to

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secure planning, and that the Cork-based developer Owen O'Callaghan made or authorised corrupt payments to politicians for their support.

While the picture painted by the Mahon tribunal is shocking, it is not surprising to anyone who sat on the old Dublin County Council as I did in the early 1990s. It merely confirms what I and many other Labour members of the council, including our leader, Frank Buckley, Eithne Fitzgerald and Mervyn Taylor, suspected at the time. It will not come as a surprise to the journalists who covered the carry on in Dublin County Council and elsewhere during that period. I now know why the Labour Party did not succeed in preventing the planning disaster that to this day leaves certain communities bereft of the facilities they paid for when they purchased or rented their houses. It was because greedy developers sought to corrupt greedy politicians and because greedy politicians, mainly from Fianna Fáil, sought to extort brown paper envelopes from developers. The result was poor planing and devastated communities.

These communities paid on the double under the Fianna Fáil regime for sites for schools and other infrastructure. The developers picked up the options on sites that would become schools for next to nothing. The land was then rezoned and by the time the school site was purchased the price had risen to more than €500,000 per acre. In many of the schools in Dublin West, children are urged to walk during play time because there is no space for playing and running. That is the price the children of developed areas around County Dublin, including my constituency, continue to pay.

The Mahon tribunal report shows that money is the biggest persuader. This is why Labour Party councillors were not successful in their argument for proper planning. Development was inevitable as the city grew but the question was how to strike the balance in order to reap a social dividend for those who bought or rented houses in the new areas.

The Mahon tribunal report is only one of many reports which have uncovered dodgy dealings at the interface between business and politics. Some of these reports merely confirmed what was already reported by journalists, several of whom have been silenced as a result of libel threats from powerful people anxious to avoid a media spotlight on their secretive dealings. I know a bit about this because I have been threatened with 42 libel actions. The purpose of these threats was to threaten, silence and cost journalists and people like me. As Deputy O'Dea will be aware, even replying to their demands cost several hundred pounds. Sometimes people can be blasé about the exercise of limitations to freedom of expression.

In 1974, Joe McAnthony reported in the *Sunday Independent* that Ray Burke, then a newly elected Fianna Fáil Deputy, had received £15,000 for his role in rezoning certain lands in Swords. However, Mr. Burke was not forced to resign until 1997 and it was not until 2002 that the Flood tribunal found that he had received corrupt payments from developers and others. He eventually served time in prison for tax offences.

Reports by journalists such as Matt Cooper, Cliff Taylor, Frank Connolly, Frank McDonald, Mark Brannock and Sam Smyth on payments to politicians were in many cases roundly denied by the alleged donors and beneficiaries. The McCracken tribunal, the Flood tribunal, the Moriarty tribunal and, now, the Mahon tribunal found that in many cases there was a sound basis for these reports. This is not to ignore that the vast majority of politicians from all parties and none are absolutely honest in their dealings. The people named in these reports have damaged the good name of politics in Ireland. A certain few of those named and shamed eventually served time in prison but many others returned to business as usual without suffering serious consequences. It outrages ordinary citizens to see successive scandals being uncovered at enormous taxpayer expense and the same characters and plot lines popping up repeatedly.

The Moriarty tribunal was established in 1997 to investigate the financial affairs of the former Taoiseach, Charles Haughey, and the former Minister for Transport, Energy and Communications, Deputy Lowry. The tribunal's final report, which was published last year, detailed the investigation into possible links between a businessman, Denis O'Brien, and Deputy Lowry, who awarded the second mobile telephone licence to Mr. O'Brien's consortium in 1995. The report stated: "it is beyond doubt that . . . Mr. Lowry imparted substantive information to Mr. O'Brien, of significant value and assistance to him in securing the licence". The report also found that Mr. O'Brien made or facilitated payments to Mr. Lowry of a combined STG£447,000 and support for a loan of £420,000. The Taoiseach stated at the time of the report's publication that the tribunal had found seriously and serially against Deputy Lowry and others who are major players in Irish business and public life. He rightly referred the report to the Garda Commissioner, the Director of Public Prosecutions and the Revenue Commissioners.

There has been considerable public and political unease about the fact that Mr. O'Brien has continued to pop up at various public events, most recently at the New York Stock Exchange. However, the Taoiseach was invited to attend that stock exchange event. The organisers of the event not the Office of the Taoiseach decided who was on the balcony for the bell ringing ceremony. It is perhaps time for the Government to reflect on how it should in future interact with people against whom adverse findings have been made by tribunals.

We do not want to return to the days of, "*uno Duce, una voce*", the immortal phrase which the former Fianna Fáil press secretary P. J. Mara, himself a tribunal veteran, used to describe Charles Haughey, nor do we want a Burlusconi style media political complex with its attendant codes of omertà undermining the principles of transparent democracy. In this regard I welcome the statement by my colleague, the Minister for Public Expenditure and Reform, on the introduction of legislation to deal with the registration of lobbyists, ethics for public representatives and office holders and transparency in public life. We should look back to the 1830s in the United Kingdom and the great reform Acts which were introduced to clean up politics and end the rotten boroughs for election to Parliament.

We live in a Republic and the representation of each citizen should be what counts rather than the amount of money a particular citizen can spend. We can look forward to a period of reform in which this Government will change the political landscape and our capacity to report and hold to account lobbyists.

The Ten Commandments prohibited murder and envy but they did not put an end to sin. Similarly, this House needs to legislate for transparency and accountability from all elected representatives and office holders.

Deputy Dessie Ellis: The Mahon tribunal is banana republic stuff. Those who held office ran the planning system as if it was a commercial enterprise that functioned solely for their private profit. Developers colluded with politicians to allow the private exploitation of the State and the public of Ireland are paying the price. Last week the Labour Party stated it has a proud record of standing up and speaking out against what has now been proven by the Mahon tribunal report to have been corrupt practices. It continued to sing its own praises because it expelled a councillor in 1993, it dealt with the issues as they arose and had what it termed a "proud record in planning matters". It used the word "proactive" to describe itself in reference to dealing with such matters. Labour was certainly proactive when it came to supporting the block by the Minister for the Environment, Community and Local Government, Deputy Hogan, of any independent review into planning irregularities in Dublin and Cork city councils, and Galway, Meath, Cork and Carlow county councils since it went in to government.

The Mahon tribunal dealt with only one local authority. We have no notion of what else exists and the Government has a duty to ensure that we find out. As the Mahon report stated:

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> Corruption thrives in shadows and darkness. Consequently anti-corruption measures must focus on ensuring transparency and accountability in public life. Ignorance and apathy are both corruption catalysts. Therefore, anti-corruption measures must be supported from the top-down and from the bottom up.

Part of these anti-corruption measures must be finding out what went on elsewhere, because otherwise the perception of political corruption being pervasive will call into question the legitimacy of the political institutions of the State.

We all remember what happened with the Centre for Public Inquiry. This non-governmental body was established in 2005 to investigate matters of public importance in Irish political, public and corporate life. Frank Connolly was executive director, and the Members of this House should praise his work, considering it was his investigations in to former Minister Ray Burke that led to the establishment of the planning and payments tribunal and the Morris tribunal. Following a smear campaign conducted against Frank Connolly and the centre itself by the then Minister for Justice, Equality and Law Reform, Michael McDowell, the rabid right-wing attack dog of the Fianna Fáil-led Government, and helped by the *Sunday Independent*, which was no stranger in attempting to undermine the Mahon tribunal, the centre was forced to close when its funding was withdrawn by Chuck Feeney of Atlantic Philanthropies.

Chuck Feeney met the then Taoiseach, Bertie Ahern, in August of 2005 during which they discussed the work of the centre and its executive director, including — presumably — the allegations about Mr. Connolly, who has not been charged with anything. The final nail in the Centre for Public Inquiry's coffin was the threat of legal action on a report it was preparing which raised very serious questions as to why the State-owned Dublin Port Company did not go through tender procedures before going in to a joint venture with private operators. The Dublin Port Company was, of course, chaired by then Councillor Joe Burke, a close associate of none other than the then Taoiseach, Bertie Ahern. Bertie Ahern's contributions to the Mahon tribunal were less than truthful and yet he still arrogantly hawks his protests in the media about how he was hard done by by the tribunal. The people of this country are hard done by. More than €300 million was spent with no tangible results. Heads should roll but the people are still waiting to see if they will roll. It is hard to imagine heads rolling judging by the history of previous Governments in this country.

Deputy Martin Ferris: In its conclusion the report refers to the corrosive and destructive impact of corruption on society. Not only does it undermine the democratic process, but it has also damaging social effects. We can see that by considering some of the planning decisions that were made in Dublin where communities were housed not on the basis of proper planning for communities' needs but solely on the basis of who owned the land and what companies and individuals were involved. That corruption did not begin with the events of the individuals dealt with in the report. It dates back to the 1960s and involves several leading members of the Fianna Fáil Party. That created a culture of corruption in which many of those who rose to prominence regarded their elected positions and positions held in government as a licence to earn large amounts of money by selling their influence and votes.

Of course, that extended beyond planning and we must assume that if a nexus of corruption existed between property, land and politics, other aspects of commercial life were also affected. The Moriarty report lifted the veil on some of that regarding the mobile phone licences. There are also strong grounds for believing that significant concessions to other businesses were made because certain people were involved in an unhealthy relationship with businesses which

benefitted from tax and other concessions. We know some of that from what we know of what was going on in the beef industry.

It is also no coincidence that several of the stars of the Mahon and other reports on planning corruption were also involved in other murky areas. At the time of the Flood report which dealt with Ray Burke, I called for its remit to be extended into other areas where Ray Burke had significant influence and where questionable decisions had been made to the benefit of big business. I specifically referred in that context to the changes that had been made to the revenue and licensing terms given to the oil and gas exploration companies. Those changes have subsequently been defended even by former critics in the Labour Party on the basis that they make economic sense. Not only do they not make economic sense but the reasons they were changed had nothing to do with the economics of oil and gas exploration. At least they did not have anything to do with the economic interests of this State and its citizens.

We are all well aware of the Galway tent and that for X thousand pounds a person could sit and have a chat with a Minister. I raised the matter in this House on numerous occasions. I also asked what contribution Enterprise Oil gave to the Fianna Fáil Party or to Fianna Fáil members. I challenge Fianna Fáil to state what that party and its members received from the oil companies. There are mucky waters there. Issuing licences to companies at a vastly reduced rate should be investigated. There is an onus on the Fianna Fáil leadership to state what it got from Enterprise Oil and other oil companies and there is also an onus on the oil companies to disclose what they gave to Fianna Fáil and their involvement in the Galway tent.

The changes made to the revenue and licensing terms benefited the companies and continue to benefit them. It is not beyond the bounds of possibility to suggest that they benefitted certain individuals who were central to implementing those changes. At the very least that deserves investigation as does the close relationship between Fianna Fáil in government and certain of the beneficiaries of the Corrib deal.

In all of the cases of proven or suspected corruption the citizens of the State pay the price in terms of bad planning, social decay and the loss of economic benefits. That destroys the myth that was put about by some people that the takers of bribes and the dispensers of favours were in some way oiling the wheels of the economy. It is clear that they were not. It is also apparent that corrupt politicians complemented corrupt businessmen and speculators. That relationship flourished during the years of the Celtic tiger for which some of those politicians claimed much of the credit.

This report proves that not only were they parasites feeding off the property boom, but that they were also implementing decisions that in the end had harmful — one might say catastrophic — effects on this society. There is little doubt that the speculative frenzy and all that went with that including Anglo Irish Bank were in large part fuelled by corruption.

Deputy Liam Twomey: Corruption has always existed in political life across the world. Everybody is aware of how Tammany Hall and what happened in Chicago in the 1920s completely corrupted the political system. In this debate we are discussing individuals who have been named in the Mahon report as well as the overall system and what went on in Irish politics in those years. The general consensus is that the era of Charles Haughey changed corruption from a crime into organised crime. Like organised crime whether it exists in the corruption of politics or in criminal activities, it passes most people by in the majority of cases. People are unaware of the corrosive influence of organised crime or the organised corruption that took place during the past 50 years and how destructive it can be on society. One benefit of reports such as the Mahon tribunal report is that they demonstrate how destructive organised corruption in Irish political life has been during the past half a century. We must ask ourselves how this came

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about, how aware we were of what occurred in our society in recent years and what was done about it.

Several speakers have already commented on certain press releases and the work of journalists and individuals who stepped forward and suggested this was going on in our political life. However, it appears nothing was done about it. We must ask ourselves whether corruption in Irish political life took second place to other concerns of the people. Why did the people vote Bertie Ahern back into power for three terms when issues were raised about his finances during the course of most of his second term and his third term as Taoiseach? Nevertheless, he was voted into power by the people. We must ask ourselves how such a scenario came about when people were shouting from the rafters about what was going on in his private life. We must ask ourselves how pervasive this corruption was. Was it a case of the sins of a few? Was it simply a few people, including some developers, speculators, lobbyists and corrupt politicians, who exploited a rather docile and naive political system in the country to make vast amounts of money for themselves? Did these people simply come together at the right time like the perfect storm and exploit the resources of the country for their uses?

It is necessary for us to delve a little deeper into it. We will make political attacks on each other in the House about who is more corrupt, who claims to be innocent and who is not so innocent. However, we must ask ourselves how this situation came about. One possible conclusion is that there is systemic corruption in Irish public life. We must not for one moment take the view that corruption exists only in the case of politicians. We must remember certain officials and public servants have been named in reports for participating in this behaviour. If there is a systemic acceptance of corruption in our public system from politicians and the leadership of political parties downwards, then there is a serious problem, a problem legislation alone will not solve. There is need for us to debate these matters. We must not simply attack each other politically. There is a need for us to move on from the Mahon tribunal and to delve into our society, the political system and the ethos of public life and to examine our perceptions.

Last night, I attended a discussion in Trinity College, Dublin on the Seanad. A comment was made to the effect that we need civic participation in every institution in the State in order that the public can trust and have confidence in them. We must get this message to the public. We must instigate civic participation.

I first heard about Liam Lawlor during the mid-1980s. An aunt of mine who lived in Dublin saw him on a television news programme. She laughed and suggested one could build a piggery in the middle of the Phoenix Park if one paid that man enough money. Nevertheless, it took years before anything came of it. She was not politically involved yet she knew all about Liam Lawlor and Charlie Haughey. Despite this, we had to spend millions of euro on inquiries to find out what every dog in the street knew.

There has been a mockery of the political system in recent years. The former Minister with responsibility for justice went up every tree in north Dublin looking for corruption but could find none. There was mockery of our political system when the then Taoiseach made Liam Lawlor chairperson of the ethics committee of the Houses of the Oireachtas. Since he had his tentacles on everything that happened politically in the city, the then Taoiseach would have known there were concerns about Liam Lawlor. This was the sort of corruption that took place in public life. It is associated with Fianna Fáil because that party was in power for 22 of the past 30 years. It held the levers of power in the country. When the corruption became endemic within the Fianna Fáil Party it had a disastrous knock-on effect for everyone in the country.

It is only right that the Fianna Fáil Party should examine what happened. Many of those involved although not corrupt were complacent. There was also a defensive attitude from many

in the leadership of Fianna Fáil. They should have acted differently and more appropriately within their party at the time and they failed to do so. Some of the people who failed to act appropriately at the time represent the current leadership of Fianna Fáil, including Deputy Micheál Martin and Deputy Willie O'Dea. Such individuals have a good deal to answer for. They cannot hide behind suggestions that they did not know or that it should be left to the tribunal. I have no view about whether they were undermining the tribunal but they undermined public trust and confidence in the political and public Administration of the country by their carry-on during the past decade. As a result, they no longer have the confidence of the people. They cannot stand up and speak as if they were somehow disconnected from events. Unfortunately, they have no credibility and they must face up to this.

It is only right that Bertie Ahern comes in for significant criticism in the report. My former colleague in the Seanad, Eugene Regan, made a strong point and raised this issue when he was in the Seanad. He took the view that all the prevarication and justifications from senior ministers at the time were having a corrosive influence on people's views about politicians and the credibility of the Houses of the Oireachtas. This is coming through now and this is people's view of us now. Bertie Ahern was elected Taoiseach of the country in 2007 without a tax clearance certificate. He denied this and he hinted in his distinctive way with smoke and daggers that his legal affairs were in order. In fact, it transpired that he had no tax clearance certificate and that he was in discussions with Revenue Commissioners with regard to moneys he received in the 1990s. This was made perfectly clear in the Seanad. Mr. Regan wrote to the Standards in Public Office Commission, SIPO, and the Revenue Commissioners but nothing was done about it by Mr. Ahern's colleagues in Government. They hid behind legal arguments and the tribunal. The result was that they undermined the authority of the Oireachtas and the Seanad and the public system in the country.

When people give out about politicians and public administrations and the institutions of State it is because some individuals in the country were corrupt to the core and destroyed trust in the system. Some of their colleagues in political parties made half-hearted justifications for these individuals and they allowed themselves to peddle the argument that we should hide behind legalistic jargon and argument and wait for the tribunals to report. The position we find ourselves in today is regrettable. Some of the individuals involved should be more honest with themselves and the people they represent.

With their corruption, people such as Charlie Haughey, Liam Lawlor and Ray Burke had an all-pervasive and corrosive influence on our public system. I first heard of these individuals in the late 1980s. I had to watch them throughout the 1990s. Then I came to the House and I had to listen to the arguments put forward to justify their behaviour. I hope that civic society and the people on the street have turned their backs completely on this behaviour. We must not allow ourselves to become complacent or to accept the smoky arguments put forward that such a person did not know this or that or did not realise it was so bad. We must not allow that to come forth. We must do our best to clear corruption from public life. We will do our best on this side of the House to get the legislation right.

1 o'clock

We also need ordinary men and women to reconnect with the political system. We need them to say this type of behaviour is unacceptable and must be thrown out. When Albert Reynolds, for example, allowed Pádraig Flynn to resume a position in Cabinet, he became a part of the system more through complacency than through outright corruption. That was unfortunate and many others were like that. While they were not corrupt as individuals, their complacency towards corruption undermined the system further. We must take this on board and never let this happen again. We must put a stop to it straight away.

Deputy John Halligan: The Mahon report's revelation that corruption operated on such a large scale in public life was of little surprise to the majority of people in Ireland. In fact, the many people to whom I have spoken over the past number of days believe the Mahon tribunal only dealt with what floated on the surface and that we will never know the full extent of corruption in Irish political life during those times. It is terrible that some of these people say and believe that all politicians are corrupt. As a councillor and a mayor in my time, I have dealt with many decent and honourable politicians from all parties and they have not been corrupt.

This damning report, which took almost 15 years to conclude, is to me a definition of the greed and corruption of a small group of politicians. The record of their gluttony forms the backdrop to the impoverished life many people live today. The cost of the tribunal and the fact that our jails are not overflowing with corrupt politicians or developers will leave a bitter taste for many people and may cause them to wonder what the tribunal was all about. For me, it is this House that will ultimately determine whether the Mahon report was worth the wait. We are the ones who can opt to shake our heads and condemn the past or be proactive and introduce legislation that will restore people's faith in politics.

One of the first things we should do is to support fully the calls for a change in legislation to allow politicians found guilty of taking bribes to be stripped of their lucrative pensions. The majority of people would back that. If people are found guilty of such practices, the State has the right to ensure they do not receive generous payments. This is only reasonable. These corrupt payments have brought costs on the people. If a constitutional referendum is required to deal in this manner with the people named in the Mahon tribunal, let it be held. Every Deputy should support that if we wish to restore respectability to the body politic. We must ensure that people who have acted corruptly cannot walk away without paying some price.

It is deeply regrettable that Deputies and Senators are not covered by the existing legislation, which is approximately 120 years old. The House needs to move without delay to extend the remit of the Public Bodies Corrupt Practice Act to cover the case of bribery involving current and future Oireachtas Members. This would send a message to the public that we are serious about what we are doing. There is no reason to delay the implementation of such a measure. Any Deputy who has the gall to ask people to fork out €100 for the household charge without first doing everything in his or her power to bring about change to the anti-corruption legislation should hang his or her head in shame. We are talking about an Act that dates back 120 years. People will no longer accept that there can be one rule for one and another for others. If someone has been found guilty of corruption in politics, a price must be paid.

The Mahon report will go down in history as a permanent reminder of the damage that Fianna Fáil has done to this country. The party's pivotal role in planning and corruption has led — through bribes to local councillors, the construction of tens of thousands of houses for which there were no buyers in a sprawl around the country and the 110% mortgages involved in the banking collapse — to economic Armageddon here. The links between Fianna Fáil and the property developers brought about a policy of encouraging property development, to the detriment of other spheres of economic activity, and ultimately to the property bubble from which the fallout now costs the State tens of millions. It is much more expensive to provide infrastructure and services to these homes. More thought should be given to this and to the extra costs which will run to hundreds of millions. In addition, the housing sprawl has encouraged car-dependent commuting, with negative environmental, social and economic effects costing hundreds of millions. This is all a result of the high level of corruption in Irish politics.

Sometimes corruption is seen as a victimless crime. However, that is not the case when we think of the quality of life of hundreds of thousands of people who have been immensely affected because of the cross-party systematic corruption in planning highlighted by the Mahon

tribunal. Corruption was not exclusive to Fianna Fáil, although it excelled at it. However, I would like to emphasise that, as I said, I have worked with many good politicians from all parties, Fianna Fáil, Fine Gael and the Labour Party included, who were not corrupt but who were decent people.

We need a comprehensive policy review to advise on a new system capable of delivering productive outcomes. Even in the hands of the less virtuous, a rational response to the evidence of wholesale corruption in the planning process would involve a fundamental review of the 1963 Act and its numerous successors. We need to do this. I also call on the Minister for the Environment, Community and Local Government to rethink his decision to shut down independent inquiries into local authority planning irregularities. If we are to have any credibility, we must ensure every avenue is investigated in order that we do not face another tribunal in five or ten years time, as that would be the death knell to respect for politics and would lead people to believe all politicians are corrupt.

In the aftermath of the Mahon report, we as elected officials have a grave duty to restore the political system to its rightful functions and respect. Previous tribunals have catalogued the bribery of politicians, but did not lead to the conviction of a single developer or businessman. Many people are outraged by that. There was a public outcry when a succession of Ministers were shown to have benefited from blatantly unethical, if not corrupt, payments. To my knowledge, the three people found guilty by their actions as a result of previous reports — Ray Burke, Frank Dunlop and George Redmond — are still in receipt of generous State pensions. This brings us back to my initial point that we must introduce legislation that will ensure people found corrupt cannot receive those pensions.

To mean anything, the tribunal report must lead to reform in our political and administrative decisions and bring about rules of conduct that work and must be obeyed. In the absence of an effective criminal justice system and penal sanctions, commercial interests will continue to offer bribes. There is no question about this. They will not stop now and if they see a way out and a way to use their influence with politicians, they will do that. They will continue to do this until we bring in proper legislation to stop them. The Mahon report suggested that power given to authorities at the front line of corruption prevention and control should be given the credence it deserves. Simplified complaints procedures, more resources for the Standards in Public Office Commission, a broader definition of donation and the establishment of a planning regulator would go a long way towards restoring the public's confidence. I hope this Government, which has the largest majority in the history of the State, will move quickly to introduce such greater checks and balances. The decision to refer the report to the Garda Commissioner, the Director of Public Prosecutions, the Revenue Commissioners and the Standards in Public Office Commission is very welcome. However, there should be speedy action to strengthen the effectiveness of the criminal justice system in tackling corruption. If the Criminal Assets Bureau is to stand for anything, then it must surely have a role in this regard and this option should be closely examined.

In the wake of the report there should be proper trials and prosecutions for those who declared themselves public servants but who in effect undermined the State. Suspended sentences and slaps on the back of the hand will not cut it with the general public. One of the most serious allegations in the report is that several members of the former Cabinet attempted to impede and bring down the tribunal. The fact that members of the Government would attack and attempt to undermine the work of the tribunal of inquiry inquiring into corruption in public life is deeply disturbing. I agree with some of the previous speakers that we need to hear a lot more from Fianna Fáil and, in particular, from their sitting Deputies who were in Government at the time. They have all been pretty quiet about it.

[Deputy John Halligan.]

The 1963 Act and its numerous successors must be examined in order to ensure the confidence of the ordinary people. There is a perception that all politicians are at it. I refer to a cartoon in a newspaper last week which showed a person fishing and catching a sprat with the word "corruption" written on it while underneath the water lurked a huge shark captioned, "the others". This is the common perception, rightly or wrongly, and we have an opportunity to change that.

Deputy Tony McLoughlin: As a Member from Sligo and as a fellow Sligoman, I will concentrate in my contribution on the issue of Tom Gilmartin and the treatment dished out to a man who arrived back to Ireland in the late 1980s and who wished to invest in the country of his birth. The tribunal stated and agreed that Mr. Gilmartin had a legitimate interest in business and property development in and around Dublin. Mr. Gilmartin hoped to put together a business proposal and to make money, a legitimate goal for any business person. His second goal was to invest in the country of his birth and give something back. All those years ago, little did he realise what lay ahead.

Tom Gilmartin was born in Dunfore in Ballinfull, north Sligo, and emigrated to the UK in his late teens. His story is the story of many intelligent and hard-working people who had to emigrate from this country. He left Sligo in 1957, against his father's wishes, in order to make a better life in England. He was far more successful than most of his contemporaries in this regard. He built up a successful engineering company in Luton which manufactured sophisticated mechanical handling engineering systems for the nearby Vauxhall car factory and other manufacturers. When the industry collapsed in the early 1980s, he moved into property development identifying sites and investors for projects in Milton Keynes, Belfast and other towns. In partnership and with encouragement from property group Arlington Securities, which was prepared to invest €20 million, he began to assemble properties along Bachelor's Walk in Dublin city centre and in Quarryvale in west Dublin. However, he soon began to meet unexpected obstacles which have been well described in his testimony to the tribunal. Following the collapse of the economy, the goal of this Government is to seek and encourage investment in Ireland, in other words, Ireland is seeking the Tom Gilmartins of today to put money into our economy and assist in our recovery. This was the sincere ambition of Tom Gilmartin but, unfortunately for him, this turned out to be a personal nightmare.

It is worth reminding the House of the conclusions of the Mahon tribunal report with regard to Tom Gilmartin which are stated in section 7, page 2458. The decision on the part of Mr. Gilmartin to make a payment to the Fianna Fáil Party was misconceived and entirely inappropriate on his part. However, the tribunal accepted that he did this in circumstances which included duress or coercion, where he believed he had no choice but to act accordingly in order to avoid obstacles and improper behaviour on the part of elected public representatives and a senior public servant and in order to create a level playing field in relation to his plans to develop Quarryvale.

This is a significant statement and, in my view, it completely vindicates the bona fides of Tom Gilmartin's business proposals for Bachelor's Walk and Quarryvale. I am very angry as a Sligoman and as an Irishman at the way Tom Gilmartin was treated. It was like being hijacked or robbed on the M50 by Dick Turpin or Ned Kelly; wherever he turned there was a senior Fianna Fáil politician or a bag man with the paw out. It is frustrating to read Tom Gilmartin's evidence to the tribunal and to imagine his thoughts at the hands of these individuals who can be rightly accused of extortion. I listened to Thomas Gilmartin junior at the weekend and he provided us with a comprehensive account of his family's feelings. The efforts by various media commentators and politicians to discredit Tom Gilmartin as a witness were despicable in my

view. The attempt by counsel for former Taoiseach, Bertie Ahern, to suggest that Tom Gilmartin had mental health issues must have been the lowest point in this saga. Under cross-examination by counsel, Tom Gilmartin was asked if he had ever discussed any of these issues or allegations with a medical adviser. Thomas Gilmartin junior described this as a low-life action.

The evidence and statement of Tom Gilmartin identified Frank Dunlop as the bag man for some of the accused politicians. Were it not for this and the ultimate admission by Dunlop, Judge Mahon would never have been able to present such a comprehensive and revealing report to the House. For this reason alone, Tom Gilmartin has given great service to this country because it means that people who betrayed the electorate by taking bribes were exposed. Were it not for Tom Gilmartin's evidence we would not have learned about the large sums of money going through Bertie Ahern's bank account. We still await a credible explanation as to the origin of this money. The payment of €50,000 to the former Minister, Padraig Flynn, was not a corrupt payment according to the tribunal. However, it stated that Mr. Flynn received a corrupt payment. The arrogance of the actions of Flynn is well documented. However, it was his dismissal of Tom Gilmartin on the famous "Late Late Show" which was extremely hurtful for the Gilmartin family and showed the plan by the main culprits in this saga to implant the view that Tom Gilmartin was somehow imagining everything. The Mahon tribunal clearly found otherwise.

Deputy Timmy Dooley: The Deputy is looking after his constituent.

Deputy Phil Hogan: Deputy Dooley is not too bad at that himself.

Deputy Tony McLoughlin: Ocean FM is the local radio station serving the Sligo region and this morning it broadcast a call to make Tom Gilmartin a freeman of Sligo. This is an example of the feelings of ordinary people on how he was treated by the establishment at the time, including senior Fianna Fáil politicians, senior local authority officials and rival developers. I can testify that Tom Gilmartin's bravery, tenacity and resolve to seek the truth is admired by all right-thinking people but in particular by his county men and women.

I welcome the reforms that have been implemented over the past 12 years which, in my view, will ensure that the type of practices in operation in the early 1990s will never happen again. As a member of a local authority for more than 35 years, I can testify that changes brought in by successive governments since 2000 have strengthened the checks and balances to ensure transparency in the actions of local government officials and elected members. I look forward to proposals and legislation to deal with the recommendations of this tribunal which will further strengthen this transparency and ensure our people have trust and confidence in the planning system.

Deputy Anthony Lawlor: I will speak about my experience and how I became involved in politics. As a young man I helped the local rugby club by cutting the grass on my tractor and I helped the local GAA club by loaning them a chainsaw. My mother used to say that I was always more likely to give someone else a hand than to do the work at home. This is how I became involved in politics, by an involvement in the local community and in the GAA and rugby clubs. It is sad to note that as a result of my election to the local council and subsequently to the Dáil I am tainted by association as a result of the findings of the Mahon tribunal. People in the street ask me how many brown envelopes I have received. I am hurt by this insinuation. I am told on the doorsteps that we are all the same and this hurts me. I am one of a new breed of politicians who have been elected to this Dáil and we have no association with the corruption in which certain members of various parties partook. The Mahon tribunal report signalled the identity of individuals who have tainted new politicians — like me. We are different. We were

[Deputy Anthony Lawlor.]

elected because we are part and parcel of a community and our only interest is being involved in and helping that community. We have no interest in any financial gain to be got from anything other than our hard work. We want to talk and listen to people. The abuse of the system need not always be great. It need not always be €50,000 in a brown envelope or an alleged €10,000 gambling bet on a horse in Cartmel, or places like it. It can be small — such as ink cartridges. We must all take responsibility for actions taken in the Dáil.

In the corruption perception index of 2011 Ireland is not judged to be a corrupt country but is on a par with Belgium and the United Kingdom. There was a photograph in *The Irish Times* yesterday of our former Taoiseach, Bertie Ahern, who was in a country ranked No. 143. I wonder what advice he was giving those people as to the direction they should take.

Deputy Billy Kelleher: I am sharing time with Deputy Timmy Dooley. I welcome the opportunity to speak on the report published last week by the Mahon tribunal, which has been ongoing since 1997. It has unearthed some very disturbing facts about the heart of high office in this country. The report speaks for itself. Critically important when a report like this is published is that people accept the findings and deal with them in whatever way is appropriate, whether dealing with it as a political party or as the Oireachtas making the recommendations that may flow from any particular tribunal.

The Mahon tribunal is quite clear in its findings. It stated that corruption was endemic in the planning process in the Dublin area and was at the heart of decision making in respect of the zoning of lands. It has exposed that clearly and we must deal with it from that point of view in the Oireachtas, in how we go about introducing legislation based on the tribunal's recommendations so that we can ensure we have appropriate oversight throughout the country in the years ahead. Some of the recommendations of the Mahon tribunal have already been implemented in legislation with regard to governance and funding of political parties and oversight of same. We have a long way to go towards banning corporate donations but legislation should be introduced as quickly as possible to ensure that parties are obliged to accept donations in small amounts only rather than in the corporate donations that were at the heart of many of the difficulties unearthed by the tribunal.

From my party's point of view the report raised very serious issues and we will deal with them in a way appropriate for a political party. More broadly, although the tribunal was established by the Houses of the Oireachtas the debate in this House on its findings has been very partisan. The previous speaker summed this up: the debate has been partisan and is based on attacking a political party rather than looking at the findings, addressing the facts as established and dealing with the recommendations in a meaningful way that will bring back the confidence of the people in public life. This confidence has been completely debased and undermined. The integrity of public office has been undermined and the integrity of politicians of all political parties has also suffered, both as a result of the findings and because of the suspicions that were there prior to the actual findings.

As a Fianna Fáil Member of Dáil Éireann, what I find interesting is that there seems to be a certain standard to which my party must rise in order to ensure we meet our requirements while other parties seem to be able to adjudicate themselves on lower standards. They pat themselves on the back and point out that they are whiter than white, which clearly is not the case. If one looks at the historical context of many of the political parties in this House much of it is very murky, to say the least. I listened to lectures in this House from Deputy Jonathan O'Brien. The man who replaced the Deputy on Cork City Council was convicted by the Special Criminal Court in 1999 for the offence of carrying a loaded gun when he was stopped in Mitchelstown, with two other people. He refused to recognise the court and to this day we

have found no explanation as to what he was doing on that fateful morning in Mitchelstown with a loaded gun, heading somewhere in the Republic of Ireland. I know a small bit about guns. One thing for sure is that one does not go duck-hunting with a handgun — one uses a shotgun. That man certainly was not going duck-hunting that morning.

Standards must be maintained by all political parties. Some parties within this House are refusing even to look into themselves and address their probleMs Not only Sinn Féin but many other parties have an obligation to look into themselves and deal with the deficiencies in their standards. Let us be clear. The Moriarty tribunal has been ignored. It was whitewashed by this Government. Its findings were stark. They clearly stated that Deputy Lowry, then a Fine Gael Cabinet Minister, delivered a licence to Denis O'Brien. That issue has not been dealt with by anybody on the other side of the House and it is one that deserves scrutiny, not only from Members but also from the fourth estate. I urge that people look at that issue, too.

Deputy Timmy Dooley: I welcome the opportunity to contribute to this debate. There is no doubt that the publication of the final report of the Mahon tribunal marks a dark chapter in the history of my party. There is little doubt it will have a significant impact on the way in which politics is recognised or perceived by the Irish public and a wider audience.

There is a necessity, however, to put this report and the culture that existed 20 years ago in context, as they relate to the Fianna Fáil Party. The number of individuals found to be corrupt in the report, those found to be untruthful or to have considerable amounts of money in bank accounts associated with them, for which there is no credible explanation or the origins of which are open to question, form a very small percentage of the overall officeholders who have come from our stable. I only have to look to my constituency to see the calibre of these — people such as Brendan Daly, Tony Killeen, Síle de Valera and her grandfather, Sylvester Barrett, Paddy Hillery and Dr. Bill Loughnane. There were many others — those are just the people from my constituency who have held office, representing the party I now have the honour and privilege to represent. That is without referencing the thousands of volunteers associated with our party who have always gone about their business representing their community, focused on a vision of bettering the society of the people they represent and with whom they are associated.

I reject absolutely, therefore, the efforts of some to cast a dark shadow over the entirety of the Fianna Fáil organisation as a political movement and its capacity and potential to be a considerable force in and on the Irish political landscape in the years ahead. I reject that out of hand. It is a cheap shot by some. That is not in any way to diminish the work we must do to regain the trust of the people because of the sins of a very small group of people.

My colleague is right when he noted that the debate in this House has been largely partisan. Some have sought to characterise the entirety of the Fianna Fáil organisation, based on the actions of some, but they fail to recognise comments made by others. I recall what a former Taoiseach and leader of Fine Gael, John Bruton, said when he was questioned about the transgressions — as they were seen at the time — of some of his councillor base. I paraphrase somewhat. He said, "We are not all angels", as he sought to diminish or brush aside the concerns of people at the time. That is a parallel to what the former Taoiseach, Albert Reynolds, was mentioned for in the course of the tribunal.

Deputy Kelleher is right when he references Sinn Féin. I have no issue with people elected to this House where the public has full and open knowledge of their history but the current leader of Sinn Féin continues to deny his membership of the IRA as if there was somehow a difference, continues to deny his associated links with the disappearance of individuals in the past and continues to be belligerent about what he believes to be the transgressions of Fianna Fáil. I will accept the findings of the report in its entirety. Deputy Adams and others in his

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party continue to deny the past and draw a veil over it, suggesting they are in a position to cast judgment.

I heard the Minister on television last night and I am glad he is in the Chamber. In principle, I do not question the reasons that planning investigations in five counties were brought within the Department. I am sure the Minister had a valid reason for doing so at the time and indicated that the former Minister of State, Deputy Penrose, thought it more expeditious. The difficulty is the perception in the minds of some that there are problems in those counties and perhaps other counties. Sadly, because of the publication of the report and all that has flown from it, the Minister is left with no choice but to reinstate the level of activity that existed prior to his coming to office with regard to those investigations.

Deputy Phil Hogan: Which was no activity.

Deputy Timmy Dooley: I accept that but work was under way.

Deputy Phil Hogan: No work was done.

Deputy Timmy Dooley: I ask the Minister to restart the work.

Sitting suspended at 1.30 p.m. and resumed at 2.30 p.m.

Message from Seanad

An Leas-Cheann Comhairle: Seanad Éireann has passed the Motor Vehicle (Duties and Licences) Bill 2012, without amendment.

Ceisteanna — Questions

Priority Questions

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State Airports

1. **Deputy Timmy Dooley** asked the Minister for Transport; Tourism and Sport when he expects to make a decision on the future of Cork and Shannon Airport; and if he will make a statement on the matter. [17163/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The Deputy's question relates to the timeframe for making a decision on the future of Cork and Shannon Airports.

As I previously informed the Deputy, following receipt of the Booz report on the future ownership and operation of Cork and Shannon Airports, my Department is currently involved in detailed engagement with all relevant stakeholders on the issues involved. When that process has been concluded, I will bring proposals on the future of these two airports to Government as soon as possible. It will be a matter for Government then to make a decision on the issue.

My own view is that the current half-way house arrangement in place since 2004, whereby Cork and Shannon have their own boards but have limited autonomy from the DAA, cannot continue indefinitely. My objective is to have viable and sustainable operations in each of the three State airports, whatever structure is ultimately chosen by Government, and to make the necessary decisions in this regard in this year.

Deputy Timmy Dooley: I thank the Minister. There is nothing particularly new in the statement he has just made. My understanding was that the Minister had said in the past that he intended to announce before Easter his decision on the future management and control of the two State airports, namely, Shannon and Cork, and that it was his intention to bring forward legislation by the end of the year. If it has not been brought to Government as of now, can we take it that a decision will not be made before Easter? Can I take it also that an announcement on the future of Shannon Airport will not be made during the Minister's visit to Clare on Friday? It would be helpful if he could give us a more definitive time as to when he intends to deal with the issue I have outlined to him on a number of occasions.

I am not trying to suggest in any way that it is not a difficult decision or that the Minister does not have many considerations to take into account, but he now has the benefit of the Booz report which sets out a number of key options. I am aware the Department has engaged with stakeholders to try to ascertain the best solution. There are many factors that require appropriate attention, particularly regarding the way the Minister would subvent or provide for Shannon Airport over a period of change. Clearly, all of those factors must play into any decision he would make. It would be helpful to all concerned if the Minister could give more clarity, first, on the timeframe for a decision of the Government and, second, when we will see the effects of that decision.

Deputy Leo Varadkar: I thank the Deputy for the question. I will visit Limerick tomorrow and Clare the day after that to speak at a business function which I agreed to do several months ago and, therefore, there will not be any dramatic announcement on Friday that I would not make to the Dáil beforehand.

The position is that the Booz report has gone to Cabinet. It is being considered and has been published in redacted form, which I am sure the Deputy has seen and discussed at this stage. The entire issue involves engagement with various parties including the Department of Public Expenditure, which is a shareholder, and Shannon Development. The future role of Shannon Development is tied up with this and there is an engagement with the Department of Jobs, Enterprise and Innovation on that point. Also, the DAA Group is doing some work on the issues around separation and the barriers that would have to be overcome. It is taking a little longer than I might have hoped but very good progress is being made and it remains my intention to bring a decision in principle to Government in April, although it may be a week or two after Easter rather than before Easter as I had initially intended.

Deputy Timmy Dooley: I thank the Minister for his clarity in that regard. Whatever the decision might be, I have made my position clear on a number of occasions. There is a necessity to retain the three airports under the CIE model we have talked about and identified in the Booz report. The importance of Shannon Airport maintaining its capacity to survive without access to funds is of great concern to many people in the region. In that regard, I urge the Minister to give serious consideration to the capacity of Shannon Airport to be able to continue to rely on a line of funding from the DAA in any structure he brings forward.

Deputy Leo Varadkar: Whatever we do has to be a success and for an airport complex to be a success, it should not be reliant on subventions and should be able to break even, at the very least, and ideally turn a profit. We are moving away from the model of subventing airports. Subvention has had to be removed already from Galway and Sligo Airports as a result of cutbacks in public expenditure. The other regional airports have been informed that they will be expected to break even on an operational basis by 2014. Neither Shannon nor Cork Airports receive Exchequer moneys but I suppose one could argue that they receive an indirect subvention as being part of the DAA Group. If any model is to be a success, whether it is a CIE type

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model or independence, it is not a success if an ongoing subsidy or subvention is required. All of these airports should be able to turn a profit and at least break even. If it is the case that an interim arrangement is needed, so be it but the objective in the medium to long term should be a vibrant, profitable successful airport complex with many employees creating employment and revenues for the region and not something that is dependent on other people's labours, taxes and revenues just to exist.

Sports Capital Programme

2. **Deputy Sandra McLellan** asked the Minister for Transport; Tourism and Sport the amount of funding available under the sports capital programme; the criteria for the different levels of funds; the cap, if any, on the funding criteria; if all areas will be included on this occasion; the closing date for applications for funding; when it is hoped that funding allocations will be approved for applicants; and if he will make a statement on the matter. [17162/12]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring) (Deputy Michael Ring): I am pleased to advise the House that earlier today I announced a new round of the sports capital programme.

Allocations of €30 million which will benefit sports clubs, community groups, local authorities, schools and national governing bodies of sport will be made in the late autumn or early winter of this year. Applications will be accepted from all areas of the country.

A maximum grant of €300,000 may be applied for by local clubs and groups. National and regional projects may apply for a greater level of funding but these projects must be designated as such by the national governing body of that particular sport.

Online applications and those made in Irish, along with a hard copy of the signed application form and all supporting documentation, must reach the Department's offices in Killarney by 5 p.m. on Friday, 1 June 2012. Paper-based applications and all supporting documentation must reach the Department's offices in Killarney by 5 p.m. on Friday, 11 May 2012.

All applications received by the closing dates will be assessed on the basis of a number of criteria such as the effect the proposed project will have on active participation in sport and the level of socio-economic disadvantage in the area. Application forms and more information can be obtained on the Department's website at *www.dttas.ie*.

Deputy Sandra McLellan: I thank the Minister of State for his comprehensive reply. He has answered most of my questions in great detail. I am delighted that he has announced today the sports capital programme on which he must be congratulated. The importance of sport in the life of a person is invaluable. Since the announcement of the sports capital grant programme in the budget, numerous sporting clubs and organisations have contacted me asking where and how they can apply and the criteria involved. I had a telephone call from a constituent 20 minutes before I came into the Chamber regarding a handball alley in Mallow because he heard the announcement on the 1 o'clock news. I told him I would revert to him today with the details.

Are the Gaeltacht areas included in the programme and are the application forms available as gaeilge? With the scarcity of resources and money, what are the Minister's views on some of the clubs and organisations sharing resources? Will this programme target disadvantaged areas?

Deputy Michael Ring: I thank the Deputy for her kind words. The Deputy is correct. This is the first time since 2008 that we have had a new round of the sports capital programme. It was difficult enough to get the funding and I compliment my colleagues who supported me very

strongly as establishing this programme was a commitment in the programme for Government. The Deputy is quite correct that clubs throughout the country want to upgrade their facilities.

The Deputy asked me three questions. Gaeltachtaí are included; they were not included in 2008 but they are now. Everybody in the country is included and can make an application. Application forms will be available in Irish and applications can be made as Gaeilge. With regard to disadvantaged areas I have decreased the local contribution in RAPID areas from 10% to 5% and in CLÁR areas from 15% to 10%. The overall contribution for people outside of these areas will be 15%.

We have also made the forms easier for people to understand so it will be easier for them to make applications. I will not state it will be any easier for them to get funding as there will be a big demand for it. What I am saying is that the fund is open now and I have broken it down into two categories with €26 million for projects under €300,000 and €4 million for regional projects. It is a good news story. The Government made a commitment on this and sports capital funding is now open. Everyone has an opportunity to make an application.

Deputy Sandra McLellan: Under the previous Administration certain areas benefited a little more because there were Ministers in the area. Will the Minister of State agree this should be an example of the programme for change?

An Leas-Cheann Comhairle: A tough one.

Deputy Timmy Dooley: That leaves Mayo out.

Deputy Sandra McLellan: I am speaking about Cork East in particular.

Deputy Michael Ring: The Deputy is a bit like the media who think because I have become a Minister of State that I cannot represent my constituency. I want to tell the media I will represent my constituency. I am not speaking about grant aid, I am speaking about health, social welfare and agriculture. To answer the question, every application will be judged on its merit and criteria will be set.

The Deputy asked about shared facilities and she is correct in what she said. We want to target facilities that will be shared and used so we do not have facilities throughout the country lying idle for the summer months, at weekends or during the week. Facilities should be made available. This country has limited resources and the programme will provide €30 million. On a previous occasion it provided €100 million but we expect to get better value now. We expect costs to decrease by 30%. We believe many of the costs on the previous occasion were inflated. Many clubs took on schemes and never finished them or drew down the funding because they ran into difficulties. We hope to target disadvantaged areas and facilities that will be completed, particularly from the bottom up. This is my proposal and I hope to carry it through.

Transport Costs

3. **Deputy Mattie McGrath** asked the Minister for Transport; Tourism and Sport the measures he plans to introduce, if any, to assist the licensed Irish road hauliers who are struggling as a result of the price increases in fuel tax; and if he will make a statement on the matter. [17161/12]

Deputy Leo Varadkar: The Deputy's question relates to fuel costs and their impact on the haulage industry, and measures being undertaken to assist the industry. I am aware that costs generally for haulage operators are increasing, and fuel is a major component of this. The price of fuel is driven mainly by external factors such as the cost of oil, refining costs, and exchange

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rates. All of these are driven by international factors and the Government has no control over them.

Taxes and fuel duties are a matter for the Minister for Finance, and are not ones in which I have any direct role. However, I should make the point that VAT is refundable to hauliers as a business expense. With regard to excise duty, I am aware the Irish Road Haulage Association, IRHA, has proposed a fuel rebate scheme to the Minister for Finance. I understand a working group between the IRHA and the Department of Finance has been established to discuss this matter and that two meetings have been held to date. However, I am not a party to these discussions, and the Deputy's questions on such would be best directed to the Minister for Finance.

I acknowledge the current economic climate creates difficulties for many sectors, including road haulage. In that regard I am seeking to work with the industry on those matters which fall under my remit and in which progress can be made. In this regard, following representations from the industry and after consultation with the relevant road safety bodies, I increased the speed limit on motorways for heavy goods vehicles to 90 km/h. Furthermore, I recently met with my UK counterpart, the Parliamentary Under-Secretary of State for Transport, Mr. Mike Penning, to discuss issues related to cabotage on foot of concerns raised by the haulage industry about enforcement by the UK authorities. I have also engaged with the industry on the issue of vehicle weights, and recently increased to 46 tonnes the maximum weight for six axle vehicles. This will come into force in July of this year.

In addition, a project is under way in the Department which will make some contribution to improving licensing arrangements and reducing operational costs when completed. The Department is working on a new computer system which will include a facility for online applications for haulage licences and amendments to licences by the end of this year. This should reduce the time, effort and costs required by operators to obtain the licensing documents and certificates they need.

Deputy Mattie McGrath: I thank the Minister for the efforts he is making and I compliment him on the small measures he has taken. The huge cost involved is fuel and increases by previous Government and this Government through the carbon tax and the increase in VAT have made it almost impossible. Two or three hauliers flee the industry on a daily basis because of the huge cost of fuel. When they go abroad they fill up and we are losing tax and excise through this. It costs between €1,200 and €1,400 to fill a lorry's fuel tank which is frightening. Something must be done. The Minister met the Irish Road Haulage Association twice but it is not satisfied with the answers it received. They must compete with those who undermine them with laundered fuel and the rebate is just paying lip service. I welcomed the measures to be introduced in July with regard to weight and speed. However, fuel is a bigger problem and it is not true to say the Minister does not have control over its cost. Tax accounts for more than 50% of the cost of fuel.

Deputy Leo Varadkar: I acknowledge the cost of fuel affects everyone and not only hauliers. It affects anyone in the general public who drives a car. It also affects the CIE companies and I have a good insight into what the balance sheets of a haulage firm looks like because I see the CIE accounts and I can see how the loss of the fuel rebate and increasing fuel costs hit it. The Minister for Finance did not increase excise on fuel in the budget; he increased VAT. The reason for this is the VAT is recovered by the haulage industry. The only increase the Government has added to the cost of fuel from the point of view of the haulier is a 1.6 cent increase through the carbon tax. All other increases in the past year are down to international factors beyond the control of the Government. We need to recognise that while fuel prices will increase

and decrease it is a finite resource and there is an increasing demand for fossil fuels. The overall trend in the coming ten, 20 or 40 years will be upward and in 20 or 30 years time fuel will be extremely expensive. We must bear this in mind when future-proofing our policies and considering how we will move goods around the country.

The issue of fuel tourism is being studied by the Department of Finance. If it is proven we are losing revenue overseas because of people filling up in Belgium instead of Ireland the Department of Finance will consider a change in this regard. It is also important to point out that while transport companies and hauliers lose money and many are in severe debt nobody in business is losing €15 billion a year and has debts of €160 billion. The Government does, so any action it takes must be revenue neutral at the very least.

Deputy Mattie McGrath: I do not accept that. As I stated, they are going out of business by the hour literally. The Minister said anyone who drives a car knows about the increase and we can see it in the price at the pumps. At best trucks do between 3 to 6 miles per gallon so it is a major cost. This is aligned with the fact they receive less income from the companies for which they work because everything is being cut. They are in a stranglehold. We must recognise this valuable industry and try to safeguard it against attacks from the fly-by-nights and rogues. One way to do this would be to deal with laundered diesel, which is a disaster. It is illegal and a fraud but still continuing. I hope the Minister for Finance will listen to the Irish Road Haulage Association because we will not have an industry if we continue like this.

Deputy Leo Varadkar: The road haulage industry is extremely important and we will always have one of some size or another because it is how we get our goods to market and moved around the country. We will always have a haulage industry even if it is contracting and may contract more. The issue of laundered diesel is a matter for the Minister for Finance and I know he is taking an interest in it. The working group is making progress in this regard. Any solution we come up with must be revenue neutral and must bear in mind no matter what we do the trend in fossil fuel prices will be upward. We will change the way we run our country because of this.

Tourism Industry

4. **Deputy Timmy Dooley** asked the Minister for Transport; Tourism and Sport the number of jobs in the tourism sector created by lowering the rate of VAT for certain sectors as announced in the jobs initiative; and if he will make a statement on the matter. [17164/12]

Deputy Leo Varadkar: The Deputy's question relates to the number of jobs created in the tourism sector as a result of the lowering of the VAT rate for the tourist industry. As the Deputy will be aware, the jobs initiative introduced a reduced 9% VAT rate from July 2011 on a range of services, including hotels, restaurants and the leisure industry. The Government also halved employers' PRSI for those on modest wages and introduced a visa waiver scheme, which makes Ireland more accessible for tourists from important emerging markets.

It is too early at this stage to definitively assess the impact of these measures on tourist numbers or employment in the sector. We will need to consider the figures over a longer period to properly assess the impact of the initiative. It will be later this year before a view can be formed on the effect of these measures on competitiveness and employment. I am, however, pleased to report that overseas visitor numbers increased by 7.8% in 2011 by comparison to 2010. This growth has continued into 2012, with trips to Ireland for the first three months up to February 2012 having increased by 2.7% as compared to the corresponding period of December 2010-February 2011. I am also encouraged that seasonally adjusted employment as

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measured by the CSO in accommodation and food services increased by 11,000 during the nine month period to end December 2011.

Improving the perception among domestic and overseas visitors that holidaying in Ireland offers good value for money was an important part of the jobs initiative. In this regard, I draw the Deputy's attention to the most recent Consumer Price Index which shows that in the year to February 2012, the price index for restaurant and hotels was down 0.3% and for recreation and culture related products and services was down 0.9%. As such the sector is becoming more competitive. The overall CPI was up 2.1% during the same period. These price reductions were driven by a wide number of factors, including the VAT reduction, and are showing the increased competitiveness of the Irish tourism market.

Deputy Timmy Dooley: I welcome the Minister's clarity on this issue. However, his colleague, the Minister for Jobs, Enterprise and Innovation, Deputy Bruton, stated on 25 January in reply to a question from my colleague, Deputy Willie O'Dea, that the number of people working in the tourism sector had as a result of the VAT reduction increased by 6,000 and, therefore, the initiative was working.

The Minister's response is in line with that which he gave in an *ad hoc* questions and answers session to the Irish Hotels Federation when he advised it that seeking an extension of the lower rate of VAT just because the industry was struggling was not a strong enough case. The Minister stated that it was necessary to show that jobs were being created and followed this up by saying that he was not sure this was the case in terms of the VAT reduction. Like others, I believe it is difficult to indicate if an increase or reduction in VAT would have the impact expected. Therefore, I welcome the figures outlined by the Minister in his reply. There appears to be a bit of spinning, although on behalf of the Minister's colleague, Deputy Bruton, rather than by him.

The Minister appeared to indicate that the VAT reduction might not remain in place for 2013. He will recall that it was factored in for 2013 in the jobs initiative. The raid by Government on the private pension fund of €450 million per year is also factored in for 2013. Is it the Minister's expectation that if the VAT reduction does not remain in place for 2013 the Government will not be raiding the private pension fund to the extent projected?

Deputy Leo Varadkar: The Minister, Deputy Bruton, referred during an interview to an increase of 6,000 people in employment in the tourism sector. The situation has improved further since the most recent figure became available. To date, there has been an increase of 11,000 in the number of people working in the food and accommodation sector. However, this represents only a partial recovery on the large number of jobs lost in this past year. It would be facile to suggest that the reduction in VAT necessarily resulted in that increase in employment numbers. However it is a good sign nonetheless, by which I am encouraged.

The point I made to the hoteliers is a valid one, one which applies to the tourism industry as a whole, namely, industries will not get concessions because they are struggling — everyone is struggling. Concessions will only be given to industries which can deliver results in terms of increased revenues to the State and increased employment. It is hoped the industry will take this on board in terms of its hiring policy during the summer. The more people hired the more likely it is to retain the VAT reduction in 2013.

Deputy Timmy Dooley: Will the Minister accept that if Government sets out on a course and indicates a certain provision will be made for three years, that it would be entirely wrong to cut that provision after only two years? Will he further accept that his comments, while well meaning, do not provide the type of certainty which people in this industry need. Much of the

tourism sector depends on advanced bookings and on putting in place a strategy for the years ahead. The jobs initiative provided certainty in terms of confirming the Government would provide a particular support to the industry for a three year period, in respect of which the revenue was identified, namely, the raid on the pension fund. The Minister now appears to be raising some doubts about whether the reduction will remain in place for 2013. Perhaps he will confirm that he expects that the Government will continue on the course set out in the jobs initiative.

Deputy Leo Varadkar: The plan is that the reduced VAT rate of 9% will continue until the end of 2013. As stated by the Deputy, that is what is promised in the jobs initiative and the legislation and is what is stated on the Revenue website. The industry should work on the basis that the reduced rate will continue until the end of 2013, the year of The Gathering. Having said that, I am not writing the budget now.

Deputy Timmy Dooley: I accept that.

Deputy Leo Varadkar: I do not want to give people an assurance which may change. We do not know what will happen between now and budget day or what will happen to the economy, the deficit or in regard to other matters. I do not want to be strung up by the Minister for Finance for making promises on his behalf. The intention is that the lower rate will continue to the end of 2013.

Public Transport

5. **Deputy Richard Boyd Barrett** asked the Minister for Transport; Tourism and Sport if the cuts to the Luas services and previous cuts to bus services in and around Luas lines will mean that the public service obligation in terms of transport will still be met; and if he will make a statement on the matter. [16848/12]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly) (Deputy Alan Kelly): The operation and provision of bus services is a matter for Dublin Bus in conjunction with the National Transport Authority, NTA. The operation of the Luas service is a matter for the operator, Veolia Transdev, in conjunction with the Railway Procurement Agency and the NTA.

Each year, funding is provided for socially necessary but non-commercial public transport services in Ireland. In the case of Dublin Bus, the funding of PSO services is governed by a public transport contract with the NTA, which the company entered into in December 2009. The contents of the contract, such as the level of service to be provided and the basis for maintaining it, may be reviewed at any time by the NTA in consultation with Dublin Bus.

As the Deputy is aware, there have in recent years been revisions to the network and level of services provided by Dublin Bus. Some of these revisions have increased public transport numbers and were aimed at achieving efficiencies and implementing the recommendations of the 2009 Deloitte cost and efficiency review which identified some scope for greater efficiencies in Dublin Bus. The final range of network adjustments will be completed during 2012. The objective of the redesign of the bus network was to provide current and future bus customers with a service that will be modern, accessible, integrated, easy to understand, punctual and frequent.

I am supportive of the efforts of Dublin Bus to achieve greater efficiency and effectiveness. Given the losses recorded by it in recent years and having regard to unavoidable constraints on the availability of Exchequer funds for PSO subvention, it is important that Dublin Bus

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continues to deliver greater efficiency and effectiveness to safeguard the overall sustainability of public transport services in the future.

No PSO subvention is paid for the operation of the Luas services. However, the level of income generated from passenger and other income has in recent times not met the cost of operation of services. As a consequence, Veolia Transdev, in consultation with the RPA and NTA, has planned for some service adjustments. I understand that the main adjustments will be in the off-peak periods on the parts of the network that are not heavily utilised.

Deputy Richard Boyd Barrett: The question revolves around the planned cuts to Luas and the spill over impact in this regard on bus services running off the Luas line. I was surprised that some of my other questions on Luas were ruled out of order. I do not understand why the Minister or Department of Transport is not directly responsible for the provision of Luas services and so on given that is the function of that Ministry.

The €1.5 million in cuts will result in seven drivers and four inspectors being taken off the new Luas extensions to Cherrywood, Sandyford, Brides Glen, Saggart and the city. The Minister of State stated the main adjustments will be during off-peak periods. Perhaps he will tell us what will be the level of reduction in services. Currently, off-peak there is a Luas every 15 minutes. I have heard from people working on the Luas that in future off-peak there will be a Luas every half hour. Perhaps the Minister of State will clarify if this is the case.

This is not good. The Government constantly speaks about the need to create the conditions for employment. Cherrywood is a strategic development zone in which there has been significant public investment.

The fact that Luas services will be cut will hardly encourage people to invest in the Cherrywood strategic development zone. Ticket inspectors have told me that it is really ludicrous to cut their jobs because money will be lost as a result. Just 85% of people currently pay their fares on the Luas. The rate of non-payment of approximately 15% will increase if we do not retain the current number of inspectors. The inspectors argue that their jobs are self-financing. I ask the Minister of State to do something about these unnecessary service cuts and stupid job cuts.

Deputy Alan Kelly: The Luas opened in 2004 and operated at a profit without a subvention every year until 2011, when it operated at a deficit of €3.1 million as a result of the economic downturn. That is why changes and cost savings are now required in addition to the fare increases that have been implemented. Deputy Boyd Barrett is well aware that the Luas lines were extended into the Cherrywood and Citywest areas. Unfortunately, the planned residential developments in those areas have not materialised. As a result, the projected passenger numbers have not materialised. The Railway Procurement Agency is working with Veolia on a new service level agreement that will ensure cost savings are made in the future. Obviously, we do not want this service to continue at the same level of loss. As part of that, a number of people will lose their current roles. The company is examining its wider operations to see whether these people can be facilitated in its broader areas of work. The changes in service levels mentioned by the Deputy will relate mainly to off-peak periods — early in the morning and very late at night. There are no plans to provide for half-hour gaps in service as suggested by the Deputy. In some cases, we are talking about increases of four or five minutes. The service levels and the frequencies that are changing will mainly affect those areas where planned extensions took place. We need to be able to deliver a service at a frequency level that continues to work for the majority of passengers.

3 o'clock

Deputy Richard Boyd Barrett: Any reduction in service is hardly a good signal to send to potential investors in areas like the strategic development zone at Cherrywood, which is supposed to be a hub. Given that it was projected that 5,000 jobs might be created there, it is a very bad signal indeed. The Minister of State did not respond on the question of whether the inspectors are self-financing. According to the inspectors, there is an absolute connection between their presence on Luas services and the revenue that generates, in terms of the fines they issue and their role in encouraging people to pay their fares. Following a change that was made last year, the 63 bus service from Kilternan no longer goes to the city centre. That change was justified on the basis that the presence of the extended Luas line offers an alternative way into the city centre. The retrograde cut in off-peak services will affect the ability of pensioners, the unemployed and others who depend on such services to avail of public transport links.

Deputy Alan Kelly: If the Deputy knows a way of getting another 5,000 people employed in that area, I am sure the operators of the Luas will consider providing more frequent Luas services to the area. Obviously, that would be a huge development. The operators are working in conjunction with the National Transport Authority to ensure the level of service that is provided meets the demand for that service. I believe they are doing that successfully. The changes that are being made at the moment will be customised in accordance with passenger numbers and where it looks like passengers are travelling. I think the frequency level will meet the demand. As part of an integrated approach, the areas mentioned by the Deputy will be served by the Luas working with Dublin Bus.

Other Questions

Tourism Employment

6. **Deputy Sandra McLellan** asked the Minister for Transport; Tourism and Sport if he will mandate SOLAS to work with the hotel sector to ensure a sustainable supply of trained workers to fill entry level positions in view of the fact that Ireland's hospitality sector faces a shortage of trained craft/entry-level workers following Fáilte Ireland's decision to cease providing this training. [16559/12]

Deputy Leo Varadkar: The Deputy has asked whether I will mandate SOLAS to work with the hotel sector in the training of workers for the sector. As she may be aware, SOLAS comes under the remit of my colleague, the Minister for Education and Skills. Accordingly, I am not in a position to direct its operations. Over the past two academic years, Fáilte Ireland in conjunction with the institutes of technology has put in place an agreed strategy for the provision of hospitality and tourism programmes in the institute of technology sector. This agreement ensures a sustainable supply of industry-ready people is available to Irish tourism over the medium term. A critical aspect of the collaboration with the education sector is that Fáilte Ireland has sought and achieved the provision of improved training and career prospects for new entrants. New apprenticeship style models have been developed and put in place across the country, together with an accelerated training programme for chefs and restaurant service providers. It is estimated that 18,800 trainees, students, employees and employers will receive training and business support from Fáilte Ireland in 2012. Fáilte Ireland considers that this range of courses addresses adequately the training needs of the industry. Having said that, additional provision in alternative delivery systems such as SOLAS is always welcome, as long as the service is closely aligned to the present and future needs of Irish tourism and the certification is in line with the national qualifications framework. It is worth noting that Fáilte Ireland has championed the earn and learn approach as the most effective way of enabling individuals

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to access accredited training on campus on a part-time basis while also learning on the job. Any new training provision by SOLAS will have to be funded by the Department of Education and Skills.

Deputy Sandra McLellan: Is the Minister in a position to discuss this matter with his colleague, the Minister for Education and Skills, and come back to me on it?

Deputy Leo Varadkar: Yes, I can do that. Deputies are aware that SOLAS has not yet been established on a statutory footing. It is designed to replace FÁS. It will come to the Cabinet in the next few weeks. I will discuss the matter with the Minister, Deputy Quinn. I understand that some industry groups will make a proposal with regard to training through SOLAS. Having said that, much of the entry-level training can and should be done largely on the job. I do not think it is necessary to go to college to learn how to cut up a cucumber or something like that. A great deal of the training can be done on an earn and learn basis, mostly in the workplace.

Tourism Promotion

7. **Deputy Patrick O'Donovan** asked the Minister for Transport; Tourism and Sport if he will extend the programme in which public buildings were lit in green in various different cities around the world, to those public buildings owned by the State; and if he will consider a grants initiative to local authorities and other State agencies to join in the programme for St Patrick's Day 2013; and if he will make a statement on the matter. [16863/12]

Deputy Leo Varadkar: The Deputy has asked whether I will extend the programme of turning international buildings and landmarks green to public buildings in this State. St. Patrick's Day traditionally marks the start of the tourism season. Tourism Ireland's greening initiative had many famous additions this year. It signalled the start of a major push to increase visitor numbers from overseas by capturing public and media attention in key source markets. Over 30 of the world's most iconic landmarks across six continents went green to mark St. Patrick's Day. The London Eye, Burj Al Arab in Dubai, Table Mountain in South Africa, the Empire State Building in New York, the Sky Tower in Auckland and, for the first time ever, Niagara Falls and the Alexanderplatz television tower in Berlin are just some of the iconic buildings and attractions around the world which were part of this year's greening initiative, which marked St. Patrick's Day and kicked off the first half of Tourism Ireland's major promotional drive to develop overseas tourism. The initiative helped to capture media and public attention in markets across the world and put Ireland in the publicity spotlight as an attractive holiday destination. The message is that there has never been a better time to visit Ireland.

Tourism Ireland's St. Patrick's Day programme spanned Great Britain, mainland Europe and North America, as well as developing markets. The tourism agency availed of every opportunity to capitalise on Ireland's heightened profile on television, in newspapers and in digital media to promote good value holidays and short breaks in 2012 and to launch the 2013 tourism initiative, The Gathering, overseas. As part of this year's St. Patrick's Day festival in Dublin, many of the city's iconic buildings were illuminated green. I hope this can be extended next year for The Gathering. The idea of extending this initiative to include more buildings throughout the country as part of the St. Patrick's Day festivities merits consideration. I will ask Fáilte Ireland to examine the matter further. Given the minimal costs that were associated with the greening of the international landmarks, I do not imagine the costs involved in a domestic programme would warrant a grants initiative as suggested by the Deputy.

Deputy Patrick O'Donovan: I welcome the Minister's reply. I acknowledge the work that Tourism Ireland has done in this area. It was disappointing from the perspective of the home

market that the emphasis was placed on buildings overseas. It may have been an oversight. I accept that an effort was made in Dublin in the case of the Trinity College and Bank of Ireland buildings on College Green. There are many iconic buildings and landmarks in other parts of the country. The Minister mentioned in his reply that an emphasis was placed on the St. Patrick's festival in Dublin. I presume he was not giving an exhaustive commitment when he said that. In light of next year's initiative, The Gathering, perhaps the St. Patrick's festival can be extended to encompass the whole country in 2013.

Deputy Leo Varadkar: I welcome the Deputy's suggestion. The cost of the entire greening initiative overseas was less than €20,000. It was money very well spent by Tourism Ireland. A third of the money for that project came from the Northern Ireland Executive, thankfully. Most of those involved agreed to turn the landmarks green without looking for any money at all. I would actually be a little disappointed if officials associated with civic and private buildings around Ireland wanted a grant to go green when so many officials associated with buildings around the world are willing to do so without one.

I was really encouraged by an Irish student, Ben Finnegan, who took it upon himself to convince the mayor of Salamanca in Spain to turn the Plaza Major green. He was successful. I rang Mr. Finnegan last week to thank him. He made a suggestion that is worth considering, that is, that we should launch a big campaign to encourage the Irish overseas, including students and workers, to have the buildings in their cities turned green for The Gathering around St. Patrick's Day. Perhaps we could do something domestically by asking members of the local authorities and chambers of commerce to join in the initiative over the festival period.

Deputy Patrick O'Donovan: In the absence of the Green political movement, perhaps the Minister will start by greening this building next year. This is an iconic building in the centre of our capital city. Beginning here could afford an opportunity to broaden the scheme through the OPW, local authorities and churches, who control many of our iconic buildings.

Deputy Dessie Ellis: I thank the Minister for his reply. I, too, must mention Ben Finnegan, an Erasmus student who brought this matter to our attention before St. Patrick's Day. It is disappointing that we do not have an initiative at home to make green the main State buildings, be they in Cork, Dublin or Galway. An initiative of this kind would be very good because we have some fantastic buildings that we could display. We should not rely on other European countries; we should take the initiative ourselves.

Deputy Timmy Dooley: I compliment the Minister and the Department on the initiative. To some extent, I disagree with my colleagues in that a Government initiative is not required. It is a question of selling Ireland abroad; we do not need to green our own buildings but to do more with our parades to display our culture and attract tourists.

The impetus must come from local communities. We have become far too dependent on the Government and we expect it to lead and drive everything. In my county this year, I saw much greater activity in villages and towns. Much of this is because of the economic position. I saw people at parades who would previously have taken pride in going to Lanzarote or Majorca for the weekend. This year, they were staying at home and spending their money at home, which is positive and good. We must use our scarce resources as best as we can overseas and use the days around St. Patrick's Day to try to attract people to Ireland and display our Irishness.

Deputy Leo Varadkar: We should definitely have a campaign internationally to have the Irish overseas convince their universities or towns to go green. It would be very nice to achieve this at home also. One should bear in mind many foreign tourists come to Ireland over the St.

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Patrick's Day period, at which time the tourism season really begins. Tourists would comment if they noticed the entire city of Cork or Galway, or various towns, had gone green. I agree with Deputy Dooley, however, that this should be achieved from the bottom up. It is not expensive and special lights are not needed; it is just a matter of putting a green film over the lights. It is not an initiative that should require the involvement of the Government. It should be done from the bottom up as a local initiative. Perhaps we can kick it off as an idea and challenge people to go green.

Aircraft Operations

8. **Deputy Robert Troy** asked the Minister for Transport; Tourism and Sport his views on the scientific reports commissioned by the EASA on the flight time limitations of air crews; and if he will make a statement on the matter. [16900/12]

Deputy Leo Varadkar: The Deputy's question relates to the flight time limitations of air crews.

The current EU rules on flight time limitations for commercial air transport operations are in place since July 2008 and were agreed following difficult negotiations in the European Council and Parliament. Under EU regulations, the European Aviation Safety Agency, EASA, is now charged with developing detailed technical rules for all aspects of aircraft operations, including flight time limitations for air crew. Under national law giving effect to these regulations, the Irish Aviation Authority, IAA, is the competent authority in the State for the purposes of these regulations and the authority also advises me on all aspects of aviation safety.

The IAA supported the retention of the technical part of the current flight time limitations regime for a longer time span in order to gather evidence on its validity, reliability and operation given its relatively short period of operation since 2008. However, following an extensive stakeholder consultation exercise, which included discussions with aircrew representative organisations, the draft regulation that has now been published by EASA proposes replacing the existing rules with a new flight time limitations regime.

With regard to the scientific reports commissioned by EASA on flight time limitations, the IAA advises me that there were a number of scientific reports on various aspects of flight time limitations but it considers that the possible future merits of the agency's proposed draft regulation on flight time limitations could be identified only following a current scientific study on the draft regulation and the associated guidance material as a complete package.

Deputy Timmy Dooley: The Minister will be aware that there is great concern in the industry, particularly among the professionals, including pilots. EASA proposes to bring all European states under one standard with its proposed new flight time limitations. Recent European studies have shown that 50% of the pilots have fallen asleep without having informed their colleagues. Some 80% have said they made mistakes due to fatigue, and 40% have reported they have been involved in serious incidents due to fatigue.

The difficulty is that the agency wants to extend duty limits even further. The statistics I have outlined, together with scientific and medical evidence gleaned over 40 years, lead one to conclude that there is no justification for the extension of the limits. Quite the contrary, the numbers who fall asleep without informing their colleagues and who make mistakes due to fatigue and the number of serious incidents due to fatigue demonstrate the necessity to reduce the limits rather than increase them. The extension clearly causes great concern among the travelling population and the professionals in the industry. It is not a matter of pilots or professionals wanting to extend their break periods but of ensuring much greater safety. There is

a disparity between the views in Europe and the United States on this matter. I would welcome the Minister's comments on that.

Deputy Leo Varadkar: This is largely a regulatory issue. The IAA is the competent authority in this regard but I am keeping abreast of the matter. I agree with Deputy Dooley that this is primarily a matter of safety, and decisions will be based on scientific research. It is not primarily a labour relations issue.

There has been much scientific research published but it can be somewhat subjective taken in isolation. I am informed there has been no scientific study to date on the existing flight time limitation scheme as a complete package. The existing flight time limitation package has only been in place since 2008 and there has not yet been a comprehensive scientific study as to its effectiveness. It may be too soon to start changing the rules before the existing ones have been in place for a reasonable time.

Deputy Timmy Dooley: I understand this issue was due to be discussed at the Council meeting on transport last week. Will the Minister outline what emerged as part of the discussion?

Deputy Leo Varadkar: It was not discussed at the Council meeting as it was not on the agenda, but there was an informal discussion over lunch among the Ministers. Participants just compared notes and no decision was made.

Deputy Dessie Ellis: Every aircraft flying anywhere in the world should be flown by a crew working to flight time limitations backed up by scientific research and not on the basis of purely commercial need. Pilot unions around the world have been raising the issue of pilot fatigue for years. To ignore the message would be a mistake. It is very important.

While I have taken on board some of the Minister's points, I believe it is important that there be standards and that our airspace be protected thereunder. We definitely must have some means of assessing the standards.

Deputy Leo Varadkar: As I stated, under Irish law the IAA is the competent authority regarding the EASA regulations. The IAA represents Ireland on the Commission's EASA committee and EASA's Advisory Group of National Authorities. As such, I have every confidence in the professional and technical expertise of the IAA to carry out its statutory duties in this regard.

Regional Airports

9. **Deputy Michael Colreavy** asked the Minister for Transport; Tourism and Sport his views on the future of Galway Airport in view of rumours that a company (details supplied) might be interested in purchasing it. [16858/12]

Deputy Leo Varadkar: I have no information on the matters raised by the Deputy. Galway Airport is a privately owned entity. Its future plans, including any possible sale, are matters for the owners and management of the company in which I have no function.

Deputy Dessie Ellis: The interest is whether the airport in question will be sold. We need to save the jobs at the airport, as well as the region, the west, which has been badly affected by the economic downturn. It is in our interest to assist the airport as it has been subsidised — I assume that this is still the case — by the State. It is an important asset to the people in the west, particularly for tourism.

An Leas-Cheann Comhairle: The Minister already stated he had no information on the matter. However, if he has anything more to add, he can.

Deputy Leo Varadkar: The airport is not a publicly owned but privately owned entity. I understand the current owners are looking for a buyer but I have no involvement in that. It is no longer subsidised by the State. The only airport subsidies are regional airports in the west are for Ireland West Airport at Knock which obviously will not be able to go for ever either.

International Sporting Events

10. **Deputy Eoghan Murphy** asked the Minister for Transport; Tourism and Sport his views of a potential bid by the Irish Rugby Football Union for the hosting of the 2023 Rugby World Cup; and if he will make a statement on the matter. [16862/12]

11. **Deputy Niall Collins** asked the Minister for Transport; Tourism and Sport if he is willing to facilitate talks between the IRFU and the GAA with a view to examining the feasibility of Ireland hosting the 2023 Rugby World Cup; and if he will make a statement on the matter. [16874/12]

43. **Deputy Brendan Griffin** asked the Minister for Transport; Tourism and Sport his views of a potential bid by the Irish Rugby Football Union for the hosting of the 2023 Rugby World Cup; and if he will make a statement on the matter. [16905/12]

55. **Deputy Anthony Lawlor** asked the Minister for Transport; Tourism and Sport his views on a potential bid by the Irish Rugby Football Union for the hosting of the 2023 Rugby World Cup; and if he will make a statement on the matter. [16546/12]

62. **Deputy John O'Mahony** asked the Minister for Transport; Tourism and Sport his views on a potential bid by the Irish Rugby Football Union for the hosting of the 2023 Rugby World Cup; and if he will make a statement on the matter. [16907/12]

Deputy Michael Ring: I propose to take Questions Nos. 10, 11, 43, 55, and 62 together.

The normal procedure for the hosting of international sporting events is that the Irish affiliate of the relevant international governing body would bid to host the event in question in Ireland. Accordingly, it would be a matter for the IRFU to decide if it wished to make a bid to host the 2023 Rugby World Cup.

If so, the Minister, Deputy Varadkar, and I will be pleased to engage with the union to explore the potential costs and benefits of hosting the event. In fact, we already have had some informal contacts about this issue and the IRFU will be meeting with us in the near future to discuss the possibility of hosting the event. A close examination of the economic feasibility and the potential return on investment would be crucial to any assessment of the bid to host the event and should take account of the experiences of recent hosts such as France and New Zealand.

The programme for Government includes a commitment that event tourism will be a priority to continue to bring major events to Ireland. The staging of major international sports events such as the Ryder Cup, the Tall Ships races, the Volvo Ocean race and the Solheim Cup, gave an opportunity to show that a country like Ireland can successfully host big events. Such events also provide a great showcase for Ireland and the media coverage helps to put Ireland onto travel itineraries as a holiday destination.

Deputy Eoghan Murphy: I thank the Minister for his reply. Irish international rugby is only getting stronger and domestically the game is coming on in leaps and bounds, particularly when one considers the school games. On Sunday recently, I attended the Leinster area junior schools' rugby final in which St. Michael's College beat Newbridge College. I offer my commiserations to Deputy Lawlor who is sitting beside me and who attended Newbridge College on behalf of myself and Deputy Boyd Barrett who also went to St. Michael's.

Deputy Timmy Dooley: The Deputies certainly deviated in the political paths they chose after that.

Deputy Leo Varadkar: Who paid Deputy Boyd Barrett's fees?

Deputy Eoghan Murphy: I know he would like to join me in congratulating St. Michael's on securing the double in winning both the senior and junior titles, a rare achievement. The idea the boys who played in Sunday's match and the senior cup final could perhaps tog out in the green jersey for a world cup on Irish soil is an inspiring idea. It is certainly a project we should be working hard on with the IRFU.

Deputy Michael Ring: The Minister and I will meet with the IRFU shortly. It is a matter for the union to make the bid. Japan will host the Rugby World Cup in 2019 and must give a guarantee of €115 million. In 2023, that figure could well be €125 million. Also, television rights are held by the International Rugby Board. Saying that, Ireland would be well capable of holding the Rugby World Cup. If the IRFU bids for it, the Government and other agencies such as Fáilte Ireland would assist them in ensuring it would be a great event. I am confident we could host the event successfully. The IRFU recently stated it is examining hosting it and will look at the costs versus the economic benefits for France and New Zealand. If it decides then to put in a bid, we will discuss it with them.

I agree with Deputy Eoghan Murphy that rugby has taken off. He spoke about his school's team. I want to put on the record that while Westport is not a rugby town, its club won the Connacht under 18 final last year and I wish them success in next week's final.

Deputy Timmy Dooley: That sounds like Westport should put in an application for the sports capital programme as it might find it would be putting it into a receptive Minister.

As Deputy Eoghan Murphy said, hosting the Rugby World Cup would be a fantastic opportunity. I am sure the Department of Finance would be the first to indicate the State's capacity to put in place the appropriate funding. While I accept these arguments, 2023 is a considerable time away. The tourism potential, as well as the sporting point of view, must also be considered. We should be able to give commitments to the various sporting organisations involved in ensuring they have the wherewithal to make it happen.

As I stated in my question, if it is necessary to involve the GAA, we should be prepared to do so. The GAA opened up considerably in the past by allowing the use of Croke Park by other sporting organisations. Of course, it will have to receive revenue for the use of the stadium. The revenues it received in the past were exceptionally well spent across the country. The GAA did not take it into central coffers but used it to develop centres of training excellence such as the one in County Clare.

I welcome the confirmation by the Minister of State that he is taking the matter seriously. It would benefit the State in many respects.

Deputy Michael Ring: Deputy Dooley is correct that hosting the Rugby World Cup would be a great boost for the country and tourism. We have shown we are capable of holding major events.

[Deputy Michael Ring.]

I accept we may not have enough rugby stadia to cover the games. We would have to talk with the FAI and the GAA for using some of their facilities. Ravenhill rugby stadium is also being upgraded to 80,000 seats. The IRFU has stated a joint bid between Ireland and Wales or Ireland and Scotland could also be examined.

The programme for Government is committed to attracting major sporting events to the country. It will be a risk but life is not without risk. The economic benefit to the country would be very rewarding. If the IRFU makes the bid, it will get whatever support it needs from the Department.

Deputy Anthony Lawlor: I thank Deputy Eoghan Murphy for commiserating with me for my *alma mater's* loss last Sunday. I congratulate St. Michael's on winning the double. I do not know if Deputy Boyd Barrett knew the match was on at all considering——

An Leas-Cheann Comhairle: We were going well until now.

Deputy Anthony Lawlor: I remember in 1991 when Ireland co-hosted the Rugby World Cup, the best match of the tournament was Ireland against Australia at Lansdowne Road which is replayed time after time. Gordon Hamilton scored a try in the corner but Michael Lynagh scored a try in the last minute depriving us of an opportunity to play New Zealand in the semi-finals. That match created much interest in the game in the country.

There has also been good co-operation between the IRFU and the GAA, not alone at national level but also at local level. My club in Naas has hosted training sessions for Eadestown and Kill GAA clubs. This has been replicated at national level, particularly when the Aviva stadium was being constructed and Croke Park was made available to the IRFU. We have world-class stadia in Croke Park and the Aviva Stadium with upgrading developments at Thomond Park and the GAA grounds in Cork and Thurles. Hosting the Rugby World Cup in 2023 would give the country a welcome boost.

Deputy Michael Ring: Everyone is positive about this proposal. The Government is supportive of it. We must sit down with the IRFU and the State agencies such as Fáilte Ireland to work on it. Hosting the rugby world cup in New Zealand was worth €500 million to its economy. This amount would be a great boost to our economy. The Minister, Deputy Varadkar, and I are prepared to meet the IRFU and Fáilte Ireland. We must bring every stakeholder on board. People have referred to shared facilities, as did Deputy Dooley. He was correct to do so. Everyone is open to helping the country and I do not doubt that every sporting organisation would play its part and make its facilities available if we drew a major international tournament to Ireland.

Deputy John O'Mahony: I welcome the Government's support for the idea that Ireland could host the world cup. In the Minister of State's informal discussions with the IRFU, has it indicated what type of bid it might make? He mentioned the suggestion of co-hosting with Wales or some of our nearest neighbours. From an Irish point of view, hosting it solely in Ireland would be the best option.

From his informal discussions with the GAA, does the Minister of State know whether it would be willing to make pitches other than Croke Park available? This suggestion would need to be approved at congress. The world cup would need to be held at a time when the GAA's championship season was not in operation, as the former could not be seen to interfere with the latter.

I have been involved in sports and the GAA for many years and I supported the opening up of Croke Park. I would support this suggestion in any of my roles. I welcome the Deputies' articulation of their support.

Deputy Michael Ring: The IRFU's chief executive has been quoted in newspaper articles as saying that it would need to consider the issue and discuss it with the Government. We have held informal negotiations, but I cannot go into more detail on those.

My answer to the Deputy's question on the GAA is "No". First, the IRFU must decide whether it wants to make a bid. Second, it must discuss the matter with the Government to determine whether we would support such a bid. Third, we must discuss it with Fáilte Ireland to determine whether we can provide funding. The host country makes a large guarantee and puts up a lot of money.

As Deputies have stated, it is worth bidding for the world cup. Doing this would show us to be a mature nation with facilities. Irrespective of whether we make a single or joint application with Wales or Scotland, the idea is worth investigation. If the IRFU approaches the Minister and I we will discuss the idea with it. If the IRFU decides to make a bid, the State will need to give that bid its full support.

Deputy Sandra McLellan: I am pleased to learn that the Government would support such an initiative. Rugby has been doing well in Ireland and Irish clubs have been progressing well through the Heineken Cup and world cup. Does the Minister of State agree that the world cup would be an opportunity to showcase our country as well as facilities such as Croke Park and the Aviva Stadium?

Deputy Michael Ring: It would be a great opportunity for tourism, culture and business. Irish companies have gained between €250 million and €500 million through building stadia for the Olympics in Britain. The same would occur in Ireland, leading to employment and business for hotels, for example. The world cup would showcase our small country's facilities. If New Zealand can do it, I do not know why Ireland cannot.

Pension Provisions

12. **Deputy Charlie McConalogue** asked the Minister for Transport; Tourism and Sport the status of Aer Lingus' pension deficit upon privatisation; if he will ensure that the taxpayer will not have to fund the deficit as a condition of the sale of the 25% stake; and if he will make a statement on the matter. [16886/12]

42. **Deputy Clare Daly** asked the Minister for Transport; Tourism and Sport If the deficit in the Dublin Airport Authority/Aer Lingus/SR Technics pension scheme was a factor in the Government's decision to sell its stake in Aer Lingus; and if he will make a statement on the matter. [16542/12]

Deputy Leo Varadkar: I propose to take Questions Nos. 12 and 42 together.

The Deputies' questions relate to the Irish airlines superannuation scheme, IASS, and its relationship with the proposed sale of the Government's minority shareholding in Aer Lingus. The pension deficit in the IASS, the multi-employer scheme involving Aer Lingus, the Dublin Airport Authority, DAA, and SR Technics, was not a factor in the Government's decision to sell its minority shareholding in Aer Lingus. The State's minority shareholding is not considered to be a strategic asset and the Government has decided to include it as part of its disposal of State assets programme.

[Deputy Leo Varadkar.]

As the Deputies will be aware, the McCarthy report also recommended that the Government dispose of its shareholding in Aer Lingus "as soon as is opportune". The exact timeframe for any sale has not been decided and it will only take place when conditions are favourable and at an acceptable price.

Full information concerning Aer Lingus's pension schemes was set out in the IPO prospectus prior to the flotation in September 2006. Regarding the IASS, it stated that based on that last actuarial valuation of the scheme with an effective date of 31 March 2005, the scheme had a surplus of assets over liabilities in the region of €140 million. As the Deputies are aware, a great deal has changed in the financial markets since 2005 and the IASS now has a substantial deficit. This is clearly very worrying for the members and I urge all parties with an involvement in the matter to address the matter expeditiously.

There is no question of the taxpayer funding this deficit. Resolution of the funding difficulties in the scheme is a matter for the trustees, the companies participating in the scheme and the members. I understand that the parties are participating in discussions with the assistance of the Labour Relations Commission, LRC, in an effort to find a solution to the current difficulties. The Department is not a party to these discussions.

Deputy Timmy Dooley: I thank the Minister for his clarity. While I accept the role of the trustees, I am disappointed that the Minister is not taking a more hands-on approach. He was right, in that the people who depend on these pensions are concerned. The belief was that the State would be involved as long as it retained a 25% shareholding in the company and that it would be prepared to ensure the pensioners' protection. Many of those in question worked hard and were responsible for building Aer Lingus and the airport authority, which has been successful domestically as well as overseas through Aer Rianta International, ARI. People had a legitimate expectation when they retired — some of them were quite young when they took packages — that their pensions would be secure and have been deeply traumatised and concerned by this situation.

Will the Minister take the earliest possible opportunity to provide certainty and security to people who worked for the State for many years? Having provided a great public service, they are now faced with significant levels of uncertainty.

Deputy Leo Varadkar: I have not taken a hands-on approach because I do not want to create the impression that the State, Exchequer or taxpayer is in any way liable in this case. The taxpayer and the Exchequer are not liable for deficits in semi-State companies' pension funds, be that company the ESB, CIE or Bord Gáis. In this case the company is not even a semi-State. In this three-employer fund, one employer is entirely private and another is 75% private.

Responsibility for devising a proposal to address the deficit in the pension fund lies with the trustees. Many of those involved, from pensioners to members of the scheme who have not yet retired from the Dublin Airport Authority, DAA, Aer Lingus and SR Technics, are my constituents. I want them to get their pensions and the situation to be resolved, but responsibility for devising a viable scheme lies with the trustees, not the Government.

There has been engagement between the trustees and the Department of Social Protection in respect of some important changes to pension legislation. I hope that Department will waste no time in making whatever changes are necessary to allow the situation to be resolved.

Deputy Timmy Dooley: I welcome the Minister's explanation for his stance. He indicated that, since he did not expect the taxpayer to have a liability, he should remain at some remove from the situation. The people in question were effectively State employees. I understand the

legislation underpinning the separation of the pension fund but the State ultimately has a liability. This will need to be addressed in some manner. If and when the Minister privatises Aer Lingus in line with the Government's decision, the capacity to raise revenue for the fund will be stripped from the trustees. It appears there will be a requirement for somebody to make good on the expectations of these individuals and I hope the Minister can provide certainty for the pensioners who currently are feeling very aggrieved.

Deputy Leo Varadkar: The individuals in question are not State employees or public servants. The contributions they made through their working lives went into this pension fund. Public servants and officeholders make their pension contributions directly to the Exchequer, which subsequently pays their pensions. As the contributions in this case were made to a pension fund rather than the Exchequer, the responsibility falls to the fund's trustees to come up with a solution.

Deputy Dessie Ellis: I believe the State has a responsibility to them because it is not right that people who are about to retire are being left high and dry. I have always been opposed to the sale of Aer Lingus and it is in our national interest to retain the remaining 25% of the company in State ownership. The airline has been a flagship for this country. Is the Minister aware of the newspaper reports on plans to sell slots in Germany to make up the pension deficit?

Deputy Leo Varadkar: To clear up any confusion that may have arisen, there is no connection between the State's minority stake in Aer Lingus and the pension deficit. The size of the State's stake in Aer Lingus has no bearing on the situation. The taxpayer is not liable for deficits in private pension funds. That applies equally to CIE, Irish Rail, Cork Port and the other bodies which we are not considering for privatisation. As the contributions were not paid into the Exchequer, these are not public service pensions. The employees paid into a pension fund in the same way as one contributes to a private pension fund.

There are no slots in Germany or Dusseldorf. The Deputy may be referring to the possible sale of DAA's stake in Dusseldorf airport but I have no information on that. It was reported in a newspaper that trade unions favoured the sale of that State asset in order to replenish the pension fund. It is interesting that trade unions support the sale of State assets to replenish pension funds but not to invest in the economy.

Deputy Timmy Dooley: The Minister argues that the individuals were employed by a State owned company rather than direct employees of the State. In truth, however, they were employees of the State, albeit at a remove created by the commercial semi-State structure. Another group of workers transferred from the Department of Transport to the DAA in the expectation that they would be employed on the same terms and conditions but, unfortunately, that did not apply. This is a separate issue of which the Minister will be aware through correspondence to his Department. It should have been addressed by the previous Government but it remains unresolved.

The State has a duty to these individuals because, like CIE, at the end of the day these are State companies. While the pension fund should have been able to cover their pensions, it is insufficient. One can argue this is an issue for the trustees to address but the State had control over the boards of these companies. I accept pension trustees operate outside of boards but the companies concerned invested insufficient money into their funds. As the companies failed to honour their obligations because of poor actuarial advice or other reasons, the funds are unable to meet the expectations of the workers. That was the fault of the companies and their boards. The blame cannot be heaped on the trustees, who are in the difficult position of dividing

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the loaves and fishes. I accept the Minister's points about legal responsibility but there certainly is a moral obligation on the State.

Deputy Leo Varadkar: The reason for setting up State companies is because they can operate on a commercial basis. The State is the shareholder but they are not part of the public service and their workers are not State employees. The Exchequer is no more liable for their pension costs than the shareholders in Tesco or any other private company. The pension contributions were not paid to the State. They were paid into the pension fund.

There is an upside as well as a downside to working for a semi-State company. Employees of these companies do not have to pay the pension levy and they pay considerably less for their pensions than public servants. They were not bound by the pay cuts imposed on public servants or retirees from the service. They cannot have it both ways in terms of enjoying the benefits of State protection without taking the pay and pension cuts that come with being a public employee.

Written Answers follow Adjournment.

Topical Issue Debate

Emigrant Voting Rights

Deputy Patrick O'Donovan: I thank the Ceann Comhairle for selecting this issue for debate. In the recent past citizens of countries such as Russia, Latvia and Egypt have been given the right to exercise their franchise in national elections while living overseas. In many cases, voting is managed by overseas diplomatic facilities and embassies. Other countries have extended the franchise on a more limited basis. Paraguay held a referendum on the issue in 2011. Another country in which the question of the franchise is being discussed is the United States, which allows citizens to cast ballots while living overseas.

Unfortunately, many Irish citizens are once again emigrating due to economic difficulties but I hope their departure is shortlived. The CSO has indicated that a large proportion of those who emigrate are likely to return when economic conditions improve.

In the context of the Government's commitment to a constitutional convention, I hope to start a conversation about whether there is a desire to grant the franchise to those who live overseas and, if so, the extent to which it would be offered. As the constitutional convention is at an early stage perhaps provision could be made to include in its membership those who emigrated since the 1950s so that their voices can be heard. Irish people living in the UK, Australia and America are anxious to keep abreast of events in Ireland and to make sure the Government is not only governing on behalf of those who are resident in the State but also creating the conditions which would allow emigrants to return.

Articles 12 and 16 of the Constitution set out the eligibility of voters in presidential and Dáil elections. My understanding is — the Minister can correct me if I am wrong — constitutionally there is no geographic impediment to this because by law the franchise is extended overseas on a very limited basis to those working in diplomatic missions and members of our Defence Forces working overseas on behalf of the United Nations. So there is a mechanism by which it could be extended. There is reason to review the matter. We recently had a presidential election, including candidates who were not necessarily able to vote for themselves as they lived outside the jurisdiction — albeit in a different part of the island. While the text of the Topical Issue I submitted was fairly broad and I know the presidency is being reviewed as part of

the constitutional convention committed to in the programme for Government, this might be something the Government could take on board.

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The issue of Irish citizens abroad having a vote in our elections and referendums is an interesting topic for debate. I thank the Deputy for the opportunity it gives me to set out some of the issues involved and the Government's approach.

Electoral law in Ireland provides that in order to be able to vote at elections and referendums, a person's name must be entered in the register of electors for a constituency in the State in which the person ordinarily resides. In the normal course, this means that Irish people who have left home on a permanent basis do not have a vote in Irish elections. However, postal voting is provided for certain categories of persons who are entered in the register of electors but who may find themselves abroad at the time. Typically, this would include members of the Defence Forces and Irish diplomats.

The question of voting by Irish citizens other than those resident in a constituency is not new. It has been the subject of much consideration and deliberation over the years, both here in the House and more generally. The extension of voting rights would require careful consideration of a range of complex matters of principle and practicality. These include the question of which citizens should be entitled to vote from abroad. The Irish diaspora is extensive. Consideration would need to be given to the potential impact of many thousands of voters living outside the jurisdiction on the outcome of elections and referenduMs More practical concerns about the costs of implementation and the integrity and secrecy of the ballot would also need to be considered to ensure that decisions on change are fully informed.

The Government is committed to reform. The programme for Government sets out a comprehensive range of constitutional reform measures including the establishment of a constitutional convention. One of the questions to be examined by the convention is giving citizens the right to vote at Irish embassies in presidential elections. Through the convention we will be best able to address all of the complex issues that arise. The Government will consider proposals for change to electoral law in the light of any recommendation for change that might arise from this process.

Deputy Patrick O'Donovan: I thank the Minister. I concur with one of the points the Minister made on logistics. The Government should consider the British model which defines a timeframe. British citizens living abroad who have registered to vote in the past 15 years may apply to vote overseas unless they were too young at the time and if so they can register at the electoral registration office where their parent was registered. For instance, in Ireland it might be possible to allow a seven or ten-year period for the person to prove he or she was on the register of electors in Kilkenny, Carlow, Limerick or wherever and after a fixed period of five years, for example, their eligibility to vote in Irish elections would be established. I would not necessarily advocate extending the franchise for every election, but the presidency would be a starting point given that the President symbolises not only the citizens of the State who live here, but more important those citizens who, unfortunately, are not lucky enough to live here at the moment and the greater diaspora. I welcome the Minister's comments and the Government's commitment to establish the constitutional convention.

Deputy Phil Hogan: I reiterate my support for the principle of what the Deputy has outlined. This matter will be considered by the constitutional convention and I encourage the Deputy to make a submission along the lines he outlined today to that convention in due course.

Social Welfare Appeals

Deputy Ann Phelan: The social welfare appeals system was established in an office of the Department that is independently responsible for determining appeals against decisions on social welfare entitlements. The mission statement of the appeals office is to "provide an independent, accessible and fair appeals service for entitlement to social welfare payments and to deliver that service in a prompt and courteous manner". It is vital therefore, that this system maintains its functions on an independent level. As a result, the office continues to operate separately from the Department of Social Protection with separate staff preserving impartiality and objectiveness.

The appeals procedure dictates that all appeals must be made to the chief appeals officer situated at D'Olier House, within 21 days of receipt of the deciding officer's decision in any given case. Relevant documentation in respect of each individual case is then requested from the Department along with relevant facts from the deciding officer involved. The chief appeals officer then refers the case to relevant appeals officers for consideration. The case goes for either oral hearing or summary hearing.

One would assume that this process is transparent and effective however since 2009, undoubtedly as a result of the downturn in our economy, there has been an enormous increase in the number of appeals received by the Department and a significant backlog has ensued. The length of time that appellants are forced to await a decision has become critical. Details emerged from the Department in a reply to a parliamentary question tabled by my former party colleague, Deputy Broughan. According to the documentation, the average summary appeal period rose from just over 18 weeks in 2009 to more than 25 weeks last year. However, if an oral hearing was required, the average waiting time rose from 34 weeks in 2009 to more than 52 weeks last year.

In a statement to RTE, the Department of Social Protection said that between 2009 and 2011, the number of social welfare appeals had increased dramatically from 15,000 a year to 32,000, giving rise to a "catch-up" situation. To reduce the backlogs, the Department assigned 12 additional appeals officers and had retained retired appeals officers for a further 18 months. The Department also stated it was working more efficiently and finalised more than 34,000 decisions in 2011.

Before the current pressurised situation arose, the average processing time for a summary appeal was 14 weeks and 31 weeks for an oral hearing. Last year, the growing pressure increased average processing times to an unheard of 25 weeks for a summary decision and nearly 53 weeks for an oral hearing. It is placing great pressure on people and we are also finding that in cases where people have representation at oral hearings, their cases seem to be processed more quickly and in those cases the finding is more likely to be in favour of the applicant. In 2002 in Northern Ireland, 43% of applicants with representation were granted their claims compared with 25% without representation.

Apart from the inefficiency of this system, the remaining issue is that both the appeals officers and the deciding officers are required to act quasi-judicially. The question arises over just how independent this body can be. The UK appeals service ensures that tribunal members are independent of the relevant agencies against which the appeal is being made.

An Leas-Cheann Comhairle: I ask the Deputy to conclude. She will have two further minutes to make a supplementary statement.

Deputy Ann Phelan: The situation is critical and needs to be reviewed urgently.

Minister for Social Protection (Deputy Joan Burton): I thank Deputy Phelan for raising this important matter. Behind these numbers, there are people being affected by the appeal processing times. Unfortunately since the economic crash there has been an enormous increase in the numbers of appeals in the social welfare system. At the start of the year in 2008 — the year of the crash when things really began to bite — some 5,723 delayed appeals were in the system and the average processing time was time was 22 weeks. From early in 2008 the number of appeals received by that office began to increase dramatically and by 2011 had more than doubled from an average of 15,000 to 32,000.

Let us bear in mind that this has increased from an average of under 6,000 up to 32,000 in a short period. The pressure placed on the office by this rapid increase in workload has resulted in unacceptable delays for our customers.

As Deputy Phelan noted, in an effort to reduce processing times the Department appointed 12 additional appeals officers between 2010 and 2011. One of the first things I did when I became Minister was to sign in significantly more appeals officers. In addition, a further ten appeals officers formerly employed by the community welfare services, CWS, of the Health Service Executive joined the office as part of the integration of the CWS appeals services into the Social Welfare Appeals Office. This brought the total number of appeals officers to 39. In addition, the office has improved its business processes and information technology support.

I am advised that the changes in 2010 and 2011 have dramatically increased the capacity of the office to finalise decisions. The amount of appeals finalised has increased from 13,500 in 2010 to 34,027 in 2011, more than a doubling of the numbers. However, the time taken to build the capacity to deal with the inflows has resulted in a catch-up situation. As the new information technology system has begun to work its way in, there has been a deterioration in processing times while the office clears through the backlog.

Before the current pressures on the office the average processing time was approximately 14 weeks for a summary decision and 31 weeks for an oral hearing. This peaked last year at 25 weeks for a summary hearing and 52.5 weeks for an oral hearing. By February this year the processing time had reduced to 22.4 weeks for summary decisions and 38 weeks for an oral hearing, evidence that the backlog is being progressively reduced and that appeals officers are now working on more current cases. This applies especially to new cases.

By its nature and because it is a quasi-judicial process the processing of appeals takes time. Once an appeal is received there is a statutory requirement for a response to that appeal by a deciding officer which addresses the conditions raised in the appeal. If new evidence is submitted a review of the decision will be undertaken by the Department and this may involve a further medical examination or a re-investigation of the applicant's circumstances. Once the submission is received from the Department if it is considered that there is a need to conduct an oral hearing of the appeal, the process will require the booking of a venue at a location convenient to the appellant, arranging the attendance of witnesses, notifying appellants and handling cancellations.

While figures published in recent days show long delays in individual categories in the processing of appeals, some of these figures may be based on a small sample and delays may be the result of exceptional circumstances in these particular appeals. However, the average processing times for all appeals are being significantly reduced, especially in the case of new appeals going directly into the new and improved information technology system.

Appeals are scheduled and dealt with in strict chronological order. However, as a payment of last resort, appeals in regard to supplementary welfare allowance are given priority status and are dealt with urgently by the office. In these cases, the average time to process summary cases in 2011 was six weeks. This increased to 17 weeks for those requiring an oral hearing. I

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thank Deputy Phelan for raising this matter. I am in constant contact with the chief appeals officer. She is keeping the methods of operation and business under constant review with a view to improving them further.

Deputy Ann Phelan: We welcome the Minister's reassurances. I realise that it can be almost impossible to try to book a room for an oral hearing. Perhaps the local authorities could come to our aid in these cases. Often, they have unused offices which could be used for oral hearings. This might prove to be more efficient.

I will conclude by giving the Minister an example the type of case we must deal with. One particular claim relates to a man in County Carlow. His rent allowance ceased in July 2011 following an investigation. This person had recently separated from his wife and had three children to support. He appealed the decision at the beginning of August but the oral hearing took place only two weeks ago, that is to say, some eight months later. In the meantime, the man incurred arrears of up to €2,500 owed to his landlord. I realise the Minister is in constant contact with the office but this is what is occurring and we must address the situation. I thank the Minister and I appreciate her reply.

Deputy Joan Burton: I have stated previously in the House that reform of the information technology and business structures is relevant to Deputies of all parties throughout the House. I would prefer to see fewer appeals and more determinations at the initial presentation of cases. If better information were available and a better presentation was made at the beginning we could reduce the volume of appeals significantly. I understand we have worked through most of the information technology changes and transfers to the new system. The new system applies to new applicants and this is why their times are improving significantly. However, we must transfer the backlog and get through it as well. If we could arrange for a case to be presented in as much detail as possible with all the relevant evidence at the initial stage, I believe it would lead to better decisions which, in turn, would result in fewer appeals.

Rent Supplement

Deputy Thomas Pringle: I thank the Ceann Comhairle for allowing this Topical Issue matter to be raised. The reason for it is simple. There is a need to recognise the lack of one and two-bedroom apartments in rural areas and, therefore, the fact that tenants cannot be over-accommodated for the purposes of rent supplement and should not be ordered out of their accommodation for that reason.

There are many problems with the rent allowance system. These are mainly related to the maximum rent limits set and the attendant problems they have generated. There is also a problem with the obligation to be in private rented accommodation for six months before one is entitled to claim rent assistance and the need to be on the local authority housing list. This is especially problematic in rural areas. It has arisen more often in recent months and I imagine the problem applies throughout the country. In our small rural towns and villages there are simply no one or two-bedroom apartments available. Thankfully, we did not have the rampant development that occurred elsewhere during the so-called Celtic tiger years resulting in the building of so many blocks of apartments. However, in small towns such as Ardara, Killibegs and Donegal town in south-west Donegal, people who require rent allowance must apply for and take the available properties.

There have been some notable cases recently. One example involved an elderly lady who had a severe heart condition and who could not enter a premises with stairs. She rented a bungalow. However, the only bungalow available in the area had three bedrooms and she was refused rent allowance because she was over-accommodated. That was a bad decision by the

community welfare officers and the Department. Thankfully on appeal the circumstances were accepted and she received her rent allowance. However, the process put that person through considerable delays, nervousness and concern about whether she could afford to live anywhere. Another case involved a single man who had been in a two-bedroom apartment which was put on the market by the landlord, who wanted vacant possession of it. The man discussed the matter with the community welfare officer, who advised him to get another property and indicated that the rent allowance would transfer. The only place available was a three-bedroomed bungalow in the same village, but subsequently, when the community welfare officer visited, the man was told he would have to leave and that he would not qualify for rent allowance for the property because it was too large. The system needs to recognise that in many areas around the country one and two-bedroomed apartments are not available.

The people dependent on rent allowance need a sense of security and need to know that if they find a property to rent, the system will be able to accommodate them. The rigid application of the rules and the law does not work in rural areas. I urge the Minister to inform community welfare services and superintendents that they need to be flexible with the system. People are not looking for accommodation that is too large for them, but availing of the only accommodation available in the area.

Deputy Joan Burton: I thank Deputy Pringle for raising this issue. The purpose of rent supplement is to provide short-term income support to eligible tenants 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. Since 2007, rent supplement spending has increased from €391 million to a provisional outturn of €503 million in 2011. The number of people claiming the allowance increased from just under 60,000 people to over 96,800 at end 2011, a 62% increase.

The Department's staff administering the rent supplement scheme assess each application based on the individual circumstances of the case. The Department must be satisfied that the residence is reasonably suited to the residential and other needs of the claimant. The Department must also be satisfied that the rent payable is reasonable, having regard to the nature, character and location of the residence. Individuals cannot be provided with financial assistance for accommodation that is in excess of their needs. The objective is to ensure that rent supplement is not paid in respect of overly expensive accommodation, having regard to the size of the household and market conditions. It should also be borne in mind that the Department is responsible for renting approximately 40% of rental properties in the country. If we over pay, we drive up rents for workers on low income and students who pay privately for accommodation. Therefore, there is an issue of balance. However, in determining whether a particular property is reasonably suited to the residential and other needs of the claimant, the question of availability of accommodation is taken into consideration. It is accepted that there may be limited availability of apartments and smaller properties in some rural areas.

It is the Department's intention to return the rent supplement scheme to its original purpose of a short-term income support. The Government has effectively two initiatives to deal with long-term reliance on rent supplement, the rental accommodation scheme, RAS, in operation since 2004, and the new housing policy initiative. Both initiatives give the local authorities specific responsibility for meeting the long-term housing needs of people receiving rent supplement. These initiatives will result in a long-term solution for those with a housing need. I am working closely with my colleagues, the Minister, Deputy Phil Hogan, and the Minister of State at the Department of the Environment, Community and Local Government, Deputy Jan O'Sullivan, to have responsibility for rent supplement transferred to local authorities as these

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will have a housing department with the detailed knowledge of availability of and cost of accommodation.

One of the cases mentioned by Deputy Pringle concerned an elderly lady. I put it to the Deputy that if we wish to reform the system, that lady should receive long-term accommodation suitable for somebody of her age and physical condition. That is the objective towards which we should work.

Deputy Thomas Pringle: I thank the Minister for her response. I agree our objective should be a long-term solution for people in these situations. It would be great if we could see a time down the road when that would happen. Unfortunately, housing lists are getting longer, the amount of accommodation available to councils is extremely limited and people remain on the housing lists for extremely long periods. I agree we should be providing social housing and for those who require it, but that is not what is happening. People are dependent on rent allowance and this problem will continue.

I appeal to the Minister to talk to officials and ask them for some flexibility in this regard. They must recognise that the type of accommodation that may be suitable to a person's long-term needs is not available, rather than create problems for people by cutting off the rent allowance and forcing them to move out of accommodation and go through an appeals process. As we mentioned in a previous debate, appeals can take an inordinate length of time. We must use a common sense approach, although I recognise and agree we should work towards the long-term gains. However, in the meantime, many people will be impacted detrimentally due to the current policy.

Deputy Joan Burton: I have met with county managers and the Minister to discuss this issue. Yesterday, at Cabinet, we got the agreement to further the policy of transferring responsibility for the rent allowance to local authorities, keeping the rent allowance scheme as a short-term scheme. However, it seems that the lady and the gentleman about whom the Deputy spoke have a long-term rental requirement and they should get social housing, either through a traditional tenancy, through the rental accommodation scheme or through a housing allocation process towards which we will move. That budget would go to the local authorities. One of the issues with regard to the local authorities is that they want to be sure that they will continue to receive the income. Significant work on moving to a new system has been done by the Department of the Environment, Community and Local Government and my Department and the Ministers involved. As mentioned, currently we pay €500 million a year, mostly to private landlords. While that is fine, we need to get good value for money and some long-term security for the kind of people mentioned by the Deputy. I will take into account what Deputy Pringle has said about those cases.

Job Protection

Deputy Gerald Nash: All of us are familiar with the dreadful news regarding the outsourcing of jobs from Vodafone in Dundalk and Dublin to the Teleperformance company. This move will result in the export of over 300 jobs to Northern Ireland and my constituents in Louth will bear the brunt of this action. I urge the Minister to take practical steps to persuade Vodafone to review its decision in this case.

I also urge the Minister to undertake a review of the call centre and support sector in general in order to identify at risk jobs in this area and to prevent further such actions in the future. It is not acceptable to anybody here that a worker be told on a local radio station that his or her job is about to be transferred, yet this is what happened in Dundalk last week. The company has not been up-front with its staff in Dundalk or Dublin about its intentions. For a company

at the cutting edge of communications, it has been remarkably reticent when it comes to communicating directly and supplying clear information to its employees. It asked for the trust and patience of its employees, but its actions to date suggest it is not deserving of such trust. The Vodafone company's record in other countries is littered with stories of tax avoidance and far from being a responsible member of the corporate community, it acts more like an international highwayman bullying governments and workers alike.

Ireland provides very generous terms to companies investing here. At the same time, we should provide stricter conditions to those terms and police and enforce them more rigorously. We should also look at the awarding of State contracts. The State has power not just as a legislator and enforcer, but also as a customer. Vodafone has been the beneficiary of several huge State contracts in recent years. Who, for example, knows that most of the parking meters here have a Vodafone SIM card installed, generating huge revenue for the company? These contracts and other business with the State should be reviewed in light of the company's recent decision in respect of the jobs in Dundalk and Dublin and the decision relating to jobs in Dundalk last June. We have options open to us and I urge the Minister to examine all the options at his disposal with regard to how to deal with this not just for now, but for the future also.

Deputy Terence Flanagan: I thank the Ceann Comhairle for the opportunity to raise this most important issue. Like Deputy Nash and Deputy Kirk, I am shocked and appalled by Vodafone Ireland's announcement last Thursday, 22 March, to move a further 300 Irish customer service jobs from Dublin and Dundalk to another jurisdiction. This comes on the back of 140 jobs lost last May when Vodafone decided to move call centres from Ireland to Egypt and India. In total up to 440 jobs will be lost at Vodafone Ireland.

We know from last week's announcement that 300 jobs in customer care in both Dublin and Dundalk are being moved to Northern Ireland without proper consultation and which will result in significant job losses. This, in turn, will have an adverse effect on the quality of life of workers' families and the local economies in Dublin and Dundalk. It is quite obvious to senior Vodafone management that workers who are currently based in Dublin and Dundalk will not be a position to relocate to Newry. According to Mr. Terry Delany, the deputy general secretary of the Communication Workers Union, who is making strenuous efforts to help save these jobs, this decision made by Vodafone has been callous and he has accused Vodafone of "exporting jobs in the blind pursuit of an increased bottom line".

This is an appalling situation and it flies against the spirit of the Government's jobs strategy which is to create and retain jobs in the Republic. This is clearly a strategy of corporate greed being adopted by Vodafone Ireland in moving these jobs from the Republic when one considers the amount of profit Vodafone is making here. My research indicates that Vodafone is Ireland's leading communications provider with 2.45 million customers across mobile, fixed line and DSL. At 30 September 2011, Vodafone Ireland's mobile telecoms base was 2.22 million. The company continues to benefit from a profitable market in Ireland and has repatriated €2.2 billion in profits on its Irish operations to its parent group over the past decade. Vodafone Ireland also continues to enjoy one of the lowest corporation tax rates on company profits available anywhere in the world so I ask why it is taking this course of action.

I ask both the Minister for Communications, Energy and Natural Resources and the Minister for Jobs, Enterprise and Innovation, to intervene urgently and to meet senior management with a view to saving the 300 jobs currently under threat.

Deputy Seamus Kirk: I thank the Ceann Comhairle for the opportunity to raise this most important matter to the significant workforce in Dundalk and in Dublin. A total of 193

[Deputy Seamus Kirk.]

employees, both part-time and full-time, in Dundalk will be directly affected by this proposal to move employees to Teleperformance. It has been suggested they may go to Newry or to Dublin but the fear is that they may be moved to Newry. The local economy benefits to the tune of approximately €4.5 million annually from the salaries and payments coming from Vodafone in Dundalk. This equates to some €90,000 a week coming into the local economy. Jobs in the services sector will also be affected because of the reduced spending power of employees at a time when the domestic economy is quite flat. The employees comprise of married and single people and many have mortgage responsibilities. I refer to a letter from one employee, Mr. Pickering, who stated he had bills to pay and he planned to be married soon. He has been informed his team is moving to Dublin but he does not drive and it is 50 miles to Dublin from Dundalk. He has been working in Vodafone for nearly ten years and he now faces a dilemma. The workers have been told that in September or October of this year, there will be nobody left in the building.

Dundalk town has already been devastated by job losses. I welcome the news that PayPal will create significant employment in Dundalk but Vodafone has provided invaluable employment in the town. I appeal to the Minister of State to take a serious look at the underlying reasons for the proposal to move either to Newry or to an alternative location. This has profound implications for the local Dundalk economy and it will undermine the confidence of those who might be contemplating setting up in the town. I ask the Minister of State to meet with the union representatives and also the public representatives in the constituency to discuss the details of this issue to impress on Vodafone the necessity to reconsider the decision and to ensure it does not happen again.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Sean Sherlock): I thank Deputies Nash, Terence Flanagan and Kirk for raising this matter. This is the second time in the space of a year that Vodafone and its operations have become the subject of a Topical Issue Debate in this House.

I am very conscious of the anxiety that the proposed transfer of the 290 agency posts and 27 direct Vodafone posts to Teleperformance creates for the workers and their families, as well as the local communities.

Vodafone Ireland announced on Thursday, 22 March that it had completed a review of the company's current contracted mobile call-centre operations. The company has stated that following this review, it will be adopting a new model for its mobile customer care, resulting in a move to a new provider, Teleperformance, which is headquartered in Newry. Rigney Dolphin was the previous provider of this service at Vodafone's offices in Dundalk. I am informed that Teleperformance currently provides a variety of care and support services to the Vodafone Group in a range of other markets, including the UK. I understand that this change has arisen out of Vodafone's ongoing review of customer care. As part of the changes, 27 Vodafone roles and 290 contract roles currently provided by Rigney Dolphin, will transfer to Teleperformance. I am informed that the transfer will be under a transfer of undertakings, protection of employment arrangement. I understand that Vodafone Ireland and Rigney Dolphin are currently entering a six-week consultation process with employee representatives, prior to the new arrangements taking effect. and that at the end of this period, Vodafone envisages there will be a direct transfer to Teleperformance of these employees within their current roles. It would be inappropriate for me to comment further at this point. Rigney Dolphin will remain a provider to Vodafone Ireland for its call centre sales and fixed care functions. I hope that the parties concerned will use this period to ensure there is meaningful dialogue about the company's proposals.

It is a core priority of the Government to retain and create the maximum number of jobs in the State. I would strongly encourage the parties in this case to explore to the fullest extent, whatever possibilities remain to retain jobs in the State. If there is anything that the Government or its agencies can meaningfully do to assist in this regard, there will be no hesitation on our part. Notwithstanding the ongoing efforts on minimising the impact of the Vodafone decision, I wish to assure the House that the State enterprise agencies, Enterprise Ireland and IDA Ireland, and Louth County Enterprise Board, will continue to make every effort possible to develop new employee opportunities for Dundalk.

Deputy Gerald Nash: I thank the Minister of State for his response. I know he is very familiar with this issue, having first discussed it with me and other Deputies in Louth last summer, in respect of the announcement by Vodafone at that stage regarding jobs in Dundalk. If workers are to transfer to Newry, there will be personal taxation and PRSI implications for them and for the State. My understanding is that their tax liabilities will be paid in that jurisdiction. I have been working on this issue for the past week. Most, if not all, the workers would prefer to see their taxation going towards the provision of local schools, hospitals and other services. I implore the Minister of State to closely examine the call and support centre sector which is at risk. By its very nature this is a footloose industry and an industry which has tended to look to lower cost economies in recent years. A significant number of people are employed in the call and support centre sector and it is incumbent on us to support them as best we can. In a globalised economy companies will make decisions based on their own bottom line. We have an obligation to our citizens to protect their jobs, their terms and conditions and to ensure they and their companies have a future in this State. I ask the Minister of State to take on that challenge with other relevant Ministers and carry out a comprehensive review, looking at the underlying factors, in order to ensure this does not happen again.

Deputy Terence Flanagan: I thank the Minister of State for his response. It is obvious that Vodafone is taking advantage of the recession. It stripped away 140 jobs last May that went to India and Egypt. Now there the announcment of 22 March and this 300 staff. Coming down the track is the threat of the loss of another 200 jobs, concerning which the union has not got assurances. Perhaps the Minister of State can follow this up and meet the management, if he has not already done so. What is going on is very serious. It sets a very bad precedent, or example, for other companies. It strips away staff while at the same time taking advantage of the market and the low corporation taxes in the Republic.

All in all, this is extremely worrying. The company has a moral duty to retain as many staff as it can in the Republic, given its profit centre in this country and the amount of moneys it has achieved here. In regard to Teleperformance, will the Minister of State find out whether the company is receiving any grant aid from the Newry Chamber of Commerce? Perhaps that issue can be raised with his counterpart there.

Deputy Seamus Kirk: I exhort the Minister of State to request a meeting with the management of Vodafone to discuss the details of this matter. As other speakers indicated, this is the second time there have been such job losses in Dundalk, as there were previously in Dublin. The mobility and flexibility concerned have profound implications for people who have to make mortgage arrangements and have normal family expenses to meet, week in, week out. They need some sense of security. We must address this issue, even now when there are very high levels of unemployment and the creation of jobs is clearly difficult. Those in employment are entitled to have a sense of security in that employment. Given the volatility that apparently applies in the call centre area in general, there is a need to look at this issue and to sit down

[Deputy Seamus Kirk.]

with management, anticipate any problems that may be coming down the tracks and exhort and encourage companies to reverse decisions such as this one.

Deputy Sean Sherlock: A number of issues have been raised. I have no problem in principle with the Members from counties Louth and Dublin seeking a meeting with the Minister for Jobs, Enterprise and Innovation, Deputy Bruton, about this matter. In the first instance, there are national and strategic issues in regard to the precarious nature of call centre jobs. There is the issue of the transfer of undertakings from one company to another operating on behalf of Vodafone — as a global corporate entity, one might say. There is the issue of corporate social responsibility and there is the actual worry people have. Deputy Kirk referred to Mr. Pickering and whether the issue of mobility arises in his particular circumstances.

I will relay this message to the Minister. My instinct is that if the Members present who have a concern were to seek a meeting with him these issues might be teased out further.

Deputy Seamus Kirk: We would welcome the opportunity to meet the Minister. If the Minister of State were to set the arrangements in train, I am sure the Members involved and other Members in the constituencies would go along.

Deputy Terence Flanagan: Perhaps the Minister could meet with the management as a matter of urgency to try to progress this issue.

An Ceann Comhairle: The Minister of State has given his reply so we must move on.

Deputy Sean Sherlock: If the Members present who raised the issue are willing to meet the Minister, I will make that request of him. Let us see where we go from there. I thank the Ceann Comhairle.

Mahon Tribunal Report: Statements (Resumed)

Deputy Aodhán Ó Ríordáin: I am delighted to have the opportunity to speak on the findings of the Mahon tribunal report. I wish to raise four separate points — first the findings and what they say about Irish politics; second, the findings in regard to my party, the Labour Party; third, the recommendations of the report, many of which I agree with but concerning some of which I would have certain opinions; four, the fundamental need for local government reform as a lasting legacy for Irish citizens, today and for generations to come.

I refer to the findings. This report is a damning indictment of the toxic political culture Fianna Fáil has brought to every level of political life in Ireland. It gives me no pleasure to read this report or to discover the level of poison, lies, corruption and bribery that has been such a feature of Irish politics in the past. It should be remarked that there are many decent and disappointed members of the Fianna Fáil Party but their emotions are secondary to those of our citizens whose lives and communities have been broken by the Fianna Fáil style of politics. When a political party such as Fianna Fáil believes it owns Ireland and has the title deeds of the country in its back pockets any action by a member of the party is seen as excusable as long as he or she remains electable. The only value Fianna Fáil holds dear is electability. No lies, corruption or allegations of bribery ever matter to Fianna Fáil because to its members the party is everything and politics is just a game. It is not good enough to act like an infantile football manager, claiming one did not see the incident, blaming the referee and retreating to the dressing room, telling the team they must win at all costs. This is not a game — it is national politics. It is far too grave and important for such pathetic behaviour.

Fianna Fáil was the party of all my grandparents but it became the home place for every cowboy seeking career advancement because they knew the party no longer had any standards. The issue is not just corruption — it is about the manner in which corruption is treated. Accusations against Fianna Fáil members, councillors, Ministers, and leaders were treated with derision. The party defended the indefensible, prioritising stroke politics and hoping the people would believe that all politicians were the same and all political parties were on the take. They succeeded because standards in Irish politics flattened. As a society we must examine why every Deputy mentioned in the Mahon report continued to enjoy massive support from the electorate. Fianna Fáil Deputies rightly point to those mentioned in the Moriarty report yet Fianna Fáil was happy to enjoy the support of Deputy Michael Lowry for its Government until last year, regardless of what evidence was heard during the course of the Moriarty tribunal hearings.

Not all political parties are the same. One party of long-term government stands head and shoulders above the rest when it comes to backhand politics. That party is Fianna Fáil. Fianna Fáil now has the country it shaped. No other party had the influence over Irish life it has had. With the party in power for 22 of the last 25 years, Ireland is now what Fianna Fáil created — a country effectively run by the IMF, with a demoralised people who view politics with suspicion and cynicism. I can barely utter the word for my job — politician. Fianna Fáil has destroyed the words "republican" and "politician". It is clear from listening to the contributions from many Fianna Fáil Members in the House today and yesterday that nothing has really changed. They joined the party knowing its history of corruption and remained members even though the party surrendered this Republic to the IMF. They can do no more damage. Fianna Fáil has no role in the future of politics in this country.

I turn to the issue of the Mahon report's findings in respect of the Labour Party. The attempt in some quarters to paint all politicians and all political parties with the same brush in the wake of the Mahon report does not stand up to scrutiny. The Labour Party has a proud record of standing up and speaking out against what this report has proved to have been corrupt practices. It is important to note that in 1993 the Labour Party expelled the one and only one public representative linked to the party about whom the Mahon report is critical. John O'Halloran was elected as a councillor in Lucan in 1991. In September 1993 he was expelled from the Labour Party as a result of his voting record on planning matters while he was a member of Dublin County Council. The Labour Party was proactive in dealing with such issues as they arose and had no need to wait for a tribunal to be called or for its findings to be published to act decisively. In contrast to others, Labour Party councillors on Dublin County Council had a proud record in planning matters. Specifically mentioned in the Mahon report are, on page 1,068, the Minister, Deputy Pat Rabbitte's actions in returning a cheque to Frank Dunlop in 1992, and on page 1,579, the Tánaiste, Deputy Eamon Gilmore's decision to refuse a cheque from Monarch developers in 1992, both of which were described by the tribunal as commendable. The Minister, Deputy Joan Burton's consistent record in opposing rezoning at Quarryvale is also highlighted. That is the difference between the Labour Party and others who engaged in, or ignored, corruption.

I refer to the recommendations of the Mahon report and the need for fundamental reform of local government. The recommendations are far reaching and deal in the main with anti-corruption legislation and reforming the planning procedure in our local authorities. The fundamental reform of our political system is not the abolition of the Seanad, although I support it, or the reduction of the number of Deputies in the House, although I support that too. It is the reform of local government — the connectivity of the vote of the citizen to the responsibilities and accountability of the councillor and to the functions of the local authority, which are of such importance to each local authority in the country.

[Deputy Aodhán Ó Ríordáin.]

Local elections in Ireland are notable for poor turnout, being used mainly as a referendum on the national Government of the day, typified by misunderstanding of the role of local councils, and sometimes for allowing councillors to be elected with merely a few hundred votes. This dynamic must change and the reform of local government must involve the levelling of local taxation, including a property charge and a rebalancing of powers away from unelected officials towards the elected councillors, who by the very nature of the reformed system will be more accountable to the people.

Writing in last week's *The Irish Times* Diarmuid Ó Grada cites some of the anomalies in the local government system in Ireland. Leitrim has one councillor for every 1,444 constituents while Fingal has one councillor for every 11,377 constituents. A local government system with fewer councils and fewer councillors is surely desirable. Accountable local politicians who set the rates and take responsibility for formulating budgets around areas of policy such as waste disposal would prevent the type of debacle we have seen in Dublin city recently with the privatisation of the bin service.

I refer to the recommendations of the Mahon tribunal, which are wide and varied and deal with planning, conflicts of interest, political finance, lobbying, bribery, corruption in office, money laundering and asset confiscation. In terms of the Prevention of Corruption Acts 1889 and 1906, there are recommendations on the specific act of bribery. However, as both Acts are over 100 years old and society has changed radically since their introduction, the Minister for Justice and Equality needs to completely overhaul the legislation and make it more robust and relevant to the modern age. In planning, the overarching watchdog for council development plans, that is, the national development plan and the national spatial strategy, must be placed on a statutory footing. I have some concerns about two recommendations. Recommendation 12 states: "The Tribunal is recommending that where the elected members decide to depart from the recommendations made in the Manager's Report [of a development plan], they should be required to state their reasons for doing so." Recommendation 14 states: "The tribunal is recommending that the Minister for the Environment's ability to give directions to Regional Authorities and Local Planning Authorities should be entrusted to a Planning Regulator." Both recommendations assume the corruptibility of the elected councillor and Minister but do not take account of the potential corruptibility of the unelected official or proposed independent planning regulator. The democratic legitimacy of all agencies of the State is key to how we rebuild democracy. It is from the people that political representatives gain their mandate and it is a deficit of accountability in the past which has lead to corruption. While not rejecting these recommendations in totality, it is important that the balance of power within local authorities edges towards those who are elected, not those who are appointed.

This report gives our democracy a chance to change, to be reinforced, to re-engage with the people, and to reform in such a way that we never return to the type of politics that have brought such disgrace to this Republic. We must expect better and demand better from ourselves and from those who play leading roles in public life and from those who cast their votes. Fianna Fáil stroke politics is over. Our Republic demands better.

Deputy Mary Lou McDonald: I have a sense of *déjà vu* in speaking on this matter because it is the second occasion in just over 12 months that the Dáil has received and debated a tribunal report into political corruption. The findings of the Mahon tribunal are depressingly predictable. The story of political corruption in this State has been told chapter by chapter in the pages of tribunal reports. The reports, though free-standing, blend one into another and piece by piece the jigsaw comes together. The Mahon report echoes the Moriarty report. The hands of politicians were greased by rich people seeking and securing lucrative political favours.

The conclusion of the Mahon report is that corruption was systemic and pervaded public life. Some politicians operated what amounted to an extortion racket — procuring what they defined as donations for political favour. Those that should have acted were not prepared to take it on or to make it stop. That is also a conclusion of the Mahon report.

Abuse of public office was found at every level, from councillors to Ministers to taoisigh in a top-down, bottom-up toxic political culture. The Mahon report is just the latest revelation in a litany of corruption, maladministration and breaches of fundamental trust by the political establishment. Public confidence in the entire system of public administration has been deeply undermined. People ask whether the behaviour of the political class is consistent with any real claim that this State is a functioning Republic. Do we live in a Republic? That is a question on the minds of people across the land. In a Republic, the people are in charge, decision making is dedicated to the collective good, public moneys and natural resources are deployed in the collective interest and the democratic institutions are transparent and accountable. Could anyone plausibly argue that this is how the State is run? Some view Mahon and indeed Moriarty as products of the bad old days and would have us believe all is changed but that is not the case. The Mahon report identifies outstanding deficiencies in the planning system and recommends independent oversight of the process. It is a sensible recommendation and must be delivered on by the Government.

Deputy Martin, having basked in the reflected glory of Bertie Ahern for 14 years, now sheds crocodile tears. Deputy O'Dea, having brazenly tried to torpedo the tribunal, offers up half-baked explanations. The Mahon report has called time on their posturing. The cat is out of the bag and Fianna Fáil is engaged in nothing more than damage limitation. There is no big change.

The Government benches, with Fine Gael and the Labour Party, may crow at this turn of events but they also have questions to answer. The Moriarty report made that clear. If we have a Government committed to cleaning up politics in this State and one concerned with planning irregularities, how is it that the Minister for the Environment, Community and Local Government, Deputy Hogan, shut down public inquiries into planning matters across local authorities as one of his first acts in office? These are now carried out in private but the question arises as to why this is the case. If the Mahon report and other tribunal reports prove anything, it is the absolute need for the public gaze to be shone on these matters and the need for accountability and transparency. The Minister and the Government may huff and puff but they need to answer why they shut down those inquiries. What might they be trying to conceal?

The depressing part of this Mahon report is that it will not fundamentally change anything. I hope its recommendations are implemented, that there is reform of local government and that finally we can have a transparent and open method of funding political parties, but the malaise goes much deeper than any of those single actions can address. For me, it is a matter of mindset. Politics in this State is smug and involves a sense of entitlement that does not fit into any republican framework.

The legitimate question for the average person on the street hearing this latest chapter in the story of corruption in this State is: what are the consequences for those who have been found guilty of abusing their public office? What will happen? Many of these characters are drawing down extravagant pensions paid for by the taxpayer. What will happen in that regard? If there is to be even the beginnings of trust rebuilt in the system of public administration, at a minimum there must be consequences for former Taoisigh, former Commissioners and former Ministers who clearly abused, and in some cases corruptly abused, their positions of trust.

Sometimes they say *plus ça change, plus c'est la même chose*; things on the surface change but in reality they remain constant. Politics in this State is dominated essentially by a cadre of men. We have debated gender in this Chamber in respect of the upcoming quota provisions. I

[Deputy Mary Lou McDonald.]

do not want to "over-egg" the point but it is fair to say the kind of imbalance in representational terms we have across Irish political life does not help in terms of trying to conquer a culture and a tradition of political corruption.

We have now almost a tradition of political posturing in this House once these tribunal reports are released, and we have heard people on both sides of the House batting to protect, as it were, the honour of their side. That is to entirely miss the point and the gravity of what has happened because it is nothing short of a democratic crisis if citizens believe the public administration not only fails them but that it actively colludes against their interests. The Mahon and Moriarty reports give us concrete examples of where that was certainly the case. If we are to fix that, rhetoric and spin will not be enough. Big political parties batting for their own self-interest, engaging in damage limitation or mud-slinging from one side to the other will not cut it either. We need a fundamental transformation. We need to understand, as a previous speaker stated, that the people own Ireland and that no political party has this State, this country or its citizens in its back pocket.

I am sure most people are disappointed but not surprised by the Mahon tribunal report, but for the people change must happen in that regard also. There may have been a time in this country where stroke politics and the loveable rogue were overlooked because the economy was buoyant and perhaps times were good. There were certainly times in this State when the loveable rogues and the wrong-doing were overlooked out of a culture of fear. Both of those phenomenon now must come to a definitive end. Politics must offer more for citizens. A real Republic must be built and, crucially, the people — the citizens, the taxpayers — must demand no less than that Republic.

Minister for Justice and Equality (Deputy Alan Shatter): It is very difficult to find words which would adequately condemn the type of behaviour outlined in this report, and previous ones, from the planning tribunal. It is a sorry tale of greed and betrayal, evasion and mendacity. It is a story of those elected to public office who had no sense of public duty nor a recognisable moral compass. It is a story of those who perceived public office as an opportunity for self-service rather than public service. While it has to be acknowledged that two Fine Gael councillors were found by Judge Mahon to have received corrupt payments, substantially the story of corruption is a Fianna Fáil story.

To ensure public confidence in our political institutions it is important that no individual uses political office to obtain secret personal financial benefit from third parties in circumstances in which, even if the payment received is not corrupt, there can be any perception of the receipt of such payment undermining his or her capacity to make an independent individual judgment in the area of public affairs or which gives rise to any public perception that his or her capacity to do so has been undermined or in any way contaminated.

To have the honour to be elected to public office brings with it solemn obligations to serve the public interest. The central democratic value in holding electoral office is not only to be free but to be perceived to be free to make decisions in the public interest. In any ordinary meaning of the word it is frankly treasonous to use public office for corrupt gain. It is not only plainly wrong but utterly undermines the credibility of our democratic institutions and breeds widespread cynicism and distrust of those who behave honourably.

I note the speech of the Fianna Fáil leader, Deputy Micheál Martin, yesterday on the Mahon report. I constantly marvel at the utter lack of any sense of shame on the part of Deputy Martin and other Fianna Fáil Members who sat in Cabinet or who provided support from the Fianna Fáil back benches for those people in a leadership position in Fianna Fáil condemned by the report. It is as if they lived in a parallel universe oblivious to the revelations of recent years

that received widespread publicity and were known to the dogs in the street well in advance of the publication of the Mahon report. Deputies Martin, Ó Cuív, O'Dea and others, both individually and collectively, stood by those who they now publically claim to condemn. The truth is that, while they are guilty of no personal wrongdoing, the political judgment shown by them in this area during their time in Government is deeply and fundamentally flawed. For Deputies Martin, Ó Cuív, O'Dea and others, whether it be the tribunal revelations or the disastrous economic and fiscal legacy for which they are responsible, there is a complete failure to acknowledge responsibility for either acts or omissions. It is as if the concept of collective Cabinet responsibility never existed. Rather than engaging in his daily knockabout Punch and Judy Show in this House, Deputy Martin would better serve his party and the country if he refrained from asinine headline seeking criticism of action taken by Government to address the enormous difficulties with which the State and our people are confronted as a consequence of failures for which he is collectively responsible from his time in Government. It is extraordinary that it has still not dawned on members of Fianna Fáil that over a 15 year period that party showed such deeply flawed judgment when in office that there is no reason to believe the judgment shown today in opposition is any less flawed.

People are entitled to wonder how many reports must there be before people face up to their responsibilities. The plain truth is that despite fine words of condemnation by some people following earlier reports from the tribunal, there was no genuine recognition that things would have to change nor, it seems now, was there any real intention that they would change. What else could explain what happened subsequently at the tribunal, and the desperate chorus of cynical voices which tried to undermine its work?

It is fundamental to our democracy that it is the people who will decide what the political consequences of this report should be. I will confine myself to the basic point that electing to public office people who have been corrupt or who have failed to deal effectively with and tolerated corruption in their midst merely condemns us to more of this behaviour.

It is a fact the world over that some individuals involved in political life become corrupt and it would be foolish for any party to pretend they are immune from that possibility, but what this report presents is the systemic failure on the part of some to deal rigorously — or truthfully — with the issue of corruption when it emerges. It is difficult to avoid the conclusion that one party in particular, rather than face up to the consequences of what had been going on, simply adopted a policy of "don't ask, don't tell" when it came to corruption. In reality it was not so much a case of ignoring the elephant in the living room as patting it on the head amid steadfast expressions of support. This happened not in the distant past, but under the previous Government.

5 o'clock

One of my primary responsibilities as Minister for Justice and Equality is to ensure that the criminal justice system is equipped to deal adequately with corruption, whatever its source.

The House will be aware that the Government has already referred this report to the Garda Commissioner. The Commissioner in turn referred the report to the assistant commissioner in charge of the national support services, which include the National Bureau of Criminal Investigation and the Garda Bureau of Fraud Investigation. Specifically, the head of the Criminal Assets Bureau has been asked to lead the examination of the report. I have no doubt that An Garda Síochána will pursue the matters dealt with in the report wherever they lead and without fear or favour. It is true that, to date, the Criminal Assets Bureau has already been successfully engaged in the recovery of funds and assets from some of the individuals referred to in the report.

While it is the case that evidence given before the tribunal cannot be used itself as a basis for a criminal prosecution, it can form a roadmap for the Garda to examine the issues involved.

[Deputy Alan Shatter.]

Equally, the fact that the tribunal does not make a finding of what would amount to criminal behaviour against someone does not offer them any immunity if the Garda in its inquiries uncovers evidence of offences of any kind. I hope people co-operate fully with any inquiries which the Garda may undertake, and I expect that in particular those who feel wronged by the report would be happy to co-operate with the Garda in those circumstances.

It would be very foolish for anyone to assume that referring the report to An Garda Síochána is some sort of token exercise. Anyone deluded enough to think that should look at what has happened since earlier reports of the tribunal have been published: people have been convicted and imprisoned, some are awaiting trial and millions of euro have been recovered. Let me say it as plainly as I can: no one who has been involved in corrupt practices should think that the publication of the tribunal's report is an end to the matter.

The tribunal's report contains a number of useful recommendations aimed at strengthening the criminal law. I am able to reassure the House that because since my appointment I have been giving priority to the area of dealing with white collar crime generally, we will be able to address these recommendations quickly and effectively. Criminal law in the area of white collar crime was considerably strengthened by the enactment of the Criminal Justice Act 2011 which I introduced earlier in this Government's lifetime. That measure is targeted at specified serious offences, including fraud, corruption and money laundering. As well as providing for whistle-blowers' protection, the Act provides for a new offence relating to failure to report information to the Garda which could prevent the commission of white collar crime or which could assist the Garda in carrying out investigations into this area. These powers have already strengthened substantially the powers available to an Garda Síochána to pursue corruption. Last year, I also took steps to ensure that Ireland ratified the United Nations Convention against Corruption, which was signed by the State in 2003. The convention provides a set of standards and rules to encourage countries to strengthen their regimes to fight corruption, and to promote proper management in public affairs and public property.

The tribunal recommends amending the Public Bodies Corrupt Practices Act 1889 to cover Oireachtas Members. I propose to repeal all seven Acts making up the Prevention of Corruption Acts 1889 to 2010 and replace them with a single Act which will apply to all persons in the public and private sector, including, of course, Members of both Houses. The tribunal also suggests the exclusion of bribe-givers from public tenders. We should also seriously consider the exclusion from public office of those who accept bribes.

I will also deal in the proposed corruption legislation with other recommendations made by the tribunal in this area. The tribunal has made recommendations in the area of safeguards against money laundering. Work is well under way in the Department on amending the Criminal Justice (Money Laundering and Terrorist Financing Act) 2010 and we are looking at how the relevant recommendations of the tribunal can be best reflected in the legislation which is being prepared.

A number of the recommendations relate to asset confiscation and forfeiture. I previously informed the House that the operation of the proceeds of crime legislation is being reviewed by officials in the Department in consultation with the Criminal Assets Bureau and the Office of the Attorney General. The relevant provisions of the Criminal Justice Act 1994 are also being reviewed in the light of a European Commission proposal to reform the law on confiscation and asset recovery.

The report also contains recommendations about changes in the legislation governing the operation of tribunals. It is no criticism of the valuable work which had been done by Judge Mahon and his colleagues to repeat the general concern that tribunals of inquiry can take too

long and cost too much to establish the truth. We had proposals for a greater role for the Oireachtas in carrying out inquiries which, in the event, did not find favour with the people in a referendum last autumn. We all need to reflect again on this whole area.

Specifically on tribunals legislation, I point to the fact that the previous Government published a Tribunals of Inquiry Bill in 2005 but for whatever reason left it languishing on the Dáil Order Paper. I have arranged for its restoration to the Dáil Order Paper and the Bill will be dealt with on Report Stage. We will address the specific recommendations made by the tribunal in that context.

I want to return briefly to the issue of corruption. The report states:

> While traditionally corruption has been viewed as an issue of individual morality, in recent years, advances in understanding both its causes and its consequences mean that it is now also viewed as a problem of systemic failure. In other words, where an individual behaves corruptly, then the problem lies as much with the system which permitted or failed to prevent that behaviour as with that individual.

In recent years the concept of "systemic failure" has become the excuse for a variety of difficulties that have arisen and all too frequently it has been used to evade the concepts of accountability and personal responsibility. While clearly many reforms have been recommended that would create an architecture designed to remove the incentives and opportunity for corruption and to provide for greater transparency, I do not accept there is an equivalence between systemic imperfections and individual corruption. Central to the issue of individual corruption are issues of individual morality, ethical standards and responsibility. While the report disclosed corruption and poor judgment by some, it should not be forgotten that many others who held public office within the then imperfect system were not corrupt, did not make poor judgments and were not financially seduced. A concept of equivalence should not be used to explain or understand corrupt practices by those who should have behaved differently.

It would be a great tragedy if the corrupt behaviour of some public representatives acts to tarnish the good name of many who set out to serve the people honestly and to the best of their ability. It is against this background that it is so important that we have in place laws which defend us all — the public and public representatives alike — from corrupt practices. I hope I have been able to make clear today that I am determined as Minister for Justice and Equality to do everything I can to make sure this is so.

Deputy Sean Fleming: I welcome the opportunity to speak on the Final Report of the Tribunal of Inquiry into Certain Planning Matters and Payments. Most, if not all, speakers have welcomed the publication of the report. I hope people will understand that I wish to deal with the specific aspect of the final report which refers to me in my capacity as the former financial controller of the Fianna Fáil Party.

Last Thursday evening after the publication of the report I issued a press release which stated:

> The tribunal report, most probably inadvertently, implied that I, in my capacity as former Financial Controller of Fianna Fáil, was aware of the IR£50,000 payment to Mr. Pádraig Flynn by Mr. Tom Gilmartin. This is simply not the case.
>
> There was no suggestion at any time at the tribunal or at public session that I was aware of Mr. Flynn's involvement in this matter. It is also clear from the tribunal's own findings issued today that while other people were made aware of Mr. Flynn's involvement, there is no suggestion that I had any knowledge on this matter.

[Deputy Sean Fleming.]

However since an incorrect statement has been made against me which has significant consequences for me as a serving politician and Chartered Accountant I believe and hope that the tribunal will move to correct this small but significant error.

Arising from this I then wrote to the tribunal on Friday, 23 March, and addressed my correspondence to Ms Susan Gilvarry, Solicitor, The Tribunal of Inquiry into Certain Planning Matters and Payments, Upper Castle Yard, Dublin Castle, Dublin 2. The letter stated:

Re: The Final Report.

Dear Ms Gilvarry,

I am writing to you in respect of the Final Report published yesterday by the Tribunal Judges.

At page 2,460 of the Report (Chapter 17) the Report reaches the following finding in respect of the knowledge within Fianna Fáil of Mr. Tom Gilmartin's payment of £50,000 to Mr. Pádraig Flynn. At paragraph 6 on page 2,460 the Tribunal reports:

> "Neither Mr. Ahern, nor Mr. Reynolds, nor Mr. Sherwin, nor Mr. Kavanagh, nor Mr. Fleming contacted Mr. Flynn in relation to Mr. Gilmartin's payment of IR£50,000 at any time prior to the establishment of this Tribunal".

This finding is a negative finding against me because it asserts that I had knowledge that Mr. Gilmartin had paid IR£50,000 to Mr. Flynn and did nothing about it. I think this finding is clearly an error since, as the Tribunal will be aware, at no stage was there ever any evidence before the Tribunal that I, as Financial Controller of Fianna Fáil in 1990, had been informed that the IR£50,000 payment made by Mr. Gilmartin had been made to Mr. Flynn.

The Tribunal will be aware that the reason I became involved in this part of the Inquiry was because Mr. Paul Kavanagh [the party fund-raiser] gave evidence that, in order to determine whether Mr. Gilmartin had in fact made a payment of £50,000, he had contacted me as Financial Controller in order to see whether there was a record of any such donation within Fianna Fáil.

At no stage did Mr. Kavanagh suggest to the Tribunal, nor was there ever any evidence before the Tribunal that I had been informed by Mr. Kavanagh or anyone else that the £50,000 payment made by Mr. Gilmartin had been made to Mr. Flynn.

On 30 June 2004, day 501 of the public sittings of the tribunal I gave evidence in the following terms.

> *Q.104 Did Mr. Kavanagh inform you of any potential involvement by Mr. Padraig Flynn in this payment?*
>
> *A. Certainly not because I had no knowledge of Padraig Flynn's involvement until it became public in recent years.*
>
> *Q. So you reverted to Mr. Kavanagh and told him that the books and records show no such payment had [in] fact been paid?*
>
> *A. Yes.*
>
> *Q. Is that everything that you did?*

A. That's the beginning and end of it."

I was then questioned quite intensively by Counsel for the Tribunal about the query raised with me by Mr. Kavanagh. However, at no stage was it ever suggested to me that I had been made aware that Mr. Gilmartin had informed others within Fianna Fáil that the donation had been made to Mr. Flynn. In fact, it was expressly recognised by Counsel for the Tribunal in her questioning No. 130, page 53, were she stated:

"Q.130 If you had become aware at the time in 1990 that £50,000 had been destined for Fianna Fail, had not arrived, and had remained with Mr. Flynn, what steps would you have taken?

A. No this is a hypothetical situation. I make it clear in my statement, I had no knowledge of Mr. Flynn's involvement at that time.

Q. I said if?' (Emphasis Added)

[It is clear she was putting this to me as a hypothetical situation.]

As a serving member of Dáil Éireann and chartered accountant, I have been subjected to considerable criticism and adverse comment because of this negative finding against me in the tribunal's final report. Already on the airwaves and in public discourse I have been criticised for my failure to contact Mr. Flynn in relation to the payment of £50,000 by Mr. Gilmartin. I never knew that the donation I was asked to check for was a donation that was made through Mr. Flynn. No one ever mentioned that to me, as is clear from the evidence given to the tribunal.

I think the finding of the tribunal is clearly incorrect and I would simply ask that the tribunal would write me a letter recognising that the finding against me in paragraph 6 on page 2,460 is an error. I would greatly appreciate it the tribunal could seek to rectify this matter as best it can as otherwise it will continue to result in significant reputational damage to me which is undeserved.

I look forward to hearing back from you.

Yours sincerely,

Sean Fleming.

I received a reply from the tribunal yesterday, dated 26 March. It states:

Dear Mr. Fleming,

I refer to the above and to your letter of the 23rd March received 26th March, 2012.

I confirm that I am directed by the Chairman of the Tribunal to respond to you regarding your correspondence.

The Chairman has indicated that his co-Tribunal Members, Her Honour Judge Mary Faherty and his Honour Judge Gerard Keys, have this week been assigned to Court duties.

Accordingly, they are not available to the Chairman of the Tribunal at this time for the purpose of discussing the matters set out in your correspondence.

[Deputy Sean Fleming.]

Arrangements will be made later in the week or early next week for the Tribunal Members to meet to discuss the concerns set out in your correspondence and I will revert to you at that time.

I trust this is in order.

Yours sincerely,

Susan Gilvarry,

Solicitor to the Tribunal.

By way of context, I have a proven track record in situations where I believe a donation to the Fianna Fáil Party was not transmitted to Fianna Fáil head office. I refer specifically to the Fitzwilton Rennicks donation to Fianna Fáil through former Minister and Deputy, Ray Burke. On 8 June 1989 Ray Burke handed a bank draft for £10,000 to Paul Kavanagh, party fund-raiser and myself in respect of the above company. I was not satisfied that £10,000 was the full amount of the contribution. Both of us confronted Ray Burke directly on the matter. We then spoke to the then party leader, the late Charles Haughey, and informed him that the party nationally was left short changed in respect of this donation.

On 1 July 1998, I made a statement in the Dáil highlighting the full details of this matter. I sent a copy of this statement to the planning tribunal the following morning. On 28 October 1998, I met with the tribunal legal team in private session on the matter. I also met with detectives from the Criminal Assets Bureau in late 2003 and assisted them in their inquiries in relation to Ray Burke. The record is clear and shows that I always pursue matters of this nature. This is a clear example that when I have knowledge of an issue I do follow it up. I have also stated that there is an error in relation to the findings against me because it asserts I had knowledge of Mr. Flynn's involvement in the matter. This is not true.

Previous speakers in this debate accepted in full the findings of this report. The finding with which I am concerned is finding No. 6 on page 2,460. Unfortunately for me, pending a correction I am included in that finding. A previous speaker in this debate relying on this finding stated that there is no excuse for the failure to confront Mr. Flynn with this allegation at the time and that there is no doubt that it formed part of the political culture which ignored or dismissed allegations of corruption rather than properly investigating them. In the same way that I cannot accept the tribunal's findings against me, as it is an error, I cannot accept the veracity of the above comments by a previous speaker. I reject that I failed to confront Mr. Flynn as it implies I had knowledge of his involvement, which is simply not the case. In the reference to the so-called "political culture" it must also be made clear that it is incorrect to implicate me by association with this. I will also be seeking to have this matter rectified.

I look forward to the tribunal recognising that its finding against me is an error and ask those who have accepted and relied on that finding and have compounded the error in this House also to recognise their mistakes.

An Leas-Cheann Comhairle: The next speaker is Deputy Áine Collins, whom I understand is sharing time with Deputy Mulherin.

Deputy Áine Collins: I welcome the opportunity to speak on the Mahon tribunal report which has confirmed what many people have believed for a long time, namely, there has been corruption throughout our political system from the top to the bottom, which affected every level of Irish society. It does not reflect well on our country that the people who had the most

power were corrupt. It also does not reflect well on politics or politicians. It does not reflect well on our society that this corruption was, as stated in the Mahon report "widely known and widely tolerated". People's trust in our political system and in politicians is badly damaged. I will not go into the "who did what" as we have all read and heard enough about that in recent days.

It is shocking that it took 15 years for us to be told something that everybody knew. The question that must now be asked is: was it worth it? Completion of the inquiry took 15 years and cost more than €300 million, and the report of which runs to 3,250 pages. The sum of €300 million is a lot of money. How many nursing hours, cystic fibrosis units and schools could have been provided, built or upgraded with that money? How many businesses could have been supported to create the many jobs now needed? Was it worth it? If will only have been worth it if we learn from it. We must make changes to our political systems, society and attitudes. We cannot tolerate this type of behaviour in future. We must implement the Mahon tribunal's recommendations with immediate effect.

We teach our children from an early age that lying is not acceptable, yet we are told nothing but lies and half-truths were told to the Mahon tribunal, which is appalling, particularly when those lies and half truths came from someone who held the highest office in the land, which position should mean something. It meant a lot to me to be elected in the 2011 general election. For me, it meant the people in Cork North-West trusted me to represent them. It will take some time before people will again trust politicians.

All of us in this House have a responsibility to try to repair the damage that has been done and to ensure this never happens again. Many other Members of this House who, like me, were not previously politicians have all now been tarnished by what has happened. It is imperative that we implement the recommendations of the Mahon report. We need tighter rules on political donations and more transparency.

Politicians and other officeholders who are found to be corrupt must be taken to task for their actions. We must address the issue of pension payments for politicians and public representatives. I welcome that the Minister for Justice and Equality, Deputy Shatter, intends to legislate to ensure this behaviour will never again be tolerated by politicians or public representatives.

Deputy Michelle Mulherin: I too welcome the opportunity to contribute to this debate on the final report of the Mahon tribunal. The findings of the Mahon tribunal highlight an old attitude within the life of the past Government and Fianna Fáil in general. The excesses that characterised the politics of the day is best compared to what is witnessed in the Third World, namely, politics of arrogance, impunity and cults of personality — anything but principles and accountability. We are told that when salt loses its saltiness it becomes worthless. This best encapsulates what has happened here to the politicians involved. When a politician forgets his or her mandate to those whom they have undertaken to serve, they become something else altogether — an abomination of the very essence of what a democratically elected politician in a republic should be. That is not news, nor is it what I stood up to point out.

It has been suggested by the Fianna Fáil Party that it should be judged by how it deals with the findings of the Mahon tribunal report and nothing else. The report describes a corrupt political culture that was incubated and cultivated by Fianna Fáil as the leading popular force in Irish politics over those years. It affected planning and brought this country to its knees. In the dying days of the last Government, Fianna Fáil was concerned not with the presence of the IMF or the difficulties faced by this country, but with how the Fianna Fáil organisation could be salvaged.

[Deputy Michelle Mulherin.]

What Fianna Fáil does as a party in the wake of these revelations will say even more about that party's underlying philosophy. It is noteworthy that some of those closest to Bertie Ahern, who made their political careers in the shadow of his popularity, have been among the first to throw stones at him. The popularity of a leader involves more than the leader himself — it involves those with him and under him. We are the first to say no one is perfect. It is precisely because this is politics, rather than religion, that we can and must demand high standards of those who put their names on the ballot paper and are elected on the basis of what they promise. At one point in time, the politicians dealt with in this report claimed to be the best people for the job. They said they would work in the best interests of the people. Sadly, the findings of the Mahon report confirm they were involved in the absolute abuse of the ultimate political power and authority in this country. People have been badly let down.

The tribunal criticised Ministers who sought to undermine its work. It should be recalled that it was more than just criticism. In mid-November 2007, the previous Government sought to reintroduce a Bill that would have provided for the closure of tribunals. Not only did the judges have to listen to such criticism, but they also had to live with the real threat that the Government would close down the Mahon tribunal. Deputy Martin mentioned that the report did not name specific Ministers, but that is beside the point. The previous Government, supported by its public relations machine and its spin doctors, was collectively responsible for a sustained campaign of criticism and vilification of the tribunal. The aim of that campaign was to undermine the credibility of the tribunal and to defend the then Taoiseach, whose evidence was becoming more incredible each day.

We know that Fianna Fáil is grasping at straws at this point. It would like to assert that this conduct is generally continuing. It has even dragged the Taoiseach into it by suggesting he is part of this mindset or operation in some way simply because he once appeared on a platform with a certain individual. As a constituency colleague of the Taoiseach, I assure the House that this country is lucky to have Deputy Kenny as its Taoiseach. He cannot be accused of corruption or abuse. As he travels to represent Ireland abroad, we can draw comfort from the fact that no accusation of abuse of power can be levelled against him. This country cannot be revealed as a laughing stock because its current Taoiseach is operating only from a perspective of self-interest and greed, as the Mahon tribunal report revealed in the case of a former Taoiseach.

Many people are concerned that this tribunal cost over €300 million and took 15 years to conclude its business. They are keen to know what action will be taken on foot of it, given that there is a poor precedent for people to be brought to justice after tribunal findings are made against them. They can take consolation from the hope that criminal prosecutions will ensue in this instance and the Revenue Commissioners will take their just desserts from the people involved in this. People feel it most when they are hit in their pockets. The Minister, rather than the ordinary Deputy, is the person with the power. It is absolutely abhorrent for a Minister to abuse his power. A mechanism should be found in any way that is possible to remove pensions from those named in this report who receive those pensions by virtue of an office they formerly held. Just as we require justice to be administered, carried out and achieved in the banking system, we have a need to see some justice arising from this report.

The amount of money that has been spent on this process and the length of time it took are very much on people's minds. We need to revisit the proposal to give power to Oireachtas committees. People were misled when they voted against it in last year's referendum. Many people in the legal profession can take responsibility for that. Surely we can find facts without it costing the Exchequer hundreds of millions of euro. A mechanism other than a tribunal has to be found. It is regrettable that Oireachtas committees cannot inquire into the banking

situation because last year's referendum did not pass. We are still in limbo. I hope we can examine the matter again to ascertain whether another avenue is available. We need to achieve transparency and find facts in a more expedient and economically efficient manner.

Deputy Mick Wallace: Given that much of this report has been in the public domain for a long time, I find the level of outrage in the last week a bit odd. I do not think Fianna Fáil can stand over its lack of knowledge of what prevailed during its time in office. I find it hard to take the media's outrage about what it has just learned. When the people had their chance to speak 12 months ago, they unceremoniously dumped Fianna Fáil and the Green Party out of office. They had enough. One would have thought the people would have had enough of Fianna Fáil by 2007 but sadly, the media played a part in sustaining it in the run-up to the election of that year. When evidence that Bertie Ahern had given to the Mahon tribunal was leaked to the media in advance of the 2007 election, a number of columnists in the *Sunday Independent* launched an attack on those newspapers and media outlets that had published and reported on the extracts from the Mahon tribunal. One columnist, Eoghan Harris, who was later nominated to the Seanad by Bertie Ahern, wrote:

> For the first time in my life I am going to vote Fianna Fáil. And if you care about the future of Irish democracy you will do the same. Because I believe the anti-Ahern campaign to be the most sinister, sustained and successful manipulation of the Irish media that I have seen in my lifetime.

Those were strong words. Eoghan Harris accused the rest of the Irish media of being gullible. He argued that "the Taoiseach is the object of two orchestrated campaigns", one led by *The Irish Times* and the other being a "Sinn Féin/IRA campaign". He suggested that if the latter campaign succeeded, it would "take down the most brilliant Taoiseach of modern times". Eoghan Harris also criticised Vincent Browne, who pressed Bertie Ahern intensively on his personal finances at the launch of the 2007 Fianna Fáil election manifesto.

The relationship between politics and big business has been at the heart of a serious problem we have had in Ireland for a long time. Sadly, money has the power to separate the electorate from the Legislature. The Legislature is dominated by the ruling party, which is often financed by big business. The more money one has, the more likely one is to have a greater say in how things are done at Government level. The best example of this is found in America, where it costs several hundred million to run for election. The arms industry is one of the biggest contributors to the political system there. As one might expect, if one wants to win a presidential election in America, one will have to be fairly keen on the use of plenty of arms and bombs in order to ensure the arms industry thrives. Despite President Barack Obama's promises to deal with the war in Afghanistan and his suggestion that it was mad, there has been an increase in the number of troops in that country since his election.

However, given that he got so much money from the arms industry, I am sure his hands are tied.

Speaking of big business, I am surprised at how tolerant Fine Gael has been of certain big business people, including Mr. Denis O'Brien. The latter was strongly criticised by the Mahon tribunal, yet he was at the Global Irish Economic Forum. That was not a great idea. I was also surprised to see Mr. O'Brien in New York at the opening of the stock exchange last week. The Taoiseach said he had no say in the line-up but I am sure that had President al-Assad been in the line-up, he might have had some objections. What occurred is not good enough. When Deputy Joe Higgins challenged the Tánaiste yesterday in the House on the presence of Mr. O'Brien in New York, the Tánaiste replied that what ultimately matters is that we get our

[Deputy Mick Wallace.]

economy to recover. There is no doubt that we would like the economy to recover but I would not like to believe it will be at any price.

A serious lack of trust in politicians has developed among the people over the years. Unkept promises by Governments do not help matters. The Government, before it got elected, was very keen to tell everybody how it would deal with bondholders but it has not really lived up to its promise in that regard. With regard to the household charge, it was as late as January 2011 that the Government told the people the household charge was grossly unfair on the unemployed, pensioners and those who have already paid too much tax on the purchase of their overpriced houses.

The over-centralised nature of politics and the lack of real self-government and citizen participation have been at the heart of many of our probleMs One must examine how decisions are made. Too many decisions are made at the centre at present and we are not nearly democratic enough. County managers have an executive role at local government level. For all practical purposes, with the exception of deciding on the rezoning of land, the county or city manager makes all the decisions. This is a huge problem because one does not know whether a manager is good. The people in local authority areas do not have nearly strong enough a say. They have so little control over their governance. That our system is becoming overly centralised is very frustrating for them.

It was interesting to read some of the recommendations in the Mahon tribunal's report. It is stated that the National Transport Authority has an impact on planning as it plays a role in adopting regional planning guidelines and has several functions which have direct implications for planning and development but that members are appointed by the centre, namely the Minister for the Environment, Community and Local Government. The Mahon report recommends that they should in future be appointed by an independent appointments board, thus removing power from the centre.

The tribunal also recommended that the power of the Minister for the Environment, Community and Local Government to give directions to regional authorities and local planning authorities be entrusted to an independent planning regulator. Concern is expressed over recent changes in the planning system that have resulted in the over-centralisation of power to the hands of the Minister.

We will not have a fair society unless we seriously address many of the problems that arise. Seemingly, some corruption is legal. We have seen much corruption in the banking system in the awarding of public contracts, and we have seen it in the control of planning. One could argue a legal form of corruption is the paying of unsecured bondholders. The poor distribution of wealth in the country has left so much to be desired.

There is no doubt but that we have a divided and unfair society. Greater emphasis should be placed on the education of the individual, in addition to promoting his own innate abilities, such that he would attempt to develop in himself a sense of responsibility for his fellow man in place of the glorification of power and success. At the root of many of our problems is our bowing to power and money all the time.

Last week in Britain, the Conservative Party's chief fund-raiser, Mr. Peter Cruddas, claimed donors giving more than £250,000 to the party could have their voices heard in respect of the British Government's policies. I am afraid we have an exaggerated version of that. If the new Irish Government is really serious about proceeding differently, its first step should be to engage citizens in the organisation of society. We need real local government reform so the citizen will be an active participant in the running of the country and in determining how his life and community are affected. This model would contrast with the tokenistic one that pertains

at present whereby, to all intents and purposes, we have no local government and the people have no representation.

Deputy Paudie Coffey: I welcome the opportunity to contribute on this very important debate, which is possibly a watershed in Irish politics. Despite the newness of this State, we have unfortunately seen corruption extending to the core of our democratic system that has affected the very credibility and integrity not only of the politicians named in the Mahon tribunal report but also of every other elected public representative. Doubts have been cast over public representatives' character and role. It is very disappointing, as a new Deputy, to read such a report at this time.

As with many citizens, I am annoyed and frustrated over the time it has taken for the tribunal to conclude its investigation and the cost. Would it be better to have an Oireachtas oversight system with real powers of investigation that would be more responsive and efficient and give better service to citizens?

The damage to the body politic and representational democracy cannot be overestimated. The Deputies in the Chamber are all new except Deputies McHugh and Michael McGrath. I have always had the greatest of respect for any person who puts his name on a ballot paper in the public interest. Perhaps I have been naïve to some extent because, with the Mahon tribunal, I have seen that the cancer of corruption extended to all levels, including ministerial level. This is a sad indictment of our system.

Deputy Michael McGrath is a relatively new member of Fianna Fáil. I do not doubt his integrity and credibility in any way but, unfortunately, he has been left a dire and devastating legacy by those who went before him. I am not being patronising in saying so because people in Fine Gael have been questioned also. It behoves all of us to purge the system and root out those who are doing down the democratic system for which our forefathers fought so much. I have no doubt they would turn in their graves if they saw the carry-on of recent years.

As a Fine Gael Deputy, I must state I have many good friends in various organisations such as the GAA and on parish committees and boards of management who are active Fianna Fáil supporters. They tell me so quite openly. I can see in them a sense of disillusionment, betrayal, frustration and let-down. I feel sorry for them because they did not engage with the democratic process in order to see these types of outcomes. They have been let down by the people they have worked for and for whom they fought election campaigns. That is most disappointing to see also.

Fianna Fáil must look closely at the legacy it has left the country. It has not just left us with a devastating economic legacy but, more important, it has left us a damaged democratic system with questions hanging over the political system's credibility and integrity.

I do not like the aspersions being cast that our Taoiseach may have question marks over him too, as Deputy Wallace alluded to earlier. Mud is thrown at our Taoiseach because Denis O'Brien appeared near him recently when opening the trading day at the New York Stock Exchange. Denis O'Brien was invited not by the Taoiseach or the Government but the New York Stock Exchange to that event. I say to Deputy Wallace and other Members who might try to cast some aspersions, the Taoiseach is the longest serving Member of the Dáil and has also served on local authorities. There is not one bit of dirt on him. If there were, it would have been dug up a long time ago. The Taoiseach is a man of integrity whose reputation is held in great esteem. He, along with the Government, will restore our international reputation.

It also amazes me to hear Sinn Féin take the moral high ground in cases such as this. I will not let Sinn Féin forget that it had recent and close links to paramilitary organisations involved in subversive activities, money laundering, racketeering and other damaging actions to our

[Deputy Paudie Coffey.]

fundamental democratic institutions. Sinn Féin will not lecture Fine Gael or take the moral high ground on democratic representation.

What lessons can be learned from the Mahon report? We must certainly look at reforming the planning system. Was corruption only happening in Dublin or was it in other areas too? We need a more transparent and accountable oversight system for planning. It is not just about councillors but also officials who have significant and abundant powers when it comes to planning and zoning.

Some improvements have been made in this regard with the declarations of interest to the Standards in Public Office Commission which is obligatory for public representatives and senior officials. The commission needs to be strengthened more. I referred earlier to strengthening the powers of investigation for Oireachtas committees. They should have the power to call before them senior planning officials, county and city managers and councillors as well as other individuals as they see fit and appropriate. The Standards in Public Office Commission needs to have its powers strengthened too. The former Senator, Eugene Regan, made a complaint to the commission about the goings-on of Bertie Ahern and the large amounts of cash flowing in and out of his office. I cannot say out of his bank accounts because he said he had none. At the time the commission could not pursue the matter until Revenue had made a determination. There is a weakness in our system when the Standards in Public Office Commission needs to be strengthened and empowered to follow up on such complaints when they are made.

I am glad the matters raised in the report have been referred to the Revenue, the Criminal Assets Bureau, CAB, and other relevant authorities. As a democratically mandated and elected representative, I expect follow-up and results, as do our citizens.

Some Deputies referred to the links between politics and business. We must provide for legitimate engagement where genuine businesspeople or citizens want to support political parties of any hue but which must have proper oversight. For that reason, I welcome the new limits on donations to political parties. The people must decide, however, whether political parties are funded from private donations or from the Exchequer. This is a question that goes to the very heart of our democracy. If parties are funded from the Exchequer, the citizens will pay for it. What is the Opposition's view on this? As we have heard lately, most Opposition Members will criticise any additional expenditure on the Exchequer to try to keep our country going in the present devastating economic circumstances.

A register of lobbyists, like those in other countries, should be established. I would have no difficulty with such a register. It is natural in our job as politicians to be lobbied by various agencies and individuals on legislation and other matters that affect our citizens. What harm would it do if we kept a proper register of lobbyists which would record the matters on which they lobbied Deputies and councillors? This would restore some credibility and integrity to our system.

It does not give me any great pleasure to criticise any public representative. As I have stated already, I admire anyone from any party and none who puts his or her name on a ballot paper. The former Taoiseach, Bertie Ahern, the former Minister, Pádraig Flynn, and many others have done this State and democratic politics a disservice. They should hang their heads in shame. I hope the relevant authorities will pursue them and appropriate action will be taken. For the future of this country, our children and politics, as well as the need to restore the political syste's credibility, we must purge this type of activity from it.

Deputy Michael McGrath: I welcome the opportunity to make a contribution to the debate on the Mahon tribunal or as it is formally known, the Final Report of the Tribunal of Inquiry into Certain Planning Matters and Payments.

While many people suspected endemic corruption in our planning system during the years under scrutiny by this tribunal, and perhaps even to this day, it was nonetheless shocking for the full nature and extent of it to be laid bare in this final report of the tribunal. It is riveting if depressing reading. It upsets me greatly that elected persons, entrusted by ordinary people, would betray that trust and use their privileged position to enrich themselves and those around them. The Mahon tribunal has done the State considerable service by shining a light on corrupt behaviour in our democratic institutions. For that alone, it was worthwhile. The debate about the cost and length of the tribunal is a legitimate one but for another day.

Given that this report dealt solely with planning matters in Dublin, it is inevitable questions will arise as to whether the same practices and the same standards prevailed elsewhere in the country. I can only speak from my experience as a town and county councillor in County Cork. I have never witnessed corruption and I have not known of anyone to accept a bribe. We would be naive to think, however, that the temptation of easy money in return for political favours did not exist elsewhere. Of course it did and it was not resisted by all. For that reason alone, the Minister for the Environment, Community and Local Government, Deputy Hogan, should reinstate the inquiries into the six local authority areas in the manner originally constituted by the previous Government. I know that those inquiries were not dealing with allegations of corruption but changing them from independent, external inquiries to in-house inquiries was the wrong decision and should be changed.

While the report of the tribunal deals with public representatives from several parties, my party, Fianna Fáil lies at the heart of it. That is the harsh reality our leader Deputy Martin, I and my colleagues have had to face up to in recent days. The revelations concerning some former Fianna Fáil public representatives are deplorable. As a young public representative and as someone in politics for the right reasons, I am embarrassed and saddened by the actions of some of those who used the Fianna Fáil label as a vehicle for corrupt personal benefit.

It also saddens me that Bertie Ahern who led our party for 14 years and served as Taoiseach for three terms, a man of considerable achievements, was found not to have given truthful accounts to a tribunal of inquiry established by this House. This is a most serious finding. That is why we as a party have acted decisively since the report was published less than a week ago.

People who have been guilty of any wrongdoing now need to face up to the consequences of their actions. The full rigours of the law must to be applied. There will simply have to be consequences for the people concerned. Page 2,649 of the Mahon report recommends the Prevention of Corruption Act 1889 be extended to cover Oireachtas Members. This change would effectively allow for the politicians found to have been bribed to lose their pensions. The Government must act to immediately implement this recommendation and to examine other ways of updating and strengthening this legislation dealing with politicians found guilty of corruption.

Apart from the obvious public disgrace faced by politicians who have been bribed, there also must be a financial penalty. It is not acceptable that politicians who have been found to have disgracefully abused public office to enrich themselves would continue to receive lucrative pensions from the taxpayer. It will not be possible to rebuild public confidence in politics until ordinary people see there are consequences for politicians who act in this way.

The Fianna Fáil of 2012 is a different party from the Fianna Fáil of previous years. I am not just referring to the obvious difference in size following last year's emphatic general election defeat. There is no place in our party today for people who seek to abuse their positions. We have a long road to travel to rebuild trust with the Irish people. The only way my party can recover is to accept in full all of the past failings and to renew ourselves based on the basic principles of honesty and integrity in everything we do in public life.

[Deputy Michael McGrath.]

I know in my heart that the actions of these politicians do not reflect the character of the members of our party throughout the country nor of the majority of the party's former and current elected members. As a party, we will not allow the actions of a small number of selfish people, some of whom have been found to be corrupt, to hijack our 86-year history, which includes so many notable achievements for the country.

The overwhelming majority of people who have been elected for Fianna Fáil, including those who have served in high office, were honourable and never had their personal integrity called into question. They must be remembered. I do not need to look as far back as Jack Lynch, Seán Lemass or so many others from that generation for inspiration. I can point to honourable people from Fianna Fáil who served this country without a hint of impropriety in recent years, for example, Dr. Rory O'Hanlon, Dr. Michael Woods, the late Brian Lenihan and many others. The qualities they demonstrated in their public duties embody the true spirit of the party.

In time, we will permanently and resolutely detach from Fianna Fáil the stench of corruption that a small number of disgraced former members brought upon us. On issues of ethics, transparency and accountability in our political and financial affairs, we need to go further than other parties to demonstrate our good faith. We will do so. The manner in which we have responded to the tribunal's report is but one small step on that journey.

Public confidence in all things political ebbed away in recent years as tales of corruption emerged, and not just from this report. The truth is that many people believe that most or even all politicians are on the take or are at least only in it for themselves. Everyone who is elected knows this is not true.

We must be honest and admit that the issues that flow through the Mahon tribunal report are far broader than those pertaining to Fianna Fáil. They run to the core of Ireland's political system and political culture. Other parties, in particular Fine Gael, will need to deal with the serious issues that the Mahon report raises for them. Can we really look into our hearts and say politics in this country has changed? There have been great strides in terms of ethics legislation and the regulations governing the funding of political parties and individual politicians. Many of those strides occurred under Fianna Fail. However, my sense is that we have a long distance to travel yet.

Fianna Fáil will do what it must to face up to its challenges, but there are some uncomfortable questions for the parties currently holding the reigns of power. Consider the pattern of big business fund-raising in Fine Gael as highlighted by the Moriarty tribunal. Is there any evidence that the party's reliance on financial support from the corporate sector has changed? Consider the pattern of appointments to public bodies since the Government entered office. Many still appear to be motivated by political patronage. Persons who have been appointed to prestigious public positions are known to have made substantial donations to the Ministers who subsequently appointed them.

Why do all political parties not publish their accounts in full to remove any suspicion that money is still buying political influence? As a body politic, we should go the distance and introduce the maximum possible level of transparency to all aspects of the funding of political parties. The temptations that those exposed in the Mahon and previous tribunals could not resist will inevitably offer themselves to those who find themselves in power. Undoubtedly, the long number of years for which Fianna Fáil was in power contributed to the abandonment of standards among some. Fine Gael, as the largest party in the country and one that could well be in power for many years to come, would do well to remember the following quotation from Lord Acton: "Power tends to corrupt and absolute power corrupts absolutely." We need to ensure that controls are put in place so that power, even a prolonged period in power, does

not corrupt anyone. This is a collective responsibility, not just one for those in government. I am glad to have had the opportunity to put these points on the record in the wake of the publication of the Mahon report.

Deputy Joe McHugh: I welcome the opportunity to discuss the Mahon report. I spoke with a young man from Los Angeles today who was working as an intern in the Houses. When I asked him for his observations, he replied that matters seemed to be a bit of a mess. This outside observation is unfortunate, as is the position in which we as a body politic have found ourselves.

I agree with the sentiments expressed by Deputy Michael McGrath, in that we have a job to do as a collective body politic to gain the trust and confidence of the electorate. This is never an easy task. One need only look a few miles up the road to Northern Ireland, where a recent survey carried out by Queen's University showed that two thirds of those interviewed believed the planning system failed to uphold the public interest. Planning policy in that jurisdiction is very centralised. There is also a greater detachment between politicians and the planning process than is the case in the Republic. However, the mistrust remains. This is the challenge facing us.

From reading through the legalistic definitions of bribery and corruption, definitively proving either was difficult for the Mahon tribunal. The question is open to legal interpretation and differing opinions. Given the adage that past performance is always a good indicator of future performance, we must challenge the mindset of the past and view these findings as a motivation to change and to put in place a more robust, open and transparent planning process. This would ensure a rich dividend in terms of the trust placed in the body politic by the electorate.

The Mahon tribunal should have acknowledged a change that has occurred in the past 15 years, in that the planning process has become more open and transparent. When I entered politics in 1999, the process was less transparent. Donegal County Council introduced a geographic information system, GIS, for mapping purposes. This technology provided the public with a more open and transparent means of tracking planning applications from start to finish. Changes such as this must continue and I acknowledge that the Mahon tribunal report makes proposals and recommendations to this effect. Many of them should be considered by each local authority.

6 o'clock

We must consider current applications in light of the need to develop a robust policy in terms of the national spatial strategy, the national development plan, local development plans and regional planning guidelines.

Different policy arenas have developed into a more open and transparent system since the establishment of the Mahon tribunal 15 years ago but I do not think they go far enough. We have to use technology and the experience gained from our mistakes to build a more robust planning system.

Over the past 15 years, 25,000 planning applications went through the system in County Donegal. Were they all open and transparent and did they undergo a legitimately rigid process? People will have their own opinions on that question. The Taoiseach has asked the Revenue Commissioners and the DPP to deal with the past transgressions set out in the report. It is important that we work towards a more open and transparent system by engaging the administration team in Donegal County Council, which is involved in a number of policy areas.

While regional planning guidelines are effective, the report recommends that representatives be elected at a regional level. A discussion is needed on this proposal for several reasons. We do not want to create a second tier of democracy when we already have representatives providing an input at local level. We should carry out a comprehensive analysis to ensure regional

[Deputy Joe McHugh.]

planning guidelines include Border issues. The North-South dynamic is positive at present and we are developing synergies in education, roads and health. We should also aspire to more effective structures at regional level that could incorporate the work being done on an *ad hoc* basis. There is potential for the development of urban conglomerates such as the city of Derry, the sprawl of which impacts on the east of County Donegal. We have to deal with urban sprawl at a policy level. The vision of the Good Friday Agreement was to develop integrated strategies for planning as well as the marine, education, health, roads and agriculture.

Members of this House have a collective job to do but we should also acknowledge the changing role played by county council members over the past 15 years. They have engaged in more robust debate and consultation on planning policy.

There is no point in drafting a development plan if we do not adhere to it. The consultation process for development plans must be more robust at community level. I know from being involved in the consultation process since 2000 that while planners tried to engage the public, sometimes the process turned into an opportunity for people to complain about historic planning applications or mistakes made in the past. If we are to empower communities in planning and restore trust at local level, we have to develop an action plan or mechanism which allow community ownership of the collective aspirations of an area. Nobody has a greater insight into the needs of an area than members of the community. If we want to implement the report's recommendations on openness and transparency, we have to roll up our sleeves and start consulting our communities on more than a tokenistic basis. We have to ask them what is best for their areas. The depopulation of rural areas means that schools are faced with the loss of teachers. That is a result of not involving local communities in the consultation process.

Deputy Caoimhghín Ó Caoláin: The report of the Mahon tribunal is a terrible indictment of the way in which politics was conducted in this State for decades. A former Taoiseach, Bertie Ahern, has been disgraced and resigned from the party that he led to record electoral success. A former senior Minister and EU Commissioner, Pádraig Flynn, has been exposed as corrupt and also left the party in which for many years he strutted the Irish and European stages. Councillors, lobbyists and developers were shown to be deeply involved in corruption of the planning process and the politics. The revelations about planning corruption in County Dublin, especially by Fianna Fáil but also involving Fine Gael, over the past 15 years have been confirmed. People have not been surprised but they are no less appalled by what was done.

I want to refute some of the assertions that have been made in commentary about this report. I reject the notion being peddled in certain quarters that somehow the Irish people in general and all of us in political life are to blame because we tolerated or turned a blind eye to corruption. That is false. I believe that the majority of public representatives of all parties are not personally corrupt and their role in political life is above reproach. The vast majority of citizens are totally opposed to corruption as a blight on our country and would do all in their power to remove it. However, they felt powerless to remove it because the institutions of the State that were supposed to be the watchdogs acting on their behalf failed miserably.

A survey of the range and depth of the findings of the tribunal and the number of persons involved causes one to ask where was the Garda. The answer is given in the findings of the report under the heading "The 1989/90 Garda Corruption Inquiry". This section has not received the attention it deserves. The report states that Tom Gilmartin received a telephone call from an individual who introduced himself as Garda Burns and that Mr. Gilmartin was "effectively warned away from the path that he had by then embarked on, namely dialogue with the Gardaí regarding allegations of corrupt practices and demands for money". The tribunal found that the purpose of the telephone call was to "discourage, intimidate or warn Mr

Gilmartin to desist from any further cooperation with the Garda inquiry". More seriously, the report concludes that the complaints made to the Garda by Tom Gilmartin about George Redmond, Liam Lawlor and Councillor Finbarr Hanrahan were not thoroughly investigated by the Garda. In the damning closing of this section:

> Notwithstanding Superintendent Burns' evidence to the contrary, the Tribunal believed it likely that Mr Lawlor's position as a TD was a factor in the decision taken by the investigating Gardai not to interview him in the course of their inquiry. The Tribunal was puzzled as to why the final Garda report went to such lengths to exonerate Mr. Lawlor and Mr. Redmond in the absence of a more comprehensive inquiry into complaints of corruption against those two individuals.

It is no wonder that corruption thrived when this was the attitude of sections of An Garda Síochána, including perhaps at a very high level. I recall that in the same period my fellow Sinn Féin councillors and I were subject to regular harassment by members of the Garda special branch while going about our legitimate business as elected representatives and members of a legal political party. If some of that very valuable Garda time had been spent investigating corruption rather than trying to dissuade people such as me away from the political course to which we had committed ourselves, we might have been spared some of the millions spent on this and other tribunals.

I believe the conclusions of the tribunal report with regard to planning are too narrow in scope. I accept that the tribunal was dealing with corruption with regard to development plans, rezoning and hugely lucrative commercial developments. However, in the interim, as the report acknowledges, planning law has changed greatly. The role of councillors has been diminished because of the abuse of those powers by people named in this report and by many others. However, the report does not mention the fact that other aspects of planning and development laws and regulations have moved in a very negative and damaging direction. We had a regime which allowed scope for corruption of elected representatives. We now have a regime which has allowed widespread abuses by developers. The most outstanding example is of course Priory Hall. The disgraced developer Thomas McFeely and his Coalport company got away with building that apartment complex because of self-regulation. He is just one of many, albeit the most extreme example — at least to date.

The very governments whose members are found to have been corrupt in this report were the same governments that brought in so-called light-touch regulation for the construction industry. A citizen wishing to build an extension to his or her home must go through the full rigours of the planning laws but a developer can build houses and apartments for sale or rent to hundreds of people without any proper inspection regime in terms of construction standards and fire safety. It can all be done as a paper exercise with no on-site inspection by the local authority and that must change. This is important because we need to see the Mahon report not just in terms of personal corruption, but also in terms of systemic corruption, much of the latter, of course, being totally legal.

In 2006 I stated that the then Taoiseach, Bertie Ahern, had been let off the hook about bigger scandals than those now confirmed by the Mahon report. At the core of these scandals was the close relationship between the Fianna Fáil and Progressive Democrats Government and property developers, and the oil and gas industry. These scandals included the changing of Part V of the Planning and Development Act after intensive lobbying from developers. The original Part V required developers to provide 20% social and affordable housing in all developments. This was changed by the Fianna Fáil and Progressive Democrats Government at the developers' behest to allow them buy their way out of their obligations by paying money to local authorities. As a direct result lower-income families were deprived of homes.

[Deputy Caoimhghín Ó Caoláin.]

Major tax concessions were granted to developers of private hospitals. Bertie Ahern's successor as Minister for Finance, Charlie McCreevy, admitted that he brought in this concession after lobbying from a private hospital developer in his own constituency. This resulted in the allocation of land at public hospital sites to private developers to build private for-profit hospitals while our public hospital system struggled from crisis to crisis. That totally discredited scheme was eventually abandoned.

There is the ongoing robbery of our natural gas and oil supplies by multinationals which have been handed these resources virtually free *gratis* by successive governments, including the current Administration. That issue is live and current today. All of these measures were and are legal but totally unethical and against the public interest.

As I said in 2006, the brown envelope culture had been exposed but it was replaced with the institutionalised brown envelope. The Government's housing policy was driven not by the housing needs of families and individuals, but by the profit motive of developers and speculators. The amended Part V of the Planning and Development Act amounted to legalised and institutionalised bribery of local authorities by developers facilitated by the Government. It allowed developers to bribe their way out of providing social housing. As originally passed, the Act required developers to devote 20% of each housing development to social and affordable housing. The friends of Fianna Fáil in the construction industry raised an almighty clamour and the Act was amended to allow them to side-step this obligation by paying money or giving land to local authorities. Seldom, in my experience, has a lobby succeeded in getting a law changed in such a short time.

Of 80,000 new homes built in 2005, only 830 were allocated to local authorities under Part V. At that time the then Taoiseach, Bertie Ahern, claimed that the Government changed Part V because of demands from all sides, including here in the Dáil. There was certainly pressure from some on the Government benches but the change was strongly opposed in this House and not only by Sinn Féin. Other parties and voices in this House were equally strong in their opposition. The pressure came from the developers and speculators who contributed so much to the funding of the Fianna Fáil Party. It was one of the quickest turnarounds ever for a political lobby.

This legal but corrupt relationship between Fianna Fáil and the developers was directly responsible for the property bubble and all the disastrous economic consequences. Their approach was driven by the lust for profits of the land speculators and the developers. This played into the hands of the lending institutions which profited from the massive scale of mortgages weighing down on young families. We pointed out at that time that the local authorities must be given a lead role in providing homes for our people. That was ignored.

I would have liked to have been able to add several points. I do not know whether this has been reflected in any of the earlier contributions — those I have watched on the monitor have not made reference to it. We should use the opportunity of this debate to express our apology on behalf of the people of the State and on behalf of all who work within its service in whatever way we do to Tom Gilmartin. He was a much maligned man who at a very difficult time in his own life had the courage to come forward and tell the truth of his experience. It is important that we record that. We should do whatever we can to show good faith with the man and his family. The Government owes it to the Oireachtas now to publish a detailed implementation plan with regard to the recommendations of the tribunal and I urge it to do so.

Deputy Robert Dowds: I agree with the previous speaker's remarks about Mr. Tom Gilmartin, who certainly did this country some service with his actions.

I want to join my colleagues in the Labour Party and elsewhere in welcoming the publication of the Mahon report. It is unfortunate that it took so long to complete its work, but the importance of the report cannot be ignored or understated. I will take a particular angle in my contribution. I represent Clondalkin, Lucan and Palmerstown, the area most adversely affected by the Dublin County Council decisions detailed in the Mahon report. Our proposed town centre was stolen from us and it can never be replaced. The damage done there will last and will be a monument to those bad decisions. Indeed, I was an unsuccessful candidate in the 1991 local elections in Clondalkin, an election which is referred to often in the Mahon report. I campaigned in favour of developing the original town site. For my efforts I can remember on one occasion being laughed at by Frank Dunlop. It is difficult to describe the atmosphere of the time but there was an absolute attempt to whip up as much community support as possible for the proposal to move the town centre from Ronanstown to Quarryvale. Every effort was made. At the time people were desperate for jobs because we were coming out of the 1980s. That helped the developers to get their way.

I emphasise that this is not a victimless crime. Perhaps it cannot be seen by others but I have before me a map of the area that was meant to be the town centre for Lucan and Clondalkin. It is still made up of green fields. The railway station for Clondalkin is in the middle of this area, the one area of Clondalkin and Lucan where there is no housing. This is a concrete example of the effects of the decisions. Had the town centre gone ahead in the original designated area, the railway station would be viable and there would be a viable centre there now, one accessible to people from Clondalkin and Lucan. That is not the position and it is a disgrace because when people moved to the Clondalkin and Lucan areas in the late 1970s and early 1980s, they had a reasonable expectation that the area would develop. The town centre area was moved to the extreme north-east corner of the Lucan-Clondalkin area. Therefore, it is not a town centre for either Lucan or Clondalkin. We are left with the current situation.

Earlier, I referred to the lonely train station in the one unpopulated area of the Clondalkin-Lucan conurbation. There are many other knock-on effects. Recently, Clondalkin lost the Permanent TSB bank to Liffey Valley. There are numerous similar small impacts. As it stands, the Liffey Valley centre is a commercial threat to the surrounding places of Clondalkin, Lucan and Palmerstown. As we speak there is a planning application from Tesco to build a large supermarket on that site. We must work out whether it should go ahead and what impact it will have on the immediate area.

I emphasise the point because most of the media attention on this issue has focused on the corruption. While it is proper that there is a focus on this, there has not been sufficient focus on the fact that those decisions have practical implications. They have had negative practical implications on the area I represent and other areas throughout Dublin. I urge the media to focus on this aspect of the problem as well. People have been badly served by these decisions. It must be understood that there are practical implications.

This betrayal was perpetrated overwhelmingly by Fianna Fáil representatives as well as some Fine Gael representatives on our council. Unfortunately, one Labour Party person was involved as well. We recognise this and the individual councillor was expelled from the Labour Party in 1993. We did not have to wait for the various tribunals and the Mahon report. I was not a member of Dublin County Council at the time but I am proud of the Labour Party members and some of the honourable members from other groups and parties who refused to yield to the temptation of seeking money for their votes. The people who stood out against this have never received the credit they deserved. Often, they were under considerable pressure.

I refer to some of the corrupt decisions themselves. The tactics used by those involved would not have been out of place on the script of "The Sopranos". I regret to note that even Sinn

[Deputy Robert Dowds.]

Féin got involved locally in efforts to whip up support for the rezoning because the area involved happened to be near the area of that party's greatest electoral support.

There are some good suggestions among the recommendations of the Mahon report. However, overall they are far too legalistic and not broad enough. The Kenny report has been adverted to. One of the key measures of that report which would help to prevent corruption is if the price of building land were regulated. The proposal in the report was that it should be set at the cost of farm land plus 25%. Such mechanisms would help to wipe out pernicious motivation to a great extent.

Other measures must be considered as well, although I do not allege any corruption in this regard. Let us consider the development levies which were valuable to councils before the Celtic tiger collapsed. One problem with these was the temptation on the part of council staff to go for the maximum development possible because it would yield the greatest levy. That is not a good way for decisions to be made. This aspect of the report should be considered. Another issue that must be considered as a result of the Mahon tribunal is the organisation of local government. I am somewhat fearful of the proposals, some of which may emasculate local government further. It is important to try to give local government sufficient power and the independent resources to operate. It is important that we draw a line under corruption and develop a total intolerance of it.

One problem with Ireland is that we do not sufficiently see the State as being made up of ourselves. Therefore, we do not sufficiently recognise an attack on the State as an attack on the people who live in the State. We would do well to adapt the slogan of the French monarch, Louis XIV, who said: "L'État, c'est moi". We should adapt this to say: "L'État, c'est nous". If we adopted this approach we would have a different way of seeing things. It would help to develop a greater public ethic in the country.

I agree with the remarks Deputy Ó Caoláin made on the Garda and the need to explain why some of these complaints were not followed up. There is a pressing need for justice to be done. We cannot undo the corrupt actions of others but it is important that we rebuild confidence in the political system. We must seek justice on all fronts in the way we follow up this report.

Deputy Tom Fleming: The Mahon findings are disturbing on many levels. The full extent of his analysis is well captured by the opinion piece of the historian Diarmaid Ferriter in *The Irish Times* of Monday, 26 March under a telling caption which I would paraphrase as, "State now ethically as well as economically bankrupt". Naturally, these are not separate conditions; they are altogether entwined. The endemic, systemic culture identified by the Mahon tribunal during the late 1980s and early 1990s was one source of the property and lending bubble that brought the country to its knees.

The most striking aspect of the Mahon findings is the suggestion that those engaged in corruption had a sense of impunity and invincibility and that there was little appetite on the part of the State's political or investigative authorities to combat this effectively or to sanction those involved. In the words of Edmund Burke: "All that is necessary for the triumph of evil is that good men do nothing." Belatedly, Mahon's comments prompt the old Roman question: *"Quis custodiet ipsos custodes?"* Who will guard the guardians? This is the telling question.

The central question we in this House must ask is whether anything has changed since the completion of the beef tribunal? It is now over 20 years since the completion of that tribunal, but the only sanction that followed it was the bizarre charging of the journalist — now a Senator — Susan O'Keeffe in 1995 for contempt of court for not revealing her sources in unearthing the scandal at that time. Twelve months on from the Moriarty tribunal, can we be satisfied or sure that anything has changed or that any sanctions have been applied? We need

more from Government than the customary passing of tribunal reports to the DPP, the Garda and the Revenue Commissioners. I acknowledge the sincerity of the Tánaiste when he stated on Tuesday that these organs of the State would be brought in to full use immediately, but we need something more telling than this. We need updates on progress and prosecutions.

Likewise, four years after the collapse of our banking sector, what sanctions have been applied to those responsible. Many rank and file bank officials face redundancy, but what sanctions have been visited on the directors, senior managers and regulators at the time? On 25 January this year, Mr. Justice Peter Kelly was driven to remark that he was taken aback to hear that only 11 gardaí were seconded to the Office of the Director of Corporate Enforcement to work with the eight officials there on the investigation into the largest and most serious investigation in the State's history. I cited the remarks of Mr. Justice Peter Kelly in the High Court last May when we debated the issue of white collar crime here in the House. At the time he said he was extending the investigation by the Director of Corporate Enforcement and gardaí into Anglo Irish Bank to the end of July, as the progress of the two-year inquiry was "not at all satisfactory". A six-month extension had been sought. This was reported in *The Irish Times* of 11 May.

Mr. Justice Kelly also strongly criticised the failure to mount any prosecutions in other commercial court cases involving judgments for millions of euro, despite *prima facie* evidence and admissions of criminal wrongdoing, where papers to that effect had been sent years previously by him to the authorities. He stated: "This is not a desirable state of affairs." He also said the apparent failure to investigate thoroughly, yet efficiently and expeditiously, possible criminal wrongdoing in the commercial and corporate sectors did nothing to instil confidence in the criminal justice system. Furthermore, when giving judgment and refusing an application for a six-month extension of the Anglo investigation, he said that he would extend the inquiry only to July 28, when he expected "much progress" to have been achieved. He warned that if a further extension was sought in July, he would have to be given a detailed update on progress, including what happened to material sent by the investigators to the DPP's office in December and March. He said the collapse of Anglo had had profound and serious consequences for the economic well-being of the State and its citizens, had caused hardship to many small shareholders who invested in it in good faith and had played no small part in seriously damaging Ireland's business reputation throughout the world. The Mahon report reflects the statements of Mr. Justice Kelly 12 months ago.

This time around, I suggest the Taoiseach refer the Mahon report to the investigating bodies and that he also consider the establishment of a new investigative regulator who will have the power to audit the progress of the various investigations. It is not good enough that, as we know now from the various tribunals, the operations of the State's investigative functions are so shrouded in secrecy and so unaccountable to the citizenry. Due to the division of responsibility between the Garda, which is charged to investigate, and the DPP, who is charged to prosecute, citizens cannot see where proceedings are being delayed. This opaqueness and lack of transparency leads to a general lack of confidence that timely sanctions will be applied. This sends a terrible message that corruption pays. Then we wonder why, in Judge Mahon's words, corruption is so "endemic and systemic".

I wish to note the Mahon report's commendations of some politicians. As Deputy Dowds said, it seemed that corruption extended across the political spectrum, but we are very fortunate that some politicians were commended. I will give credit where credit is due. The Minister, Deputy Pat Rabbitte, and the Tánaiste, Deputy Eamon Gilmore, are mentioned in Judge Mahon's report on pages 1068 and 1579 respectively. He commends them on the probity they showed in refusing developers' donations in 1992. It is fortunate they took that stand. If it came to light that anybody of that status was involved, even in a minor fashion, it would reflect badly

[Deputy Tom Fleming.]

on the country at this time. I also commend former Deputy Trevor Sargent and Mr. Tom Gilmartin who courageously stood against corruption at the time, which has led to the exposure of the whole despicable affair.

In spite of these commendable individual actions, the corruption train gathered speed among others. In order to rid the country of the culture of corruption, we must properly resource and independently audit the investigative functions of the State. Had, for example, Mr. Tom Gilmartin's original complaint been properly investigated at the time it was made by the Garda, we might have saved ourselves over €300 million, the cost to date of the tribunal. There are key lessons to learn for the future and let us hope we learn from this episode.

Deputy Kieran O'Donnell: I have not read all of the report, but I have read the key sections. When making my contribution, I want to be objective and to look at the issues dispassionately. As public representatives, we must link in with what ordinary people see in the report. There is nothing really new in the report. The only aspect in any way new is what it says about the former Taoiseach.

The Mahon tribunal report states that the former Taoiseach, Bertie Ahern, told untruths and that former EU Commissioner, Minister and Deputy, Padraig Flynn, was corrupt. Above all else, we must learn from the report that people cannot abuse political office for personal gain and not suffer any consequences. Personal greed was the driving force and it follows that such people must feel financial pain. I commend the Taoiseach's decision to refer the report to the Director of Public Prosecutions, the Revenue Commissioners, the Garda Síochána and SIPO, Standards in Public Office Commission.

The concern is that many of these people have become immune to guilt and in some cases, being found guilty is regarded as a badge of honour and this has been the case with previous tribunals. Bertie Ahern is the emperor with no clothes but in my view such persons should be stripped of their financial gains. It is not enough for tribunals to decide that a person has told untruths if that person does not suffer financial consequences. I commend the Taoiseach on the decision to examine the pensions for such officeholders under the constitutional convention. These individuals have destroyed the reputation of this country and of the body politic. Something good must result from this investigation by the tribunal and it may be good for Ireland's reputation in that we are seen to carry out such investigations and hope to restore the trust of the public in the political system.

The report makes for harrowing reading. I wonder if the former Taoiseach, Bertie Ahern, went to the tribunal in the full knowledge that he had significant problems but with the single objective to avoid a finding of corruption against him. He did not particularly care whether it was found that he was telling untruths and he concocted a defence which was that he was unable to verify from where the money came. It was like a play with different actors in every scene — different people appearing and disappearing. He now defies the tribunal's findings.

I say, shame on Bertie Ahern. The Irish people have been very good to him, they placed their trust in him and I hope people will now see that this former emperor has no clothes and never had any clothes, that much of it was pretence and dissimulation. I wonder if there is any shame. A person concocting stories for a tribunal must suffer consequences and if money is involved, a person must suffer financial pain. The ordinary members of the public make the point to me as a public representative that tribunals and investigations are great but if these people do not suffer financial consequences they wonder what is the point.

The Standards in Public Office Commission has received a complaint about Bertie Ahern's tax affairs. He produced a tax clearance certificate for 2002. The question now is whether he filed a false tax return. The query is with the Revenue Commissioners and the organs of the

State need to be seen to deal with all people equally. Ordinary people in business know the Revenue Commissioners can make life very difficult. The small man is entitled to be treated in the same way as the big man. There is a view among the ordinary members of the public that ill-gotten gains by whatever circuitous means, can mean a person becomes untouchable. I hope the likes of Bertie Ahern are no longer the untouchables as a result of this report and that they will suffer the consequences and that the organs of the State will be seen to act. What is needed is fair play. If people are not guilty then so be it but if people try to make fools of the public and of tribunals, for their own ends, so that they will not have a finding of corruption held against them, but they told untruths, such persons must suffer the consequences and this is when the Revenue Commissioners, the Director of Public Prosecutions, the Garda Síochána and SIPO must come into play.

This Republic must be seen to be free of political corruption and to achieve this balanced measures are required. Legislation dealing with political donations is being discussed by the House and legislation dealing with political lobbying is planned, along with whistleblower's legislation. We must examine the planning system at all levels and I include An Bord Pleanála. The system must be seen to be fair.

The report refers to giving all powers to the Executive but this is a concern. There needs to be a balance. Politicians, in the main, are general practitioners; we work for the people and we are not corrupt. Yet, this report indicates that corruption occurred at the highest level and that the view was one could not be successful unless one gave £50,000 to a Minister at the time, who used it for personal use. The farm of land in question should be sold. According to the report, Padraig Flynn took money under false pretences and that paid for the farm. What is Fianna Fáil doing about seeking the return of that money? There needs to be consequences for those who have abused their public position for personal gain.

Why did it take 15 years for the tribunal to complete its work at a cost of approximately €100,000 per page of the report? Young people who will be eligible to vote in three years' time were not even born when the tribunal began its investigation. This report is a good body of work which in my view took too long and which needs to be acted upon in a balanced way. The public need a transparent process in the political system which shows their interests are paramount. The organs of the State are hard on the small man. I know this from my experience over many years of dealing with business people who found it difficult. The former Taoiseach has not produced a tax clearance certificate for the 2007 election and this is the subject of a complaint to SIPO. The Revenue Commissioners need to review the files and action needs to be taken. The concern is that a person with enough money will be above and beyond the legal system and the organs of the State.

The people we represent, such as those with young families and the elderly, are the ones who matter. The investigations into the banking crisis need to be moved forward. Bankers were instrumental in wrecking our economy. Anglo Irish Bank has received €34 billion of taxpayers' money. The Irish Nationwide Building Society is now part of Irish Bank Resolution Corporation and we are seeking to renegotiate a deal on that in Europe. People need to be held to account and we need to see action in this regard.

This is about getting finance for personal use so hit them where it hurts — in their pockets. We need to ensure the organs of the State and the people concerned are seen to be held to account and will suffer consequences. In some cases, people appear to be immune from legal consequences but if we hit them in their pocket, they will feel the pain and that is what we need to see happening now.

Deputy Robert Troy: I welcome the opportunity to speak on the Mahon report. It is only right and proper that after 15 years and €300 million, we, the democratically elected representatives, take time to debate its findings.

[Deputy Robert Troy.]

It is clear from the tribunal findings that there was a culture of endemic corruption in Irish politics during the 1980s and 1990s. As a member of Fianna Fáil, I am deeply ashamed and embarrassed about the level of my party's involvement. As one of the youngest Members in the Dáil, and the youngest member of the Fianna Fáil Parliamentary Party, I would like to believe that the use of power for illegitimate gains belongs well and truly to an era in the past. Tribunals of inquiry such as the Flood tribunal, now the Mahon tribunal, have been part of my youth and my adult life. It is hard to believe that, as a six year old boy growing up in County Westmeath, I was not paying much attention when the Flood tribunal was established. I did not understand the reason or need for it, or the implications it had for the citizens of the State at the time. All the same, various accounts and in-term reports have impinged on my consciousness. I now associate these tribunals with the politics of the past. For that reason, I am not in a position to form an opinion on whether all or any of the findings of the tribunal are fair and reasonable. However, given that we have entrusted the task to eminent judges, who have no axe to grind and no hidden agenda, it behoves all of us to accept that the findings are fair, reasonable and factual.

In my contribution I will focus on what we can learn from this sorry account of a bygone era and how we, as legislators, can ensure such things never happen again. Before I do that, I wish to make some points about the unbelievable rush by many other parties and certain members of the media to state that this practice was almost exclusive to Fianna Fáil. Our party leader has accepted the role the party played and has moved swiftly and comprehensively to deal with that. It is wrong to say that all members of Fianna Fáil are rotten to the core because of a number of individuals. Both before my time and currently there have been many honourable and decent public representatives within the Fianna Fáil Party. The Mahon tribunal states that corruption in Irish political life was both endemic and systemic. If we genuinely wish to move forward, we must all accept this finding and do whatever is within our power to help regain the trust of the electorate. I accept that those in our party have more to do than others.

There appears to be an agenda of guilt by association for members of Fianna Fáil — one must have known about all the wrongdoing that was going on. Yet no reference is made to the collective Cabinet responsibility when the most lucrative contract in the history of the State was awarded. There is also doublespeak about the Galway tent which rightly ceased to be an operation in 2008 while the Punchestown tent and the K Club golf classic carry on. The senior party in Government continues to rely heavily on corporate donations as a mechanism of funding. On two occasions in the past 12 months Fianna Fáil introduced legislation in Private Members' time to deal with a ban on corporate donations; on both occasions it was voted down. Members of Sinn Féin spoke about extortion. They were right because some of the practices they spoke about amounted to that. However, it is ironic to get lessons on extortion from members of Sinn Féin.

One of the first acts of the Minister for the Environment, Community and Local Government, Deputy Hogan, was to close down the investigations into planning irregularities on six councils that had been initiated by the then Minister, John Gormley, in the previous Government. I do not suggest for one minute that two wrongs make a right because that is not the case. However, if we are to be real about reforming our public system and representing the people who have given us the unbelievable honour of representing them in this House, there can be no double standards or doublespeak. What is good for the goose is good for the gander.

Thanks to our Constitution, the powers of the Oireachtas are separate from those of the Judiciary and this has allowed the tribunal, once set up, to ensure independence and impartiality. I have some questions, however. One concerns the length of time it took the tribunal to make its recommendations. There is also the issue of the cost of tribunals, especially the fees

paid to barristers and senior counsel to turn up for a watching brief. The lack of accountability is also a matter that must be discussed. There would seem be no administrative system to verify the accuracy or otherwise of accounts submitted by the said legal eagles.

Possibly the most striking issue, the one foremost in the minds of many men and women outside, the taxpayers, the people who unfortunately have to live in the built-up areas that are without adequate services, as a result of some of the disastrous planning permissions discussed in this report, is that the tribunal can only record an opinion, not a finding in law. There is an absence of power to impose specific sanctions against those found guilty of wrong doing. For that reason, I am glad the Government has referred the report to the necessary officials — the Director of Public Prosecutions, the Garda Síochána, the Revenue Commissioners and the Standards in Public Office Commission, SIPO. I encourage the Minister for Justice and Equality, Deputy Shatter, to carry on with what he spoke of in Opposition and ensure that the bankers who also helped to bring the country to its current position are held accountable.

I acknowledge that work has been done since 1997 to combat corruption in public office. SIPO was set up by an Act of 2002 to supervise disclosure of interests and tax compliance by public representatives. The Prevention of Corruption (Amendment) Act 2001 implemented the highest standards of the OECD and the EU in regard to anti-corruption laws. I remind Members it was a Fianna Fáil Government which set up the planning tribunal to explore planning irregularities and payments to politicians. Unfortunately, this had to be done and I am glad it has been done. It is time to look to the future.

As a young politician, I have always been interested in politics. I became involved in politics at a young age through being elected to the student council at 14 years of age. It was always my intention to serve my people, to serve my community and to serve my country. Politics is a noble profession and one where service should be put above self. I cannot stress enough how imperative it is that there are lessons learned from the Mahon report and previous reports. Action must be taken and legislation must be drafted to ensure the recommendations from the Mahon report are not put on the long finger. It should not be the case that, as with the Moriarty report, 12 months have passed and still there is no action.

Deputy Charles Flanagan: The Mahon recommendations must be examined systematically and acted upon within a clearly defined timeframe over the lifetime of the Government. It comprises a sad and sorry saga of widespread corruption, deceit and fraud at the heart of Government and the corrosive effect the consequences had on society and democracy. Corruption, as outlined in the Mahon report, represents a fundamentally destructive force. We must develop a culture of absolute intolerance of corrupt practices. It is a silent crime fostered by weak systems and a lack of accountability. The rule of law is grievously undermined, thus maintaining inequality and injustice and rotting the fabric of democracy to the core. Corruption might be a silent crime but its not without victims, as evidenced by the pain and suffering of thousands of couples enduring negative equity on partly finished estates in this city and beyond.

7 o'clock

There has been much deliberation on Fianna Fáil. The statement of the party leader, Deputy Micheál Martin, last Thursday and his speech to this Dail last night were mean-spirited, petty and politically partisan. To mention Fine Gael as he did is a clear example yet again of Fianna Fáil refusing to put its hands up unambiguously. Rather, it was attempting to muddy the waters and throw as much blame around the political system in an attempt to convulse an already confused electorate.

We can compare Bertie Ahern's speech on Charles Haughey and Deputy Martin's speech on Bertie Ahern in recent times. There has been a time lapse of 15 years but a remarkable similarity in tone and content: "No one is welcome in this party if they betray public trust";

[Deputy Charles Flanagan.]

there will be no place in our party "for that kind of past behaviour"; "Participation in the democratic life of this country is about public service, not self-service or the sustaining of a certain lifestyle"; and "It is unacceptable in a manner hitherto concealed from the public that a Taoiseach should be personally supported". I could go on but time forbids me.

Just as Bertie Ahern learned his trade and cut his political teeth on the lap of Charles Haughey, Deputy Martin learned his trade and cut his teeth on the lap of Bertie Ahern. On 27 February 2008, when the whole country knew the evidence was incredible, Deputy Martin said "I do believe what the Taoiseach is saying at the tribunal". One month later, on 31 March, he had full confidence in Bertie Ahern and praised him in his role as leader of Fianna Fáil and Taoiseach. In this regard I acknowledge the contribution of former Senator Eugene Regan, who was harassed and vilified by senior Fianna Fáil figures, some of whom still serve on the Fianna Fáil Front Bench but who are not in the Chamber at the moment. Senator Regan's comments were fully vindicated.

Fianna Fáil has a long track record of failure to investigate allegations of corruption, as the Mahon report starkly points out. Attempts were made to prevent and sidetrack Garda investigations into corruption. It appears no institution of the State was safe from Fianna Fáil influence and duress over a long period. This is a consequence of being in power and control for so long and it is not just Ahern, Flynn, Burke, Haughey and Lawlor. Rather, it goes back to 1967 and the extraordinary admission of the late George Colley who, as a member of the Fianna Fáil Front Bench in government, spoke openly about low standards in high places, referring to his fellow Front Bench Members. It was clear at that time as it is clear now that the generation after de Valera, Aiken and McEntee joined not for any ideology or public service but for self-advancement, power, influence and personal enrichment. Astonishingly, a few years ago a Fianna Fáil backbencher from Sligo-Leitrim took pride in announcing this in the House when praising the job creation attributes of the Gallagher family in Sligo , a family with very close links to Fianna Fáil and one of whom was a long-standing Member of this House. The then Deputy, Mattie Brennan, said that a householder would not qualify for a grant unless the house was fitted with a Fianna Fáil lock from Gallaghers of Tubbercurry. It was admitted openly that all local authority houses in the jurisdiction had to be fitted with a Gallagher Fianna Fáil lock. That is influence when one can forget about the tendering process.

It started with the men in mohair suits and TACA and continued right down to the tent in Ballybritt. The 19th century Liberal scholar and one-time MP for Carlow, Lord Acton summed it up: "Power tends to corrupt and absolute power corrupts absolutely". Did he have Fianna Fáil in mind when he said "The one pervading evil of democracy is the tyranny of the majority, or rather of that party...that succeeds by force or fraud in carrying elections"?

This present Government must show an unstinting appetite for reform. I welcome measures in the programme for Government and those introduced so far involving the Department of Justice and Equality, the Department of the Environment, Community and Local Government and the Department of Public Expenditure and Reform. This involves not just legislation but also enforcement. I propose going further and introducing an independent commission against corruption chaired by Judge Mahon, unless someone can put forward the name of a more qualified independent chairman, to act as a watchdog against corrupt practices. The body should be independent of the Executive and guaranteed a sufficient budget on an annual basis from Dáil Éireann. The commission should have four units, the first of which is the investigation unit working with CAB, the serious fraud office of the Garda Síochána, the Revenue Commissioners and the Department of Social Protection. Second, it should have a legal unit linked to the parliamentary oversight committee if that is given additional powers of responsibility, which I hope will be vested in the committee by the people, although it did not happen last October.

Third, an arm should deal exclusively with education and research against corruption so we encourage people at an early age to distinguish between corrupt practices and acceptable practices by public representatives in the democratic process. Fourth, it should have a corporate and commercial services unit dealing directly with the Director of Corporate Enforcement. I am frustrated by the delays in inquiries by the Director of Corporate Enforcement and Director of Public Prosecutions over the past two years. The key elements are the independence of the commission, clear procedures and a reporting hierarchy. There must be buy-in from civil society by harnessing public support.

Fighting corruption is a collective responsibility and prevention is better than cure, better than punishment and better than maintenance. The Mahon report must be seen as a beginning. We are embarked on a delicate process of restoring our international reputation and lifting the shackles of the IMF from our every economic move. Side by side, we must embark on a similar endeavour to restore a climate of ethics around our planning and development practices domestically. The same level of vigour and energy must be expended in the task to fight corruption. Judge Mahon must be discretionary on costs and such discretion must be based on the matter of delay, obstruction and failure to co-operate over a period of 15 years. That must come into play in the matter of the awarding of third party and other costs.

The value of the €300 million and 15 years of time, energy and effort will be gauged on the progress those of us in this House facilitate and on the success of such facilitation in restoring trust, confidence and respect. I conclude with another quote from the late Lord Acton who stated: "Liberty is not the power of doing what we like, but the right of being able to do what we ought."

Deputy Brian Stanley: I welcome the opportunity to speak on the Mahon tribunal report. I acknowledge that the findings of the Mahon tribunal are a damning indictment of a political system that was rotten and riddled with corruption. I take the opportunity to pay tribute to Judge Mahon and his legal colleagues at the tribunal. He has done the State a service pursuing this issue despite the best efforts of some former Fianna Fáil Ministers but if we are to be honest with ourselves we must also recognise that political corruption did not start or end with the Mahon tribunal. The Mahon tribunal is but a snapshot of the times in which we were living. Corruption existed long before the Mahon tribunal and has continued right up until today. It will continue until those with courage stand up, shame those involved and offer real and credible alternatives.

I became involved in politics because I believed in politics and active citizenship. I firmly believe that politics can improve the quality of people's lives. I believe that people have rights and responsibilities and that those rights and responsibilities must be upheld, defended and strengthened. When I look back, I see a history riddled with political corruption. James Connolly said that with partition we would have a carnival of reaction. He rightly predicted what would happen. Unfortunately, that has been in full swing, and we have seen various manifestations of it.

What we have is a very conservative State where the institutions of the State, including local government, have been dominated by a right wing, conservative political ideology and, therefore, prone to corruption. We have had consecutive Governments in this State that have failed the people. If the Proclamation of 1916 and the Democratic Programme of the First Dáil were the measures of success, many Governments in the past would have failed. Generations have been laid to waste in reform schools, unemployment queues, emigration and drug addiction. All of those crises were overseen by the main parties in this House. No generation has escaped the corruption and the failed promises. The Mahon tribunal should force many in this House,

[Deputy Brian Stanley.]

both in Government and in Fianna Fáil, to take time to reflect on the reason they are involved in politics.

It must be said that there is still too close a relationship between big business interests and politicians. While we have families struggling to make ends meet, people languishing in unemployment and people queuing to emigrate, the Government intends to hand over €3.1 billion to the Angle Irish zombie bank this weekend or to turn it, as we are being told, into a sovereign bond that will be glued to the backs of Irish children who are going to school today to be paid at some future date, with interest. That is also corruption. It may be legal but it is corruption. We have a Government that promised a new way of doing business, yet it still prioritises the needs of big business over the needs of the public. The lessons of Mahon appear to have fallen on deaf ears.

Donations to political parties and politicians must be reduced at least to a level recommended by Judge Mahon. Last week, we had a debate here on corporate and other donations. We believe corporate donations should be banned.

People are deeply concerned about the relationship in the 1990s between the then Fianna Fáil Government and major oil companies. I pose the question: did Fianna Fáil receive dollars or sterling from an oil company called Enterprise Oil, and what was the relationship between John McGoldrick and Des Richardson?

At the time when much of the corruption outlined in the Mahon tribunal was taking place, those of us in our party were marginalised, vilified and censored by all the major parties in this State, but we received a genuine and warm welcome in those working class communities that felt abandoned by the political class. Communities in Ballyfermot and Tallaght welcomed us into their community centres to allow us space to meet and debate important issues, including the peace process, tackling unemployment, the housing crisis and much else.

The Mahon tribunal points the finger at both Fianna Fáil and Fine Gael. Elected members of both parties are implicated in corruption. Both parties must sort out their own houses. Swift action must be taken if confidence on the part of the electorate is to be restored. If cases of corruption are to be investigated leading to prosecutions, the Garda must receive the support of all parties in this House.

To further restore confidence, reform of local government must also take place. To date, local government reform has been seen as an excuse to undermine local authorities. Democracy, and local democracy in particular, has been eroded, with more power residing with the Department of the Environment, Heritage and Local Government and unelected city and county managers who remain unaccountable.

Ironically, a greater travesty is the power of planning and building regulations which currently still lie with developers, and the policy of self-policing and self-certification. That has led to the problems in Priory Hall, the Riverside apartments in Portarlington, County Offaly and hundreds of other estates across the country. A legacy of the corruption is the 1,800 empty houses left standing, with over 2,000 unfinished housing developments.

I say sincerely that the proposed reform of local government by the Minister, Deputy Hogan, offers a real opportunity to make local government workable and accountable. Sinn Féin proposes a programme of real local government reform that is radical, practical, realistic and solution based. We believe that good planning makes all the difference to community and family life. Responsible, ethical and sustainable planning, underpinned by equality considerations, is the right of all who live in Ireland. Property developers must not be allowed to build new housing developments without taking into account the need for the provision of basic facilities and amenities. That is the key to much of what went on and where things went wrong.

For all communities to thrive and be sustainable, they require essential physical and social infrastructure. Sinn Féin is not saying it has all the answers but we have developed sustainable communities criteria based on the delivery of economic and social rights. All planning decisions must meet those criteria before earning the support of local authority members. These criteria include a sufficient supply of social and affordable housing, a safe and adequate water supply, adequate and proper sewerage, access to public transportation, employment, health care, child care and schools as well as reasonable access to local amenities including shopping, play areas, recreation facilities, community and social centres and cultural amenities. If those criteria had been in place for councillors when they were zoning land, it could not have been done on a bribe because they would not have met those criteria. That is the key point we are making. If clear criteria had been set out in different county and city councils, local councillors would have been able to judge whether a particular area should have been zoned. Unfortunately, what happened instead was that brown envelopes were changing hands.

The Mahon tribunal has given us a snapshot of the way politicians in both of the major parties were abusing their positions to line their pockets while making millionaires out of developers. Our job is to make sure that we do something about that and not just complain about it. Our job is to ensure that public office is never again brought into public disrepute and that we put in place systems that work for the people and not just for a few developers.

Deputy Joanna Tuffy: I appreciate that the Government and the Whips have set aside a substantial amount of time this week for this debate in that it is taking place over three days. However, at the same time it is not satisfactory or enough. We are now in the graveyard shift and many Deputies and members of the media have gone off for their tea, I presume, and there is not much interest in the debate. This should be televised because it is our Parliament. What we need after the report of the Mahon tribunal is for the political system to react and the Parliament to debate it in a considered and thorough way and then make decisions on what to do next.

We have been waiting for this report for a long time and much water has gone under the bridge, although from listening to this debate one would never think so. The report runs to thousands of pages. I read what I could of it and I have tried to digest as much as I could of what it means. However, I have not had enough time. It contains many significant findings and recommendations. We must also consider that what is at stake with the report is democracy and our political system. We do not need knee-jerk reactions or to be passive as politicians and implement the recommendations simply because they are made or, alternatively, do not do so because it is not convenient.

I read as much media coverage as I could over the weekend. One of the articles I read was by John Waters who wrote about the lack of analysis in media reports, particularly in the broadcasting media. He stated it was basically repetition of the headlines of the report. I would add to this that there was sensationalism and sweeping statements. Many people have made simplistic comments on it. I did not see any profound analysis in the media. I saw what I expected from people and nothing more.

Many people commenting say all the dogs on the street knew what was happening. I was at the coal face in the Lucan electoral area where the planning decisions on Quarryvale and other developments were taken. I was not an elected representative but we did not know. We knew decisions were being made and we tried to stop them as best we could but we did not know money was changing hands and we did not know about what has come out in the report. Why did the people who say everyone knew not say it at the time? If everyone did know why was it not in our news media? Why was it not being reported?

[Deputy Joanna Tuffy.]

Much of what happened did not start between 1989 and 1991, the years with which the tribunal report begins. What happened in the Lucan area started when the former Deputy, Liam Lawlor, who has since passed away, tried to have his own land rezoned, I believe in 1981. This was an extremely questionable and controversial decision, so much so that the then Taoiseach, Charlie Haughey, had it overturned. Many other bad decisions were made. Decisions were not taken in the interests of the community or with its wishes.

There is not enough commentary. Perhaps it is because politicians are on the defensive but this is not the full picture. Corruption is not endemic in political life. Most people going into politics are honest. This is my fundamental profound way of thinking about politics. People take easy swipes at politicians because they think they can. We must defend the political system. There were councillors who did not get involved in this. Many people campaigning against the rezoning ran for election and my father was one of them. He lost out to John O'Halloran in the 1991 local elections. Community groups were established to fight against the rezonings. I knew and worked with many of them who have since passed away. They were constantly vigilant against attempts to rezone lands which had been protected and they achieved some victories. While the local communities were victims they were not passive victiMs People got organised and Lucan Planning Council was established to fight attempts to rezone lands, for example at Liffey Valley.

Members of the electorate reacted because they stopped voting for Fianna Fáil in the numbers they had been in local elections. There has not been a Fianna Fáil councillor based in Lucan since the 1999 local elections and a Fianna Fáil representative was not elected in the ward in the past two local elections. This is largely because of the bad planning decisions. Much good work has been done since then. Communities adapt and they are resilient. There is much community effort in places such as Quarryvale and Lucan and I am sure it is the same in other communities. People adapt, they must live with the fact that Liffey Valley exists and they make the best of it.

When I was a councillor we dealt with the Adamstown strategic planning zone. It was adopted by the council to try to prevent what had happened before. It involved proper planning whereby developers had to provide facilities in tandem with developments. It has only approximately 1,000 houses but there are three primary schools, an outstanding second level school and a train station. The developers were made to provide all of these thanks to the work of councillors. This is to make the point that there is a far more complex picture then is being painted by many people who churn out their columns and who make soundbites in reaction to all of this.

A new Government was elected in 1992 and many measures were introduced which have made a difference in politics, including the Freedom of Information Act, legislation on disclosures, political donations and political expenditure. In the history of South Dublin County Council, which was established in the mid-1990s, a section 4 was never proposed or passed because of the stigma attached to it and its bad reputation. The voters did not want this type of thing any more and the councillors ensured that it did not happen. I do not suggest it is perfect, but like the rest of life politics is complex with good and bad people who do good and bad things. We must realise this is the case and we should not throw out the baby of democracy with the bath water of what has happened.

I examined the recommendations as best I could, in particular with regard to planning because this is what it is all about. I agree on the need for more checks and balances and transparency. Some work has been done on this but there is no question that more needs to be done. We need to give more democracy to local government. We need more participation

by the public in decisions taken. We should not let the elitists who now say, "I told you so" rule the day and have democracy at local level emasculated. We do not want this.

While I agree with some of the report's recommendations, as a democrat I fundamentally disagree with others. Paragraph 1.14 of chapter 18 of the report states the ability of the Minister for the Environment, Community and Local Government to give directions to regional and local authorities should be entrusted to a planning regulator. I have a profound problem with this. John Gormley, as a member of the previous Government, changed the system from where the Minister could give direction on a development plan if he was not satisfied it conformed to strategic policy to the Minister being able to make a development plan for councillors. Democracy could be bypassed with the decision being made at the top. The tribunal states planning powers have been too centralised, but it proposes the same powers be handed over to a regulator. This assumes that just because someone is unelected he or she is less likely to be corrupt, but this is not borne out by what has happened throughout our history in many respects and in many institutions. There is no guarantee that just because someone is not elected he or she will not be corrupt.

There is an idea that a Minister or a regulator at the centre can make decisions for what goes on in local communities. Local communities have something to say about what plans are made for their areas. The way this was done was through their local representatives.

Message from Seanad

An Leas-Cheann Comhairle: Seanad Éireann has passed the Criminal Justice (Female Genital Mutilation) Bill 2011, without amendment.

Central Bank and Financial Services Authority of Ireland (Amendment) Bill 2011: Second Stage (Resumed)

Question again proposed: "That the Bill be now read a Second Time."

Deputy Thomas Pringle: I wish to share time with Deputy Mattie McGrath.

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

Deputy Thomas Pringle: I welcome the opportunity to contribute to the Second Stage debate on the Central Bank and Financial Services Authority of Ireland (Amendment) Bill 2011. It would have been unusual to hear a Member of Fianna Fáil being praised in this House during the past few days. However, I congratulate Deputy Michael McGrath on his introduction of this legislation which makes perfect sense in the current climate.

The role of Financial Services Ombudsman was established in 2005. There is no doubt that the Financial Services Ombudsman has had a positive impact on customer relations in the financial services sector countrywide. Since 2007, there has been an increase of more than 62% , which is massive, in the number of complaints made to the ombudsman in regard to financial services. It is interesting to note that during this period the number of complaints against the banking sector which were not upheld increased from 66% to 74%, which indicates the positive role of the ombudsman in changing behaviour within the banks which are now responding properly to complaints. One in every four complaints made during the past year was upheld. Given the increasing volume of complaints this means an increasing number of complaints are being upheld by the ombudsman. It also indicates there are still cultural and transparency problems within the banks.

In 2009, the then Financial Services Ombudsman requested that the Minister for Finance provide him with the powers to name institutions against which he had made findings, the

[Deputy Thomas Pringle.]

number of complaints received, the findings for and against and the value in monetary terms in that regard. This proposal has been with the Department of Finance since 2009. It has taken action on the part of Deputy Michael McGrath, who introduced this Bill, to get the Government to accept that the system needs to change and that legislation to ensure this happens is introduced.

This legislation will be vitally important in terms of driving the cultural change required within the banks. Deputy Stephen Donnelly stated in his contribution last night that the banks are among the least trusted institutions in this country and across the world. Only 9% of people trust the banks to deal with them in a fair manner, which shows the real problems in our banking system and the need for a cultural change. We learned some years ago through the DIRT inquiry of over-charging by the banks. This issue still remains to be addressed. Banks appear to view their customers as a soft touch rather than people who make them successful. They choose to screw the people whenever they can and to get what they can out of them.

Reports were carried in the media during the past few days of banks selling insurance policies to people who would not qualify for payment under those policies should they need to call them in. This shows that the banks are continuing to missell products. There needs to be a massive cultural change in our banks. This legislation will go a long way towards forcing that cultural change. It will probably result in positive competition within the banking sector as banks compete to ensure as few complaints as possible are made against them to the ombudsman.

I give a guarded welcome to the Minister's response to the legislation. I note that he stated the financial service providers could view such provisions as disproportionate and unfair, which coming from the banks is rich. I am concerned that the Department will swallow up this legislation and that following the Second Stage debate it will remain on the Order Paper and make no further progress. The Minister should rely on the Financial Services Ombudsman to engage with financial service providers and should ensure this legislation is enacted as quickly as possible to ensure a cultural change in our banks.

Deputy Mattie McGrath: I too welcome the opportunity to speak on this Bill. Ba mhaith liom comhghairdeas a ghabháil leis an Teachta Mac Craith a chur an Bille seo síos. Molaim an tAire, an Teachta Ó Nuanáin, freisin for accepting it. It is magnanimous of him and his junior Minister. Deputy Pringle stated he would be concerned this legislation will remain on the Order Paper for some time. Given the tenacity and vigour with which Deputy Michael McGrath will pursue this, I know that will not happen. We will all support him in that regard. I give the Government the benefit of the doubt on this matter.

It is high time this legislation was enacted. It is shameful that the Financial Services Ombudsman requested these powers back in 2009. Who is the Department of Finance hiding? Why is it sheltering the banks? What type of system do we have?

It is ironic that this Bill is being discussed on the same days as we are discussing the findings of the Mahon tribunal. I believe a sub-culture exists within the senior echelons of the banking sector. I am not speaking about counter staff, many of whom are now being thrown to the wolves. Rather I am speaking about the slick operators who have forced others to do the dirty work for them. Previously, people respected the parish priest, school teacher and bank manager and, possibly, the creamery manager if there was one. We have no creameries now and have very few sagart paróistes — we must keep our faith — but we have plenty of bank managers.

While some of the banks have been amalgamated having brought our country to its knees they have in the main gotten away with blackguarding, infringement of rights and terrorising people. Calls were made recently in this House and in the media for the banks to be restrained

in terms of the number of times they could menace customers in regard to loan repayments. Many bank managers are bully boys. They got away with this and are no different to many of those about whom we speak in the context of the Mahon tribunal. They used their position of influence wrongly. We all know that they told untruths to the late Brian Lenihan, the former Minister for Finance and the Government leading to the introduction of the bank guarantee. They have continued with that mask. They were allowed by the previous Government and are being allowed by this Government to con all and sundry.

I am glad Government Members saw fit to be in the House for the debate on Deputy McGrath's Bill unlike when we debated the motion on the interest rates of Permanent TSB, at which time, for 14 minutes, there was no Member on the Government side of the Chamber. This Government promised change and reform which we have yet to see. The banks are deluding themselves. They are lying to the people. They are saying that they approve X number of loans applied for but that is not true. Hundreds of thousands of customers go the banks looking for a loan, many of whom do not even get past the counter and are told to go away. They are not classed as applicants. The banks are withdrawing business people's overdrafts and forcing them to take out term loans. It is high time the Government, Financial Regulator and Credit Reviewer, Mr. John Trethowan, and his staff tackled this issue. We are only tickling the banks and paying lip-service to them. They know they can get away with anything and that the fraud squad will not be sent in to deal with them. Why should they be allowed to undermine faith in democracy and to give two fingers to the Government and so on at the same time as we are bailing them out? The public are mystified by this. Voters, non-voters and everyone else are sickened by the system. They know that there is not fair play in the system and that these people have gotten away with what they did. They are aware that Deputy McGrath has introduced this Bill, which I am glad the Minister has acquiesced to. However, one wonders how much longer it will take the mandarins in the Department of Finance to progress it. Mr. Cardiff was sent off to Europe in haste. Perhaps he knew too much about what went on that fateful — or fatal — night of the bank guarantee. There may be many more who know too much who are gone with their big pensions and we have to give people money well above the agreed cap. They know they can dance the merry dance to this Government as they did to the previous Government. It is time the rince and codding was stopped. They should be investigated thoroughly.

This power should be given to the ombudsman. Where there is wrongdoing, he should be able to name those involved. I am not saying he should be revealing names all the time. One in four complaints — 25% — is upheld. That is a lot. I am sure many more complaints would be borderline. Those involved have to be outed. The truth must be known. They must be named and shamed. They should be there to serve the people, rather than serving themselves and the people serving them.

Deputy Simon Harris: I would like to share time with Deputies Jim Daly, Twomey, Neville and McNamara.

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

Deputy Simon Harris: I welcome the opportunity to comment on the Bill. I thank and commend Deputy Michael McGrath for proposing it. As he acknowledged last night, the introduction of legislation of this nature has been discussed and mooted for some time. It is fair to say there is widespread political agreement on this issue. The Bill attempts to give the Office of the Financial Services Ombudsman a basic and important power, which will enhance its work. I thank Deputy Michael McGrath for his constructive use of Private Members' time tonight and last night.

[Deputy Simon Harris.]

This debate is a good day's work for the Oireachtas. The Friday sittings of this House are often dismissed and sneered at by the media. I have made the point during those sittings that there is little point in encouraging and requesting Opposition and Government Deputies to propose legislation if it will inevitably be shot down or dismissed. When a good idea is proposed, it should be considered on its merit and not on the basis of the political affiliation of the proposer. That is the role of parliamentary democracy. This is an example of the real reform referred to by Deputy Mattie McGrath. The Government is willing to take up an idea with which it agrees, regardless of the party affiliation of the person proposing it. I thank the Minister, Deputy Noonan, and the Minister of State, Deputy Brian Hayes, for the constructive and positive welcome they have given to the thrust of this Bill and what it sets out to achieve.

Significant work has been undertaken by the Financial Services Ombudsman to make progress with his proposal that he should be given the power to provide information about individual service providers in his biannual reviews. Any ombudsman should be expected to have the right to name and shame. It is an important tool for any ombudsman in protecting the public and ensuring complaints are addressed in a fair, transparent and comprehensive manner. Consumers have every right to expect to be alerted to any potential risk or instance of wrongdoing that is known to a statutory office. This issue boils down to protecting, informing and empowering consumers with the facts before allowing them to make their own decisions about financial services in that context. Now more than ever, Irish taxpayers are yearning for transparency and accountability. Having pumped billions into mechanisms designed to save our banking system, we want to see redress for wrongdoing. People should be named and shamed and held to account.

Deputy Mattie McGrath made an interesting point when he mentioned that the Financial Services Ombudsman originally requested these powers in 2009. He highlighted a point that the Government needs to take on board. When ombudsmen of various hues — the Financial Services Ombudsman, for example, or the Ombudsman for Children — seek powers to aid them in doing their work, why does it take this House and the political system as a whole so long to respond? The Government needs to take that point on board.

I would like, in the context of our discussion on the importance of publicising information relating to financial services and getting it into the public domain, to reiterate a request I have made previously in this House. The National Asset Management Agency, which will dominate many financial transactions in this country for the foreseeable future, should also be subjected to public transparency. This Government did not design the agency — we were critical of its establishment — but we have inherited it. We should not expect financial institutions to be subjected to greater public scrutiny without ensuring the same thing applies to the State vehicle that is involved in property and financial transactions. It is important for as much information as possible to be made available to the citizens of this country, who will be left to pick up any tab that may arise from NAMA.

Fine Gael pursued this matter for quite some time when it was in opposition. It comprised an important part of our election manifesto and it is in our joint programme for Government with the Labour Party. I encourage the Minister of State at the Department of Public Expenditure and Reform, Deputy Brian Hayes, to make progress with the extension of the freedom of information legislation to NAMA as quickly as possible. Just as we expect individual financial institutions to be subjected to scrutiny, it is important that we extend that same level of scrutiny to agencies that were established by Acts of this House. It would be wholly inappropriate for us to talk the talk if we do not walk the walk when it comes to such agencies.

I welcome this debate and this legislation. I do not share Deputy Pringle's pessimism that this Bill will be shelved or put on the long finger by the Government. Anyone who listened to the contributions of Government speakers like the Minister, Deputy Noonan, knows that will not be the case. I trust that Deputy Michael McGrath accepts the good faith of the Government on this issue. I look forward to seeing the thrust of the provisions of this Bill enacted and benefitting Irish consumers as quickly as possible. We must do everything we can to inform citizens with the facts, good or bad, about various financial institutions. We saw what happened in this State in the past when we failed to do this.

Deputy Jim Daly: Fáiltím roimh an deis labhairt ar an ábhar seo. I welcome the opportunity to speak on this Bill, which proposes that the Office of the Financial Services Ombudsman be given certain additional powers to enable it to name firms in certain circumstances. I commend Deputy Michael McGrath for introducing this legislation. I echo the sentiments that were expressed by the previous speaker. When an ombudsman looks for supports of this nature and this House is called on to assist the offices of independent ombudsmen, which are doing such excellent work for the people of this State, it is important for this House to be seen to be proactive and strong in its response. I commend the Deputy for bringing this matter into sharp focus and drawing the attention of the House to it at this timely juncture.

In my role as a public representative, I have referred constituents to the Office of the Financial Services Ombudsman on a number of occasions in recent years. The satisfaction levels of those who have had to go to the ombudsman have been extremely high. I commend the ombudsman on the exemplary service he offered to customers of financial services in the past. There is no doubt that the actions and the presence of the Financial Services Ombudsman have been of significant assistance in ensuring higher and better standards for the customers of these institutions over the years. It is unthinkable that regular customers of such institutions could have managed to pursue such issues through the expensive and difficult courts process, as they would have been forced to do if they had no option other than the usual legal process. The substantial legal departments and budgets of the financial institutions would have led to significant inequity, resulting in a David and Goliath experience for those customers who would have been brave enough to take on the institutions in the normal legal process.

I understand that the necessary consultations between the industry and the Financial Services Ombudsman have taken place with a view to making progress to a stage that will allow institutions to be named in certain cases, where this action will prove beneficial and act as an added deterrent to the industry not to err in its dealings with clients. I welcome the enthusiasm shown by my colleagues in Fianna Fáil for this legislation. I am particularly pleased with the reaction of the Minister, who has welcomed the proposal. He is most anxious to work constructively with Fianna Fáil in bringing about a resolution to this important matter.

The ombudsman has expressed his wish to have the power to name financial institutions where he deems it appropriate and helpful. He will judge it on a case-by-case basis. The ombudsman has made his approach clear in his biannual reviews. The Oireachtas must focus its efforts to assist in this process. I welcome the renewed focus on this legislation. I trust that our combined efforts will ensure that effective and robust legislation, which will stand up to the likely legal challenges, is passed. I am aware that consultation between the Office of the Financial Services Ombudsman and the various service providers in the industry is ongoing. These negotiations will not conclude until all stakeholders have had their say. It would be premature for us to enact legislation in advance of that.

The financial services industry has gone through enormous changes. It will continue to face an immense challenge in the coming years. As legislators, it is imperative that we ensure every step is taken to support and encourage consumer confidence in these institutions as they work

[Deputy Jim Daly.]

to regain the trust of the people. It is reassuring for the people of this country to have the highest levels of service available to them to deal with any complaints relating to their treatment by the financial services industry. Combined with the support of the people, it is also necessary to have the trust and co-operation of the industry in ensuring the continued good work of the Office of the Financial Services Ombudsman. Limited companies with turnovers of less than €3 million, along with charities, club trusts and partnerships and personal customers of financial services, are able to avail of the services of the Financial Services Ombudsman. All of them rely on the security offered by this office so they can access an independent and reputable means of investigating any complaints they have about their dealings with financial service providers. This security is of enormous benefit to customers and is free of charge to anyone who has a grievance following interaction with the industry. The ability of the ombudsman to name institutions referred to in his judgments will not only act as a deterrent to other institutions, but will also enhance the role and regard of the office. I am happy to support and welcome the Bill. It is good to see both sides of the House working together progressively and constructively, notwithstanding the challenges that we will face prior to enacting the legislation and the conclusion of the consultation between the various stakeholders in the industry. I welcome the timely introduction of this Bill.

Deputy Liam Twomey: I thank Deputy McGrath for introducing this Bill. It is very useful and important.

The Financial Services Ombudsman, the Minister for Finance, Deputy Noonan, and Deputy McGrath have had a clear approach to getting the balance right. When introducing legislation such as this in the current environment, there is always a concern that we could move from a total lack of regulation in the financial services sector to over-regulation. The latter has consequences also. Over recent years, banks and financial services almost bankrupted this country.

At present, there are three asset management agencies in the country: Certus; the Irish Bank Resolution Corporation, otherwise known as Anglo Irish Bank; and NAMA. These organisations and the pillar banks have approximately €100 billion in distressed assets. We do not know what will happen to them or their real value, now or in the future. The value of distressed assets is significant by comparison with our GDP.

It was the exuberance of probably no more than 100 individuals, including developers, politicians and senior bankers, that brought us to the point where the country is now trying to dispose of €100 billion in bad assets, to get the public financial system back in order and to resuscitate financial services and banks, which we will be doing for the coming years. It is weird that only around 100 people brought us to this point.

We must avoid being too populist in dealing with the crisis. We must be careful that we do not let the pendulum swing towards over-correcting the under-regulation of the system. If we did so, we could run the risk of making a bad situation worse. That is why I admire the cool, calm approach that the Minister for Finance, Deputy Noonan, and the Taoiseach are taking, both in Europe and beyond, to restoring our reputation. I am very proud to observe this as a member of a Government party.

I remember going to mainland Europe shortly after the Government came into power. To say we had a battered reputation in the European Union at the time would have been to underestimate the seriousness of our circumstances. People were beginning to feel Ireland was more than just a basket case. They felt that we had thrown caution to the wind. A very tough battle has been fought by a number of Ministers, particularly the Minister for Finance, Deputy Noonan, and the Taoiseach to help restore our reputation. I am glad to see members of Fianna Fáil, such as Deputy Michael McGrath, with whom I recently travelled to Berlin, are working

to get this country working properly again such that we can serve the people as expected of us. I hope this approach will continue in the House on issues such as this. I hope we will continue with such co-operation, not only in the Dáil but also in the Seanad and at meetings of the Committee on Finance, Public Expenditure and Reform, so we can best represent the people we serve. There is a considerable crisis that we need to deal with and we are still not out of the woods. It is important, therefore, that we try to work together as much as possible.

I recently wrote to a number of colleagues, but not only to those in Fine Gael and the Labour Party, in my constituency of Wexford asking them all to work together regarding the financial stability treaty on which we will vote in May. I am delighted to state members of the Fianna Fáil Party have agreed to our working together to send a clear message to the people in my constituency on the importance of the treaty. I hope this co-operation will continue. There is nothing wrong with having policy differences where they are genuine but sometimes too many people in this House take a populist and political approach to what are vital national issues. This is to the detriment of the people in the longer term. I hope we can continue with our approach to doing the right thing for the country. I will continue to work with all Members in this regard.

Deputy Dan Neville: I welcome the opportunity to speak on this constructive legislation. I welcome the Minister for Finance's acceptance of the Bill. It will be of great benefit to the Financial Services Ombudsman. The Bill contains provisions to empower the ombudsman to report on investigations and adjudications concerning regulated financial services providers arising from consumer complaints made about their conduct. I welcome the approach taken by Deputy Michael McGrath to Government policy and I welcome the spirit of his comments on the matter yesterday.

Let me raise an issue that has rarely been spoken about concerning financial services providers. Researchers have found that people with mental health problems are three times more likely to be in debt than others as they are likely to be living on low incomes and are unable to work owing to difficulties getting a job because of the stigma associated with mental illness. It is important that debt collection agency staff seek mental health awareness training. Banks should adopt a system whereby customers can choose to have their accounts monitored for erratic spending to better protect their finances. Irish personal debt stands very high at present and this results in a significant mental health cost.

Money worries are not only keeping people awake at night; they are also causing high levels of stress, depression and, in some cases, self-harm and suicide. At a time when people across the country are anxious about their finances, debt depression is real and of growing concern. People living with mental health problems are particularly vulnerable to being trapped in a cycle of debt and poverty and many are unable to work due to ill health. People are becoming dependent on credit to pay for everyday essentials. Those on lower incomes are more likely to get credit from lenders who charge astronomical interest rates. This is a worrying trend as people are left facing a mountain of debt that they have no means to repay.

If we are to tackle this massive inequality and really help people who are struggling with mental health problems and debt, we need to see action by the Government, the HSE, banks, debt collection agencies and other creditors. We hope the Bill will facilitate that. Changes in practice such as waiving fees when a customer has been unwell and introducing mental health awareness training for bank staff would make a difference. Creditors have a duty to help, not hound, their customers, especially when they are coping with serious health probleMs People with schizophrenia or bipolar disorder, the manic phase of which can cause sufferers to spend extravagantly, are four times more likely to be in debt than others.

The survey to which I referred states:

[Deputy Dan Neville.]

> Fewer than 1 in 3 people with problem debt informed the organisation to which they owed money of mental health problems because they did not think that they would be understood [...] or believed [...]. 83 per cent of those who did tell creditors continued to be harassed about debt repayments.

The urgency with which this must be addressed in times of recession was again highlighted by personal debt being a significant factor behind the worsening conditions of those with mental health probleMs Up to 50% of respondents to a UK study on those with mental health conditions and personal debts were going without food and heating. The research showed 71% ran out of money every week or most weeks while 87% relied on credit to pay for food and everyday costs. Up to 56% had gone without food due to debt, 21% had gone without heating and 92% reported not being able to socialise.

These are the serious issues facing people under stress because of the current economic circumstances. These are people who never expected to be under such stress, who lost their jobs or are in danger of losing them, have had their incomes reduced or are in danger of losing their homes. This leads not just to stress, but interpersonal, interfamilial and relationship difficulties as well as an increase in alcohol consumption and drug abuse. The personal debt crisis is not just an economic problem, but a social one too.

I hope this issue is recognised by the Financial Services Ombudsman and the banks. Some banks pay lip-service to this problem and even give courses to educate their front line workers on how to handle customers. I urge the financial institutions and the banks to train more of their staff on how to deal with customers with psychological difficulties. We must also tackle moneylending, particularly illegal moneylending, which is trapping, exploiting and abusing people both psychologically and financially.

Deputy Michael McNamara: I thank Deputy Michael McGrath for introducing this important Bill in his party's Private Members' time. In his response to the Mahon, formerly the Flood, tribunal report, the Tánaiste referred to the corrosive link between corruption and politics, the lack of sufficient safeguards in the planning system and a runaway financial services system which provided cheap credit. This week, we heard much about the corruption in politics and how detrimental it has been. The Minister of State with responsibility for housing and planning, Deputy Jan O'Sullivan, has promised she will look at planning legislation. It is also good to see that the issue of financial services is also being addressed this week.

8 o'clock

It has been a week in which, it is fair to say, politics has been brought to its lowest ebb since the foundation of the State. It has been a week in which the ordinary citizens on the streets of Dublin and Ennis, as well as across the country, have lost confidence in politics and its ability and that of politicians to deliver for them a system of government and rules by which they can live without favour given to powerful economic forces. In this context it is important we examine the role of financial services regulation.

This Bill's proposals are relatively modest but important. In that regard, I am quite happy to support it. I am also glad the Government will support the legislation. It is the second time in the year since this Dáil was elected that I have had the opportunity to speak on a Private Members' matter that the Government did not oppose merely for the sake of it. I commend the Minister for Finance on his mature approach in accepting this honest Bill.

The Bill gives the Financial Services Ombudsman the power to publish certain details of his findings. It reflects current government policy and the Minister for Finance set out in the Dáil on 16 February last that the Government has already been engaged in preparatory work neces-

sary to make the sought after legislative changes. The Minister will bring forward an improved Bill on Committee Stage which will clarify the detail of its application. The Government does not oppose this Bill as it wants to work in a constructive way with the Opposition when it is eager to implement policy compatible with the Government's.

The Financial Services Ombudsman proposed himself that he be given power to provide information about individual financial services providers in his biannual report. This review is currently presented in aggregate form only. The Financial Services Ombudsman further proposes that these reviews provide a breakdown of the information provided by financial services providers and the relative market share of the provider would also be reported. He has invited and received submissions from interested parties and he proposes further consultations with the industry as to how this information should be presented. He has also requested that any legislation to provide information naming an individual service provider should only be published where he determines there is a compelling public interest to do so, such as the need to inform potential customers of risks they would not be aware of in the absence of disclosure. The Minister for Finance agrees in principle with the ombudsman's proposals and this Private Members' Bill reflects this policy. The precise scope and details of the application of the proposal have yet to be finalised. The Minister's officials will be engaging with the Financial Services Ombudsman in the coming weeks to formulate the details of a proposal for legislation.

It is largely irrelevant as to who proposes particular legislation. It is far more important that it makes sense. For a long time parties have opposed legislation and charges purely for the sake of it. This week the entire body politic stands impugned regarding corruption. For a long time Fianna Fáil refused to acknowledge corruption in the State. In doing so, it did the State a disservice because, as we now know, corruption existed in Fianna Fáil. It also existed in other political parties such as Fine Gael and the Labour Party. Playing Punch and Judy with politics by refusing to acknowledge a Member on the opposite side may have a valid point merely for the sake of opposing has ossified in the political system and done the country a disservice. More reform of the political system is required. It is 8.10 p.m. and only five of 166 Deputies are present in the Chamber. A Fine Gael Member has proposed that the Dáil sit on a more normal basis, namely, from 9 a.m. to 5 p.m. The time of gentlemen coming from their country estates or the Four Courts to the Parliament on a Tuesday afternoon, sitting until Tuesday night, repeating that on Wednesday and returning to their estates and professions on Thursday morning is long past. Fundamental reform was expected by those who voted for the Government. That this Bill is not being opposed is a tiny move in the right direction, but more reform is necessary. I am not referring to the financial services sector only, but to the manner in which Parliament carries out its business as well.

Acting Chairman (Deputy Joanna Tuffy): I understand that Deputy Calleary is sharing time with his colleagues.

Deputy Dara Calleary: I am sharing time with Deputies Troy, Kitt and Ó Cuív.

Acting Chairman (Deputy Joanna Tuffy): Is that agreed? Agreed.

Deputy Dara Calleary: I welcome the Bill and congratulate my colleague, Deputy Michael McGrath, on introducing it. I commend the Minister for Finance, Deputy Noonan, and the Government on their acceptance of the Bill. Deputy Michael McGrath is not a recent convert. He has campaigned on this issue for some time. If we return to debating the Bill's contents, it might be helpful.

Last year, €2.25 million was repaid or awarded in compensation to customers of financial institutions at the direction of the Financial Services Ombudsman. This amount reflected 7,300

[Deputy Dara Calleary.]

complaints made to the ombudsman against financial institutions, representing a 67% increase. Of these complaints, 75% were not upheld, which is an interesting fact, but the sum involved is considerable. One gets the impression that, although there may only be a few offenders, they are getting away with it. Until we implement the Bill's provisions, they will continue to get away with it.

The 75% figure is interesting because the ombudsman is no pushover, in that he directed that those complainants had no cases. Given the fact that the level of proof required is high, one assumes that the misdemeanours involved in the 25% of upheld cases were serious, yet the institutions involved will get away with their actions until we can name and shame them. They should not be named and shamed out of a misplaced justice, but to warn future consumers that they are dealing with companies that have missold policies, not adhered to agreements with other customers in similar situations, etc. This is the least that we can expect.

For many years, I was intrigued by the minute-long spiel about being regulated and registered at the end of financial institutions' advertisements. This did not stand for much, given the condition of our banking industry. Deputies on all sides have referred to what we need to do next, that is, build a system of confidence in a sensible way. We must not over-egg it or create a situation in which small businesses and bank account holders are crucified with red tape, which we tend to do. In a sensible, managed way, we must restore discipline to our financial institutions. In turn, this will restore consumer confidence.

Mr. Joe Meade, the previous ombudsman, was strong on this point. After he wrote in 2009 to our late colleague, Brian Lenihan, Brian intended to pursue the matter. Mr. Meade deserves particular credit for the way he took on the job and championed the rights of the consumer. At a difficult time for the financial services industry, he stood tall as a representative of the consumer. People could have confidence in him. That people are increasingly using the office to seek recourse is a tribute to him and his staff. I know of Bill Prasifka from his previous incumbency in the Competition Authority and other agencies. I have not doubt that he will bring the same sense to the ombudsman's office.

On the eve of the Easter recess, I hope that it is not too much to ask that the Bill be passed by the summer recess. In this way, the current ombudsman could start using these new powers to name transgressors in public by the end of this year. The sooner it happens, the sooner clarity will be brought to the system.

Any public representative who has worked on the ground in the past two or three years has dealt with cases of financial institutions mis-selling policies, directing people's attention away from the small print that is included in every policy and not drawing customers' attention to various clauses. I am referring to insurance policies, loans backed by security products and, in particular, pension products. I have dealt with cases of pension products that were inappropriately sold to older people who invested their entire life savings in unsuitable products because they trusted institutions and individual sellers. Unfortunately, the trust that generations placed in financial institutions right up until recent years was abused. Many of the people who worked hard for their entire lives and were mis-sold products have been left in serious financial situations because their trust was abused.

This Bill aims to shine a light on abuse. It will send a signal from the Oireachtas to financial institutions to the effect that such conduct is not good enough and will not be allowed again. If they act that way, they will be named. The penalties on sellers may need to be examined and strengthened during the Bill's consultation period.

It would be remiss of Deputies to speak of the financial services industry while ignoring the fact that Ireland still does not have a properly functioning banking system. We are at the end

of another Dáil term, yet we still do not have a loan guarantee scheme. I do not doubt that, although the Minister of State, Deputy Perry's Department has done its bit in this regard, progress is being blocked by the Department of Finance again. Functioning small to medium-sized enterprises, SMEs, are not getting money. We do not want basket cases to get money, as that is the reason we are where we are. Well-resourced, long-standing SMEs are being starved of capital. Even the Governor of the Central Bank has admitted that it is a serious problem.

Although considerable progress has been made this evening thanks to Deputy Michael McGrath, restructuring the banking system must be a priority during the Dáil's next term. Otherwise, the country will haemorrhage jobs and investment. The retail figures were published today. Our SME, manufacturing and retail service sectors are still struggling and will continue to struggle until we have a proper, functioning banking system that recognises them for what they are.

Tonight is significant. I compliment my colleague, Deputy Michael McGrath. The Bill is straightforward. To echo Deputy Harris, all of our many ombudsman offices should be examined in terms of what powers they need to be more effective. They should have the ability to name and shame, be it in respect of Departments, companies or others. Without this power, they are slightly neutered. With it, those they seek to serve would be far more serious in the way they handled issues.

Deputy Michael P. Kitt: I congratulate Deputy Michael McGrath on bringing forward this Bill and welcome that the Minister for Finance does not intend to oppose it. This debate is a good example of co-operation in this House. Perhaps it is part of the reform to which Deputy McNamara referred. I join Deputy Calleary in commending the former Financial Services Ombudsman, Joe Meade, who requested legislation that would give him the option of publicly naming an institution which acted wrongly. This recommendation has been taken up by the current Ombudsman, Mr. Bill Prasifka, who also supports the Bill.

Deputy Michael McGrath has made protecting consumers' rights one of his main missions as spokesperson on finance. Consumer rights have been abused and people have made complaints across a range of areas, including banking, insurance and investment. In recent years, the financial services sector has been strongly criticised and when confidence is lacking in the financial sector, there is an impact on the way people deal with their finances. The Minister of State at the Department of Enterprise, Jobs and Innovation, Deputy Perry, gave a detailed response to a question I raised with him yesterday on the issue of crime. People are becoming less likely to put their money into financial institutions and many elderly people are keeping money in their houses, which has led to house burglaries.

Last Monday, I attended a meeting of the joint policing committee in County Galway along with other public representatives, community leaders and gardaí. It was encouraging to hear that successful developments have been made in regard to the drugs culture in Galway. There has been a reduction in crime in many areas, such as personal assaults and property damage, but the burglary rate increased by 18% in rural areas of County Galway over the first two months of 2012. I am concerned by the fact that 846 incidents occurred over a two month period. Many of these burglaries were related to rumours that people are keeping money in their houses. In some instances, mattresses and pillows were ripped open in the search for cash. This is a sign of the decrease in confidence in the financial sector. The Garda advise people to keep their savings in financial institutions. Let us hope the institutions themselves do not break that trust.

Health insurance premiums have increased significantly in recent times. In February, the VHI increased its prices by an average of 9% and the price of its most popular plan increased by approximately €200. VHI will argue that it is losing 6,000 customers every month but the

[Deputy Michael P. Kitt.]

question arises of what insurance companies provide to their customers. Many of the plans aimed at older people have been downgraded. The insurance premium for one of my constituents increased from €888 to €1,051 per annum, an increase of 18%. That is a disappointing development.

Deputy Michael McGrath cited an article in the *Irish Examiner* about the sale of payment protection insurance to customers who could not avail of it. An investigation by the Central Bank's director of consumer protection uncovered widespread abuse across seven separate financial institutions. There has been a steady increase in complaints about the banking, insurance and investment sectors. This is why the Financial Ombudsman wants legislation to be put in place. The option should be available to name names because a culture change is needed in our banks. The saying, prevention is better than cure, is true in this instance because the Bill will work as a preventative measure.

I regularly receive complaints about managed funds. People invest in managed funds and incur penalties when they try to withdraw their money. They were not told how their investments work. I welcome that the Financial Ombudsman will be able to find in favour of people in that situation. Over the years people took out insurance without knowing what it was for. People were advised to take out insurance policies when the baby was born, when they got a job and even when they retired. They were used and abused because sometimes the lump sum on retirement went into the wrong type of policy. This practice has continued for too long. I often wonder why banks are involved in insurance in the first place. They appear to make loan approval conditional on taking out insurance but other companies are able to explain clearly to their customers what their entitlements are and how their funds are managed. One should not need to face penalties in withdrawing money from an investment. It is not always the case that insurance policies offer a mechanism for saving.

The Bill address issues in respect of banking, insurance and investment and should give people more certainty when they make investments. They can learn about how their funds are being managed and how to avoid penalties when they withdraw their money. The Financial Services Ombudsman has done great work in the past and I hope this Bill will become law at the earliest opportunity. People who have dealt with insurance providers in the past have been used and abused. I hope that does not happen again.

Deputy Éamon Ó Cuív: I commend Deputy Michael McGrath on producing the Bill. The economic crisis that hit this country was at its inception and in its horrible manifestation primarily a banking crisis. Banks borrowed too much from continental banks, lent ridiculous sums of money to unscrupulous developers and lent far too much to investors. Banks lent grossly inappropriate sums of money to ordinary decent people. Banks were unrealistic in their investments, naïve in their assessment of securities and criminally immoral and dishonest in their approach to lending.

A culture of greed dominated the banking sector in the Ireland of the Celtic tiger and this culture has since proven itself one of the main causes of our economic woe. A ruthless pursuit of higher and higher profit margins, and the chase for ever increased sales has fundamentally damaged once trusted banks and undermined the whole financial sector in the State. It amazes me that all the focus has been on what was Anglo Irish Bank. People often do not realise or do not want to recognise that the recklessness of institutions such as AIB, which one would have thought was a well established and well run bank, matched anything that happened in Anglo Irish Bank.

Light-touch regulation as an economic theory has proven itself deficient. The approach failed miserably and yet everybody was doing the same thing. Ireland under the previous Government

was following best international practice when it came to light-touch regulation of the financial sector. We were returning Exchequer surpluses and the economy was booming, but a rotten disease had started to fester and that disease was banking in Ireland. To return the financial sector to health, it is in need of wholesale reform. Part of this reform must be carried out on an international level and a European level given that Irish banks do not operate in an exclusively Irish-controlled context. Furthermore the currency within which they operate is controlled by bodies beyond the control of this House. Nonetheless we can still do our part and this Bill represents one small step towards renewal of our financial sector. It is in no way a substitution for other necessary reforming initiatives.

It is a fundamental concept in democratic states, that the laws of the land must be obeyed and respected by all, if they are just. If somebody breaks the law and has no good reason or defence for doing so, he or she must face the penalties that the State provides for such actions. Hopefully the time will come when we shall see those members of the banking fraternity who broke the laws being prosecuted and punished by the courts. I believe most of us look forward to that day and I hope it arrives sooner rather than later.

In June 2009, the then Financial Services Ombudsman, Joe Meade, wrote to the Minister for Finance to request that he be given the option, if he considered it to be in the public interest, to name an institution that had been subject to one of his decisions. This Bill, the Central Bank and Financial Services Authority of Ireland (Amendment) Bill would give the Financial Services Ombudsman the power he requested nearly three years ago. The Government has promised to produce a Bill but as we discovered yesterday the Government promises more than it delivers. It was with shock that people heard that only three of the 26 Bills on the A list have been published so far in this session.

Since 2005 there has been a steady rise in complaints across the banking, insurance and investment sectors. At present there is no legal mechanism to allow the ombudsman to name and shame financial service providers when serious complaints against them are upheld by the Financial Services Ombudsman. Currently the information published in the twice-yearly FSO report is aggregated so that no individual provider can be identified and while the report includes case summaries, they are always anonymous. The ombudsman received nearly 7,500 complaints last year. Nearly 2,000 of those complaints were upheld with more than €2.2 million being repaid or awarded in compensation to customers of financial institutions. It is interesting to note that there was a 41% increase in mortgage related complaints during the second half of 2010.

It is clear that there has been a huge level of abuse of position across the financial sector. Clients were sold inappropriate products. Banks, investors and brokers effectively hoodwinked ordinary decent citizens into buying financial products that were more than unsuitable. All this was done for the sake of sales, sales and more sales. The greed of some unscrupulous individuals in Celtic tiger Ireland who abused positions of trust is probably best exemplified by particular unnamed bodies who advised elderly couples to put their savings into long-term investment products. In one particularly obscene case, a husband and wife aged 85 and 84, respectively, were sold a six-year term investment product with hefty penalties for early encashment. Everybody would agree this was crazy and sad. It is time for people who engage in that type of practice to be named and shamed. Other abuses include the changing of the terms of loans without reference to the borrower; the sale of payment protection insurance on loans that did not need them; overcharging of fees by banks; exposing vulnerable clients to high-risk investment products — how many people have lived to rue them; and the incorrect application of break fees when moving from a fixed-rate to a variable-rate mortgage.

[Deputy Éamon Ó Cuív.]

The benefits of this legislation are threefold. First, giving the Financial Services Ombudsman the power to name offenders increases the penalty in having a complaint upheld against them by the Financial Services Ombudsman. It is a preventative measure that increases the power of the ombudsman and should result in financial institutions having more respect for the ombudsman given that he has the power to make known to the world their misdeeds.

Second, by allowing the Financial Ombudsman to publish the details of upheld complaints, if he deems it in the public interest, we are strengthening trust in our financial institutions. The risk of wrongdoing being aired publicly would, once identified, lead to it being resolved more quickly. For any institution, brand, reputation and image are everything. If they are aware that any possible mistreatment or wrongful treatment of customers could be made public it then becomes economically sensible to prevent situations arising when clients feel that they have been let down. This damages the name, brand and image of the institution and in short, it makes wrongful actions uneconomic.

Third, this legislation will benefit consumers by empowering them to make an informed choice with regard to where they bring their business. Successive reports from the FSO indicate that complaints are on the increase and, more tellingly, that there is a consistency running through the case studies contained in the reports, which suggests very strongly that financial institutions are not mending their ways. However, if certain institutions had a high level of complaints made public against them, it would inform the public that those institutions were not to be trusted. There would be a double-whammy in terms of gain in that the consumer would know which institutions to trust and we would also find that the number of institutions we could trust would rise exponentially because the institutions would know it would be the death knell for their businesses if they were not to honour that trust.

I welcome that the Government is not opposing the Bill. However, in the past, including when we were in government, I have seen a Bill agreed on Second Stage but the amendments did not come forward swiftly enough to allow the Bill to proceed to Committee Stage. When in opposition the resources to complete a Bill to the satisfaction of the drafters of legislation on the Government side are difficult to come by. I hope this will not be put on the shelf. We can do this with something simple. If the Bill needs amendments then let us make the amendments but let us keep the thrust of the Bill.

I note that if it gets to the House this week the Construction Contracts Bill will be introduced with amendments. It was going through the Seanad when we were in government more than one year ago. It is badly needed. I accept amendments are needed to reduce the thresholds but we must bring in consumer protection legislation and we must protect small businesses from the depredations of large businesses. We must ensure that we have a society in which, whether one is an individual or a small business, one's interests are protected from those who are powerful or who might seek to abuse their power. Ba mhaith liom moladh a thabhairt don Teachta Mícheál Mac Craith. Creidim gur lá maith é an lá seo. Molaim an Rialtas as ucht glacadh leis an mBille seo. Tá súil agam go mbeidh an reachtaíocht seo á phlé againn ar Chéim an Choiste go luath.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Perry): I compliment Deputy McGrath on bringing forward this Private Members' Bill to empower the Financial Services Ombudsman to name firms against which he has made findings. I thank Members for what has been a most worthwhile debate on the question of extending the powers of the Financial Services Ombudsman to name in certain circumstances individual firms against which he has made findings.

I welcome the consensus among Members that has arisen during the debate. It is natural that much of the debate focused on consumer protection issues. Many points were raised in which Members highlighted their concerns and they proposed suggestions to enhance the consumer protection measures in the financial services regulatory framework. I emphasise that Ireland has strong consumer protection legislation in place. I concur with the point made by various Deputies that Ireland remains an attractive place to set up a financial services business.

The financial crisis has highlighted the importance of the financial regulatory framework to the economy and the links between financial regulation and central banking. Measures have been taken to restore confidence in our system of financial regulation. The provisions proposed in the Central Bank (Supervision and Enforcement) Bill 2011 are expected to enhance these further.

Consumer confidence is vital in a financial services industry that is strong, internationally respected and that can generate wealth for our economy. Deputy Kelleher proposed that all health insurance providers should fall under the scrutiny of the Financial Services Ombudsman. I recognise that there is an ageing population and that there is a demand for health insurance. All regulated health insurance companies fall under the remit of the Financial Services Ombudsman. In 2005 the Minister for Finance extended the remit of the Financial Services Ombudsman to the Voluntary Health Insurance, VHI, through regulation SI 191/2005.

In the course of the debate the high interest rate charged by some moneylenders was raised. While I do not support the imposition of high interest rates I acknowledge that moneylenders often lend small value loans for short periods. This is the reason such loans can be more expensive than other forms of credit. Moneylenders must apply to the Central Bank annually to have their licences renewed. The Central Bank has in place a code of conduct for licensed moneylenders. All moneylenders licensed by the Central Bank must comply with the provisions of the code and prior to entering into an agreement with a consumer they must prominently indicate the high-cost nature of a loan on all related documentation in cases where the annual percentage rate, APR, is 23% or higher. Consumers who consider borrowing from moneylenders should shop around and consider the various sources of loans available. I encourage consumers to avail of the personal finance information available from the National Consumer Agency.

The Money Advice and Budgeting Service, MABS, was mentioned during the debate. MABS works with people to assist them with financial planning and budgeting for the future. It is a national, free, confidential and independent service. The Financial Services Ombudsman has advised that he proposes further consultation with industry. The Minister has asked his officials to engage with the Financial Services Ombudsman in the coming weeks with a view to formulating more detailed proposals for legislation in this area.

As stated yesterday, I confirm that the Bill is consistent with Government policy. However, more work is required on its scope and detailed applications. Much work has already taken place to develop proposals for legislation. The Minister for Finance has stated that he intends to bring proposals for legislation in this area to Government shortly.

Deputy John McGuinness: I compliment Deputy Michael McGrath on bringing this proposal to the House and on facilitating this debate. I have listened carefully to what most contributors have said. The financial collapse and the information provided by the banks to the then Government at the beginning of that time point to a banking and financial system which does not recognise its faults and failings and which is unwilling to come forward, put up its hands, admit it got things wrong and furnish the information upon which the Government should act. To put it mildly, the banks were economic with the information they brought forward to the

[Deputy John McGuinness.]

State. Given that this was the case, how can the ordinary citizen trust the banks and financial institutions? This is the question posed by the Bill.

Reference has been made to the Office of the Ombudsman. What does the public and the ordinary citizen want from the Office of the Ombudsman? I believe the public envisages an office acting on their behalf with the interests in mind of the person who has been offended or who cannot get justice or fair play in the course of normal business. Consequently, I suggest that any legislation brought forward must strengthen the position of the Office of the Ombudsman. It must set out clearly the powers of that office and the consequences of not complying with it.

In the course of the last Administration I became aware of a case in which a compliant taxpayer was treated poorly by the Revenue Commissioners. The report contained much harsher words than I intend to use this evening. As a result of the examination by the Ombudsman, the Revenue was instructed to repay that person €600,000. It paid back €300,000 and no more. If the Office of the Ombudsman stands for anything, it is for fair play. The word of the office must be accepted by whatever agency or institution is under examination on behalf of the person represented by it. Therefore, the legislation must be changed and strengthened. The person who was repaid €300,000 rather than €600,000 should have the full amount repaid. We should do whatever is necessary in this House to ensure this takes place. In this case, the Government fell and this meant the report from the Joint Oireachtas Committee on Finance and the Public Service, which supported the person's position and that of the Office of the Ombudsman, fell as well.

I call on the Minister of State, Deputy Perry, to ask his party leader and the Minister for Finance about this case. This will demonstrate whether the role of the Office of the Ombudsman means anything. Both are aware of this case. It has been raised and supported across political party lines. I am speaking to the principle of supporting the office. I ask the Minister of State to seek a review of the case I have mentioned in this debate. This relates to the strength and respect the Office of the Ombudsman must have from this House in the context of legislation. This is hugely important.

It is equally important that the Government, in appointing directors, has the public interest at heart and that the extent of directors' power and position is specified in legislation. It must be clear what it is all about. If we are to represent citizens, that is what we must do. Nobody believes the bankers. I am aware as a business person that, as has been mentioned, small businesses all around the country cannot get money from the banks. However, the banks attempt to hoodwink all of us, including the Government. They tell us they are giving money out to small businesses and that they have spent the €7 billion or whatever they got from Government in doing so. However, they did not do that. If they did not use the money to provide the loans, we should ask them to give back the money and give it to some other institution. As I have often said here, unless we begin to take that strong action, the banks will continue to hoodwink the Government and all of us here. They received €7 billion, but only €1.7 billion has been provided in loans. This means the banks are not playing ball in the difficult circumstances surrounding this economy.

In 2009, the previous ombudsman, in communication with the then Minister for Finance, asked for the provisions and legislation sought in this Bill to be made. It shows how slowly the State moves on legislation that we are just debating this issue this evening, although the country is crying out for such legislation and those who have been hoodwinked by the banks and financial institutions are crying out for fair play. They are asking those that legislate to ensure that they have someone who will respond to them. However, they are being asked to wait again. I respect the fact that the Minister has agreed a Bill like this is necessary and that he

will build on the Bill before us tonight. The Minister of State, Deputy Perry, has said this Bill is consistent with current Government policy, but that more work is required on its scope and detailed application. I understand that. However, I urge Deputy Perry and the Government to understand the need for speed and that it is vital to deliver this legislation as quickly as possible.

As we speak, people are trying to get their financial affairs in order, but are having enormous difficulty in their dealings with banks and financial institutions. People are being tied up in red tape and bureaucracy and pretence. They are being told they do not understand and that they signed up and should look at the fine print. This is not good enough. The provisions must be supported by legislation and similar instructions should be given to every Department with regard to legislation to govern sub-prime lending or money lenders. These people do not force people to take loans, but they are now the only people who will provide loans. However, these loans come with an enormous interest rate and a contract that is almost never ending but which doubles and trebles the amount of money loaned initially. It is not good enough that, as legislators, we would suggest leaving this for another day or say that we will strengthen the information made available to the public.

There is another serious issue to deal with in the context of the Government's consideration of the required legislation. We must ask how many accountants and solicitors teamed together to put tax relief schemes in place into which people bought. People bought into these schemes at the height of the boom, but they now find that the legal agreements around those schemes are not worth the paper on which they are written. In fact, some of the accountants and solicitors involved in those schemes have conflicts of interest left, right and centre. The people caught in these schemes have nowhere to turn to but to the courts, a costly exercise. We need to introduce legislation — it would be best to include it in this legislation — to offer some protection to the people whose savings and pensions were put into these schemes and are now worthless. What is even worse is that these people are now involved in bank loans covering those schemes. These are loans that may never be repaid and banks are chasing people for those moneys, but it seems there is no resolution to the problem.

If we are to fix the banks and the economic difficulties, this aspect of financial services — loans given out by banks and legal agreements almost falsely and inadequately put in place — must be examined and stopped. We must provide protection to these people if we are to rescue the economy and allow the good entrepreneurs locked into these schemes to be released and to work again.

Deputy Michael McGrath: I thank Members from all sides who have contributed to this debate. I have sat through the three hours of the debate and have been very impressed by the quality and constructiveness of their contributions. We have had a very good debate. I also acknowledge and thank the Minister for Finance, Deputy Noonan, and his colleagues for accepting this Bill in the spirit with which it was offered. It is a straight-forward sensible piece of legislation and the fact the Government is willing to accept it is good. I hope we can co-operate on other issues in a similar manner. I urge the Government now to press ahead with this much needed reform. It is of little concern to me whether it presses ahead on the basis of the Bill I have published or on the basis of one it will bring forward. I just want to see the legislation introduced as quickly as possible. If the template I have provided facilitates the legislation being accelerated, I urge the Government to embrace it and to make it happen without further delay. There is no need for delay.

I want to take this opportunity to urge consumers who have outstanding grievances and issues to raise those with the Financial Services Ombudsman. Since that office was founded in 2005, thousands of consumers have found redress they would not otherwise have got. They had failed to get satisfaction from the institutions concerned, having gone through the internal

[Deputy Michael McGrath.]

complaints procedures. However, when their cases were taken to the ombudsman and independently evaluated, their complaints were upheld. This happened in 1,800 instances last year alone. Therefore, thousands of people have benefited and this is welcome.

I urge the Minister of State to consider a particular issue. Currently, the ombudsman is precluded from considering any matter six years old or older. I have come across more than one case, particularly in the area of investment products and mortgage protection policies, where it only becomes apparent later in the life of the product that it was mis-

9 o'clock

sold originally. I ask for this issue to be considered. It should also be highlighted that the ombudsman can also assist limited companies, charities, trusts and partnerships. While companies have recourse to John Trethowan's office in respect of credit decisions, they may also have other issues with financial service providers that can be raised with the Office of the Financial Services Ombudsman. This is not widely known and the Government should highlight it through the various representative bodies. It should make it known that companies with a turnover of less than €3 million can avail of the facility.

The benefits of this Bill are clear and have been well recited last night and tonight. I have no doubt that if we had this legislation in place and could look back at the complaints records set out in previous ombudsmen's reports, we would see clear patterns of culpability.

At the moment, consumers are in the dark when entering into arrangements with providers in the absence of having that critical information. I have no doubt that the adoption of this Bill will serve to improve standards across the industry. There are many excellent performers who will also benefit because their high standard of performance will be highlighted. I wish to emphasise this point because it will be an important tool to give to the ombudsman.

In conclusion, I thank the Government for its support of this Bill and all the Members who contributed to the debate and I urge the Government to move swiftly, to take on board the comments by the former ombudsman, Joe Meade, and by Bill Prasifka. They have shone a light on areas of malpractice, on situations in which people have been treated disgracefully in many cases and this is an opportunity for us to assist them. I urge the House to enact this legislation as quickly as possible.

Question put and agreed to.

Central Bank and Financial Services Authority of Ireland (Amendment) Bill 2012: Referral to Select Sub-Committee

Acting Chairman (Deputy Joanna Tuffy): As this is a Private Members' Bill, it must, under Standing Order 118, be referred to a Select or Special Committee.

Deputy Michael McGrath: I move:

That the Bill be referred to the Select Sub-Committee on Finance, pursuant to Standing Order 82A subsections 3(*a*), 6(*a*) and Standing Order 118.

Question put and agreed to.

The Dáil adjourned at 9 p.m. until 10.30 a.m. on Thursday, 29 March 2012.

Written Answers.

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

Questions Nos. 1 to 12, inclusive, answered orally.

Tourism Promotion

13. **Deputy Joe Carey** asked the Minister for Transport, Tourism and Sport his plans to unlock the potential to dramatically increase tourist numbers travelling from China to Ireland following the visit here by the Chinese Vice President last February; and if he will make a statement on the matter. [17006/12]

15. **Deputy Olivia Mitchell** asked the Minister for Transport, Tourism and Sport the activities in which he is engaged in order to promote tourism to this country from Asia and the Middle East; and if he will make a statement on the matter. [16908/12]

19. **Deputy Anthony Lawlor** asked the Minister for Transport, Tourism and Sport further to the Department of Justice's extension and continuation of the visa waiver scheme, the value of this to the tourism industry in Ireland; if he will provide details of the way the tourist agencies intend to take advantage of this; and if he will make a statement on the matter. [16545/12]

46. **Deputy Joe McHugh** asked the Minister for Transport, Tourism and Sport further to the Department for Justice's extension and continuation of the visa waiver scheme, if he will evaluate the importance of the scheme to the tourism industry in Ireland; if he will provide details of the way the tourist agencies intend to take advantage of this; and if he will make a statement on the matter. [16544/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I propose to take Questions Nos. 13, 15, 19 and 46 together.

The Deputies questions relate to the potential offered to the tourism industry in Ireland by tourism from China and other BRIC markets, as well as from the visa waiver scheme. The recent visit of Chinese Vice President Xi Jinping was a wonderful opportunity to showcase Ireland to potential holidaymakers in China. A large media contingent travelled with Mr Xi, bringing the story and images of the Cliffs of Moher, Bunratty Castle, Riverdance and Dublin

[Deputy Leo Varadkar.]

to a huge audience of potential holidaymakers in China. The Deputies can be assured that Tourism Ireland is working to maximise the tourism potential of the visit.

The visit, along with initiatives such as the visa waiver, provide opportunities to expand beyond traditional markets and look to the long-term opportunities presented by developing markets such as the BRIC countries, particularly China, India and the Middle East. Earlier this year, Tourism Ireland announced a new strategy to attract more high-spending visitors from the emerging tourism markets of Brazil and Russia building on the existing focus on China, India and the Gulf States. The organisation targets potential holidaymakers in these markets by working closely with airlines and tour operators to increase exposure and demand for holidays to Ireland.

The benefits of the visa waiver scheme are already apparent and this was reflected in the decision by my colleague the Minister for Justice and Equality to extend the scheme. Tourism Ireland has been working hard to maximise the benefits of the scheme, promoting it to travel trade contacts, industry partners and to consumers through an extensive programme of marketing activity and media relations in relevant markets. Since the visa waiver scheme was introduced here by the Government last year, there has been a noted increase in demand from tour operators for visits to Ireland.

Already 24 new tour operators and travel agents (9 from China, 10 from India, 5 from the Gulf States) who already programme the UK are programming the Republic of Ireland in 2012 for the first time on the back of the new Visa arrangements. Further growth is anticipated for 2013.

However, we must be realistic. The majority of our overseas visitors come from the core source markets of Great Britain, North America and Mainland Europe and this will continue to be the case for some years. Our focus is on creating sustainable growth in revenues across all markets rather than dramatic growth in any one market.

Taxi Regulations

14. **Deputy Gerry Adams** asked the Minister for Transport, Tourism and Sport if he will provide an update on the implementation of the recommendations of the Taxi report and a schedule for legislation which will to be needed. [16851/12]

26. **Deputy Thomas P. Broughan** asked the Minister for Transport, Tourism and Sport if he has outlined a time frame for implementing the recommendations of the recent report of the Taxi Review Group; and if he will make a statement on the matter. [16549/12]

33. **Deputy Thomas P. Broughan** asked the Minister for Transport, Tourism and Sport if he is preparing any new legislation to implement the recommendations of the recent Report of the Taxi Review Group; and if he will make a statement on the matter. [16550/12]

37. **Deputy Brian Stanley** asked the Minister for Transport, Tourism and Sport if he will provide an update on the implementation of the recommendations of the taxi report and a schedule for legislation which is going to be needed. [16853/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I propose to take Questions Nos. 14, 26, 33 and 37 together.

The Taxi Regulation Review Report proposes 46 separate actions aimed at improving standards, administration and enforcement of the regulations for the taxi sector. The National

Transport Authority (NTA) is the lead agency with responsibility for the implementation of the recommendations of the Taxi Regulation Review Report.

The timeframe set out in the Review Report indicates that many of these actions are to be implemented in the short-term throughout 2012 and in the medium-term after 2012. Work is progressing on the remaining short-term actions of the Review Report to ensure that they are completed this year. The work required to further develop the medium-term actions proposed in the Taxi Review Report is also being undertaken by the NTA this year, with a view to their implementation post-2012.

Some of the actions in the Review Report will require supporting legislation. Where possible, the NTA will make the necessary regulations under the Taxi Regulation Act 2003. My Department has responsibility for any primary legislation that is required. In this regard, officials of my Department are currently preparing a draft Scheme of a Taxi Regulation Bill to address key recommendations of the Taxi Review Report. In particular, this legislation will provide the necessary amendment to address the proportionality of Section 36 of the Taxi Regulation Act 2003 concerning mandatory disqualification from holding a licence upon conviction of a criminal offence. I expect to be in a position to bring the Taxi Regulation (Amendment) Bill 2012 to the Houses of the Oireachtas in the second quarter of this year.

Question No. 15 answered with Question No. 13.

Light Rail Project

16. **Deputy Éamon Ó Cuív** asked the Minister for Transport, Tourism and Sport the relative cost benefit analysis ratios of each of the Luas BXD, the Metro North and the DART underground; and if he will make a statement on the matter. [16894/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The Deputy's question relates to the cost benefit analysis ratio of LUAS BXD, Metro North and DART Underground.

Following the establishment of the National Transport Authority (NTA) on 1st December 2009, the provision of infrastructure projects in the Greater Dublin Area (GDA), such as LUAS BXD, Metro North and Dart Underground, now comes under the remit of the NTA.

A comprehensive review of capital expenditure, overseen by the Minister for Public Expenditure and Reform, was carried out in 2011 and arising from this LUAS BXD was prioritised under the Government's new capital investment programme for transport to 2016 (Infrastructure and Capital Investment 2012-2016 — Medium Term Exchequer Framework). Metro North and DART Underground (DU) were postponed for review in 2015, in advance of the next Capital Programme.

In accordance with the Capital Appraisal Guidelines the relevant sponsoring agencies have carried out business cases in respect of all these projects. This was the RPA in the case of BXD and Metro North, and Iarnród Éireann in the case of Dart Underground. The three projects have also been independently reviewed.

The Detailed Business Case for Metro North was updated in December 2010 to take account of the An Bord Pleanála decision not to approve certain elements and to reduce the length of the line. This update by the RPA using a moderate growth scenario gave a cost ratio of 1.46:1 using traditional economic benefits and 1.89:1 when taking account of wider economic benefits. Under sensitivity tests a no growth scenario would deliver a BCR of 1.04 and the Local Authority (high) growth scenario a BCR of 1.98.

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For Dart Underground the business case prepared in April 2010 for Irish Rail shows a BCR of 2.39:1 on a traditional transport appraisal in a moderate growth scenario (and 4.0 when wider benefits are included). In a no growth scenario, the BCR is 1.71:1 and in the high growth case, BCR is 3.2:1.

As the business cases for both Metro North and Dart Underground were completed by different agencies using different transport models and appraisal techniques, a direct comparison of the BCRs for these projects was difficult. The NTA, in conjunction with Indecon, carried out a full comparative analysis of Metro North and DART Underground.

Based on the Indecon comparison of 'standardised' individual business cases, Dart Underground comes out with a BCR of 2.21:1 versus 1.64:1 for Metro North. The relative performance of the two projects was further corroborated when both were appraised using the NTA transport model for both schemes.

An outline business case for Luas line BXD was completed in June 2009, using the RPA transport model. The BCR in that business case using a high growth scenario is 2.46:1 when the project is examined over a 30 year appraisal period. The no growth scenario in the business case is 1.26:1. (This business case will be updated following An Bord Pleanála's determination of the railway order application.)

During the audit of the Luas BXD business case, the RPA were requested to carry out an economic appraisal using the moderate growth scenario and this provided a BCR of 1.85:1 (based on conventional transport benefits).

Haulage Industry

17. **Deputy John O'Mahony** asked the Minister for Transport, Tourism and Sport his views on the issue of cabotage; in particular concerns raised by the haulage industry with regard to the impact that cabotage enforcement in the United Kingdom is having on Irish hauliers operating there; and if he will make a statement on the matter. [16906/12]

20. **Deputy Joe McHugh** asked the Minister for Transport, Tourism and Sport if he will provide an update on his ongoing efforts to address concerns raised by the Irish haulage industry regarding the impact on it of enforcement of cabotage regulations by the United Kingdom authorities; if he will make representations on the issue to the United Kingdom authorities; and if he will make a statement on the matter. [16543/12]

56. **Deputy Olivia Mitchell** asked the Minister for Transport, Tourism and Sport his views on the issue of cabotage; if he has engaged with his United Kingdom counterparts on this issue; and if he will make a statement on the matter. [16909/12]

66. **Deputy Áine Collins** asked the Minister for Transport, Tourism and Sport his views generally on the issue of cabotage, in particular concerns raised by the haulage industry with regard to the impact that cabotage enforcement in the United Kingdom is having on Irish hauliers operating there; and if he will make a statement on the matter. [17095/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I propose to take Questions Nos. 17, 20, 56 and 66 together.

The Deputies' questions relate to cabotage regulations generally and in particular the concerns of the haulage industry in relation to the enforcement of such regulations by the United Kingdom authorities. Provisions in relation to road haulage cabotage are set out in EU Regulations 1072 of 2009, which came into effect on 14 May 2010. Cabotage relates to carriage for

hire or reward within a host Member State carried out on a temporary basis by a non-resident operator. The EU Regulations define the specific limitations of cabotage. These are in effect that once goods carried on the course of an incoming international carriage have been delivered, the haulier may with the same vehicle carry out up to 3 cabotage operations within 7 days.

The enforcement of the cabotage provisions is a matter for the authorities in each Member State. Naturally, hauliers in each Member State and those operating across Community borders must comply with all relevant regulations, and such regulations set a common business framework for all EU hauliers. I am aware of the strong concerns within the haulage industry about the enforcement of cabotage regulations by the United Kingdom authorities. While this is entirely a domestic matter for them, I used the opportunity of my St Patrick's visit to London to discuss this matter with my counterpart there, Minister Penning. While he expressed his support for the current arrangements on cabotage, we did agree to work together to produce a document which would set out for Irish hauliers exactly what and what not, the United Kingdom authorities will allow with regard to cabotage.

In general I can appreciate that the EU Regulations, by introducing a change to previous cabotage provisions which were less prescriptive, have changed the opportunities for cabotage. I note however, in its White Paper on Road Transport 2011 to 2020, that the European Commission intends to review current provisions on cabotage — potentially in the latter half of 2013. I support the idea of an open market for haulage operations and would hope that cabotage can be further liberalised.

However, I should say that not all Member States are currently of the same view. Therefore, lacking full liberalisation, I intend to pursue the potential that may exist to co-operate with other Member States to create functional areas for cabotage as an interim step pending full liberalisation of the market. The islands of Ireland and Britain would seem to me to offer an ideal opportunity for the creation of such a functional area. In this regard, I intend to pursue this matter further with the Commission, the UK authorities and the Northern Irish Executive.

Public Private Partnerships

18. **Deputy Catherine Murphy** asked the Minister for Transport, Tourism and Sport if he will provide figures as to the total cost to the Exchequer, in 2010 and 2011 respectively, of cash transfers to PPP toll road operators when traffic volumes in respect of the roads they operate do not meet minimum agreed levels; if he will also provide details of total receipts to the state from revenues generated from toll road operations in the same years; if he will provide estimates of these figures in respect of 2012; and if he will make a statement on the matter. [16915/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): As Minister for Transport, Tourism and Sport, I have responsibility for overall policy and funding in relation to the national roads programme. The implementation of individual national road schemes, including Public Private Partnership projects, is a matter for the National Roads Authority in accordance with the Roads Acts 1993-2007. In particular, the statutory power to levy tolls on national roads, to make toll bye-laws and to enter into toll agreements with private investors in respect of national roads is vested in the NRA under Part V of the Roads Act 1993 (as amended by the Planning and Development Act 2000 and the Roads Act 2007).

The contracts for the privately-operated toll schemes are commercial agreements between the NRA and the Public Private Partnership (PPP) concessionaires concerned. There are eight such contracts in total. Two PPP contracts, the M3 Clonee-Kells PPP and Limerick Tunnel PPP incorporate a traffic guarantee mechanism, the purpose of which within the overall finan-

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cial package for the project was to enhance the fundability of these projects and obtain competitive funding terms to the benefit of the taxpayer.

The balance between future toll revenue share and the Traffic Guarantee payments will depend on future traffic volumes. Over the past 12 months the pattern of traffic volumes on toll roads has varied considerably with growth ahead of expectations on some routes such as the M50 while traffic volumes on other tolled routes have been lower than estimated. However in relation to the two PPPs where there is a traffic guarantee arrangement, it is now evident that the NRA will be making traffic guarantee payments on the Limerick Tunnel scheme and M3 schemes for the foreseeable future. There is a somewhat better prospect of traffic increases on the M3 than the Limerick tunnel. The NRA's expected commitment for the Traffic Guarantee payments in 2012 is €6,995,164.

With regard to the remaining PPP schemes, all traffic risk remains with the operator while the State stands to benefit from the revenue share arrangement where average daily traffic ("ADT") exceeds scheme specific pre-defined threshold traffic. It is envisaged that future PPP projects will be funded by way of unitary/availability payments, that is by way of regular payments by the NRA for the duration of the contract. Under this arrangement it is envisaged that availability payments would be made on a regular basis with penalties applying in the event that the road or particular road lanes were not available. Essentially the cost of the road would be paid back through the unitary/availability payments.

Question No. 19 answered with Question No. 13.

Question No. 20 answered with Question No. 17.

State Assets

21. **Deputy Bernard J. Durkan** asked the Minister for Transport, Tourism and Sport his preferred options for the future shareholding in Aer Lingus in the event of disposal of Government shares or any reconfiguration of shareholding; if he has received any report arising from any recent development in this sector; and if he will make a statement on the matter. [16901/12]

272. **Deputy Bernard J. Durkan** asked the Minister for Transport, Tourism and Sport his plans for the future of the States share holding in Aer Lingus; and if he will make a statement on the matter. [17249/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I propose to take Questions Nos. 21 and 272 together.

The Deputy's questions relate to the future of the Government's shareholding in Aer Lingus. In terms of State asset disposals, two Working Groups were established by the Government in 2011, one to consider the best approach in progressing the proposed part-sale of ESB and the other to undertake a similar analysis of a number of other State assets identified by Government as potential candidates for disposal. The State's remaining 25% shareholding in Aer Lingus was considered as part of this group of assets. Both of these Working Groups completed their work in 2011 and reported to Ministers in December 2011. NewERA was centrally involved in this process together with all relevant Departments including my Department. It was on the basis of the analysis undertaken by these two Working Groups that the Government agreed to the list of asset disposals announced on 22nd February.

In relation to Aer Lingus, the Government considers that the State's remaining shareholding in the company is no longer a strategic asset as it does not enable the Government to determine

Aer Lingus policy on issues such as the use of the airline's landing slots at Heathrow Airport, an issue which in any case is no longer as significant as it once was given current capacity constraints at Heathrow and the growing popularity of other European airports such as Schipol and Frankfurt for connections to and from Ireland. Accordingly, the Government has decided that the State's remaining shareholding in Aer Lingus will be sold at an appropriate time, when market conditions are favourable and at an acceptable price that is agreed by Government. In conjunction with the Minister for Public Expenditure and Reform and informed by the analysis carried out by the Working Group, I will consider all potential options for the proposed sale of the State's shareholding and all expressions of interest received.

Road Network

22. **Deputy Catherine Murphy** asked the Minister for Transport, Tourism and Sport if any evaluation or study has been undertaken or is planned to be undertaken by him into establishing the appropriate level of minimum annual spending in order to ensure that the maintenance of all public roads does not fall below a basic standard throughout the country;; and if he will make a statement on the matter. [16914/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): As Minister for Transport, Tourism and Sport, I have responsibility for overall policy and funding in relation to the national roads network. The planning, design and implementation of individual road projects is a matter for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned. The improvement and maintenance of regional and local roads in its area, is a statutory function of each road authority in accordance with the provisions of section 13 of the Roads Act, 1993. Works on such roads are a matter for the relevant local authority to be funded from its own resources supplemented by State road grants.

In the next few months, I am due to receive the Pavement Condition Study (in respect of regional roads) which is currently being finalised by the National Roads Authority on behalf of my Department. This report will provide a comprehensive overview of the current status of our regional roads network. This report will assist in targeting funding at the areas most in need of it.

EU Funding

23. **Deputy Pádraig Mac Lochlainn** asked the Minister for Transport, Tourism and Sport if he supports the inclusion of sport within the Erasmus for All programme. [16561/12]

47. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Transport, Tourism and Sport through what other synergies in the EU 2014-2020 framework programmes as currently proposed, that is youth, research, public health can Irish sport benefit. [16563/12]

49. **Deputy Martin Ferris** asked the Minister for Transport, Tourism and Sport in view of the specificity of Irish sports, for example the GAA being overwhelmingly only in existence in Ireland and its amateur nature, the guarantees he will give that Irish sport will not lose out to the EU-wide dimensions often insisted upon in EU programmes. [16562/12]

58. **Deputy Seán Crowe** asked the Minister for Transport, Tourism and Sport the role sport will play in the European Commission's Erasmus for All programme. [16560/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I propose to take Questions Nos. 23, 47, 49 and 58 together.

[Deputy Leo Varadkar.]

Erasmus for All is a new EU funding programme for education, training, youth and sport being proposed by the European Commission for the period 2014-2020. I support the inclusion of sport in this programme. The programme is one part of the wider EU budget currently being negotiated and the final allocation for Erasmus for All will be dependent on the outcome of these overall discussions. At present however, the budget proposed for Erasmus for All is €19.5 billion, of which €238 million is proposed to be allocated to a sub-programme for sport. The content of the sport programme is also currently being negotiated at EU level.

I do not believe that Irish sport will lose out under the programme. Funding support will be available for transnational joint projects involving two or more partners, non-commercial European sport events involving several European countries, and for initiatives strengthening the evidence base for policy making in sport or encouraging dialogue among European sports stakeholders. The Programme will benefit public bodies or civil society organisations active in the area of grassroots sport. Given this clear focus on grassroots sport and given the wide-ranging nature of the objectives of the programme and the activities to be funded, there should be good opportunity for Irish organisations to develop through increased co-operation at EU level. There are a number of other EU programmes yet to be finalised.

Tourism Industry

24. **Deputy Pearse Doherty** asked the Minister for Transport, Tourism and Sport the way he intends to address the recent findings from a survey carried out by a company (details supplied) that only 1% of Europeans would chose Ireland as a tourist destination, the same number as plan to visit Poland or Portugal. [16554/12]

63. **Deputy Bernard J. Durkan** asked the Minister for Transport, Tourism and Sport the extent to which he expects the tourism sector to expand in the current year on the basis of promotion or projections; the extent to which he expects the economy to benefit therefrom with consequent increased employment; and if he will make a statement on the matter. [16902/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I propose to take Questions Nos. 24 and 63 together.

I assume the Deputy is referring to the "Flash Eurobarometer — Attitudes of Europeans Towards Tourism" Report which was published earlier this month. This survey is part of a regular telephone survey undertaken at the request of the European Commission and aims to get a general picture of sentiment among consumers rather than assess prospects for particular markets.

However, in relation to the statistic that the Deputy cites, it should be noted that 52% of those surveyed planned on holidaying in their home country in 2012. The European countries which scored above Ireland in relation to being a potential tourist destination for individuals from other EU member states in 2012, were Spain (10%), Italy (7%), France (6%), Greece (4%), Germany (3%), UK (3%) and Austria (3%). It should also be noted that the corresponding survey last year reported that 0.6% of Europeans planned a holiday in Ireland in 2011 — which bore little relationship to the final outcome.

The Central Statistics Office reported that there were almost 2.3 million overseas visits to Ireland from Mainland Europe in 2011, up 11.6% on 2010, and visits from Great Britain totalled 2.87 million, up over 5.1% on 2010. Our challenge is to maintain this growth in 2012 and beyond. In this regard, Tourism Ireland, the agency with responsibility for the overseas promotion of Ireland as a tourist destination is targeting growth of 4.5% in overseas visit numbers

this year. To help achieve these ambitious targets, Tourism Ireland's marketing campaign is well underway and included a number of high profile initiatives around St. Patrick's Day.

With regard to the domestic market, according to Fáilte Ireland, there are strong indications that Irish people will holiday at home in greater than ever numbers this year and many tourism enterprises are optimistic regarding their own prospects for 2012. The hotel sector in particular is confident of increased volumes from both the overseas and domestic markets. If our target for overseas visits is achieved and the domestic market performs as expected, employment in the industry can be expected to increase this year. Fáilte Ireland projects that the estimated total employment of 180,000 in tourism in 2011, based on their survey of tourism enterprises, could grow by 4,000 or more in 2012.

Penalty Points System

25. **Deputy Billy Kelleher** asked the Minister for Transport, Tourism and Sport if he has discussed with the Department of Justice a plan to ensure that penalty points are applied to driving licences in courts; and if he will make a statement on the matter. [16879/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): Officials in my Department and the Department of Justice and Equality have discussed the administrative arrangements required to ensure the consistent application of requirements on the production of a driving licence and a copy of that licence to the court, under section 22 of the Road Traffic Act 2002. Consistency in the application of section 22 and in particular, the recording by the court of the details contained in the licences produced, will ensure that all the required information is available to my Department's National Vehicle and Driver File to facilitate the endorsement of penalty points on driver records. I understand that work in this regard is progressing and administrative issues are being addressed to support the consistent application of section 22.

Question No. 26 answered with Question No. 14.

Air Services

27. **Deputy Dara Calleary** asked the Minister for Transport, Tourism and Sport if he will rule out the loss of control of the slots at Heathrow; and if he will make a statement on the matter. [16871/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The State does not own nor has it control over landing or take-off slots at Heathrow Airport.

Access by airlines to landing and take-off slots at EU airports where there are capacity limitations, including Heathrow, is governed by EU Regulations. Aer Lingus has access to quite a large number of slots at London Heathrow on the basis of 'grandfather rights', that is, it has acquired the rights to these slots because it has been operating services to Heathrow for a long number of years and before Heathrow became as congested as it is today. However, Aer Lingus and any other airline, cannot hold slots in perpetuity unless they comply with the 80/20 rule, i.e. they need to have used at least 80% of the allocated series of slots in a scheduling period (Summer/Winter) to be granted priority for the allocation of the same series of slots for the following scheduling period.

Aer Lingus can use the slots it currently has at Heathrow for whatever services it wishes; the Government's minority shareholding does not allow it to dictate what services the slots are to be used for. Neither is the minority shareholding sufficient on its own to prevent Aer Lingus from disposing of Heathrow slots should it choose to do so.

Public Transport

28. **Deputy Mary Lou McDonald** asked the Minister for Transport, Tourism and Sport if he has met with the Railway Procurement Agency, National Roads Authority and other bodies including taxi representatives in order to ensure that the development of the LUAS link up is as integrated with other methods of transport in Dublin as possible [16856/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): Following the establishment of the National Transport Authority (NTA) on 1st December 2009, the provision of infrastructure projects in the Greater Dublin Area (GDA), such as LUAS BXD, now comes under the remit of the NTA.

There has been extensive engagement between the Railway Procurement Agency (RPA) and both Dublin City Council (DCC) and Dublin Bus aimed at minimising the construction impacts of Luas BXD on all road users, including pedestrians, and on businesses in the city centre area. The consultation between RPA/DCC/Dublin Bus, which now also includes the NTA, on these important issues continues and will be maintained throughout the construction of Luas BXD.

In addition, the RPA has discussed the plans for Luas BXD with taxi representatives on many occasions. Proposals to accommodate taxis and taxi ranks were contained in the RPA's application for a railway order for this project to An Bord Pleanála and all interested parties had an opportunity to make submissions to An Bord and attend the oral hearing in May of last year.

Subject to the grant of a railway order, these engagements will intensify both prior to and during construction of the project and I will personally take a keen interest in ensuring that all parties work together to ensure that disruption is minimised and Dublin remains open for business.

Driving Tests

29. **Deputy Derek Keating** asked the Minister for Transport, Tourism and Sport if his attention has been drawn to the fact that, under the regulations for learner drivers, many service providers driving instructors are restricted or hampered from gaining access to the log books which they are required to use because these books are only available on a download facility from the National Roads Authority and that a significant number of driving instructors do not have access to appropriate computers; and if he will consider, because of the legislation governing driving instructors, ensuring that an adequate supply of log books are available other than from a download facility. [16552/12]

53. **Deputy Terence Flanagan** asked the Minister for Transport, Tourism and Sport if his attention has been drawn that, under the regulations for learner drivers, many service providers driving instructors are restricted or hampered from gaining access to the log books which they are required to use because these books are only available on a download facility from the National Roads Authority and that a significant number of driving instructors do not have access to appropriate computers; and if he will consider, because of the legislation governing driving instructors, ensuring that an adequate supply of log books are available other than from a download facility [16551/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I propose to take Questions Nos. 29 and 53 together.

I have received a number of representations regarding this issue, and I have consulted with the Road Safety Authority (RSA) about it. The issue arises from the fact that the RSA has

introduced online registration for the Essential Driver Training (EDT) system. I understand that, when EDT was first introduced, Approved Driving Instructors (ADIs) were required to submit their records on an Excel spreadsheet, while the RSA provided them with logbooks free of charge. It was made clear by the RSA at the time that this was a temporary measure, and that a new on-line system would be introduced for ADIs to order and manage logbooks. This would necessitate participating ADIs to have an email address. There was advance warning of this from May of last year, with the online system being introduced only in October. This amounts to a considerable lead-in period.

I gather that there has been and continues to be a high level of registration for the online system, with over 57% of ADIs registered to date. The numbers continue to increase. I will ask the RSA to keep me informed of the progress on the matter in the coming months.

Public Transport

30. **Deputy Pádraig Mac Lochlainn** asked the Minister for Transport, Tourism and Sport his views on the fact that no destinations serviced by Bus Éireann in counties Derry, Fermanagh, Tyrone, Antrim, Armagh and Down are listed on the Bus Éireann website. [16854/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The issue raised by the Deputy is a matter for Bus Éireann. I have referred the Deputy's question to the company for direct reply. Please inform my private office if you do not receive a reply within ten working days.

Road Safety

31. **Deputy David Stanton** asked the Minister for Transport, Tourism and Sport if he will advise on the progress that has been made by the Road Safety Authority on their study of the Irish collision database based on the methodology of a study carried out in UK (details supplied) to examine the effects of daylight saving time on road safety; and if he will make a statement on the matter. [16846/12]

57. **Deputy David Stanton** asked the Minister for Transport, Tourism and Sport the discussions he has had with the Road Safety Authority regarding their assessment of the effect of changes to daylight saving time here; and if he will make a statement on the matter. [16845/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I propose to take Questions Nos. 31 and 57 together.

At its meeting in October 2011, the Road Safety Authority's Policy Advisory Panel reviewed the publication "*An investigation into the effects of British Summer Time on road traffic accident casualties in Cheshire"* which was published in 1996 in the Journal of Accidents and Emergency Medicine. The Panel found that it would be a suitable methodology to carry out an assessment of the effect of changes to Daylight Saving Time in Ireland.

I understand that the Authority is currently replicating the Cheshire Study and expects to conclude a report on the matter by the end of May 2012. Public consultations on these findings, and perhaps their submission to the Oireachtas Committee on Environment, Transport, Culture and the Gaeltacht for consideration, might be appropriate at that stage.

This research will help provide an evidence base from a road safety perspective for any future consideration of this issue.

Public Transport

32. **Deputy Pearse Doherty** asked the Minister for Transport, Tourism and Sport his plans to develop better integration of public transport services in the border region. [16855/12]

52. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Transport, Tourism and Sport his plans to develop better integration of public transport services in the border region [16857/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I propose to take Questions Nos. 32 and 52 together.

The issue raised by the Deputy is a matter for the relevant transport providers in conjunction with the National Transport Authority (NTA) whose function it is to promote an integrated public transport network. I have referred the Deputy's question to the NTA for direct reply. Please inform my private office if you do not receive a reply within ten working days.

Question No. 33 answered with Question No. 14.

Tourism Promotion

34. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport his views on the potential offered by the development of the cruise industry in Ireland; if he will identify the parts of the country in particular that could benefit from this; and if he will make a statement on the matter. [16904/12]

45. **Deputy Eoghan Murphy** asked the Minister for Transport, Tourism and Sport his views on the potential offered by the development of the cruise industry here; and if he will make a statement on the matter. [16864/12]

61. **Deputy Seán Kyne** asked the Minister for Transport, Tourism and Sport his views on the potential offered by the development of the cruise industry here; and if he will make a statement on the matter. [16910/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I propose to take Questions Nos. 34, 45 and 61 together.

I believe that cruise tourism has significant potential and the recent consultation document published by the Department of Agriculture, Food and the Marine "Our Ocean Wealth — Towards an Integrated Marine Plan for Ireland" confirmed that cruise ship tourism continues to grow with a 12% increase in 2010 with over 200 cruise liners visiting the island and carrying over 305,000 passengers.

In relation to the actual development of cruise tourism, the matters raised are of an operational nature and are for consideration by Fáilte Ireland. I have referred the Deputies' questions to the agency for further information and direct reply. Please contact my private office if you do not receive a reply within ten working days.

Road Network

35. **Deputy Terence Flanagan** asked the Minister for Transport, Tourism and Sport when he envisages that the private public partnership contract for the bypassing of the Newlands Cross N7 project will be signed, the length of time in which he expects the construction phase to be completed; his plans for a similar project for the N4 Palmerstown by-pass; and if he will make a statement on the matter. [16540/12]

59. **Deputy Derek Keating** asked the Minister for Transport, Tourism and Sport when he envisages that the private/public partnership contract for the bypassing of the Newlands Cross N7 project will be signed; the length of time in which he expects the construction phase to be completed; his plans for a similar project for the N4 Palmerstown by-pass; and if he will make a statement on the matter. [16539/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I propose to take Questions Nos. 35 and 59 together.

As Minister for Transport, Tourism and Sport, I have responsibility for overall policy and funding in relation to the national roads programme. The implementation of individual national road schemes is a matter for the National Roads Authority (NRA) under the Roads Acts 1993-2007 in conjunction with the relevant local authorities concerned. Noting this position, I have referred the Deputies' Questions to the NRA for direct reply. Please advise my private office if you do not receive a reply within 10 working days.

Tourism Promotion

36. **Deputy Peadar Tóibín** asked the Minister for Transport, Tourism and Sport the actions if any, being taken in conjunction with the Stormont Assembly, to promote Derry, as the city of culture 2013. [16553/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): Obviously primary responsibility for the promotion of Derry-Londonderry as the UK City of Culture rests with the relevant authorities in Northern Ireland. As the North-South body responsible for the promotion of the island of Ireland as a tourist destination, Tourism Ireland will play a significant role in the overseas marketing of the event and I understand that the agency's activity in this regard has already commenced. As this is an operational matter for Tourism Ireland, I have forwarded the question to the agency for further direct reply. Please contact my private office if you do not receive a response within ten working days. Of course, the UK City of Culture is not primarily a tourism event, and the Government is generally supportive of this opportunity for Derry and the whole North-West and wants cultural and other relevant organisations to do whatever they can to assist or benefit from the year-long programme.

In terms of cooperation with the Northern Ireland Executive, as the Deputy will be aware, tourism was identified in the Good Friday agreement as a key area for North/South cooperation, and consequently it is one of the sectors on which the North/South Ministerial Council meets in sectoral format, to make decisions on common policies and approaches in the area of tourism. The last meeting in Tourism Sectoral format took place on 25 January at which I met the Minister for Enterprise, Trade and Investment in Northern Ireland, Ms Arlene Foster MLA. These meetings provide an opportunity to discuss significant tourism opportunities north and south such as the Titanic anniversary this year, The Gathering Ireland 2013 and the Derry-Londonderry City of Culture. A further meeting in Tourism Sectoral format will take place later this year.

Question No. 37 answered with Question No. 14.

38. **Deputy Dessie Ellis** asked the Minister for Transport, Tourism and Sport his plans to develop a strategy to empower and encourage Irish persons working and living abroad to promote Ireland as a tourist destination. [16850/12]

44. **Deputy Joe Carey** asked the Minister for Transport, Tourism and Sport if he will provide an update on the Gathering 2013 project which was launched internationally during the St. Patrick's festivities; when it will be launched domestically; if he will provide details of the Council of Champions who will be acting as ambassadors for the project; and if he will make a statement on the matter. [16903/12]

267. **Deputy Billy Timmins** asked the Minister for Transport, Tourism and Sport the plans being prepared to mark the 50th anniversary of President John F Kennedy's visit to Ireland in

[Deputy Billy Timmins.]

2013; if he will seek to ensure that the 50th anniversary of JFK's visit be included as part of the Gathering 2013 project; and if he will make a statement on the matter. [17146/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I propose to take Questions Nos. 38, 44 and 267 together.

I presented proposals for "The Gathering 2013" at the Global Irish Economic Forum last October. Fáilte Ireland is the lead agency for the implementation of the initiative and have put in place a Project Board to oversee it, while Tourism Ireland Limited will have specific responsibility for promoting "The Gathering 2013" in overseas markets. The event will the biggest tourism initiative ever staged in Ireland and will consist of a year-long programme of festivals, events and other gatherings. The recent St. Patrick's day festivities were used for the overseas launch of "The Gathering Ireland 2013" while a domestic launch is planned for mid-April. A new website has recently gone live with information on how people can play their part in the event. In addition, social media channels are already on stream to promote the event and engage prospective visitors. While my Department is not primarily responsible for historical commemorations such as the 50th anniversary of President John F Kennedy's visit to Ireland, the Gathering will build on opportunities, such as existing events and anniversaries, to maximise engagement and interest at home and abroad.

The Council of Champions is to act as a forum to engage the wider community at home and abroad. Tim O'Connor, former Secretary-General to the President, is acting as Chair of the Council of Champions and is also a member of the Gathering Project Board. The Council will comprise of individuals of significant standing who have networks, expertise and experience to activate support and enhance the capacity of the event. Obviously the Irish diaspora have always had a critical role in acting as tourism ambassadors for Ireland and the Gathering Ireland 2013 will provide an even greater opportunity to connect with millions who feel linked by family, friends or otherwise with Ireland and to work with Irish people working and living abroad to promote Ireland as a tourist destination.

I will ask Fáilte Ireland to provide more details on the Gathering to the Deputies directly, and in relation to events and other tourism matters concerning the 50th anniversary of President John F Kennedy's visit to Ireland to Deputy Timmins. If you do not receive a response with ten working days, please contact my private office.

39. **Deputy Brian Stanley** asked the Minister for Transport, Tourism and Sport the tourism initiatives he will be taking in relation to the Olympic torch relay coming to Dublin. [16557/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The International Olympic Committee agreed last December that the Olympic Flame will visit Dublin on 6 June as part of the London 2012 Olympic Torch Relay. Responsibility for all operational aspects of the visit of the Olympic Torch Relay to Ireland, including the relay route, rests with the Olympic Council of Ireland. From a tourism perspective, it will be the responsibility of the tourism agencies to maximise any opportunities that this year's Olympics provide. The Olympic Torch Relay visiting Dublin will certainly provide a welcome additional focus on Ireland in June and it will be an operational matter for Tourism Ireland to maximise the opportunities provided by the relay to promote Ireland to overseas tourists. Accordingly, I have forwarded a copy of your question to Tourism Ireland for direct reply. Please advise my private office if you do not receive a reply within ten working days.

Road Network

40. **Deputy Denis Naughten** asked the Minister for Transport, Tourism and Sport his plans

to fund the upgrade of the N63 Roscommon/Galway road; and if he will make a statement on the matter. [16547/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): As Minister for Transport, I have responsibility for overall policy and funding in relation to the national roads network. The construction, improvement and maintenance of individual national roads, is a matter for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned. Noting this I have referred the Deputy's question to the NRA for direct reply. Please advise my private office if you don't receive a reply within 10 working days.

Public Transport

41. **Deputy Dessie Ellis** asked the Minister for Transport, Tourism and Sport his plans to ensure that Iarnrod Éireann will be maintained as a publicly owned transport company into the future. [16849/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The Review Group on State Assets and Liabilities in its report considered the possible disposal and part-disposal of the CIE companies. In their report they stated that "having regard to the unavoidable losses inherent in maintaining a nationwide railway and uneconomic urban and rural bus services, disposal or part-disposal of the main CIÉ companies is not a realistic short-term option." The Government has agreed the shape and scale of the asset disposal programme to be pursued as a commitment under the EU/IMF Programme and as provided for in the Programme for Government. Iarnród Éireann is not included in that programme and I have no plans to alter its status as a publicly owned transport company.

Question No. 42 answered with Question No. 12.

Question No. 43 answered with Question No. 10.

Question No. 44 answered with Question No. 38.

Question No. 45 answered with Question No. 34.

Question No. 46 answered with Question No. 13.

Question No. 47 answered with Question No. 23.

Marine Safety

48. **Deputy Martin Ferris** asked the Minister for Transport, Tourism and Sport if he will investigate the possibility of supplying fishermen with electronic devices which will assist in finding them alive should their vessels go down. [12919/12]

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.

[Deputy Leo Varadkar.]

It should be noted that 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.

Question No. 49 answered with Question No. 23.

Taxi Regulations

50. **Deputy Gerry Adams** asked the Minister for Transport, Tourism and Sport if he will endeavour through his Department to respect all of the State's obligations in regard to peace process agreements which discourage against blocking former political prisoners from employment and social integration. [16852/12]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly): Action 22 of the Taxi Regulation Review Report clearly sets out the intention of the Review Group with regard to the commencement of Section 36 of the Taxi Regulation Act 2003 concerning the mandatory disqualification from holding a licence with regard to convictions. As I indicated to the Oireachtas Joint Committee last month there can be no tolerance for criminality within the taxi sector and it is vitally important that members of the public can feel secure to travel by taxi and can be safe in doing so. An amendment to Section 36 is required to address concerns of proportionality in the application of mandatory disqualification. I expect to be in a position to bring the Taxi Regulation (Amendment) Bill 2012 to the Houses of the Oireachtas in the second quarter of this year.

Public Transport

51. **Deputy Aengus Ó Snodaigh** asked the Minister for Transport, Tourism and Sport the measures he is putting in place to ensure that cuts to public transport companies funding and fare increases do not hit those who can least afford it. [16860/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): As the Deputy will be aware, public transport services and fares are a matter for the CIÉ operating companies in conjunction with the National Transport Authority. I have referred the Deputy's question to the National Transport Authority for direct reply. Please inform my private office if you do not receive a reply within ten working days.

I am aware that the NTA approved a range of fare increases in respect of the CIÉ companies which took effect in January this year. It is, however, important to point out that significant savings can be made by passengers who choose to avail of the integrated ticket, the Leap card. Notwithstanding the NTA's statutory responsibilities, the Government recognises the need for the CIÉ companies to respond to the challenge of reduced PSO subvention funding, reduced fares income arising from reductions in passenger numbers and increased costs, such as fuel costs, which are outside their control. As a general principle, efficiencies in operational costs should, in the first instance, be examined in preference to fare increases and service reductions. I have stated this in the Letters of Mandate I issued to each of the four CIE Company Chairpersons appointed in 2011.

However, in the current environment there has to be a recognition that, unfortunately, fare increases will be inevitable if costs cannot be reduced sufficiently in order to maintain a reason-

able level of service provision. While a recovery in passenger numbers could increase company revenues, all concerned must focus on identifying key public transport priorities in our cities and across the country and PSO public transport service providers will have to achieve greater efficiency and cost effectiveness in the years ahead.

Question No. 52 answered with Question No. 32.

Question No. 53 answered with Question No. 29.

Cycle Facilities

54. **Deputy Seán Kyne** asked the Minister for Transport, Tourism and Sport if he will report on the progress in establishing a greenway facility along Galway-Clifden route, County Galway; and his views on the benefits this feature will have for the Connemara region. [16911/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The matter raised is an operational matter for Fáilte Ireland. I have referred the Deputy's question to the agency for direct reply. Please contact my private office if you do not receive a reply within ten working days.

Question No. 55 answered with Question No. 10.

Question No. 56 answered with Question No. 17.

Question No. 57 answered with Question No. 31.

Question No. 58 answered with Question No. 23.

Question No. 59 answered with Question No. 35.

Road Network

60. **Deputy Peadar Tóibín** asked the Minister for Transport, Tourism and Sport his plans to deal with major traffic issues which continue in Slane, County Meath, in view of the decision by An Bord Pleanála not to grant planning permission to the by-pass as currently outlined. [16861/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): As Minister for Transport, Tourism and Sport I have overall responsibility for policy and funding in relation to the national roads programme. The planning and design of individual national primary and secondary roads is a statutory function of the National Roads Authority (NRA) under the Roads Acts 1993 to 2007. The NRA works closely with the local authorities in whose administrative area the road is to be constructed — in this case Meath County Council.

The Bord refused the scheme on a number of grounds, including that the Bord was not satisfied that the alternatives to the by-pass were properly considered given that the bypass would be near Bru na Boinne — a UNESCO world heritage site. In particular, the Bord did not consider that the issue of a HGV ban in Slane was adequately considered. I have asked the NRA, in conjunction with Meath County Council and the relevant stakeholders, to examine the detail of the Bord decision and how to respond to it. However, it is not a case of selecting a new route at this stage, instead the priority is to address the traffic safety concerns in Slane. Traffic management issues are primarily for Meath County Council to address.

Significant work has been carried out on safety upgrades and traffic calming on the approaches to the bridge and this has contributed to a reduction in traffic accidents.

Question No. 61 answered with Question No. 34.

Question No. 62 answered with Question No. 10.

Question No. 63 answered with Question No. 24.

Sports Capital Programme

64. **Deputy Denis Naughten** asked the Minister for Transport, Tourism and Sport the steps he is taking to re-establish a sports capital programme; and if he will make a statement on the matter. [16548/12]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring): Earlier today I announced a new round of the Sports Capital Programme. This Programme will assist voluntary and community organisations, national governing bodies (NGBs) of sport, local authorities, VECs and schools to develop high quality, safe, well-designed, sustainable facilities in appropriate locations and to provide appropriate equipment to help maximise participation in sport and physical recreation.

Application forms and information can be found on my Department's website *www.dttas.ie*.

Air Services

65. **Deputy Clare Daly** asked the Minister for Transport, Tourism and Sport his views on the outsourcing of corporate functions by Aer Lingus.; and if he will make a statement on the matter. [16541/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): Any decision regarding the outsourcing of functions is an administrative/commercial matter for Aer Lingus. I have no role in the day to day operations of the airline.

Question No. 66 answered with Question No. 17.

Appointments to State Boards

67. **Deputy Michael Healy-Rae** asked the Tánaiste and Minister for Foreign Affairs and Trade since the Government was formed, the number of vacancies in State boards that have been filled by his Department without advertising the availability of the positions; and if he will make a statement on the matter. [17031/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): There are no state boards operating under the aegis of my Department.

Missing Persons

68. **Deputy Éamon Ó Cuív** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has taken up with the Dutch Ambassador the case of missing Irish man (details supplied) who went missing in the Netherlands on 23 October 2008; if so, the result of the contact with the Dutch Embassy; if he expressed his concern regarding this matter to the Dutch Ambassador; and if he will make a statement on the matter. [17033/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The person referred to by the Deputy first came to the attention of my Department in November 2008. The family were concerned that there had been no contact from the individual and requested assistance in locating him. My Department has been providing consular assistance to the family since that time. Our Embassy in the The Hague, which has consular responsibility for Irish

citizens in the Netherlands, has liaised directly with the Dutch authorities in the Netherlands. In such circumstances, the Netherlands' Ambassador to Ireland, whose primary consular duty is to Dutch citizens in Ireland, would not be the appropriate channel of communication with the Netherlands' authorities. In the weeks after the initial disappearance, the Embassy arranged a meeting, which was also attended by an Embassy official, between the family and the Dutch Police. At that meeting the Dutch Police gave assurances to the family that everything possible was being done to locate their missing relative. The Police Officer also provided his direct contact details to the family to that they could contact him if any new information was received by them. Representatives of the family have been in regular contact with my Department and the Embassy has sought an update on the case from the Dutch police. A response has been received today indicating that the Public Prosecutor has decided that the investigation into the disappearance will be re-examined.

In addition to liaising with the police, the Embassy facilitated a report on the case being broadcast by a Dutch missing persons television programme. The programme generated a number of leads around the world and my Department assisted the family in following up on those reports.

While my Department cannot interfere in the legal process of another State, we will continue to provide all possible consular assistance to the family. I would like to take this opportunity to express my personal sympathy to the family and to assure them of my full appreciation of the distress the disappearance of their loved one has caused.

Diplomatic Representation

69. **Deputy Éamon Ó Cuív** asked the Tánaiste and Minister for Foreign Affairs and Trade if he intends to appoint a new Honorary Consul in Nova Scotia in the near future; and if he will make a statement on the matter. [17051/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): There are currently six Honorary Consuls of Ireland in Canada. They are located in Calgary, Montreal, Edmonton, Vancouver, St. John's Newfoundland and Winnipeg. My Department has no immediate plans at present to open an Honorary Consulate of Ireland in Nova Scotia. My Department regularly reviews the network of Honorary Consuls and, in the context of making new appointments, it takes into account the need to provide for the welfare of Irish citizens, resident or visiting, as well as the prospect of developing trade and economic relations with the country or region concerned. I can assure the Deputy that my Department will continue to review the situation in relation to Nova Scotia.

70. **Deputy Éamon Ó Cuív** asked the Tánaiste and Minister for Foreign Affairs and Trade if he intends to appoint an Honorary Consul in Las Vegas, USA; and if he will make a statement on the matter. [17052/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I can confirm that I have appointed an Honorary Consul of Ireland in Las Vegas, Nevada. The Consulate is due to open shortly and the contact details will be available on my Department's website *www.dfa.ie*, after it has opened.

Residency Permits

71. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the procedure to be followed in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [17120/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The case in question relates to the entry of a non-national person from outside the EU into the jurisdiction of the State. As this matter relates to immigration policy, which is the responsibility of the Minister for Justice and Equality, details of this question have been brought to his attention.

Departmental Expenditure

72. **Deputy Peadar Tóibín** asked the Tánaiste and Minister for Foreign Affairs and Trade the amount paid to each external property consultant, surveyor and estate agent engaged by his Department for each of the past three years. [17265/12]

73. **Deputy Peadar Tóibín** asked the Tánaiste and Minister for Foreign Affairs and Trade the cost of external property consultants, surveyors and estate agents engaged by his Department for each of the past three years. [17280/12]

74. **Deputy Peadar Tóibín** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will provide a list of external property consultants or surveyors and estate agents engaged by his Department for each of the past three years. [17295/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I propose to take Questions Nos. 72 to 74, inclusive, together.

The following three external property consultants/surveyors/estate agents were engaged by my Department in connection with projects in the State during the past three years:

Joseph Curtis and Company was paid €3,025 in architectural fees in October 2010 in relation to the termination on 2 April 2010 of the lease on the premises occupied by the Department of Foreign Affairs at Hospitality House 16-20 South Cumberland Street.

O'Connell, Harley, O'Dwyer Consulting Engineers were paid €20,449 in December 2010 for a feasibility study on the installation of passport machines in the Passport Office Cork.

Delap and Waller were paid €5,650.70 in the period March-August 2011 for professional services rendered regarding installation of passport machines in the Passport Office, Molesworth Street, Dublin.

EU Presidency

75. **Deputy Sean Fleming** asked the Tánaiste and Minister for Foreign Affairs and Trade the measures he will take to ensure that a cost efficient process is put in place in respect of Ireland's EU Presidency and in addition measures to prevent a reoccurrence of problems highlighted by the Comptroller and Auditor General in relation to procurement by the Office of Public Works during Ireland's last Presidency of the EU. [11182/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): Preparations for Ireland's EU Presidency are underway in all Departments and significant progress has been made in setting out Presidency priorities for the first six months of 2013. The Presidency is an important opportunity for Ireland to rebuild its positive image as a credible, effective, and trustworthy international player. At a practical level, the Government has taken a number of decisions with a view to putting in place an efficient and cost-effective Presidency.

The need for financial discipline means that expenditure for the Irish Presidency will be tightly controlled.

As an important cost-containment measure, the Government has decided that Dublin Castle and other State-owned properties in the Dublin area will be the default venues for all Presidency-related events in Ireland and the OPW have been fully engaged with this Department and the Department of the Taoiseach and in identifying and pre-planning the facility requirements for events during the EU Presidency.

In addition, work is underway between my Department and other bodies, including the Department of the Taoiseach, the Office of Public Works, the National Procurement Service and the Chief's States Solicitors Office on a centralised procurement scheme for all goods and services that will be required for the running of the Presidency. By taking a more collective approach, I expect that we will be able to maximise the potential economies of scale as well as reducing some of the administrative overload incurred through individual tendering for similar goods and services.

A Prior Information Notice (PIN) for the possible procurement of a number of requirements for the EU Presidency was published by my Department on 9 March 2012 on the eTenders website. The services/supplies included on this PIN include accommodation, catering, hospitality and event management, chauffeur-drive and bus transport services, interpretation and translation services, and an accreditation and badging service for delegates and media. A PIN does not necessarily mean a commitment to procuring these iteMs However, it underlines the transparent approach being taken to procurement, gives suppliers more time to prepare for possible tenders and will result in more cost-effective procurement.

Departmental Websites

76. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade if the website EU matters which is attached to all Government websites is updated regularly; the way this is being done; and if he will make a statement on the matter. [10756/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The EU Matters website was developed by the EU Division of the Department of Foreign Affairs to provide information about Ireland's membership of the European Union. With the transfer of the co-ordination of the European Union affairs from the Department of Foreign Affairs to the Department of the Taoiseach, we are reviewing how best we communicate the Government's approach to EU policy, including through the use of new media. The EU Matters website is currently offline pending the outcome of this review.

Official Engagements

77. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade if he intends to meet the new Apostolic Nuncio; and if he will make a statement on the matter. [10579/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I met with the Papal Nuncio, Archbishop Charles J. Brown, when he presented his credentials to President Higgins on 16 February. I look forward to working closely with him, both in his role as Apostolic Nuncio and as Dean of the Diplomatic Corps.

North-South Implementation Bodies

78. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will provide an update on the implementation of the recommendations of the first North-South Implementation Bodies and areas for cooperation; and if he will make a statement on the matter. [10758/12]

83. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will provide an update on the implementation of the recent recommendations of the North-South Implementation Body; and if he will make a statement on the matter. [13818/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I propose to take Questions Nos. 78 and 83 together.

At the meeting of the North South Ministerial Council in plenary format on 18 November 2011**,** Ministers agreed that a number of proposals to advance the first element of the St Andrews Agreement Review would be discussed at the next round of NSMC meetings in sectoral format with a view to decisions being taken at the next NSMC Plenary meeting. These discussions are now well advanced, and it is expected that this element of the Review will be finalised at the Plenary meeting which is due to take place in June.

Also at the November 2011 Plenary meeting, Ministers agreed to advance work in relation to the second and third terms of reference of the Review, which include the case for additional areas of co-operation within the NSMC. This involves consultations within the Northern Ireland Executive and within the Government. There will be further discussions on this at the next NSMC Institutional meeting at which I will meet the First Minister and Deputy First Minister. Further consideration of these matters would then take place at the NSMC plenary meeting in June.

Northern Ireland Issues

79. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will provide an update from any meetings or committees he has attended in relation to full implementation of the Good Friday Agreement; and if he will make a statement on the matter. [10757/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The full implementation of the Good Friday Agreement and other supplementary agreements is a high priority for the Government and is set out specifically in my Department's current Statement of Strategy. Great progress has been made on the full implementation of the Agreements but some important outstanding elements remain. In working towards full implementation, I engage regularly with the Secretary of State for Northern Ireland, with the First Minister and Deputy First Minister, and with the leaders of the main parties in Northern Ireland.

Human Rights Issues

80. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade his position in relation to Syria; the contribution he made at the EU Council in relation to the situation there; his views on the referendum held there; and if he will make a statement on the matter. [12272/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I have on a number of occasions stated clearly my grave concerns at the deteriorating situation in Syria and condemned the unacceptable violence and repression which is now estimated to have claimed well over 8,000 lives since last March. I am particularly concerned about the urgent humanitarian needs of the civilian population in many areas of Syria. Ireland and its EU partners have reacted to the violence in Syria with a series of robust economic, political and diplomatic measures to compel the Syrian regime to cease its appalling and unacceptable attacks on the Syrian people. Most recently, the EU Foreign Affairs Council on 23 March, which I attended, agreed forthright conclusions which strongly condemn the violence by the Syrian regime, and urge immediate and full access for humanitarian organisations. I fully support

these conclusions, as well as the further sanctions adopted against members of President Assad's family and other senior regime figures and prominent Syrian businessmen and entities. Strong EU sanctions are an important way of putting additional pressure on the regime and I support the ongoing work to identify possible further EU restrictive measures.

Ireland and the EU have also been actively engaged at the UN to address the Syrian crisis. It is very welcome that the UN Security Council, in large part through the efforts of its EU members, was able last week to issue a strongly worded Presidential Statement expressing its gravest concern at the deteriorating situation in Syria and lending full support to the efforts of the UN-Arab League Special Envoy Kofi Annan. The EU was also actively engaged in securing the adoption by a large majority of the UN Human Rights Council Resolution on 23 March on the human rights situation in Syria and which also extended the mandate of the Independent International Commission of Inquiry.

The humanitarian situation in Syria continues to worsen, with fighting and violence ongoing in several cities around the country and reportedly spreading to new and previously unaffected areas. Thousands of Syrians have also fled into neighbouring countries and there are already reports of over 36,000 registered refugees in Jordan, Lebanon, Libya, Turkey and Iraq. Meanwhile, aid agencies remain unable to carry out more than limited food, health and hygiene support activities inside Syria due to a combination of insecurity and severe restrictions on humanitarian access. Ireland together with our EU partners, has been insisting on the need for full, immediate and unimpeded access to aid organisations to all areas of the country. While UN Emergency Relief Coordinator Valerie Amos visited Damascus on 8 March and staff from the United Nations and the Organisation for Islamic Cooperation (OIC) were allowed to join a recent Syrian Government-led assessment mission, it remains essential that a robust and regular arrangement is put in place, which allows humanitarian agencies to evacuate the wounded and deliver desperately needed supplies.

Given the increasingly difficult situation on the ground, EU Member States have also been mobilising substantial funding to help aid agencies respond to the crisis. In this regard, I recently approved €500,000 in emergency funding for the International Committee of the Red Cross (ICRC), the UN refugee agency, UNHCR and the World Food Programme (WFP). These funds will be used to provide both immediate relief within Syria and help to those forced to flee to neighbouring countries. Taken collectively, total EU funding and assistance currently stands at €26 million, including €10 million from the European Commission. Further assistance will be made available in light of the situation on the ground and the ability of aid agencies to access those in need.

Ireland, together with its EU partners, remains determined to continue to exert political and economic pressure on the Syrian regime to secure a ceasefire and humanitarian access. It is abundantly clear that the time for tokenistic efforts — such as the referendum on a draft new Constitution on 26 February which took place as the Syrian army carried out heavy weaponry bombardment of civilian areas — has long passed. In the immediate future, I hope that the second meeting of the Group of Friends of the Syrian People in Istanbul on 1 April will make progress in bringing together the Syrian opposition under a common platform of values and aiMs I spoke strongly in support of the need for this at the Foreign Affairs Council last week. In this regard, I regret that the main internal opposition grouping, the SNCC (Syrian National Coordinating Committee, which has committed itself to achieving democratic freedoms in Syrian through peaceful means), has decided not to attend the meeting of the Group of Friends of the Syrian People on 1 April. I hope that the NCC will reconsider. Furthermore, Ireland and the EU continue to call on all members of the Security Council, particularly Russia and China, to work together in an effort to stop the violence and to support fully the work of UN-Arab League Special Envoy Kofi Annan.

Constitutional Amendments

81. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will be meeting the civic society groups in relation to the upcoming referendum on the EU fiscal treaty; and if he will make a statement on the matter. [13488/12]

82. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade when he will be setting up the Referendum Commission in relation to the referendum on the EU fiscal treaty; and if he will make a statement on the matter. [13489/12]

85. **Deputy Richard Boyd Barrett** asked the Tánaiste and Minister for Foreign Affairs and Trade the progress made in relation to deciding a date for the fiscal treaty referendum; and if he will make a statement on the matter. [13956/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I propose to take Questions Nos. 81, 82 and 85 together.

As the House will be aware, the Government decided yesterday that the date of the referendum will be 31 May 2012. The Bill allowing it to go ahead will be published later this week, for full and thorough debate in the Oireachtas over the next month.

In choosing this date, we want to ensure an informed debate in which the people have full information about — and understanding of — the treaty and its wider context. We also need to give the Referendum Commission enough time and resources to do its important job. The commission will be established by the Minister for the Environment, Community and Local Government once the Bill to amend the Constitution has been published, in principle at the end of this week.

The Government intends to work with civil society groups as part of a determined effort to ensure that voters are well-informed. This will involve listening civil society members from many backgrounds and perspectives. In this context I welcome the work of the subcommittee of the Joint Oireachtas Committee on European Union Affairs, which has sought public submissions on the treaty and will commence a series of hearings next week. Aside from the debate here within the Oireachtas, I would urge all interested groups to launch their own debates around the country as the referendum approaches.

Question No. 83 taken with Question No. 78.

Official Engagements

84. **Deputy Derek Keating** asked the Tánaiste and Minister for Foreign Affairs and Trade the Ministers and Ministers of State that travelled abroad to represent Ireland for the St. Patrick's Day celebrations; the countries to which they travelled; the benefits of continuing such a tradition; and if he will make a statement on the matter. [13544/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): As the Deputy will be aware, over this St Patrick's Day period, the Taoiseach, Tánaiste and 16 Ministers travelled to 15 of Ireland's key trading partners to promote Irish business, tourism and culture overseas and to advise our international partners that 'now is the time to invest in Ireland's recovery'. St. Patrick's Day offers a unique opportunity to promote Ireland's image and interests abroad, with huge interest, from both media and the public, in Ireland and in Irish events around the world.

Ministerial visits around this period are organised to ensure that we maximise the promotion of Ireland's economic interests. The programme of travel is drawn up in consultation with the

Embassy network and the State Agencies. Each visit aims to utilise the opportunity of St Patrick's Day to improve and strengthen relations with Ireland's key business and community contacts.

My own programme in Canada gave me the opportunity to meet with political and business leaders as well as members of the Irish Community based there. The programme for my visit was developed in close consultation with the Embassy of Ireland in Ottawa, Enterprise Ireland, Tourism Ireland and IDA Ireland and supported the valuable work that they do in promoting Ireland as a place to do business.

A full list of the Ministers who travelled abroad for St Patrick's Day is below.

Full List of 2012 Ministerial Programmes

North America

Chicago, Indiana, New York and Washington DC — Taoiseach

Canada — Tánaiste

New York — Minister Joan Burton T.D.

New York — Minister of State Kathleen Lynch T.D.

West Coast USA — Minister Richard Bruton T.D.

Atlanta — Minister Jimmy Deenihan T.D.

Boston — Minister Frances Fitzgerald T.D.

UK

UK (Birmingham and London) — Minister Leo Varadkar T.D. and Minister of

State Michael Ring T.D.

Glasgow and Edinburgh — Minister of State Dinny McGinley T.D.

Continental Europe

France — Minister Michael Noonan T.D.

Italy — Minister Pat Rabbitte T.D.

Benelux — Minister Simon Coveney T.D.

Germany — Minister of State Paul Kehoe T.D.

Finland and Sweden — Minister of State John Perry T.D.

Asia

China — Minister of State Ciaran Cannon T.D.

Singapore — Minister Brendan Howlin T.D.

Australia

Australia and New Zealand — Minister Alan Shatter T.D.

Question No. 85 answered with Question No. 81.

Sale of State Assets

86. **Deputy Gerry Adams** asked the Tánaiste and Minister for Foreign Affairs and Trade if the issue of the sale of State assets such as Coillte was discussed with Chinese Vice President Xi Jinping during his recent visit. [10759/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I have consulted with the Minister for Agriculture, Food and the Marine who has advised that the possible sale of Coillte assets was not discussed between Irish and Chinese Ministers during the visit to Ireland by H.E. Xi JinPing Vice President of the People's Republic of China.

Departmental Expenditure

87. **Deputy Maureen O'Sullivan** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will publish a schedule of payments made from public funds to a multinational bracket investment banking and securities firm (details supplied) in the period from 1 September 2008 to date in 2012, with notes confirming the basis of each individual payment made; and if he will make a statement on the matter. [17590/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): My Department has made no payments to the entity in question from 1 September 2008 to date.

Departmental Properties

88. **Deputy Peadar Tóibín** asked the Tánaiste and Minister for Foreign Affairs and Trade the number of leases held by his Department, agencies or quangos that have upward only rent review clauses in which the body concerned is the landlord. [17725/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): There are no agencies or state agency under the aegis of my Department. The Department itself does not rent property to any other party and, accordingly, does not hold any leases where it acts in the capacity of landlord.

Tax Code

89. **Deputy Eoghan Murphy** asked the Minister for Finance his plans to re-introduce a scrappage scheme for the auto industry. [17151/12]

Minister for Finance (Deputy Michael Noonan): I have no plans to re-introduce a scrappage scheme for the auto industry.

Appointments to State Boards

90. **Deputy Michael Healy-Rae** asked the Minister for Finance since the Government was formed the number of vacancies in State boards that have been filled by his Department without advertising the availability of the positions; and if he will make a statement on the matter. [17032/12]

Minister for Finance (Deputy Michael Noonan): In response to the Deputy's question the following are vacancies on boards under the aegis of my Department since March 2011.

Fiscal Advisory Council

The following people were appointed to the Fiscal Advisory Council:

Mr. Sebastian Barnes.

Professor Alan Barrett.

Dr. Donal Donovan.

Professor John McHale, Chair.

Dr. Roisin O'Sullivan.

As Minister for Finance I announced the establishment of the Irish Fiscal Advisory Council on a non-statutory basis on 7 July 2011. The Council is part of a wider agenda of reform of Ireland's budgetary architecture which is envisaged in the Programme for Government and is a requirement of the EU/IMF Programme of Financial Support for Ireland. When establishing the Council, I stated that the Council would be an independent body whose existence and independence would be underpinned by legislation to be brought forward by Government in the Fiscal Responsibility Bill.

I appointed the members having regard to a number of criteria including the desirability of having a mix of appropriate backgrounds (academia, the financial sector/financial markets and public finance), macroeconomic/microeconomic expertise and a strong international dimension, as well as the need to take gender considerations into account. I am satisfied that the appointed members have the mix of skills and experience, including in relation to fiscal affairs, to ensure that the Council will be highly effective in fulfilling its mandate. The Fiscal Responsibility Bill will include provisions for the appointment of members once the Council is on a statutory footing.

National Asset Management Agency

Mr John Mulcahy was appointed to the Board of the National Asset Management Agency. He was not appointed under the new procedures for board appointments. His appointment was a National Asset Management Agency Executive Appointment. Mr Mulcahy is head of Asset Management within the National Asset Management Agency.

Irish Bank Resolution Corporation (IBRC)

Mr. Oliver Ellingham and Mr. Roger McGreal were appointed to the Board of the Irish Bank Resolution Corporation. As specific skills are required due to the nature of the business model at IBRC it was decided on this occasion not to proceed with the public advertisement of the vacancies.

Banking Sector Regulation

91. **Deputy Billy Timmins** asked the Minister for Finance the position regarding tracker mortgages (details supplied); and if he will make a statement on the matter. [17035/12]

Minister for Finance (Deputy Michael Noonan): The Government and the Troika have opened discussions on how best the Irish banking system and the State can benefit from having further improvements to certain elements of the banking sector. The overall objective of such discussions is to enhance the position of the banks in which the State now has a major investment. A number of approaches are under consideration but it must be emphasised that, at this point, nothing has been agreed or decided.

Regarding the more general mortgage issue, the approach of the Government has been clear. The capital provided by the taxpayer to the domestic banks is to cover unavoidable losses and to ensure that those banks continue to meet their regulatory requirements. Mortgage holders, and other borrowers, who can meet their loan commitments must continue do so and a blanket approach to debt relief, either in respect of negative equity or otherwise, is not an appropriate or affordable approach. Instead, in line with the recommendations of the report of the Inter-

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Departmental Group on Mortgage Arrears, the Government's approach is to formulate and implement measures that will provide appropriate assistance to those mortgage holders who are experiencing real and genuine difficulty in meeting their commitments.

Measures such as the Code of Conduct on Mortgage Arrears, mortgage interest supplement, mortgage interest relief are already in place to assist mortgage holders and more advanced measures to assist those mortgage holders who are experiencing the most difficulty, such as personal insolvency reform, the social housing "mortgage to rent" initiative, Central Bank engagement with banks to ensure that banks provide realistic, appropriate and sustainable options to their customers and the provision of a mortgage advisory function are now also being advanced. As the Deputy is aware, a temporary Government committee, chaired by An Taoiseach, is now overseeing the implementation, on a cross-departmental basis, of the Government's overall response to the mortgage arrears problem.

92. **Deputy Mattie McGrath** asked the Minister for Finance the steps he will take to use his stake in the AIB to prevent the bank from introducing their proposed changes which require customers to hold a balance of €2,500 in their current accounts; his views on the fact that these measures will cause undue hardship for customers of the bank and will withdraw money from the local economies and have devastating consequences for local jobs; and if he will make a statement on the matter. [17036/12]

Minister for Finance (Deputy Michael Noonan): The Bank's policy in relation to fees is a matter for the management and board of the institution. I have no role in the day-to-day commercial and operational decisions of the banks, which include these matters. These decisions are taken by the board and management of the institution. Notwithstanding the fact that the State is a significant shareholder in the institution, the bank should be run on a commercial, cost effective and independent basis to ensure the value of the bank as an asset to the State, as per the Memorandum on Economic and Financial Policies agreed with the EU Commission, the ECB and the IMF. The Government is acutely aware of the increasing financial stress that some households are facing in the current environment. However, we have observed that free banking offerings have changed significantly in recent times across the industry and that the bank must remain competitive in order to return to profitability and viability. I am informed that AIB considers its proposal to be competitive and in line with the market.

Tax Code

93. **Deputy Terence Flanagan** asked the Minister for Finance if he will make a statement regarding increases in petrol prices due to taxation. [17040/12]

Minister for Finance (Deputy Michael Noonan): Ireland, as with other countries, has experienced an increase in the cost of petrol and auto-diesel. The increase in fuel prices is an international phenomenon. Fuel prices are driven by a number of factors including the price of oil on international markets, exchange rates, production costs and refining costs. The rise in oil prices over recent periods reflected additional factors such as geopolitical uncertainty in Northern Africa and the Middle East with potential supply disruptions.

The excise rates (including the carbon charge) in Ireland on motor fuels are 58.8 cent per litre of petrol and 47.9 cent per litre of auto-diesel. However, our rates remain lower than many of our main trading partners and significantly lower than our nearest neighbour the UK. The rates for petrol and auto-diesel were increased with effect from 7 December 2011, arising from an increase in the carbon charge for those fuels from €15 to €20 per tonne of CO_2 emitted. This represented an increase of less than 1.5 cent per litre in the case of petrol and just over

1.5 cent per litre in the case of diesel, when VAT is included. The rate of VAT that applies to those fuels increased from 21% to 23% with effect from 1 January 2012.

The Exchequer yield from excise, as excise is set at a nominal amount, does not increase as the price of fuels increase. On the other hand, the yield from VAT per litre of fuel, as VAT is set as a percentage of the price, increases as the price of fuels increase. However, in this regard it should be borne in mind that to the extent that spending in the economy is re-allocated to petrol and other oil products, and away from other VAT liable spending, and to the extent that the overall level of economic activity is reduced by higher oil prices, there may be little or no net gain to the Exchequer.

It should also be noted that businesses are of course entitled to reclaim VAT incurred on their business inputs, including VAT incurred on fuel. For example, VAT incurred on auto-diesel and marked gas oil (MGO or green diesel) used in the course of business is a deductible credit for business in the Irish VAT system. VAT on petrol can not be deducted/reclaimed.

There are no plans for temporary taxation adjustments, as to do so, could lead to significant costs to the Exchequer. The issue of rising fuel prices was discussed by EU Finance Ministers at an ECOFIN meeting last year where they reconfirmed the approach taken in 2005 and again in 2008, when oil prices were very high, which endorsed a coordinated approach towards not making distortionary fiscal adjustments.

94. **Deputy Willie Penrose** asked the Minister for Finance the steps he will take to have an application for refund of stamp duty by a person (details supplied) in County Westmeath under the young trained farmer relief scheme immediately processed and paid out to them; and if he will make a statement on the matter. [17103/12]

Minister for Finance (Deputy Michael Noonan): I am informed by the Revenue Commissioners that the refund application, first submitted in October 2011, was delayed because the representatives of the person in question submitted an incomplete application and did not respond to Revenue's request for authorisation and reference information to enable them to draw down the original stamped deed from the Property Registration Authority (PRA).

Most of these matters have been resolved and the authorisation requested was received on 23 February 2012 and forwarded immediately to the PRA. On receipt of the original deed from the PRA, Revenue will complete its review of the application without further delay and advise the person in question accordingly.

Banks Recapitalisation

95. **Deputy Clare Daly** asked the Minister for Finance if he will discuss with the recapitalised banks the situation where residents in Priory Hall would have their mortgage frozen from the date of evacuation, with no impact on their credit rating until a comprehensive solution is implemented. [17112/12]

Minister for Finance (Deputy Michael Noonan): I am conscious of the difficult situation that the residents of Priory Hall find themselves in.

The lending institutions in Ireland, including those in which the State has a significant shareholding, are independent commercial entities. A mortgage agreement is a contract which cannot be altered without the consent of the parties. I, as Minister for Finance, have no powers in this regard and cannot require the lenders to alter contracts to accept a suspension in mortgage repayments.

Neither do I have any powers to alter how credit ratings are calculated by lenders or credit bureaux. However, I understand that the Irish Credit Bureau offers a facility for borrowers to

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add a personal declaration (statement) to their credit record to clarify any details contained therein. This personal declaration is then attached to the borrowers file held by the Irish Credit Bureau and can be viewed by lenders when the credit file is accessed.

Tax Code

96. **Deputy Pat Deering** asked the Minister for Finance the way a holder of carbon tax credits may avail of the rebate if their current business transaction is not profitable and no tax is payable. [17125/12]

Minister for Finance (Deputy Michael Noonan): I assume that the Deputy's question relates to the double deduction for carbon tax on farm diesel which I introduced in Finance Bill 2012.

Under this provision, farmers will be allowed a deduction in computing their farming profits or losses for the amount of additional carbon tax they incur on purchases of farm diesel following the proposed increase in the rate of carbon tax on certain fuels from 1 May 2012. The new deduction will be in addition to the existing deduction for carbon tax included in the cost of farm diesel used in the course of the farming trade.

Where a farming loss occurs, the double deduction for carbon tax will increase the amount of that loss and, depending on the farmers circumstances, the loss may, for example, be used to reduce other income (either of the farmer or of his or her spouse or civil partner) of the same year or it may be carried forward for offset against future farming profits.

97. **Deputy Pat Deering** asked the Minister for Finance if he will consider changing the VAT rate charged on motor fuel in view of the current high price of fuel and the benefit this is to Revenue. [17126/12]

Minister for Finance (Deputy Michael Noonan): In matters relating to the VAT rating of goods and services, I am constrained by the requirements of EU VAT law with which Irish VAT law must comply.

Under the EU VAT Directive, it is not possible to apply a reduced or zero rate to the supply of motor fuel. Therefore the rate of VAT that must apply to the supply of fuel is the standard VAT rate, which in Ireland is 23%.

98. **Deputy Pat Deering** asked the Minister for Finance if he will provide a breakdown of all taxes and duties on a litre of motor fuel. [17127/12]

Minister for Finance (Deputy Michael Noonan): I am informed by the Revenue Commissioners that the breakdown of Mineral Oil Tax, Carbon Tax and VAT on a litre of motor fuel at average prices is as follows:

	Petrol	Diesel
	€	€
Mineral Oil Tax	0.542	0.426
Carbon Tax	0.046	0.053
VAT	0.312	0.299
Total Tax	0.90	0.778

The Mineral Oil Tax and Carbon Tax amounts were calculated using an average price of 166.9 cent per litre for Petrol and 159.9 cent per litre for Diesel.

Departmental Expenditure

99. **Deputy Maureen O'Sullivan** asked the Minister for Finance if he will publish a schedule of payments made from public funds to a multinational bracket investment banking and securities firm (details supplied) in the period from 1 September 2008 to date in 2012, with notes confirming the basis of each individual payment made; and if he will make a statement on the matter. [17142/12]

Minister for Finance (Deputy Michael Noonan): This information is not held centrally and accordingly I can only answer in respect of my Department and the Offices/Agencies under the aegis of my Department. The question has been copied to all other Departments who will provide the information under separate cover. The Department of Justice (including the Courts Service) and the Department of Social Protection have indicated that no payments were made to the firm in question.

The Central Bank of Ireland cannot provide details of payments to individual consultants because the information is commercially sensitive.

With regard to my own Department, and the other agencies under the remit of my Department, no payments were made to the firm in question during the period in question with the exception of the National Treasury Management Agency group. The details for that group are set out below.

NTMA

The Minister for Finance delegated certain banking system functions to the National Treasury Management Agency (NTMA) in March 2010. While this delegation was revoked in August 2011 and the NTMA Banking Unit was seconded to the Department of Finance, the costs of certain consultancy services incurred by the Shareholding Management Unit of the Department's Banking Division are still charged to the NTMA on foot of a direction from the Minister for Finance.

In 2010 the NTMA appointed the firm in question to provide advice to the Banking Unit in relation to Anglo Irish Bank. Total payments made under this contract were €362,000.

In 2011 the NTMA appointed the firm in question as advisors as part of its involvement in overseeing the capital raising exercise of the four financial institutions (AIB, BoI, EBS and IL&P), following the announcement of the results of the Central Bank's PCAR/PLAR process on 31 March 2011. Payments made to date under this contract total €4,836,000. It is expected that the costs of this engagement will be recouped from the financial institutions concerned.

NPRF

The firm in question has been a National Pensions Reserve Fund investment manager since March 2002, managing a North American equities portfolio. Fees paid by the Fund to individual investment management firms are commercially sensitive.

Economic Statistics

100. **Deputy Pearse Doherty** asked the Minister for Finance if he intends to further revise downward the growth projections for 2012 in view of the fact that the growth figures for 2011 have underperformed by 0.3% for GDP and 2.9% for GNP compared to the Budget Day Economic and Fiscal Outlook, the general Government to deficit to GDP ratio for 2011; and if he will make a statement on the matter. [17144/12]

Minister for Finance (Deputy Michael Noonan): In early January, my Department reported on the cash Exchequer deficit for 2011 and this was slightly better than anticipated at Budget

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time last December. Currently, my Department in conjunction with the CSO is updating the 2011 budgetary outturn in the context of the excessive deficit notification, which all EU27 Member States participate in. In this context, the outturn for the general government deficit will be published during April. In relation to the growth outlook, officials from my Department are currently assessing all available data, including the quarterly national accounts published last week, with a view to updating the forecasts. These updated projections will be contained in the *Stability Programme Update*, which will be published at end-April, in the context of the European Semester.

101. **Deputy Pearse Doherty** asked the Minister for Finance if he will explain the way, as late as December 2011 projected GNP to grow by 0.4% when the actual figure for 2011 GNP, as reported in the CSO quarterly national accounts, was — 2.4% leaving an overestimation by him of 2.9%; and if he will make a statement on the matter. [17145/12]

Minister for Finance (Deputy Michael Noonan): In relation to economic growth, GDP developments are the internationally accepted metric.

Last December, on the basis of existing published CSO data for the first half of last year, my Department projected that the economy would expand by 1 per cent for last year as a whole. This figure was in line with the prevailing consensus at the time.

Preliminary data from Central Statistics Office – and I stress that the figures are preliminary – suggest that the economy expanded by 0.7 per cent in real terms last year. So our economy is expanding, the first time this has happened since 2007, which is to be welcomed.

The difference between GDP and GNP relates to the movement of payments into and out of Ireland from the rest of the world. Such payments relate to flows of both Irish corporates situated abroad and foreign owned multinationals located in Ireland, as well as the significant outward flows relating to the servicing of our national debt. In an economy like ours, GNP developments are very volatile on a quarterly basis, a point which is repeatedly made by the Central Statistics Office. This volatility stems from *inter alia* very large profit flows – in both directions – between Ireland and the rest of the world referred to above. This in turn is a function of the openness of the Irish economy, and makes all projections of GNP subject to considerable uncertainty.

Financial Services Regulation

102. **Deputy Eoghan Murphy** asked the Minister for Finance his views on a proposal to amend the Investment Intermediaries Act 1995 (details supplied). [17153/12]

Minister for Finance (Deputy Michael Noonan): Under the Investment Intermediaries Act 1995, all investment firms must have their accounts audited. It is also a requirement that their auditors submit a Statutory Duty Confirmation. At least six weeks before the firm's return is due, the Central Bank sends an email to the firm requesting the auditor's details and the firm must provide these details. While there are sound reasons for this requirement to provide audited accounts, I am mindful of the need to reduce unnecessary overheads, in particular for small firMs I am aware that small, non-financial services firms are not required to submit audited accounts and I have asked my officials to review the current situation, in conjunction with the Department of Jobs, Enterprise and Innovation, and the Central Bank of Ireland.

Departmental Expenditure

103. **Deputy Peadar Tóibín** asked the Minister for Finance the amount paid to each external

property consultant, surveyor and estate agent engaged by his Department for each of the past three years. [17264/12]

104. **Deputy Peadar Tóibín** asked the Minister for Finance the cost of external property consultants, surveyors and estate agents engaged by his Department for each of the past three years. [17279/12]

105. **Deputy Peadar Tóibín** asked the Minister for Finance if he will provide a list of external property consultants or surveyors and estate agents engaged by his Department for each of the past three years. [17294/12]

Minister for Finance (Deputy Michael Noonan): I propose to take Questions Nos. 103 to 105, inclusive, together.

My Department has not made any payments to external property consultants, surveyors or estate agents during the last three years.

Departmental Properties

106. **Deputy Peadar Tóibín** asked the Minister for Finance the number of leases held by his Department, agencies or quangos that have upward only rent review clauses in which the body concerned is the landlord. [17724/12]

Minister for Finance (Deputy Michael Noonan): In response to the Deputy's question the Office of Public Works is involved in most purchases and leasing of buildings by the State including buildings leased by my Department. In respect of bodies under the aegis of my Department I am not aware of any such leases being entered into where the body concerned is the landlord.

School Transport

107. **Deputy Jack Wall** asked the Minister for Education and Skills his views on a submission regarding school transport (details supplied); his plans to address this issue; and if he will make a statement on the matter. [17157/12]

108. **Deputy Jack Wall** asked the Minister for Education and Skills his views on a submission regarding school transport (details supplied); his plans to address the issue; and if he will make a statement on the matter. [17158/12]

109. **Deputy Jack Wall** asked the Minister for Education and Skills his views on a submission (details supplied) regarding school transport; his plans to address the issue; and if he will make a statement on the matter. [17159/12]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): I propose to take Questions Nos. 107, 108 and 109 together.

From the commencement of the 2012/13 school year, the use of the Catchment Boundary Area (CB) System as a means of determining eligibility will cease for all pupils newly entering post primary school. This means that from the 2012/13 school year, school transport eligibility for all pupils newly entering a post primary school will be determined by reference to the distance they reside from their nearest post-primary education centre having regard to ethos and language.

This change was announced as part of Budget 2011 but is not being introduced until the 2012/13 school year in order to allow parents of children newly entering post primary school

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ample time to consider their school choice options, taking account of the revised school transport eligibility arrangements.

At post primary level, the evidence is, as set out in the Value for Money Review of the School Transport Schemes, that the majority of children are attending their nearest post primary school/centre. The changes to the Post Primary School Transport Scheme will be applied equitably on a national basis.

Appointments to State Boards

110. **Deputy Michael Healy-Rae** asked the Minister for Education and Skills since the Government was formed the number of vacancies in State boards that have been filled by his Department without advertising, the availability of the positions; and if he will make a statement on the matter. [17030/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The attached document provides the relevant details of all appointments (and re-appointments) made to bodies under the aegis of my Department without advertisement since my appointment as Minister.

In addition, in accordance with Government policy, expressions of interest have been sought through the Public Appointments Service (PAS) from suitably qualified and experienced persons for consideration for appointment to the following boards of Bodies operating under the aegis of my Department. Léargas Ltd — The Exchange Bureau in December 2011; The Higher Education Authority in December 2011; The Qualifications and Quality Assurance Authority of Ireland (to be newly established) in December 2011; The National Council for Curriculum and Assessment (NCCA) in February 2012; The State Examinations Commission (SEC) in February 2012; The Teaching Council in February 2012.

PQ17030/12: "*To ask the Minister for Education and Skills since the Government was formed the number of vacancies in State boards that have been filled by his Department without advertising, the availability of the positions; and if he will make a statement on the matter.*"

Breakdown of appointments since March 2011

Agency Name	Number Appointments /re-appointments	Names	Notes
Education Finance Board	2 re-appointments 7 appointments	*Mr. Sean Benton (Chairperson)* Mr. Peter Ormond Mr. Stephen McCarthy Ms.Norah Gibbons Ms.Inez Bailey Ms.Bernadette Fahy Ms.Marian Dunnington Mr. James Quinn Ms.Dolores Rooney	This Board is effectively a caretaker board which will serve for a number of months pending the establishment of the Statutory Fund. It is envisaged that the new Fund will assume the functions of the Board and the Board will be dissolved when the fund is set up. Mr. Ormond and Ms Fahy are re-appointments.

Agency Name	Number Appointments /re-appointments	Names	Notes
Foras Áiseanna Saothair	1 appointment	Mr. Michael Moriarty	Mr. Moriarty, who is General Secretary of the IVEA, was appointed in July 2011 because of his expertise in the area of Vocational Education which will be particularly useful in the context of the future integration of the FÁS training division and the VECs and the creation of SOLAS, the new further education and training authority.
Further Education and Training Awards Council (FETAC)	11 re-appointments (See Note 1)	*Mr. Donal O'Rourke (Chairperson)* Dr. Padraig Walsh Ms.Margaret O'Connell Mr. Rory O'Sullivan Mr. Joseph O'Leary Ms.Deirdre Keyes Ms.Bridie Daly Ms.Margaret Mernagh Mr. John Mulcahy Mr. Tony Petit Ms.Shira Mehiman	As FETAC's term of office expired in December 2011, and to meet with statutory obligations, eligible members of the outgoing Board were re-appointed to the Board until such time as the new QQAAI is established. All 11 re-appointed on 21st December 2011.
Higher Education and Training Awards Council (HETAC)	2 appointments 8 re-appointments (See Note 1)	Dr. Maria Hinfelaar (1st appointed 9/6/2011) Mr. Aengus Ó Maoláin (1st appointed 1/7/2011) *Prof. Séamus Smyth (Chairperson)* Dr. Finola Doyle-O'Neill Dr. Marion Palmer Dr. Íde Ní Fhaoláin Ms.Mary Mc Glynn Dr. Diarmuid O'Callaghan	As HETAC's term of office expired in December 2011, and to meet with statutory obligations, eligible members of the outgoing Board were re-appointed to the Board until such time as the new QQAAI (see note 1) is established. All 8 re-appointed on 21st December 2011.
National Council for Curriculumand Assessment	2 appointments	Mr. Seán Ó Coinn Professor Noirín Hayes	Mr. Ó Coinn nominated by Foras na Gaeilge and Professor Noirín Hayes nominated by the Office of the Minister for Children and Youth Affairs. Both appointed on the 13th of December 2011.
National Council for Special Education	1 appointment	Ms.Maureen Costello	Director of the National Educational Psychological Service (NEPS) appointed in September 2011.

[Deputy Ruairí Quinn.]

Agency Name	Number Appointments /re-appointments	Names	Notes
National Qualifications Authority of Ireland	1 appointment	Mr. Gary Redmond (1st appointed 24/6/2011)	All re-appointed on 31st March 2011 with exception of Mr Redmond.
	5 re-appointments(See Note 1)	Prof. Anne Scott	
		Ms.Marie Bourke	
		Mr. Eamon Devoy	
		Ms.Audry Deane	
		Mr. Tony Donohue	
Residential Institutions Redress Board (RIRB)	11 re-appointments	Dr. Fionnuala O'Loughlin	All re-appointed on 16th December 2011
		Dr. Helen Cummiskey	
		Dr. Harry Bugler	
		Dr. Mary Bluett	
		Dr. Ruth Pilkington	
		Dr. William Delaney	
		Mr. John Campbell	
		Ms Ann O'Brien	
		Ms Samantha Cruess Callaghan	
		Ms Dariona Conlon	
Residential Institutions Review Committee (RIRC)	6 re-appointments	*The Hon. Mr. Justice Francis D. Murphy (Chairperson)*	All re-appointed on 16th December 2011
		Mr. John Dalton	
		Ms Ita Managan	
		Mr. Justice John Buckley	
		Mr. Brendan Gogarty	
		Mr. Colm Gaynor	
Skillnets Ltd	1	Mr. Mícheál Ó Fiannachta	A Departmental official appointed in June 2011.

Note 1: The Further Education and Training Awards Council (FETAC) the Higher Education and Training Awards Council (HETAC) and the National Qualifications Authority of Ireland (NQAI) are to be merged to form a new body to be known as the Qualifications and Quality Assurance Authority of Ireland (QQAAI) in the coming months.

Schools Building Projects

111. **Deputy Michael McCarthy** asked the Minister for Education and Skills if he will consider a school (details supplied) in County Cork for any future school building programmes in his Department based on the submissions made by the school; and if he will make a statement on the matter. [17055/12]

Minister for Education and Skills (Deputy Ruairí Quinn): As the Deputy may be aware, the school he refers to has previously refused two substantial grants offered to address accommodation issues namely in 2003 under the Small Schools Initiative and in 2006 under the Small Schools Scheme.

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 month is focused on meeting those demographic needs. In that context, it was not possible to advance all applications for capital funding concurrently. In light of current competing

demands on the Department's capital budget, it is not possible to give an indicative timeframe for the progression of the project concerned.

Teaching Council of Ireland

112. **Deputy Ciara Conway** asked the Minister for Education and Skills if the Teaching Council of Ireland is purchasing a new building, the way that this will be funded; and if he will make a statement on the matter. [17057/12]

113. **Deputy Ciara Conway** asked the Minister for Education and Skills if he will outline the role and functions carried out by Teaching Council of Ireland, and the amount of funding they receive from the State on an annual basis; and if he will provide a break down of this funding in tabular form [17058/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 112 and 113 together.

The Teaching Council was established in March 2006 to promote teaching as a profession and the professional development of teachers, to maintain and improve the quality of teaching in the State, to provide for the establishment of standards, policies and procedures for the education and training of teachers, to provide for the registration and regulation of teachers and to enhance professional standards and competence.

The Teaching Council became a self funding body from the 28th March 2008. The Council raises its funding, in the main, from teachers' initial registration and renewal of registration fees. There is no annual budget allocation from the State. The Teaching Council has not made any decisions regarding the purchase of new office space or office buildings. In line with the Teaching Council Act 2001, Ministerial consent is required for the Council to borrow money or to acquire, hold or dispose of land or property.

Schools Building Projects

114. **Deputy Richard Boyd Barrett** asked the Minister for Education and Skills if he will reconsider the decision to delay the school building project at a school (details supplied) until 2015/16. [17081/12]

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 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.

School Enrolments

115. **Deputy Martin Heydon** asked the Minister for Education and Skills his plans to intro-

[Deputy Martin Heydon.]

duce a standard enrolment policy for all primary schools; and if he will make a statement on the matter. [17087/12]

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 the 28 of 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.

Schools Building Projects

116. **Deputy Sandra McLellan** asked the Minister for Education and Skills the reason a school (details supplied) in County Cork has been omitted from the school building programme announced, in view of the fact that the project was well advanced. [17099/12]

120. **Deputy Sandra McLellan** asked the Minister for Education and Skills the reason a school (details supplied) in County Cork has been omitted from the school building programme in view of the fact that the project was well advanced. [17135/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 116 and 120 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. 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 securing 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.

School Staffing

117. **Deputy Sandra McLellan** asked the Minister for Education and Skills if he will provide a list of primary and secondary schools in County Cork 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. [17102/12]

Minister for Education and Skills (Deputy Ruairí Quinn): 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.

Schools Building Projects

118. **Deputy Alan Farrell** asked the Minister for Education and Skills if the board of management of a school (details supplied) in County Wexford were to secure a suitable site at no cost to his Department, if he would then fund the building of a new school on the site; and if he will make a statement on the matter. [17113/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I can confirm that my Department is in receipt of an application for large scale capital funding for a building project for this school. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and assigned a band 2 rating. 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. The school's proposal to progress this project is noted. However, in light of current competing demands on the Department's capital budget, it is not possible to give an indicative timeframe for the progression of a major project for the school at this time.

School Staffing

119. **Deputy Finian McGrath** asked the Minister for Education and Skills if he will not cut staff at DEIS schools (details supplied) [17121/12]

Minister for Education and Skills (Deputy Ruairí Quinn): While the Government has tried to protect front line services, difficult choices had to be made to identify savings across all Departments, in line with the requirements of the EU-IMF programme of support for Ireland. Achieving savings in education is particularly difficult given the significant increases in the overall number of pupils in our schools. Notwithstanding this the Government has protected the 28:1 pupil-teacher ratio at primary level, prioritised targeted support for the most disadvantaged schools and maintained the overall number of resource teachers and SNAs to support children with special needs.

The post primary school referred to by the Deputy is among 163 DEIS post primary schools that will lose 136 posts from previous disadvantage schemes. However, all DEIS post-primary schools will be targeted for additional support through an improved staffing schedule of 18.25:1. This is a 0.75 point improvement compared to the existing standard 19:1 that applies in post-primary schools that do not charge fees (or compared to the 21:1 ratio that will apply in fee-charging schools).

[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 primary schools to which the Deputy refers are 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.

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.

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, including the schools referred to by the Deputy, can continue to implement the appropriate favourable pupil teacher ratios from previous disadvantage schemes while not exceeding this entitlement for 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 the Autumn. At that stage the allocation process will be fully completed and any appeals to the Staffing Appeal Boards will have been considered.

Question No. 120 answered with Question No. 116.

121. **Deputy Jack Wall** asked the Minister for Education and Skills his views on a submission regarding staffing levels at a school (details supplied) in County Kildare; his plans to address the issues raised; and if he will make a statement on the matter. [17160/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The criteria used for the allocation of teachers to schools is published annually on my Department's website. The key factor for determining the level of staffing resources provided at individual school level is the staffing schedule for the relevant school year and pupil enrolments on the previous 30 September. The staffing schedule for the 2012-2013 school year is available on my Department's website.While mainstream staffing for any school year is based on the previous September's enrolment, there is a provision whereby schools experiencing rapid increases in enrolment can apply for additional mainstream posts on developing grounds, using projected enrolment. The retention of such posts in the current school year is subject to schools' having achieved their projected enrolment on 30 September. If the enrolment is not achieved the post allocated on developing grounds is suppressed.

I understand that the school referred to by the Deputy has made an application for a mainstream classroom post on developing school criteria for the 2012/13 school year. My Department will make contact with the Board of Management in this regard.

Schools Recognition

122. **Deputy Timmy Dooley** asked the Minister for Education and Skills the reason he will not grant permanent recognition to a school (details supplied); and if he will make a statement on the matter. [17174/12]

Minister for Education and Skills (Deputy Ruairí Quinn): As the Deputy will be aware, provisional recognition was initially awarded to the school in question in 2008. This temporary recognition was subject to the usual rules and procedures applicable to new primary schools.

The provisional recognition period has been extended to 30 June 2012. As part of the granting of provisional recognition it was agreed that the Inspectorate would evaluate the management and operation of the school, and the extent to which it was complying with the conditions attached to the provisional recognition, and report back to the Minister.

The Department wrote to the school late last year seeking clarification in relation to a number of items arising from the inspection and a response is awaited. Once a response is received, the matter will be further considered.

Departmental Expenditure

123. **Deputy Peadar Tóibín** asked the Minister for Education and Skills the amount paid to

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each external property consultant, surveyor and estate agent engaged by his Department for each of the past three years. [17262/12]

124. **Deputy Peadar Tóibín** asked the Minister for Education and Skills the cost of external property consultants, surveyors and estate agents engaged by his Department for each of the past three years. [17277/12]

125. **Deputy Peadar Tóibín** asked the Minister for Education and Skills if he will provide a list of external property consultants or surveyors and estate agents engaged by his Department for each of the past three years. [17292/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 123 to 125, inclusive, together.

The information sought by the Deputy is in the following table:

Name of external property consultant, surveyor and estate agent	2009	2010	2011	Total
Jordan Estate Agent, Auctioneers, Chartered Surveyors and Valuers	€1,215.00			€1,215.00
CCM Property Network	€182.35			€182.35
DTZ Sherry Fitzgerald Ltd.	€27,422.55	€11,374.00	€1,996.50	€40,793.05
Crosbie and Graham Auctioneers	€182.25			€182.25
Sherry Fitzgerald O'Leary	€364.50			€364.50
Michael Guiry Auctioneers	€121.50			€121.50
Earley Estates	€303.75			€303.75
Coole Properties	€182.25			€182.25
Sherry Fitzgerald Lewis Beirne	€789.75			€789.75
Sean Furey Auctioneer	€303.75	€302.50		€606.25
Sherry Fitzgerald Lannon	€972.00			€972.00
Independent Valuations	€486.00			€486.00
Sherry Fitzgerald Hussey Madden	€182.25			€182.25
Little Nen and Co. T/A Remax	€315.90			€315.90
Sherry Fitzgerald Ryan Talbot		€5,697.00		€5,697.00
Real Estate Alliance Ltd.		€2,601.50		€2,601.50
Sherry Fitzgerald Reilly		€425.25		€425.25
DNG Ronald Duff		€4,840.00		€4,840.00
Raymond Gaffney Auctioneer		€2,299.00		€2,299.00
Savills Auctioneers		€605.00		€605.00
JG Auctioneers		€250.00		€250.00
Peter Murtagh Auctioneers		€726.00		€726.00
DNG O'Dwyer		€363.00		€363.00
Michael Smith Auctioneers		€100.00		€100.00
CB Richard Ellis		€6,385.00	€1,815.00	€8,200.00
Sherry Fitzgerald Kavanagh		€363.00		€363.00
Shaun Lafferty Auctioneer		€484.00		€484.00
Gallagher Estate Agents			€181.50	€181.50
Lisney Charterer Surveyors			€2,178.00	€2,178.00
Totals	€33,023.80	€36,815.25	€6,171.00	€76,010.05

Departmental Expenditure

126. **Deputy Maureen O'Sullivan** asked the Minister for Education and Skills if he will publish a schedule of payments made from public funds to a multinational bracket investment banking and securities firm (details supplied) in the period from 1 September 2008 to date in 2012, with notes confirming the basis of each individual payment made; and if he will make a statement on the matter. [17587/12]

Minister for Education and Skills (Deputy Ruairí Quinn): An analysis of the financial management system for my Department shows that no payments were made to the firm in question during the period 1 September 2008 to March 26th 2012. With regard to agencies under the aegis of my Department and other educational organisations under the remit of the Department, the information requested by the Deputy is not held centrally by my Department and would require significant resources to compile. If the Deputy is interested in a particular agency then officials in my Department will request the agency concerned to provide the relevant information.

Departmental Properties

127. **Deputy Peadar Tóibín** asked the Minister for Education and Skills the number of leases held by his Department, agencies or quangos that have upward only rent review clauses in which the body concerned is the landlord. [17722/12]

Minister for Education and Skills (Deputy Ruairí Quinn): With regard to office accommodation, the Office of Public Works (OPW) acts as an agent for all Government Departments and is responsible for the provision of Government offices from the State portfolio or by lease agreement. The terms of the leases are a matter for the OPW. Accordingly my Department does not own any office properties. In addition none of the non-commercial bodies under the aegis of my Department are landlords and the issue of rent review clauses in leases does not arise.

Appointments to State Boards

128. **Deputy Michael Healy-Rae** asked the Minister for Public Expenditure and Reform since the Government was formed the number of vacancies on State boards that have been filled by his Department without advertising the availability of the positions; and if he will make a statement on the matter. [17028/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): In response to the Deputy's question the following are details in respect of appointments made to bodies under the aegis of my Department since March 2011.

An Post National Lottery

In relation to the board of An Post National Lottery Company, I reappointed Mr. Donal Connell as chairman and appointed Mr. Peter Quinn as a director. Both individuals were nominated for appointment by An Post, which is the majority shareholder of the Company. Therefore, the positions concerned were not advertised. The board of An Post National Lottery Company is made up of seven directors, four of whom including the chairman are nominated by An Post and appointed by me as Minister for Public Expenditure and Reform, with the remaining three being both nominated and appointed by me.

Civil Service Arbitration Board

On 1 July 2011 Mr. Turlough O'Donnell, S.C. (Chair), Mr. Gerard Barry, Mr. Tom Wall, Mr. George Maybury and Mr. Hugh O Flaherty were appointed to the board. The posts were not advertised. The conciliation and arbitration scheme for the Civil Service, the Permanent

[Deputy Brendan Howlin.]

Defence Forces, the Gardaí and Teachers sets out the nomination process for the Board and its appointment by Government.

Public Appointments Service (PAS)

On 1 September 2011 the following members were appointed to the Board of the Public Appointments Service:

Mr. Eddie Sullivan, Chairman,

Mr. Des Dowling, Assistant Secretary — Department of the Environment, Community and Local Government,

Dr. Deirdre O'Keeffe, Assistant Secretary — Department of Justice and Equality,

Ms Patricia Coleman, Director — Department of Public Expenditure and Reform,

Mr. Seán McGrath — National Director of Human Resources in the Health Service Executive. Mr. McGrath has since resigned from the HSE and the Board. The Minister for Health has been asked for a new nominee.

Ms Judith Eve — former Chairperson the Civil Service Commissioners, Northern Ireland,

Dr. Eddie Molloy — Management Consultant,

Mr. Dan Murphy, former General Secretary of the Public Service Executive Union,

The Chief Executive Officer of the Public Appointments Service holds office on an ex officio basis. Mr. Bryan Andrews has retired from his post as CEO and has been replaced on the Board by the new CEO, Ms Fiona Tierney.

The appointments were not made using the new procedures and the previous Chairman was reappointed to the role on the new board.

The reason for not following the new procedures in relation to board appointments is that the Public Service Management (Recruitment and Appointments) Act, 2004 states that the Minister for Public Expenditure and Reform (in consultation with Minister for the Environment, Community and Local Government, the Minister for Health and the Minister for Justice, Equality and Defence) should appoint members of the Board of the Public Appointments Service.

The Board is meant to be representative of its client base i.e. (Government Departments and Public Service Bodies). The majority of the board is therefore civil or public servants, nominated by the relevant Minister. There is also a union representative nominated by the Irish Congress of Trade Unions (ICTU). I reappointed the outgoing Chairman. I approved the appointment of the two external members because of their expertise in strategic change and public service recruitment respectively.

Departmental Expenditure

129. **Deputy Peadar Tóibín** asked the Minister for Public Expenditure and Reform the amount paid to each external property consultant, surveyor and estate agent engaged by his Department for each of the past three years. [17269/12]

130. **Deputy Peadar Tóibín** asked the Minister for Public Expenditure and Reform the cost of external property consultants, surveyors and estate agents engaged by his Department for each of the past three years. [17284/12]

131. **Deputy Peadar Tóibín** asked the Minister for Public Expenditure and Reform if he will provide a list of external property consultants or surveyors and estate agents engaged by his Department for each of the past three years. [17299/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I propose to take Questions Nos. 129 to 131, inclusive, together.

One external property consultant was appointed during the period in question. The details are set out below. Mr Ultan Herr was appointed to the Decentralisation Implementation Group as an External Property Consultant in November 2007. The payments made were €3,700 in 2009 and €855 in 2010.

132. **Deputy Maureen O'Sullivan** asked the Minister for Public Expenditure and Reform if he will publish a schedule of payments made from public funds to a multinational bracket investment banking and securities firm (details supplied) in the period from 1 September 2008 to date in 2012, with notes confirming the basis of each individual payment made; and if he will make a statement on the matter. [17593/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): No such payments were made by my Department or by the Offices under the aegis of my Department during the period in question.

Departmental Properties

133. **Deputy Peadar Tóibín** asked the Minister for Public Expenditure and Reform the number of leases held by his Department, agencies or quangos that have upward only rent review clauses in which the body concerned is the landlord. [17729/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): In response to the Deputy's question the Office of Public Works is involved in most purchases and leasing of buildings by the State including buildings leased by my Department.

I have been informed by the Office of Public Works that in relation to rents receivable by the Office of Public Works there are no upward only rent reviews in place.

In respect of bodies under the aegis of my Department I am not aware of any such leases being entered into where the body concerned is the landlord.

Appointments to State Boards

134. **Deputy Michael Healy-Rae** asked the Minister for Jobs, Enterprise and Innovation since the Government was formed the number of vacancies in State bodies that have been filled by his Department without advertising the availability of the positions; and if he will make a statement on the matter. [17026/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I am taking it that the Deputy is referring to vacancies on the boards of State bodies coming under my Department's remit, in which case the position remains as set out in my reply to Dáil Question 13313/12 of 8 March 2012 (copy follows).

DAIL QUESTION NO. 91

To ask the Minister for Jobs, Enterprise and Innovation if he will provide a list of all appointments to State boards made by him, including any appointments to the position of chairperson shown separately; if the vacancies on the boards were publicly advertised; who out of any appointments made applied through the publically advertised process, and the prospective nominees that went before the Oireachtas committee for questioning. — Shane Ross.

*For WRITTEN answer on Thursday, 8 March, 2012. Ref No: 13313/12.

REPLY

[Deputy Richard Bruton.]

Forfás — Mr. John Murphy, Secretary General of the Department was appointed to the Board of Forfás with effect from 18 January 2012.

The Industrial Development legislation provides that the Director General of Science Foundation Ireland (SFI) serves on the board of Forfás. Professor Mark Ferguson therefore became a member of the Forfás Board on taking up his position with SFI with effect from 18 January 2012.

The SFI post is an ex officio appointment provided for in legislation. It has been the custom to appoint the Secretary General of the Department to the board of Forfás for reasons of policy cohesion and corporate governance. As such, the new procedures were not utilized in the case of either appointment.

National Standards Authority of Ireland Board (NSAI) — Helen Curley, a Principal Officer in my Department, was appointed on 8 July 2011. Ms Curley resigned from the Board on 15 November 2011, as due to an internal transfer she was no longer responsible for the NSAI policy area. Ms Barbara O'Leary and Mr. Terry Landers were appointed on 6 March 2012. Both appointments were publicly advertised. Both applied through the advertised process.

Competition Authority — While it does not have a typical board structure, the Competition Authority consists of a Chairperson and up to four other members who act as an executive board. The Competition Acts 2002 to 2010 set out the requirements pertaining to appointments to the Authority. Chairperson: I re-appointed Mr. Declan Purcell as Chairperson of the Competition Authority on 1 July 2011 and following his retirement, I subsequently appointed Ms Isolde Goggin as Chairperson following her selection by the Public Appointments Service (PAS) who publicly advertised this position. Members: I appointed Ms Noreen Mackey and Mr. David McFadden as temporary members of the Authority in July 2011 and I subsequently re-appointed both from 1 October. On 9 August 2011, I re-appointed Mr. Ciarán Quigley as a temporary member of the Authority. These temporary appointments were made in accordance with the Competition Acts 2002 to 2010 and did not require to be publicly advertised.

Advertisements for three full time members of the Competition Authority were published in June 2011 and following the completion of the PAS selection process for these posts I appointed Mr. Stephen Calkins and Mr. Gerald FitzGerald from December 2011 and Mr. Patrick Kenny from January 2011.

Irish Auditing and Accounting Supervisory Authority — Seven appointments were made to the Irish Auditing and Accounting Supervisory Authority (IAASA). Mr. Dave Martin and Mr. Kevin O'Donovan were both appointed as nominees of the Prescribed Accountancy Bodies on the 26 May 2011. Ms Sylvia McNeece of the Irish Pension Board, Ms Deirdre Behan of the Revenue Commissioners, Ms Mairead Devine of the Central Bank, Ms Marie Daly of the Irish Business and Employers Confederation and Mr. Sean Hawkshaw of the Irish Association of Investment Managers were all appointed as nominees of the Designated Bodies on 3 January 2012. As these appointments were made in compliance with the Companies (Auditing and Accounting) Act 2003 it was not appropriate to advertise the posts.

National Consumer Agency — Ms Isolde Goggin was appointed to the Board of the National Consumer Agency in November 2011. While this appointment was not made using the new procedures Ms Goggin's appointment as Chairperson of the Competition Authority and Chairperson designate of the new body which will be established on foot of the merger of the Competition Authority and the National Consumer Agency reflects the Government's commitment to the rationalisation of State agencies.

PIAB — Two appointments were made to the Personal Injuries Assessment Board (PIAB). One was the re-appointment of Ms Ann Fitzgerald in her capacity as Chief Executive of the National Consumer Agency, which is a statutory position on the Board. Therefore the post

was not advertised. In the case of the second appointment, it was considered appropriate to have a representative from the Department on the Board and Ms Breda Power, Assistant Secretary, was appointed. Given the nature of this appointment, the post was not advertised.

Science Foundation Ireland — Dr. Rita Colwell and Professor Martina Newell-McGloughlin were both reappointed to the Board of Science Foundation Ireland with effect from 26 July 2011. Dr Colwell and Professor Newell-McGloughlin are internationally renowned scientific experts in the Life Sciences and Biotechnology sectors. As the Minister considered it appropriate to re-appoint them to the Board, the vacancies were not publicly advertised.

InterTrade Ireland — The InterTradeIreland Board expired on 12 December 2011. Minister Richard Bruton nominated four new members to that Board. These members included the following: Mr. Martin Cronin Chairman, Mr. Philip Doherty, Mr. Kevin Norton, Ms Mairead Sorenson. These four members were subsequently appointed to the Board on 13 December, 2011 by the North South Ministerial Council. Mr. Philip Doherty did not take up his membership on the Board, and an alternative is currently being sought. Both Mr. Brendan Butler and Ms Patricia McKeown who served on the last Board were re-appointed on 13 December, 2011.

Shannon Development — Mr. Stephen Curran, Principal Officer, was appointed to my Department on 9 January 2012 and was subsequently appointed to the Board of Shannon Development on 23 February 2012. This appointment was a direct replacement of Mr. Bob Keane, Principal Officer, who transferred from the Department to a position in Brussels and subsequently resigned from the Board. This appointment did not fall under the new procedures as Mr. Curran is the Departmental representative on the Board.

IDA — I recently made the following two appointments to the Board of the IDA: Alan W. Gray and Mary Campbell. The Deputy will be aware that Government policy is to introduce greater transparency in the appointment process. In line with this policy and in an effort to broaden the pool of suitable candidates for consideration for appointment to boards, I sought expressions of interest last summer from suitably qualified people for appointment to the boards of several agencies under my Department's remit. I also made it clear in advertising those vacancies that I would not be restricted to only those who responded to the advert. In the case of IDA Ireland, neither appointment was made using the new procedures. Ms Mary Campbell was identified following consultations with IDA Ireland to nominate a person with relevant international financial experience for my consideration for appointment to the Board.

I intend to launch another expressions of interest campaign in the near future in respect of further vacancies that have arisen or that are due to arise over the coming months. In this respect, my overriding focus is to find the best people for particular board appointments. In making appointments I will have regard to the expertise and experience of individuals, the balance of skills and attributes in terms of the overall composition of the board, the gender balance of the board and the availability and commitment of people to serve on the board.

Ref No: 13313/12.

Joint Labour Committees

135. **Deputy Paschal Donohoe** asked the Minister for Jobs, Enterprise and Innovation if there are any plans for the introduction of joint labour committees into the hotel industry in the near future; and if he will make a statement on the matter. [17149/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): There are two Joint Labour Committees in place covering the Hotels sector. One covers the entire country, outside of Dublin and Cork. The second covers the Dublin region. However, the Dublin JLC for Hotels has not met since its establishment. A JLC for Cork was never established.

[Deputy Richard Bruton.]

On 7 July 2011, the High Court issued its ruling in a legal challenge, taken by John Grace Fried Chicken Ltd and others, to the JLC system and the 2008 Employment Regulation Order (ERO) covering the Catering Sector outside of Dublin. The High Court ruled that certain provision of the Industrial Relations Acts of 1946 and 1990 governing the making of EROs are unconstitutional and that the 2008 Catering ERO constituted an unlawful and disproportionate interference in the property rights of the plaintiffs. The High Court found that the Acts delegated excessive law-making powers concerning pay and conditions to Joint Labour Committees and the Labour Court without stating any policies or principles to guide those powers.

While the High Court ruling meant that EROs then in place, including the ERO for the Hotels Sector outside of Dublin and Cork, ceased to have statutory effect from that date, the ruling did not address the continued existence of Joint Labour Committees as institutional mechanisms established under statute. Accordingly, the two JLCs for the Hotels Sector remain in existence, albeit without any powers to formulate proposals for an ERO.

The Industrial Relations (Amendment) (No. 3) Bill 2011 was published on 22 December 2011. The Bill has completed Second Stage in the Dáil and is currently awaiting Committee Stage.

The main purpose of the Bill is to implement the commitment in the Programme for Government to reform the Joint Labour Committee system. The reform of the legal framework for our statutory wage setting mechanisms is aimed at increasing employers' ability to retain and employ workers, particularly in sectors hard hit by the prevailing economic circumstances, including the Hotel sector, and to facilitate necessary cross-sector adjustment.

In addition, the Bill provides for the more comprehensive measures required to strengthen the legal framework for the EROs and Registered Employment Agreement sectoral wage setting mechanisms, under the Industrial Relations Acts 1946 to 2004, in the light of deficiencies in the original legislation identified in the John Grace Fried Chicken case.

The fact that the process of making EROs was found by the High Court to be unconstitutional, together with the identified lack of adequate Oireachtas scrutiny of this process, only underscores some of the main features of the recommendations for reform that were put forward by the Independent Review Report on these statutory wage setting mechanisms — the Duffy/Walsh report.

The commissioning of the independent review of the ERO and REA systems was one of the undertakings given by the last Government in the context of the EU and IMF-supported financial assistance programme for Ireland.

When enacted, this Bill, will implement the programme of reforms to the JLC/REA systems agreed by Government in July 2011. It will radically overhaul the system so as to make it fairer and more responsive to changing economic circumstances and labour market conditions. It will also reinstate a robust system of protection for workers in these sectors in the aftermath of the High Court ruling in the John Grace Fried Chicken case.

The Bill provides, inter alia, that the Labour Court will, following the commencement of the Act and at regular 5 year intervals thereafter, conduct a review of all Establishment Orders in respect of existing Joint Labour Committees, including those covering the Hotels sector. Following such review the Labour Court may recommend that: (*a*) a JLC be abolished; (*b*) a JLC be amalgamated with another JLC; or (*c*) that the establishment order for a JLC be amended.

The Bill sets out clear guidance for the Labour Court in carrying out the periodic reviews of JLCs, including whether, in the case of a JLC that represents workers and employers in a particular region in the State, the continuation of such regional representation is justified.

The position of the Hotel sector will be considered in that context.

Consultancy Contracts

136. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation the amount paid to each external property consultant, surveyor and estate agent engaged by his Department for each of the past three years. [17267/12]

137. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation the cost of external property consultants, surveyors and estate agents engaged by his Department for each of the past three years. [17282/12]

138. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation if he will provide a list of external property consultants or surveyors and estate agents engaged by his Department for each of the past three years. [17297/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I propose to take Questions Nos. 136 to 138, inclusive, together.

My Department and the 8 Offices of my Department have not engaged the services of any external property consultant, surveyor or estate agent nor has my Department or the 8 Offices of my Department paid any external property consultant, surveyor or estate agent during each of the past 3 years.

Departmental Expenditure

139. **Deputy Maureen O'Sullivan** asked the Minister for Jobs, Enterprise and Innovation if he will publish a schedule of payments made from public funds to a multinational bracket investment banking and securities firm (details supplied) in the period from 1 September 2008 to date in 2012, with notes confirming the basis of each individual payment made; and if he will make a statement on the matter. [17592/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): My Department did not make any payments to Goldman Sachs in the period from 1 September 2008 to date in 2012.

Departmental Properties

140. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation the number of leases held by his Department, agencies or quangos that have upward only rent review clauses in which the body concerned is the landlord. [17727/12.]

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.

Question No. 141 withdrawn.

Appointments to State Boards

142. **Deputy Michael Healy-Rae** asked the Minister for Social Protection since the Government was formed the number of vacancies in State bodies that have been filled by his Department without advertising the availability of the positions; and if she will make a statement on the matter. [17024/12]

Minister for Social Protection (Deputy Joan Burton): The three statutory bodies operating under the aegis of the Department are the Social Welfare Tribunal, the Citizens Information Board and the Pensions Board. In addition, the Office of the Pensions Ombudsman comes under the remit of the Department but it does not have a Board.

[Deputy Joan Burton.]

The Social Welfare Tribunal consists of a Chairperson and four ordinary members, two are nominated by the Irish Congress of Trade Unions (ICTU) and two are nominated by the Irish Business and Employers Confederation (IBEC). One of the ICTU members of the Tribunal resigned in 2011 and on the nomination of ICTU, a replacement member, Ms Chris Rowland was appointed commencing 24 October 2011.

I have made two appointments to the Citizens Information Board since coming into office. Mr. Eugene McErlean was appointed with effect from 7 September 2011. This followed my public request for expressions of interest from suitably qualified and experienced individuals announced in July 2011. 172 applications were received and the appointment was made following a rigorous selection process in accordance with the legislation governing appointments to such a board.

On 1 November 2011, I appointed Ms Fiona Ward, an official of my Department, as the Department's representative on the board, this vacancy was not publically advertised.

I have made no appointments to the Pensions Board since coming into office.

Redundancy Payments

143. **Deputy Heather Humphreys** asked the Minister for Social Protection when a person (details supplied) in County Monaghan will receive their redundancy payment; and if she will make a statement on the matter. [17027/12]

Minister for Social Protection (Deputy Joan Burton): A redundancy lump sum claim in respect of the person concerned was received on 10 August 2011. We are currently processing lump sum claims received in July 2011.

National Internship Scheme

144. **Deputy Nicky McFadden** asked the Minister for Social Protection if a provision could be made to allow young persons who are living at home, and therefore ineligible for jobskeer's allowance or benefit, to access the National internship scheme; and if she will make a statement on the matter. [17062/12]

Minister for Social Protection (Deputy Joan Burton): The National Internship Scheme provides internship opportunities of either 6 or 9 months for unemployed individuals on the Live Register, in organizations in the private, public and community voluntary sectors. The scheme is limited to individuals who are currently on the Live Register and have been in receipt of Jobseekers Allowance/Benefit or are signing on for credits for at least 3 of the last 6 months.

The eligibility to access the National Internship Scheme is based on the overall objective of labour market policy in ensuring a pathway to appropriate employment, training and education opportunities for those on the Live Register. It is important that as employment opportunities become available they are taken up by those on the Live Register. The structure for achieving this objective is through a reinvigorated National Employment Action Plan (NEAP) which currently provides the framework for engaging with the unemployed.

Given the scale of the unemployment crisis, the key objective of labour market policy and of the NEAP will be to keep those on the Live Register close to the Labour Market and prevent the drift into long-term unemployment. This will ensure that Live Register members availing of activation measures such as the National Internship Scheme will, while retaining social welfare unemployment payments and a top up allowance of €50, get an opportunity to

engage in the workplace, get work experience and so be in a position to avail of employment opportunities as the economy improves.

For these reasons, it has been proposed as a matter of public policy that eligibility for the scheme be confined to those on the Live Register and in receipt of unemployment payments or signing for credits for 3 of the last 6 months. As such, the policy objective is to prioritise scarce resources on those on the Live Register so as to increase their chances of leaving it thereby ensuring a reduction in Exchequer costs over time.

My Department continues to monitor and review the operation of the JobBridge scheme including its eligibility criteria on an ongoing basis.

Rent Supplement Scheme

145. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding an application for rent supplement in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [17063/12]

Minister for Social Protection (Deputy Joan Burton): The person concerned was awarded a rent supplement on 26 March 2012. She is in receipt of her full entitlement to rent supplement based on her household circumstances.

Disability Allowance

146. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the extent to which the medical assessor or the deciding officer examined an applicant for disability allowance (details supplied) before or after the original decision to refuse the allowance; and if she will make a statement on the matter. [17067/12]

Minister for Social Protection (Deputy Joan Burton): All the medical evidence received from the person concerned is being reviewed by the Acting Deputy Chief Medical Advisor and when his opinion is received the deciding officer will inform the person of the outcome.

Community Employment Schemes

147. **Deputy Pearse Doherty** asked the Minister for Social Protection her plans to change the eligibility criteria for participation on the community employment programme whereby an individual who is signing for credits is not eligible to participate on community employment; and if she will make a statement on the matter. [17073/12]

Minister for Social Protection (Deputy Joan Burton): The aim of Community Employment (CE) remains as an active labour market programme with the emphasis on progression into employment and/or further education and training. The programme is managed within this context, with consideration to the availability of resources and the needs of participants and the community.

The CE programme is one of a range of employment programmes offered by the Department. All of these programmes have specific objectives and eligibility criteria that address the needs of a wide range of participants.

The core eligibility criterion for CE is that the person is in receipt of a qualifying social welfare payment, as defined on the DSP public website. This requirement is based on Government policy and Departmental guidelines and has been the rule since CE commenced in 1994.

At present persons signing for credits or are otherwise ineligible for a social welfare payment, do not meet the current eligibility requirements for participation on the CE Scheme. They may,

[Deputy Joan Burton.]

however, be eligible for participation on other Departmental programmes or FÁS programmes, although they may not qualify for payment of an allowance.

Such persons are advised to contact their local DSP Employment Services Office where an Employment Services Officer will be happy to discuss the employment and training options that are open to them.

There are no proposals currently under consideration in regard to making changes to the national operation of the Community Employment programme. Within the current very difficult budgetary constraints, the number of places on Community Employment have been maintained in 2012. In delivering these places, my Department will continue to operate flexibly in the management of this allocation in order to maximise progression to the labour market, while at the same time facilitating the support of community services.

Social Welfare Appeals

148. **Deputy Pearse Doherty** asked the Minister for Social Protection when an oral hearing will be held for an appeal submitted to the social welfare appeals office (details supplied); and if she will make a statement on the matter. [17074/12]

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.

Carer's Allowance

149. **Deputy Denis Naughten** asked the Minister for Social Protection the position regarding an application for carer's allowance in respect of a person (details supplied) in County Roscommon; the reason for the delay; and if she will make a statement on the matter. [17096/12]

Minister for Social Protection (Deputy Joan Burton): The person in question was refused carer's allowance on the grounds that the care recipient is not so disabled as to require full-time care and attention as prescribed in regulations. On 11th January 2012, she was notified of this decision, the reasons for it and of her right of review/appeal within 21 days.

Additional medical evidence was received and forwarded to the Medical Assessor for further consideration.

The outcome of the review is due shortly.

Social Welfare Cheques

150. **Deputy Billy Timmins** asked the Minister for Social Protection the number of persons in receipt of social welfare allowances paid weekly by cheque; the cost to the State of issuing payment by paper; if there are savings to be made by switching to electronic transfer for some or all of these type of payments; and if she will make a statement on the matter. [17110/12]

Minister for Social Protection (Deputy Joan Burton): The Department currently issues approximately 87 million payments in respect of over 60 welfare schemes on a weekly, monthly and annual basis depending on the scheme type. These are delivered via electronic transfers to An Post and to banks, building society accounts, certain credit unions and by cheque.

104,150 people were paid by cheque over the course of February 2012. This represented 5.1% of all payments made during February. The other methods of payment were by Electronic Fund Transfer (EFT) to a bank account or other financial institution and by Electronic Information Transfer (EIT) to An Post for payment at post offices. EFT is fully electronic in that the customer receives the value of their payment without any manual intervention after it has been issued by the Department. 991,107 (48.4%) of the people who received payments during February were paid by EFT.

In the case of EIT, the value is transmitted by the Department to An Post electronically but is then paid to the customer in cash at a post office. 951,861 (46.5%) of the people who received payments during February were paid in cash at post offices.

In 2011, my Department incurred expenditure of €301,242 in respect of cheque stationery and bank clearing charges. This figure does not include postal or other administration charges. While the costs associated with cheque payments are low, fully electronic payment methods cost less. The Department is currently finalising a new e-Payment Strategy which takes into account international developments in delivering welfare payments, the need for good and effective controls and the costs associated with making these payments. The strategy will be published later this year.

Redundancy Payments

151. **Deputy John Lyons** asked the Minister for Social Protection the position regarding redundancy payment in respect of a person (details supplied) in Dublin 11; when payment will be processed; and if she will make a statement on the matter. [17119/12]

Minister for Social Protection (Deputy Joan Burton): A redundancy lump sum claim in respect of the person concerned was received on 9 November 2011. The claim is currently being processed and is expected to be finalised in the coming weeks.

Social Welfare Benefits

152. **Deputy Bernard J. Durkan** asked the Minister for Social Protection further to Parliamentary Question No.113 of 8 March 2012, the basis on which it is contended that a person (details supplied) in County Kildare was not habitually resident in the State, in view of the fact that they have not been out of the country for the past five years; and if she will make a statement on the matter. [17134/12]

Minister for Social Protection (Deputy Joan Burton): The deciding officer decided that the person concerned failed to meet the condition of being habitually resident in the State on the basis of the nature and purpose of her residence in the State and that the person failed to show her main centre of interest was Ireland. The deciding officer, in making his decision, also noted that the person was absent from the State for a lengthy period of time in 2009.

153. **Deputy Clare Daly** asked the Minister for Social Protection if she will provide a list of the level of attainment for young persons aged four to sixteen years, which is used in carrying out a desk assessment relating to the level of care or supervision that a child would need, linked to the domiciliary care allowance payment [17138/12]

154. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection if she will confirm if normal age of attainment lists covering children between four years and 16 years exist in her Department; if she will provide guidance for the desk assessments in domiciliary care allowance claims comparable to those covering children under the age of 48 months which are on page 26 of the medical eligibility guidelines for domiciliary care allowance and if so when were they drawn up; when did they commence operation; and will she make a copy available. [17143/12]

158. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection her views on whether the lists in Appendix 8 of the Medical Eligibility Guidelines for domiciliary care allowance are unfair because they create presumptions in the minds of deciding officers as to whether a child will be more or less likely to be eligible based on what the condition is whereas the additional care and attention needs to which the condition gives rise can be comparable in some children regardless of which list their condition is on; her views on whether as a result of Appendix 8 parents of a child with a severe disability caused by a condition that features on the second list have a higher barrier to jump in order to demonstrate their eligibility and will she outline any plans that she has to address same. [17242/12]

Minister for Social Protection (Deputy Joan Burton): I propose to take Questions Nos. 153, 154 and 158 together.

Domiciliary care allowance is a monthly payment to the carer of a child with a disability so severe that the child requires care and attention and/or supervision substantially in excess of another child of the same age. This care and attention must be provided to allow the child to deal with the activities of daily living. The child must be likely to require this level of care and attention for at least 12 months.

Applications for domiciliary care allowance are assessed on a case by case basis by one of the Department's medical assessors all of whom are fully qualified medical practitioners who have training/experience in human disability evaluation. The medical assessor's opinion is based on the information furnished as part of the application process. This information includes personal details supplied on the application form by the child's parent/guardian; details of the additional care and attention required by the child as outlined by the parent/guardian and medical details provided by the child's GP. Any additional information the parent/guardian considers relevant to the application is also reviewed (this could include consultant's reports, reports from a community health doctor, a copy of the needs assessment carried out by the HSE, etc.).

Eligibility is determined primarily by reference to the degree of additional care and attention required by the child rather than to the type of disability involved. It is important to note that the normal ages of attainment data in the guidelines are included to assist the medical assessor in his/her assessment. It is not a scale which determines eligibility or otherwise.

Reports from child and adolescent psychiatrists, psychologists or occupational therapists, usually provide information on the child's individual developmental status on a percentile basis.

Whereas, no normal age of attainment data for children over 4 years of age or adolescents is included in the guidelines, should a medical assessor consider it helpful, there is a wealth of reference material available in the medical literature, e.g. Centres for Disease Control Development Milestones/Queensland Government Development Milestones.

Categories of conditions, which are more likely or less likely to result in a child requiring continual or continuous care and attention substantially in excess of that required by a child of the same age, were developed to assist the medical assessor in the assessment process. It is important to note that inclusion in either category does not, of itself, determine eligibility or otherwise to domiciliary care allowance.

Social Welfare Appeals

155. **Deputy Peter Mathews** asked the Minister for Social Protection the position regarding an appeal in respect of a person (details supplied) in County Dublin; and if she will make a statement on the matter. [17175/12]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 18th January 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. When received, the appeal in question will be referred 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 Schemes

156. **Deputy Ciara Conway** asked the Minister for Social Protection if she will provide a timeline as to when and the way the pathways to work programme will be rolled out in Waterford city and county; and if she will make a statement on the matter. [17177/12]

Minister for Social Protection (Deputy Joan Burton): Pathways to work is a new approach to working with individuals to assist them in returning to work at the earliest possible opportunity.

The implementation of this approach requires a significant investment in and transformation of operating structures processes and systems and will, as a consequence, require a multi-annual programme of work.

As part of this programme, the Department will pilot the service in four offices — Kings Inn, Tallaght, Arklow and Sligo. This will commence in May with a further roll out to 10 more offices by the end of this year. The location of these offices has not been finalised at this time. The programme will extend to all offices over the next two years.

Community Employment Schemes

157. **Deputy Brian Stanley** asked the Minister for Social Protection if her Department's statement in relation to community employment schemes outlining that groups can apply to have their training budget increased to €1,000 if they make an application to the Department or through their community development organisation been communicated to all CDO's; and if so can the memo be included in her answer; and if she will make a statement on the matter. [17241/12]

Minister for Social Protection (Deputy Joan Burton): Following clarification of the changes to the Community Employment (CE) programme announced in Budget 2012, correspondence was sent to the operational staff responsible for the CE programme on the 3rd February 2012. The statement in this correspondence related to the Materials and Training budget allocations as follows:

[Deputy Joan Burton.]

The baseline amount of the grant remains the €500 per participant announced in the Budget. But there is discretion to make an amount of up to €1,000 per participant available to schemes in respect of the training and materials grant this year, subject to individual schemes providing a clear and transparent demonstration of need for this level of funding. The onus is on sponsors to make the case for the appropriate level of the grant for their individual scheme.

Operational staff were requested to ensure that all those staff involved in discussions with the CE sponsors were to receive a copy of the correspondence, which is attached as requested.

Question No. 158 answered with Question No. 153.

Social Welfare Appeals

159. **Deputy Emmet Stagg** asked the Minister for Social Protection her views on the delay in dealing with appeals in the social welfare appeals office with particular reference to an appeal lodged in respect of a person (details supplied). [17244/12]

Minister for Social Protection (Deputy Joan Burton): I am advised by the Social Welfare Appeals Office that an Appeals Officer having fully considered all the available evidence disallowed the appeal, of the person concerned, by way of summary decision. Notification of the Appeals Officers decision issued 26 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.

Departmental Expenditure

160. **Deputy Peadar Tóibín** asked the Minister for Social Protection the amount paid to each external property consultant, surveyor and estate agent engaged by her Department for each of the past three years. [17270/12]

161. **Deputy Peadar Tóibín** asked the Minister for Social Protection the cost of external property consultants, surveyors and estate agents engaged by her Department for each of the past three years. [17285/12]

162. **Deputy Peadar Tóibín** asked the Minister for Social Protection if he will provide a list of external property consultants or surveyors and estate agents engaged by her Department for each of the past three years. [17300/12]

163. **Deputy Peadar Tóibín** asked the Minister for Social Protection the number of leases held by her Department, agencies or quangos that have upward only rent review clauses in which the body concerned is the landlord. [17730/12]

Minister for Social Protection (Deputy Joan Burton): I propose to take Questions Nos. 160 to 163, inclusive, together.

The Office of Public Works provides design, acquisition, refurbishment and maintenance services to the Department. The Department does not engage external property consultants, surveyors or estate agents nor is it responsible for the details of leasing arrangements, such as rent review clauses, as these matters are dealt with on its behalf by the Office of Public Works. However, when the Combat Poverty Agency (CPA) merged with the Department on July 1

2009 responsibility for the lease it had secured on its office premises passed to the Minister for Social Protection. Lisney Property Management was the agent for this property. This arrangement continued until March 31, 2011, when the lease was vacated. This is the only instance of a commercial relationship between the Department and external property consultants or surveyors and estate agents during the period in question. There are no leases held by the agencies under the aegis of the Department that have upwards only rent review clauses where the body concerned is the landlord.

Appointments to State Boards

164. **Deputy Michael Healy-Rae** asked the Minister for Arts, Heritage and the Gaeltacht since the Government was formed the number of vacancies in State boards that have been filled by his Department without advertising the availability of positions; and if he will make a statement on the matter. [17023/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): I refer the Deputy to my reply to Question Number 118 of 8 March, 2012

Museum Projects

165. **Deputy Robert Troy** asked the Minister for Arts, Heritage and the Gaeltacht if he will refrain from making any decision regarding the approval to build on the historic site of 14/17 Moore Street, Dublin, pending an independent battlefield assessment as recommended by the director of the National Museum [17106/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): The proposed development of the Carlton Cinema site, of which the national monument at Nos. 14 to 17 Moore Street forms part, and for which approval has been granted by An Bord Pleanála, envisages the retention of these buildings and the provision of a commemorative centre to the 1916 Rising in No. 16. The developer's application to my Department for consent to proposals for work under the National Monuments Acts in regard to the provision of the commemorative centre is being examined. As part of the process, the developer was required to provide an assessment of the wider battlefield context of the national monument site. My Department is currently in consultation with the National Museum of Ireland in relation to the consent application and I hope to be able to make a decision on it shortly.

Turbary Rights

166. **Deputy Robert Troy** asked the Minister for Arts, Heritage and the Gaeltacht if he is in a purchase a parcel of bogland at a location (details supplied) in County Westmeath. [17148/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): Arising from the requirements under the Habitats Directive to cease turf cutting on 53 raised bog Special Areas of Conservation (SACs), earlier this year my Department sought expressions of interests from land owners, or turbary rights owners, who might wish to provide alternative sites, through sale or long-term lease, for use by those who wish to continue turf cutting. Such sites should be within a reasonable distance of the raised bog SACs affected by cessation and only sites in non-designated bogs are under consideration (i.e. sites not within Special Areas of Conservation or Natural Heritage Areas). Information on the location of raised bog SACs may be found on the website of the National Parks and Wildlife Service of my Department (*www.npws.ie*). If the individual referred to in the Deputy's Question has a suitable site for sale or long-term lease, he should contact my Department by calling Lo-Call 1890-253-147 or (053) 9117310, emailing

[Deputy Jimmy Deenihan.]

designated.bogs@ahg.gov.ie, or by writing to: Site Protection Unit, Department of Arts, Heritage and the Gaeltacht, Newtown Road, Wexford.

Departmental Expenditure

167. **Deputy Peadar Tóibín** asked the Minister for Arts, Heritage and the Gaeltacht the amount paid to each external property consultant, surveyor and estate agent engaged by his Department for each of the past three years. [17258/12]

168. **Deputy Peadar Tóibín** asked the Minister for Arts, Heritage and the Gaeltacht the cost of external property consultants, surveyors and estate agents engaged by his Department for each of the past three years. [17273/12]

169. **Deputy Peadar Tóibín** asked the Minister for Arts, Heritage and the Gaeltacht if he will provide a list of external property consultants or surveyors and estate agents engaged by his Department for each of the past three years. [17288/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): I propose to take Questions Nos. 167 to 169, inclusive, together.

As the Deputy will be aware, the Department of Arts, Heritage and the Gaeltacht has only been established since 2 June 2011, following substantial Departmental reconfigurations. Details of payments made to external property consultants, surveyors and estate agents engaged by my Department since that date are set out in the following table:

Name of Property Consultant/Surveyor/Estate Agent	Payment made
Malachy Walsh and Partners (Surveying)	€344.40
IE Consulting (Surveying)	€1,815.00
Tom Spillane and Co. (Auctioneers and Valuers)	€422.00
Sherry Fitzgerald Coughlan (Auctioneers and Valuers)	€605.00
Property Partners Daly Ó Sé (Auctioneers and Valuers)	€786.50
Ken O'Sullivan and Co. (Auctioneers and Valuers)	€423.50
Property Partners McCarthy Morgan (Auctioneers and Valuers)	€302.50
Harrington Estates (Auctioneers and Valuers)	€147.60
Ethos Ltd (Surveying)	€268.20
Michael Connolly Ltd (Surveying)	€665.50
Arrigan Geo (Surveying)	Invoice awaited
Eoin Dillon (Auctioneers and Valuers)	€150.00
Declan Lees (Auctioneers and Valuers)	€150.00
Michael Duigan (Surveying)	Invoice awaited
Jennings (Surveying)	€450.00
Reid (Surveying)	€1,405.00

Departmental Expenditure

170. **Deputy Maureen O'Sullivan** asked the Minister for Arts, Heritage and the Gaeltacht if he will publish a schedule of payments made from public funds to a multinational bracket investment banking and securities firm (details supplied) in the period from 1 September 2008 to date in 2012, with notes confirming the basis of each individual payment made; and if he will make a statement on the matter. [17583/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): As the Deputy will be aware, the Department of Arts, Heritage and the Gaeltacht was established on 2 June 2011, following substantial Departmental reconfigurations. I am advised that, since that date, there is no record of any payment by my Department to the firm referred to by the Deputy.

Departmental Properties

171. **Deputy Peadar Tóibín** asked the Minister for Arts, Heritage and the Gaeltacht the number of leases held by his Department, agencies or quangos that have upward only rent review clauses in which the body concerned is the landlord. [17719/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): As the Deputy may be aware, my Department was established on 2 June 2011 and the position is that it has no lease agreements containing upward only rent review clauses in which it is the landlord.

I am advised that Waterways Ireland, which is one of the North-South Implementation bodies under the aegis of my Department, has ten lease agreements with upward only rent review clauses in place and these all relate to marina leases.

I am further advised that Údarás na Gaeltachta has over 600 lettable units in a substantial property portfolio of over 250,000 square metres located throughout the Gaeltacht in seven different counties. As stated in its latest published Annual Report, 64% of this property is occupied by business or industrial tenants. Several hundred existing leases date from before 28th February 2010, when the ban on upward-only rent review clauses was introduced by Section 132 of the Land and Conveyancing Law Reform Act 2009, and contain standard upward-only rent review clauses.

Energy Resources

172. **Deputy Alan Farrell** asked the Minister for Communications, Energy and Natural Resources if he will outline by county and in tabular form, the total number of wind farms on State owned or leased land and the cost per county to the Exchequer; and if he will make a statement on the matter. [17037/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The information requested is not available. The commercial Semi State companies develop their land-bank on a fully commercial basis and this is a day to day operational matter for the companies concerned.

There would be no cost per county to the Exchequer. Any rent or other payments made to the semi State companies would be fully reflected in their annual accounts.

Appointments to State Boards

173. **Deputy Michael Healy-Rae** asked the Minister for Communications, Energy and Natural Resources since the Government was formed, the number of vacancies in State boards that have been filled by his Department without advertising the availability of the positions; and if he will make a statement on the matter. [17044/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): Since taking up office on the 9th of March 2011, I have made 6 appointments to 3 State Boards for which expressions of interest were not sought. I have outlined in the table below the details of these appointments. I wish to advise the Deputy that I sought expressions of interest in relation to appointments to Boards under the aegis of my Department in June 2011 and again in February 2012.

[Deputy Pat Rabbitte.]

Body	Number appointed
ESB	2
Irish National Petroleum Corporation	3
National Oil Reserves Agency	1

The 2 appointments to the Board of the ESB were made in advance of the full implementation of the Government Decision in respect of vacancies in Bodies under the aegis of my Department.

The Irish National Petroleum Corporation (INPC) has had no operational capacity since the sale of its business and commercial interests in 2001. The company's current activities are limited to ensuring the protection of the INPC's position and by extension that of the State, under the terms of the Sale and Purchase Agreement attaching to the 2001 transaction. The INPC must therefore remain in existence until the Agreement expires in 2016. In view of this I reappointed the 2 existing Directors to the Board of INPC and the other person appointed is an official in my Department.

The appointment to National Oil Reserves Agency is an official in my Department.

Departmental Expenditure

174. **Deputy Peadar Tóibín** asked the Minister for Communications, Energy and Natural Resources the amount paid to each external property consultant, surveyor and estate agent engaged by his Department for each of the past three years. [17260/12]

175. **Deputy Peadar Tóibín** asked the Minister for Communications, Energy and Natural Resources the cost of external property consultants, surveyors and estate agents engaged by his Department for each of the past three years. [17275/12]

176. **Deputy Peadar Tóibín** asked the Minister for Communications, Energy and Natural Resources if he will provide a list of external property consultants or surveyors and estate agents engaged by his Department for each of the past three years. [17290/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I propose to take Questions Nos. 174 to 176, inclusive, together.

I wish to advise the Deputy that no external property consultants, surveyors or estate agents were engaged by my Department in the period in question.

Departmental Expenditure

177. **Deputy Maureen O'Sullivan** asked the Minister for Communications, Energy and Natural Resources if he will publish a schedule of payments made from public funds to a multinational bracket investment banking and securities firm (details supplied) in the period from 1 September 2008 to date in 2012, with notes confirming the basis of each individual payment made; and if he will make a statement on the matter. [17585/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I wish to advise the Deputy that my Department has made no payments to the multinational firm in question.

Departmental Properties

178. **Deputy Peadar Tóibín** asked the Minister for Communications, Energy and Natural Resources the number of leases held by his Department, agencies or quangos that have upward only rent review clauses in which the body concerned is the landlord. [17720/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I wish to advise the Deputy that the GPO complex, which is owned by the State, is vested in my Department which in turn has leased the complex to An Post. The rent is not subject to review during the lifetime of the lease.

The running of any leased property by agencies under my Department is an operational matter for the individual agency in the first instance and I have no function in this regard.

Appointments to State Boards

179. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government since the Government was formed, the number of vacancies in State boards that have been filled by his Department without advertising the availability of the positions; and if he will make a statement on the matter. [17042/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The information requested is outlined in the table.

Agency / Board	Name of Appointee (Chairperson highlighted)	Position advertised
An Bord Pleanála	Dr. Mary Kelly (Chairperson)	Yes
An Bord Pleanála	Ms Mary MacMahon	No
An Bord Pleanála	Mr. Conall Boland	No
Building Regulation Advisory Board	Mr. Aidan O'Connor (Departmental representative)	No
Building Regulation Advisory Board	Mr. Paul Kelly	No
Building Regulation Advisory Board	Mr. Conor Taaffe	No
Dormant Accounts Board	Mr. Michael Morley (Chairperson)	No (reappointed)
Dormant Accounts Board	Mr. Des Gunning	No (reappointed)
Environmental Protection Agency	Ms Laura Burke (Director General)	Yes
Housing Finance Agency	Dr. Michelle Norris (Chairperson)	Yes
Housing Finance Agency	Mr. John Hogan (Department of Finance nominee)	No
Housing Finance Agency	Mr. Phillip Nugent (Departmental representative)	No
Housing Finance Agency	Mr. Colm Brophy	Yes
Housing Finance Agency	Mr. Michael Murray	Yes
Housing Finance Agency	Mr. Padraic Cafferty	Yes
Housing Finance Agency	Dr. Mary Lee Rhodes	Yes
Irish Water Safety	Ms Breda Collins (Chairperson)	Yes
Irish Water Safety	Mr. John Considine	Yes
Irish Water Safety	Mr. Michael Cuddihy	Yes
Irish Water Safety	Mr. Tom Doyle	Yes
Irish Water Safety	Mr. Brendan McGrath	Yes
Irish Water Safety	Mr. Paul Murphy	Yes
Irish Water Safety	Mr. Seamus O'Neill	Yes
Irish Water Safety	Mr. Martin O'Sullivan	Yes

[Deputy Phil Hogan.]

Agency / Board	Name of Appointee (Chairperson highlighted)	Position advertised
Irish Water Safety	Ms Anne Ryan	Yes
Irish Water Safety	Ms Lola O'Sullivan	Yes
Irish Water Safety	Mr. Christy McDonagh	Yes
Irish Water Safety	Mr. Tim O'Sullivan (Departmental representative)	No
Housing and Sustainable Communities Agency	Mr. Rich Howlin (Chairperson)	No
Housing and Sustainable Communities Agency	Mr. John O'Connor	No
Housing and Sustainable Communities Agency	Mr. Eddie Lewis (Departmental representative)	No
Housing and Sustainable Communities Agency	Ms Marie McLaughlin (Department of Public Expenditure and Reform Representative)	No
Housing and Sustainable Communities Agency	Mr. Peter Carey, County Manager, Laois County Council	No
Housing and Sustainable Communities Agency	Ms Ann McGuinness, Westmeath County Council	No
Local Government Computer Services Board	Mr. Eddie Breen (Chairperson), County Manager, Wexford County Council	No
Local Government Computer Services Board	Mr. Michael Malone, County Manager, Kildare County Council	No
Local Government Computer Services Board	Mr. Barry Quinlan (Departmental representative)	No
Local Government Computer Services Board	Mr. Enda Holland (Department of Public Expenditure and Reform Representative)	No
Local Government Management Services Board	Mr. Eddie Breen (Chairperson), County Manager, Wexford County Council	No
Local Government Management Services Board	Mr. Donal Enright (Departmental representative)	No
Local Government Management Services Board	Mr. Michael Malone, County Manager, Kildare County Council	No
Local Government Management Services Board	Mr. Barry Quinlan (Departmental representative)	No
National Traveller Accommodation Consultative Committee	Mr. Tom Coughlan, County Manager, Clare County Council	No
Private Residential Tenancies Board	Mr. Tim Ryan	Yes
Private Residential Tenancies Board	Ms Tricia Sheehy Skeffington	Yes
Private Residential Tenancies Board	Ms Paula O'Reilly (Departmental representative)	No
Radiological Protection Institute Ireland	Professor William Reville (Chairperson), Professor of Biochemistry UCC (Retired)	Yes
Radiological Protection Institute Ireland	Dr. Paraic James, Senior Lecturer, DCU	Yes
Radiological Protection Institute Ireland	Dr. Maurice Fitzgerald, Dental Council	No
Radiological Protection Institute Ireland	Dr. Patricia Cunningham, Consultant Radiologist	No

A notice was placed on my Department's website on 19 July, 2011 seeking expressions of interest, from suitably qualified and experienced persons, for consideration as members or chairpersons of the boards of state bodies under the aegis of my Department. The notice is updated regularly as specific vacancies arise. However, expressions of interest can be made at any time and will be kept on file in my Department for consideration as vacancies occur.

All appointments are made in accordance with the appropriate legislation governing appointments to each body. In considering applications due regard is and to Government policy regarding gender balance on State Boards.

A number of different statutory processes are involved in appointments to State boards. In some cases statutory selection procedures must be followed or nominations must be sought from independent nominating panels before appointments are made by the Government or by the Minister. In a number of situations, only some appointments to the body concerned are made by the Minister, or appointments are made with the consent of the Minister for Public Expenditure and Reform.

The Boards of the Environmental Protection Agency (EPA) and An Bord Pleanála are executive in nature and members are employed on a full time salaried basis. The appointments as Chairperson of An Bord Pleanála and Director General of the EPA were made after competitions held by the Public Appointments Service.

The Chair of the Board for the Housing and Sustainable Communities Agency (HSCA) has been re-appointed on an interim basis pending enactment of legislation in respect of the HSCA.

The following members were appointed to the Board of Pobal, a not for profit company under the aegis of my Department, by Government:

- Mr. Séamus Boland (Chair).
- Mr. Thomas Maguire.
- Mr. Liam Keane.
- Ms Siobhan McLoughlin.
- Ms Jennifer McHugh.
- Mrs. Mari Hurley.

Article 3 of the Articles of Association of Pobal requires the Minister to consider nominations received from a list of stakeholders and the Social Partners defined by Government in 2005. The list comprises:

National Social Partners

— Social Partners party to the Sustaining Progress Agreement; and Stakeholders,

— Area and Community Partnership,

— County childcare Committees, and

— City and County Managers Association.

A consultation process was conducted in June/July 2011 and the Minister considered 22 nominations received from the Stakeholders and the National Social Partners in bringing forward proposals to Government for the appointments to the vacant positions on the board.

Strategy on Homelessness

180. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Community and

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Local Government when he will publish the review of homeless services in the Dublin region; and his plans with regard to the implementation of its recommendations. [17045/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): The report in question in regard to the management of homeless services in the Dublin region, which accounts for some 70% of my Department's expenditure on these services, was commissioned to facilitate consideration of the implications for the region of the Government's Comprehensive Review of Expenditure, now complete, and the overall review of the homelessness strategy as provided for in the Programme for Government , which is now close to finalisation. Consideration will be given to publishing the report cited in the context of this overall policy review.

Departmental Advertising

181. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government if he will detail the amount of money spent on radio, TV, newspaper and online advertising, in tabular form regarding the introduction of the household charge; and if he will make a statement on the matter. [17064/12]

182. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government if he will detail the process undertaken regarding the distribution of leaflets to households regarding the introduction of the household charge; the number of leaflets printed; the number of leaflets confirmed delivered as of this date; the number of households eligible for the charge, which have not received the leaflet as of this date; the costs incurred for the printing and distribution; and if he will make a statement on the matter. [17065/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 181 and 182 together.

The Local Government Management Agency (LGMA) is generally administering the household charge system on a shared service/agency basis for all county and city councils. The costs arising, including those in relation to printing, distribution and advertising, are a matter for the LGMA and the county and city councils. A competitive tendering process was undertaken for the distribution of leaflets to households to alert them to potential liability for the charge. It is not possible to determine how many of those liable for the charge received a leaflet. Some 1.8m leaflets were printed.

A final reminder to pay the household charge by 31 March, 2012 is currently being issued to households across the State.

Local Authority Charges

183. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government as of this date, the percentage of households eligible for the household charge that have registered; the percentage of households eligible for the charge have paid the charge; the amount of money collected arising from the charge; and if he will make a statement on the matter. [17066/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Local Government (Household Charge) Act 2011 provides the legislative basis for the household charge. Under the Act, an owner of a residential property on the liability date of 1 January 2012 is liable to pay the household charge, unless otherwise exempted or entitled to claim a waiver. The household charge is on a self-assessment basis and it is a matter for an

owner of a residential property on the liability date to determine if he/she has a liability and, if so, to declare that liability and pay the household charge.

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 27 March, 2012, a total of 386,121 properties had been registered for payment of the household charge. This equates to income of some €38.6m.

Foreshore Licences

184. **Deputy Jim Daly** asked the Minister for the Environment, Community and Local Government if any progress has been made in relation to a foreshore licence application (details supplied) in County Cork; and if he will make a statement on the matter. [17069/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Following a challenge to the State's ownership of the foreshore concerned, this application was first referred to the Chief State Solicitor's Office for legal advice in February 2011. Since that date, a number of exchanges of information have been made between my Department, the applicants and that office in an effort to resolve the ownership question. Final advice from the Chief State Solicitor's Office is awaited.

Local Authority Charges

185. **Deputy Jonathan O'Brien** asked the Minister for the Environment, Community and Local Government if all residential property owned by Government Ministers is exempt from payment of the household charge; the purpose for which Ministers are exempted; and if he will make a statement on the matter. [17076/12]

186. **Deputy Mary Lou McDonald** asked the Minister for the Environment, Community and Local Government the reason the residential property owned by a Minister of the Government is exempt from the household charge [17082/12]

198. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government further to Parliamentary Questions Nos. of 13 March relating to exemptions and waivers from payment of the household charge, in which he indicated that residential property owned by a Minister of the Government, would be exempt from household charges, if he will clarify if this relates to all residential properties owned by Ministers of the Government; and if he will provide details of the properties owned by Ministers of the Government that will be exempt. [17243/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 185, 186 and 198 together.

Residential property held in a personal capacity by a Minister of the Government is liable for the household charge on the same basis as any other citizen in the State.

The Local Government (Household Charge) Act 2011 and the Local Government (Household Charge) Regulations 2012 provide the legislation underpinning the household charge.

The household charge is on a self assessment basis and interpretation of the legislation is a matter for legal advice in individual cases and ultimately a matter for the Courts.

Unfinished Housing Developments

187. **Deputy Patrick O'Donovan** asked the Minister for the Environment, Community and

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Local Government the position regarding a housing estate (details supplied) in County Limerick; and if he will make a statement on the matter. [17084/12]

193. **Deputy Patrick O'Donovan** asked the Minister for the Environment, Community and Local Government the position regarding a housing estate (details supplied) in County Limerick; and if he will make a statement on the matter. [17139/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): I propose to take Questions Nos. 187 and 193 together.

As part of the process of preparing the National Housing Development Survey 2011, published by my Department in October 2011, local authorities provided details of all unfinished housing developments in their areas. Unfinished housing developments were divided into four categories as follows:

- Category one, where the development is still being actively completed by the developer, or where no serious public safety issues exist;
- Category two, where a receiver has been appointed;
- Category three, where a receiver has not been appointed and the developer is still in place but effectively inactive; and
- Category four, where the development has been effectively abandoned and is posing serious problems for residents.

Other relevant factors for the purposes of the categorisation process include, *inter alia*:

- the state of completion of roads, footpaths, public lighting facilities, piped water and sewerage facilities and open spaces or similar amenities within the development;the extent to which the development complies with the terms of applicable planning permission;
- the extent to which it complies with the provisions of the Building Control Acts 1990 and 2007;
- the provisions of the Local Government (Sanitary Services) Act 1964 as they pertain to dangerous places and dangerous structures within the meaning of the Act;
- the extent to which facilities within the development have been taken in charge by the local authority concerned, and,
- where there is an agreement regarding the maintenance of such facilities, the extent to which this agreement has been complied with.

This categorisation formed the basis for the list of those unfinished developments eligible for a waiver on the annual household charge.

Only households in developments in categories three and four are eligible for the waiver from payment of the household charge. The list of developments in which households are eligible for the waiver in 2012 is set out under the Local Government (Household Charge) Regulations 2012. A revised list of estates will be prescribed for 2013 after which time the waiver for unfinished housing developments will end. Throughout this period it is anticipated that the numbers of categories 3 and 4 developments will decrease significantly as my Depart-

ment continues to work with local authorities and other stakeholders to resolve outstanding issues, including through the Public Safety Initiative.

Local Authority Charges

188. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government the number of properties sold to local authority tenants on a leasehold basis as opposed to freehold basis; if these are households exempt from household charges in view of the fact that the local authority still has an interest in the property; and if he will make a statement on the matter. [17089/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): The Local Government (Household Charge) Act 2011 and the Local Government (Household Charge) Regulations 2012 provide the legislative basis for the household charge. The household charge is on a self-assessment basis, and interpretation of the legislation is a matter for legal advice in individual cases and ultimately a matter for the Courts. Under the legislation, an owner of a residential property on the liability date of 1 January 2012 is liable to pay the household charge by 31 March 2012, unless otherwise exempted or entitled to claim a waiver.

Local authorities have sold about 140,000 residential properties to tenants on leases for terms exceeding 20 years. Under section 1 of the legislation, the tenant purchasers concerned are owners of residential property for the purposes of the household charge. That enactment defines "owner", in relation to a residential property, to include, where the property is let under a lease for a term exceeding 20 years, the person (other than a mortgagee not in possession) who is the lessee under that lease.

Residential properties sold under tenant purchase would not qualify for an exemption under section 2(2)(*b*) of the legislation, which provides that a building vested in a Minister of the Government, a housing authority (within the meaning of the Housing (Miscellaneous Provisions) Act 1992) or the Health Service Executive is not a residential property for the purposes of the Act.

Architectural Qualifications

189. **Deputy Sandra McLellan** asked the Minister for the Environment, Community and Local Government the position regarding the grandfathering clause for architects; and if he will make a statement on the matter. [17100/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I refer to the reply to Questions Nos. 354, 356, 363 and 390 of 21 March 2012 which sets out the position on this matter. I have no plans to amend the Building Control Act 2007 along the lines suggested.

Planning Issues

190. **Deputy Gerald Nash** asked the Minister for the Environment, Community and Local Government his plans to reopen a review into certain planning decisions in Carlow, Meath, Galway and Cork county councils and Dublin and Cork city councils; and if he will make a statement on the matter. [17108/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): The planning review announced by the former Minister for the Environment, Heritage and Local Government was intended to assess the application of planning

[Deputy Jan O'Sullivan.]

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

191. **Deputy Peadar Tóibín** asked the Minister for the Environment, Community and Local Government the number of vacant residential properties and properties under repair by housing type in Trim town and county area in County Meath. [17109/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): Local Authorities provide information on the proportion of the housing stock that is vacant at the end of each year, and this information is collated and published as part of the annual Service Indicators in Local Authorities Report. Copies of the 2010 report are available from the Local Government Management Services Board and may be downloaded from their website (*www.lgmsb.ie*).

Under section 58 of the Housing Act 1966, the management and maintenance of the local authority housing stock, including the compilation and funding of ongoing maintenance programmes, is a matter for individual authorities.

Detailed information in relation to the number of vacant properties in Trim, by house type, or the number of properties which are under repair, is not available in my Department.

Control of Dogs

192. **Deputy Pat Deering** asked the Minister for the Environment, Community and Local Government if he will sponsor another advertising campaign regarding effective control of dogs to prevent attacks on livestock. [17122/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I am aware of the problems that can be caused by dog attacks on livestock, in particular attacks on flocks of sheep during lambing season. My Department has recently undertaken a campaign, in association with Comhairle na Tuaithe (the Countryside Council), to raise awareness amongst dog owners who take part in recreation activities in the countryside. There was a specific focus on the vulnerability of sheep flocks at this time and, overall, the campaign stressed the need to avoid disturbing farm animals and wildlife. These are, in fact, key principles of the "Leave No Trace" programme that my Department promotes.

Along with my colleagues, the Minister and Minister of State at the Department of Agriculture, Food and the Marine, I will continue to highlight the issue of dog control in the prevention of attacks on livestock. However, I have no plans currently to sponsor an advertising campaign in the matter.

Question No. 193 answered with Question No. 187.

Social and Affordable Housing

194. **Deputy Brian Walsh** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to the fact that tenancy agreements offered by voluntary housing associations to social housing tenants permit summary eviction under 19th century legislation Deasy's Act 1860; if he will consider the introduction by means of a statutory instrument of a standard tenancy agreement to be offered by such bodies; and if he will make a statement on the matter. [17141/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): The Residential Tenancies Act 2004 regulates the tenant-landlord relationship in the private rented residential sector. The Act sets out the law relating to the rights and obligations of tenants and landlords in the sector, rent and rent reviews, security of tenure and the termination of tenancies. 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 and among the recommendations arising was that the remit of the Act be extended to the large majority of tenancies within the voluntary and cooperative housing sector. The drafting of the Residential Tenancies (Amendment) Bill, which will give effect to recommendations of the review, 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.

Local Authority Charges

195. **Deputy Eoghan Murphy** asked the Minister for the Environment, Community and Local Government if he will provide information on an issue in relation to the household charge and coming property tax (details supplied). [17152/12]

196. **Deputy Brendan Griffin** asked the Minister for the Environment, Community and Local Government his views on a matter regarding exemption from the household charge (details supplied); and if he will make a statement on the matter. [17155/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 195 and 196 together.

The Local Government (Household Charge) Act 2011 and the Local Government (Household Charge) Regulations 2012 provide the legislation underpinning the household charge.

The household charge is framed on a self assessment basis at a point in time. It is a matter for those who own residential property liable to the charge to declare this and to pay the charge by the due date, 31 March 2012. The Local Government (Household Charge) Act 2011 provides for a number of exemptions and waivers from payment of the household charge.

Interpretation of the legislation is a matter for legal advice in individual cases and ultimately a matter for the Courts.

[Deputy Phil Hogan.]

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 any further exemptions to the household charge.

I have established an Inter-Departmental Group on Property Tax to consider the structures and modalities for an equitable valuation based property tax. The 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 full property tax as soon as possible. It will then be a matter for the Government to decide on the structure of the full property tax.

Building Regulations

197. **Deputy Willie Penrose** asked the Minister for the Environment, Community and Local Government the steps he will take to amend the building regulations which need to be focused upon the interests and protection of consumers, purchasers and or renters; and if he will make a statement on the matter. [17236/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): There is a clear statutory framework for construction activity, as set out under the Building Control Acts 1990 to 2007, and it is based on: —

— clear legal standards as set out in the Building Regulations;

— detailed Technical Guidance Documents to outline how these standards can be achieved in practice;

— the burden and responsibility for compliance resting first and foremost with developers/builders;

— a statutory responsibility for professionals who are engaged by developers to ensure that construction at least meets the legal minimum standards; and

— the responsibility for enforcing compliance with the Building Regulations resting with the 37 local building control authorities.

Where a contract exists between the owner of a building (including a local authority in the case of certain publicly owned buildings) and the relevant builder/developer enforcement may also be a civil matter.

Local authorities have extensive powers under the Building Control Acts which they can use to enforce compliance with the Building Regulations and recent events have shown that local authorities are prepared to use the courts where necessary and appropriate to effect compliance with planning permissions, Building Regulations and Fire Regulations, all of which are critically relevant to the quality of the built environment. Results can also be achieved, and often are, through discussion and persuasion with the threat of legal action.

Clearly, however, there are steps that can and must be taken to improve compliance with the Building Regulations and oversight of construction activity. That is why, in July 2011, I announced a number of additional measures to be advanced by my Department and local authorities, which include:—

(a) the introduction of mandatory certificates of compliance by builders and the designers of buildings confirming that the statutory requirements of the Building Regulations have been met;

(b) the lodgement of drawings at both commencement and completion of construction, demonstrating how buildings have been designed and built to comply with all parts of the Building Regulations;

(c) more efficient pooling of building control staff and resources across the local authority sector to ensure more effective and meaningful oversight of building activity;

(d) standardised approaches and common protocols to ensure nationwide consistency in the administration of building control functions; and

(e) better support and further development of the building control function nationwide.

It is my view that the introduction of the measures proposed will have the capacity to improve the quality of buildings and will lead to a further strengthening of the building control system. The proposed Building Control (Amendment) Regulations providing for mandatory certification and the submission of drawings will be the subject of a public consultation to be announced in mid-April 2012.

Question No. 198 answered with Question No. 185.

Departmental Expenditure

199. **Deputy Peadar Tóibín** asked the Minister for the Environment, Community and Local Government the amount paid to each external property consultant, surveyor and estate agent engaged by his Department for each of the past three years. [17263/12]

200. **Deputy Peadar Tóibín** asked the Minister for the Environment, Community and Local Government the cost of external property consultants, surveyors and estate agents engaged by his Department for each of the past three years. [17278/12]

201. **Deputy Peadar Tóibín** asked the Minister for the Environment, Community and Local Government if he will provide a list of external property consultants or surveyors and estate agents engaged by his Department for each of the past three years. [17293/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 199 to 201, inclusive, together.

The information requested is set out in the following table:

Year	Name	Purpose	Amount Paid €
2010	DTZ Sherry Fitzgerald	Advice and support services in respect of the cessation of lease arrangements for properties used to store electronic voting equipment.	5,566.00
2010	Zenith Land Surveys	Survey of land at Valentia.	2,420.00
2010	Lisney Chartered Surveyors	Valuation of foreshore licence fees.	14,132.57
2011	Lisney Chartered Surveyors	Valuation of foreshore licence fees.	32,266.68
2011	Rooney Auctioneers and Chartered Surveyors	Arbitration services in respect of foreshore rent review.	3,827.24

202. **Deputy Maureen O'Sullivan** asked the Minister for the Environment, Community and Local Government if he will publish a schedule of payments made from public funds to a multinational bracket investment banking and securities firm (details supplied) in the period from 1 September 2008 to date in 2012, with notes confirming the basis of each individual payment made; and if he will make a statement on the matter. [17588/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): My Department has not made any payments to the company concerned during the period in question.

Departmental Properties

203. **Deputy Peadar Tóibín** asked the Minister for the Environment, Community and Local Government the number of leases held by his Department, agencies or quangos that have upward only rent review clauses in which the body concerned is the landlord. [17723/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Office of Public Works is responsible for procuring accommodation for my Department, including policy in relation to the management of such property.

The provision and management of accommodation for, or property of, the agencies or bodies under the aegis of my Department is a matter for the bodies concerned.

Commercial Rent Reviews

204. **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 with regard to upward only rent review clauses in existing leases; if he will make the contents of these submissions available. [17029/12]

Minister for Justice and Equality (Deputy Alan Shatter): While there was no call for formal submissions in relation to this matter, I received submissions on the general issue of upwards only rent reviews from a variety of organisations, including the Society of Chartered Surveyors,

Jones Lang LaSalle, DKM Economic Consultants, Retail Ireland, Retail Excellence Ireland and the Irish Association of Investment Managers. I also received a considerable volume of correspondence from individuals and businesses who generally espoused the views of the retail sector.

I have no plans to put the contents of the submissions into the public domain.

Appointments to State Boards

205. **Deputy Michael Healy-Rae** asked the Minister for Justice and Equality since the Government was formed, the number of vacancies in State boards that have been filled by his Department without advertising the availability of the positions; and if he will make a statement on the matter. [17043/12]

Minister for Justice and Equality (Deputy Alan Shatter): I wish to inform the Deputy that the position, with the exception of the Equality Authority, has not changed since I answered Parliamentary Question Number 489 on 31 January 2012 and that the details, including the relevant update on the Equality Authority, are set out as follows.

1. Children Detention Schools Board of Management

Member

Mr. Dan Kelleher was appointed on 20 September 2011.

2. Courts Service Board

Member

Mr. Shane Browne

Mr. Pat Doyle

Ms Deirdre O'Keeffe

The above were appointed on 5 December 2011.

3. Equality Authority

I have re-appointed members of the outgoing Board of the Equality Authority until the end of July 2012, by which time, I intend to have the necessary legislation in place to establish a new and enhanced Human Rights and Equality Commission.

Chairperson

Dr. Angela Kerins

Vice-chairperson

Mr. Christy Lynch

Ordinary Members

Ms Rhona Murphy

Ms Salome Mbugua

Ms Ellen Mongan

[Deputy Alan Shatter.]

Ms Betty O'Leary

Mr. Peter White

Mr. Séan Fogarty

Mr. Kieran Rose

Mr. Nigel Brander

Ms Lynn Jackson

Mr. Paddy Maguinness

All of the above were appointed on 7 March 2012.

4. Judicial Appointments Advisory Board

Ordinary Members

Dr. Simon Boucher

Ms Karen Dent

Dr. Valerie Bresnihan

All of the above were appointed with effect from 7 June 2011.

5. Legal Aid Board

Chairperson

Ms Muriel Walls

Ordinary Members

Ms Oonagh Buckley

Ms Mary Dalton

Ms Kate Hayes

Ms Joy McGlynn

Ms Oonagh Mc Phillips

Mr. Mícheál O'Connell

Mr. Donncha O'Connell

Mr. John O'Gorman

Mr. Philip O'Leary

Ms Michelle O'Neill

Mr. Ger Power

Mr. Rob Reid

All of the above were appointed on 14 December 2011.

Mr. David Garvey was appointed on 18 January 2012.

6. Mental Health (Criminal Law) Review Board

Chairperson

Judge Brian McCracken was re-appointed as Chairperson with effect from 27 September 2011.

Ordinary Members

Ms Nora McGarry

Dr. Michael Mulcahy

Both of the above were appointed with effect from 27 September 2011.

7. Parole Board

Chairperson

Mr. John Costello was appointed with effect from 26 July 2011.

Ordinary Member

Ms Ciairín de Buis was appointed with effect from 26 July 2011.

8. Property Registration Authority

Ordinary Members

Mr. Frank Branigan was appointed on 29 April 2011.

Ms Teresa Pilkington was appointed on 27 May 2011.

Ms Deirdre Fox was appointed on 4 August 2011.

I can further inform the Deputy that none of the above positions were advertised either for reasons of timing, in that vacancies had to be filled quickly, or because relevant legislation required that the appointment be made on the nomination of a particular professional body. In the particular case of the Equality Authority, as the Deputy will be aware, the Government has agreed in principle to merge it with the Irish Human Rights Commission to form a new Human Rights and Equality Commission and the outgoing members of the Authority were re-appointed for the interim period to 31 July 2012. None of the above chairpersons has appeared before an Oireachtas Committee.

I would also like to inform the Deputy that I am still in the process of appointing the Board of the Property Services Regulatory Authority (PSRA). As part of this process the Chairperson Designate of the Authority appeared before the Joint Committee on Justice, Defence and Equality on 27 March 2012. I expect to announce details of appointments to the PSRA in the very near future. All of the positions were advertised on my Department's website and on the website of the Public Appointments Service. I expect to use this process for future such appointments.

[Deputy Alan Shatter.]

<Question No. 489 of 31 January 2012>

Question: To ask the Minister for Justice and Equality if he will provide a breakdown of the number of appointments that have been made to State Boards by him since he came to office including the names of the appointees and the boards they have been appointed to; the number of these appointments that have been made using new procedures involving the advertising of such posts on his Departments websites and the interview of the chairperson of boards by Oireachtas committee; if he will highlight situations where this process has not occurred; and the reason it has not occurred in each case. — Gerry Adams

**For WRITTEN answer on Tuesday, 31st January, 2012.*

Answer

I wish to inform the Deputy that the information requested is as follows:

1. Children Detention Schools Board of Management

Member

Mr. Dan Kelleher was appointed on 20 September 2011.

2. Courts Service Board

Member

Mr. Shane Browne

Mr. Pat Doyle

Ms Deirdre O'Keeffe

The above were appointed on 5 December 2011.

3. Equality Authority

I have re-appointed the outgoing Board of the Equality Authority until the end of February 2012, by which time, I intend to have the necessary legislation in place to establish a new and enhanced Human Rights and Equality Commission.

Chairperson

Dr. Angela Kerins

Mr. Christy Lynch (vice-chairperson)

Ordinary Members

Ms Rhona Murphy

Ms Salome Mbugua

Ms Ellen Mongan

Ms Betty O'Leary

Mr. Peter White

Mr. Séan Fogarty

Mr. Kieran Rose

Mr. Nigel Brander

Ms Lynn Jackson

Mr. Paddy Maguinness

All of the above were appointed on 21 September 2011.

Mr. David Joyce

Ms Annette Dolan

The above were appointed on 26 September 2011.

4. Judicial Appointments Advisory Board

Ordinary Members

Dr. Simon Boucher

Ms Karen Dent

Dr. Valerie Bresnihan

All of the above were appointed with effect from 7 June 2011.

5. Legal Aid Board

Chairperson

Ms Muriel Walls

Ordinary Members

Ms Oonagh Buckley

Ms Mary Dalton

Ms Kate Hayes

Ms Joy McGlynn

Ms Oonagh Mc Phillips

Ms Mícheál O'Connell

Mr. Donncha O'Connell

Mr. John O'Gorman

Mr. Philip O'Leary

Ms Michelle O'Neill

Mr. Ger Power

[Deputy Alan Shatter.]

Mr. Rob Reid

All of the above were appointed on 14 December 2011.

Mr. David Garvey was appointed on 18 January 2012.

6. Mental Health (Criminal Law) Review Board

Chairperson

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Ordinary Members

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I can further inform the Deputy that none of the above positions were advertised either for reasons of timing, in that vacancies had to be filled quickly, or because relevant legislation required that the appointment be made on the nomination of a particular professional body. In the particular case of the Equality Authority, as the Deputy will be aware, the Government has agreed in principle to merge it with the Irish Human Rights Commission to form a new Human Rights and Equality Commission and the outgoing members of the Authority were re-appointed for the interim period to 29 February 2012. None of the above chairpersons has appeared before an Oireachtas Committee.

I would also like to inform the Deputy that I am currently in the process of appointing the Board of the Property Services Regulatory Authority. All of the positions on offer were advertised on my Department's website and on the website of the Public Appointments Service. I expect to use this process for future such appointments.

Garda Operations

206. **Deputy Charlie McConalogue** asked the Minister for Justice and Equality if he will introduce a policy that public events and festivals be supported by the State through a policy of ensuring that no charges be imposed on voluntary committees by the Gardaí for the provision of Garda services for events thus ensuring that the organisation of local events and festivals are encouraged rather than penalised by the State; and if he will make a statement on the matter. [17140/12]

Minister for Justice and Equality (Deputy Alan Shatter): The setting of charges for Garda policing services is a function which has been assigned to the Garda Commissioner under the Garda Síochána Act 2005. In that context the Commissioner determines the circumstances in which such charges arise and I do not have a role in relation to the matter.

I have been informed by the Garda authorities that, at operational level, it is the Divisional Officer who decides whether policing services provided in connection with a specific event will be charged for. In that regard I also understand that Divisional Officers take into account the type of event involved.

Citizenship Applications

207. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality further to Parliamentary Question No. 199 of 12 January 2012, the current position in the matter of the determination to entitlement to naturalisation in the case of the child of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [17147/12]

Minister for Justice and Equality (Deputy Alan Shatter): I refer the Deputy to my reply to Parliamentary Question 199 on 12th January, 2012. I will write to the Deputy when the matter has been determined.

Reply to Parliamentary Question 199 of 12th January, 2012

I refer the Deputy to my reply to Parliamentary Question 231 on 15th December, 2011.The case referred to has not yet received a hearing date and as the Deputy will be aware the scheduling of cases is a matter for the judiciary.

Diplomatic Representation

208. **Deputy Eoghan Murphy** asked the Minister for Justice and Equality if his attention has been drawn to an alleged incident regarding a diplomat (details supplied); and if he is in a position to comment on either the specific matter or the general point of concern. [17150/12]

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.

I am informed by my colleague, the Tánaiste and Minister for Foreign Affairs and Trade, that Diplomatic agents duly accredited here, who are entitled to privileges and immunities in accordance with Article 31 of the Vienna Convention, are expected to respect Irish laws and regulations.

Departmental Funding

209. **Deputy Regina Doherty** asked the Minister for Justice and Equality if he will provide in tabular form the funding for organisations (details supplied) for the years 2010, 2011, 2012. [17156/12]

Minister for Justice and Equality (Deputy Alan Shatter): Funding was provided in 2010 and 2011 to the organisations outlined in the table. No funding was provided for organisations (details supplied) in 2012.

Organisation	2010	2011
Ghana Ireland Friendship	€350	
Louth African Women	€400	
Akidwa		€5,402
Congolese Anti Poverty Network		€1,600

Consultancy Contracts

210. **Deputy Peadar Tóibín** asked the Minister for Justice and Equality the amount paid to each external property consultant, surveyor and estate agent engaged by his Department for each of the past three years. [17268/12]

211. **Deputy Peadar Tóibín** asked the Minister for Justice and Equality the cost of external property consultants, surveyors and estate agents engaged by his Department for each of the past three years. [17283/12]

212. **Deputy Peadar Tóibín** asked the Minister for Justice and Equality if he will provide a list of external property consultants or surveyors and estate agents engaged by his Department for each of the past three years. [17298/12]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 210 to 212, inclusive, together.

I can inform the Deputy that my Department has availed of services from the following companies:

Company	Year	Amount	Purpose
CBRE	2011	€1,815	Reinstatement cost assessment for insurance purposes
Knight Frank	2011	€1,815	Rental Evaluation for potential lease of office space

I wish to inform the Deputy that it has not been possible for the Irish Prison Service 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 available.

Departmental Properties

213. **Deputy Peadar Tóibín** asked the Minister for Justice and Equality the number of leases held by his Department, agencies or quangos that have upward only rent review clauses in which the body concerned is the landlord. [17728/12]

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.

Departmental Property

214. **Deputy Jack Wall** asked the Minister for Defence further to Parliamentary Question No. 12586/12, if he will comment on the specifics attached (details supplied); and if he will make a statement on the matter. [17078/12]

Minister for Defence (Deputy Alan Shatter): As I have previously advised the Deputy, the Local Government (Household Charge) Act 2011 provides the legislative basis for the household charge that applies to residential property. Under the Act, an owner of a residential property is liable to the household charge. Under section 2(2)(*b*) of the Act, a building vested in a Minister of the Government is not a residential property for the purposes of the Act and is not liable to the household charge.

Consultancy Contracts

215. **Deputy Peadar Tóibín** asked the Minister for Defence the amount paid to each external property consultant, surveyor and estate agent engaged by his Department for each of the past three years. [17261/12]

216. **Deputy Peadar Tóibín** asked the Minister for Defence the cost of external property consultants, surveyors and estate agents engaged by his Department for each of the past three years. [17276/12]

217. **Deputy Peadar Tóibín** asked the Minister for Defence if he will provide a list of external property consultants or surveyors and estate agents engaged by his Department for each of the past three years. [17291/12]

Minister for Defence (Deputy Alan Shatter): I propose to take Questions Nos. 215 to 217, inclusive, together.

Property consultants are engaged by the Department for the purpose of providing valuations and technical advice on property related matters. The total amount paid by the Department to such consultants for each of the last three years is shown in the following table. The table also shows the consultants engaged each year. Details regarding the specific amounts paid to individual firms are commercially sensitive. Therefore, this information is not provided.

Year	Consultants	Total
2009	DTZ Sherry Fitzgerald Real Estate Alliance	€34,890
2010	Real Estate Alliance Fingal Planning Consultants Brophy Farrell Real Estate MBA Architects	€21,206
2011	Real Estate Alliance JMG Engineering Services Ltd	€2,626

Departmental Expenditure

218. **Deputy Maureen O'Sullivan** asked the Minister for Defence if he will publish a schedule of payments made from public funds to a multinational bracket investment banking and securities firm (details supplied) in the period from 1 September 2008 to date in 2012, with notes confirming the basis of each individual payment made; and if he will make a statement on the matter. [17586/12]

Minister for Defence (Deputy Alan Shatter): No payments were made by my Department to the specified company during the period in question.

Departmental Properties

219. **Deputy Peadar Tóibín** asked the Minister for Defence the number of leases held by his Department, agencies or quangos that have upward only rent review clauses in which the body concerned is the landlord. [17721/12]

Minister for Defence (Deputy Alan Shatter): This information is currently being compiled and will be circulated to the Deputy in due course.

Disadvantaged Areas Scheme

220. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine if he will confirm reports that the minimum retention period to achieve the minimum stocking level has been increased from three months to seven months rather than six months as was announced in Budget 2012; and if he will make a statement on the matter. [17034/12]

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. The proposal under discussion with the Commission is for a six-month retention period. It should be noted that the proposed criteria may be subject to some changes following the conclusion of the discussions with the EU Commission.

Appointments to State Boards

221. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine since the Government was formed, the number of vacancies in State boards that have been filled by his Department without advertising the availability of the positions; and if he will make a statement on the matter. [17041/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Since May of 2011 all vacancies on the State Boards that fall under my Department's remit are listed on the Department's website. Board appointments to a number of the bodies and agencies are not always made at my sole discretion. Instead, individuals are nominated for appointment by various organisations, specified in the relevant statute. These include the Aquaculture Licensing Appeals Board, Teagasc, National Milk Agency, Veterinary Council and Horse Racing Ireland. Nevertheless, the only such appointment was the Chairman of Bord na gCon which had been vacant since prior to the formation of this Government. Given the need to fill this vacancy as a matter of urgency I appointed Mr. Philip Meaney to the position on 12th April 2011, following extensive consultation with those with in-depth knowledge of the industry, and an assessment of his background and experience. I considered him to be eminently well qualified for the position. In addition to his involvement in the greyhound industry over a period of 25 years, including his previously held position as chairman of the Kilkenny Greyhound Company Limited, he was also involved in commercial business in Ireland in a very senior managerial capacity.

Grant Payments

222. **Deputy John O'Mahony** asked the Minister for Agriculture, Food and the Marine further to Parliamentary Question No. 403 of 17 January 2012, if he will advise when this

payment will be made as the applicant has submitted all the requested information; and if he will make a statement on the matter. [17090/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person named was approved for participation in the Agri-Environment Options Scheme with effect from the 1st September 2010.

Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue. During these checks a query arose in respect of land parcels declared which require digitisation of the areas concerned. This is being dealt with by my Department at present and once the digitisation process is completed, the application will be processed with a view to making payment at the earliest opportunity.

Agri-Environment Options Scheme

223. **Deputy Pat Deering** asked the Minister for Agriculture, Food and the Marine his plans to introduce a new agri environment options scheme and the criteria for eligibility of same. [17123/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Despite the financial pressures facing my Department I have made provision in 2012 for €243 million under agri-environment schemes. I am also considering the possibility of re-opening AEOS on an amended basis or limited scale in 2012. This decision will be taken in the context of my Department's expenditure ceiling for 2013 as agreed by the Government, and in particular, on how a new scheme might be funded within the reduced funding and resulting pressures on the Vote. I will make an announcement on this matter in due course.

Farm Partnerships

224. **Deputy Pat Deering** asked the Minister for Agriculture, Food and the Marine if he will introduce legislation to deal with the current inequality where only dairy farmer can enter into a partnership. [17124/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Co-operation between farmers has long been the hallmark of Irish farming and this co-operation ranges from informal co-operation right through to limited companies. Partnerships are one of the more effective vehicles of co-operation and I strongly encourage farm families to seriously consider entering farm partnerships which, among other things, will bring improved economic returns and social benefits. Under existing legislation any two or more farmers, and their families, can form a partnership once they draw up and agree a Partnership Agreement and register their partnership with the Revenue Commissioners for tax purposes.

Specifically within the dairy sector the Milk Quota Regulations provide for the establishment of the Milk Production Partnerships which are registered by Teagasc with a milk quota allocation, from my Department, as an incentive.

With the impending cessation of the Milk Quota Regulations in April 2015 and my desire to encourage formal farm partnerships in all sectors of agriculture, my Department is currently examining ways of formally recognizing Farm Partnerships for the purposes of determining access to Departmental and other schemes.

Departmental Expenditure

225. **Deputy Peadar Tóibín** asked the Minister for Agriculture, Food and the Marine the

[Deputy Peadar Tóibín.]

amount paid to each external property consultant, surveyor and estate agent engaged by his Department for each of the past three years. [17257/12]

226. **Deputy Peadar Tóibín** asked the Minister for Agriculture, Food and the Marine the cost of external property consultants, surveyors and estate agents engaged by his Department for each of the past three years. [17272/12]

227. **Deputy Peadar Tóibín** asked the Minister for Agriculture, Food and the Marine if he will provide a list of external property consultants or surveyors and estate agents engaged by his Department for each of the past three years. [17287/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I propose to take Questions Nos. 225, 226 and 227 together.

The information sought by the Deputy is in the following table:

Year	Property Consultant, Surveyor or Estate Agent	Category	Amount Paid (€)	Total Cost for year (€)
2009	Lisney	Property valuations	132,457	
				132,457
2010	Lisney	Property valuations	7,260	
	DNG Dorrian	Property valuations	130	
	Feeney Sherry Fitzgerald	Estate Agents	484	
				7,874
2011	DTZ Sherry Fitzgerald	Property valuations	2,341	
	Frank V Murphy and Co Ltd	Property valuations	5,082	
	Society Chartered Surveyors	Property valuations	325	
	Elliott and Fitzgerald	Property valuations	1,210	
	deVere White and Smyth	Property valuations	2,118	
	W K Nowlan and Associates Ltd.	Property valuations	2,118	
	Lisney	Property valuations	11,495	
	Knight Frank	Estate Agents and Valuers	3,025	
	Sean Pain MGS Ltd.	Auctioneer	3,546	
				31,260

Departmental Expenditure

228. **Deputy Maureen O'Sullivan** asked the Minister for Agriculture, Food and the Marine if he will publish a schedule of payments made from public funds to a multinational bracket investment banking and securities firm (details supplied) in the period from 1 September 2008 to date in 2012, with notes confirming the basis of each individual payment made; and if he will make a statement on the matter. [17582/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): No payments were made by my Department since 1 September 2008 to the investment banking firm referred to by the Deputy.

Departmental Properties

229. **Deputy Peadar Tóibín** asked the Minister for Agriculture, Food and the Marine the number of leases held by his Department, agencies or quangos that have upward only rent review clauses in which the body concerned is the landlord. [17718/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): In general, all issues in relation to leases for Government Departments/Offices, including my Department are a matter for the Office of Public Works.

With reference to the State Bodies that fall under my Department's remit, decisions relating to property leases are an operational matter for the state bodies themselves. My Department does not record such information nor is it required to do so.

Child Care Services

230. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs the number of children in State care who were charged or convicted of any criminal offence in 2010 or 2011; and if she will make a statement on the matter. [17059/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): Each child in State care is required to have a care plan and information relating to criminal charges or convictions would be recorded at local level on an individual child's file by the HSE. However, it is regrettable that this information has not in the past been collected or collated at a national level.

Since taking office I have had to prioritise the need fro better data collection and information management. This is being progressed through both the introduction of a more comprehensive set of HSE Performance Management indicators and through ongoing work to establish a National Child Care Information System.

I have asked the HSE to examine inclusion of appropriate national data on criminal charges or convictions in the National Child Care Information System.

Proposed Legislation

231. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs if she will list the Bills published by her since the new Government took office. [17116/12]

232. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs the Bills she intends to publish before the end of 2012. [17117/12]

233. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs the Bills she intends to introduce to Dáil Éireann if this Government runs its full five year term and the approximate time frame in which she hopes to publish each Bill. [17118/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I propose to take Questions Nos. 231 to 233, inclusive, together.

I have an extensive legislative programme to address a number of issues which fall within my remit as Minister for Children and Youth Affairs.

My first legislative priority was to establish the Department of Children and Youth Affairs as a legal entity. In order to do this efficiently, I made significant amendments to the Child Care (Amendment) Bill 2009, rather than wait to introduce a new Bill. The Child Care (Amendment) Bill 2009 was enacted in July 2011. The Child Care (Amendment) Bill 2009 also provided for the establishment, on a statutory basis, of the special care processes in the High Court. I have made considerable progress in addressing the legislative programme of my Department and I intend to introduce the following Bills in the Dáil in 2012:

[Deputy Frances Fitzgerald.]

Amendment to the Constitution Bill (Children's Referendum);

Adoption Bill (relating to the Children's Referendum);

Children First Bill;

Adoption (Information and Tracing) Bill;

Child and Family Support Agency Bill, and

Children Act (Amendment) Bill

Adoption Services

234. **Deputy Michael McCarthy** asked the Minister for Children and Youth Affairs further to Parliamentary Question No.587 of 14 January 2012, when a reply will issue [17136/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Adoption Authority of Ireland is an independent statutory body established under the Adoption Act, 2010. The Authority has responsibility for the operational implementation of enacted legislation and Government policy. As the issue raised by the Deputy is of an operational nature, I have forwarded the request to the Chief Executive of the Authority for direct attention.

235. **Deputy Michael McCarthy** asked the Minister for Children and Youth Affairs if she will list in tabular form the sending countries which the Adoption Association of Ireland have sent pack or dossiers to since the introduction of the Adoption Act 2010; and if she will make a statement on the matter. [17137/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Adoption Authority of Ireland is an independent statutory body established under the Adoption Act, 2010. The Authority has responsibility for the operational implementation of enacted legislation and Government policy. As the issue raised by the Deputy is of an operational nature, I have forwarded the request to the Authority for direct attention.

Departmental Expenditure

236. **Deputy Peadar Tóibín** asked the Minister for Children and Youth Affairs the amount paid to each external property consultant, surveyor and estate agent engaged by her Department for each of the past three years. [17259/12]

237. **Deputy Peadar Tóibín** asked the Minister for Children and Youth Affairs the cost of external property consultants, surveyors and estate agents engaged by her Department for each of the past three years. [17274/12]

238. **Deputy Peadar Tóibín** asked the Minister for Children and Youth Affairs if he will provide a list of external property consultants or surveyors and estate agents engaged by her Department for each of the past three years. [17289/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I propose to take Questions Nos. 236 to 238, inclusive, together.

I am happy to confirm to the Deputy that my Department has not engaged, incurred costs or made any payments to any external property consultants, surveyors or estate agents since its establishment in June 2011.

239. **Deputy Maureen O'Sullivan** asked the Minister for Children and Youth Affairs if he will publish a schedule of payments made from public funds to a multinational bracket investment banking and securities firm (details supplied) in the period from 1 September 2008 to date in 2012, with notes confirming the basis of each individual payment made; and if she will make a statement on the matter. [17584/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Deputy might note that my Department was established on 2nd June 2011 and no payments have been made to the firm concerned.

Grant Payments

240. **Deputy Eric Byrne** asked the Minister for Health the position regarding an application for a special needs grant in respect of a person (details supplied) in Dublin 12; if he will advise on how to help them in this predicament.; and if he will make a statement on the matter. [17091/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

Health Services

241. **Deputy Charlie McConalogue** asked the Minister for Health if he will ensure that the necessary speech and language resource will be provided to ensure that a specific speech and language disorder class can be established in a school (details supplied) in County Donegal from September 2012; and if he will make a statement on the matter. [17131/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): The Department of Education and Skills provides for the establishment of special classes for specific speech and language disorder (SSLD) in primary schools. Applications to establish such classes are considered by the school's assigned Special Educational Needs Organiser (SENO) and those meeting the criteria for establishment are approved by the National Council for Special Education (NCSE). A full-time teacher is assigned to each class, and classes operate with a reduced pupil-teacher ratio of 7:1. The Health Service Executive has responsibility for the provision of health and personal services including speech and language provision, as appropriate, to people with disabilities. The Department of Health has asked the Health Service Executive to reply directly to you in relation to the provision of such services in County Donegal.

Appointments to State Boards

242. **Deputy Michael Healy-Rae** asked the Minister for Health since the Government was formed, the number of vacancies in State boards that have been filled by his Department without advertising the availability of the positions; and if he will make a statement on the matter. [17038/12]

Minister for Health (Deputy James Reilly): Since my appointment on 9 March 2011, I have appointed 56 people to State boards without advertising the positions through the Departments website.

From January of this year, following on from Government Decision S180/20/10//1424 on 29th November 2011, relating to appointments to State Boards, my Department has advertised for expressions of interest for vacancies on the Boards of the VHI, Council of the Pharmaceutical Society of Ireland, Mental Health Commission, Health and Information Quality Authority and

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the Food Safety Authority of Ireland through the Department's website. I have made three appointments to the Voluntary Health Insurance Board with effect from 15 March 2012. The appointments followed advertising for persons with relevant qualifications and experience to make an expression of interest in appointment to the Board and the appointees were among those who made such an expression of interest. Further appointments are pending.

Health Services

243. **Deputy Ciara Conway** asked the Minister for Health the position regarding the progress being made by him on establishing individual health identifiers for patients [17053/12]

Minister for Health (Deputy James Reilly): My Department is currently examining policy options for the roll out of individual health identifiers. It is intended that the Health Information Bill, which is expected to be ready for publication later this year, will provide the necessary legal basis for the use of an individual health identifier. The introduction of individual health identifiers is an essential step in the improvement of patient safety, patient data confidentiality and efficient service provision. It will also be necessary for the roll out of Universal Health Insurance. My Department is currently consulting with the Data Protection Commissioner, the Health Information and Quality Authority, other Government Departments, including the Department of Social Protection, in its consideration of this issue. I intend bringing forward detailed policy proposals in the coming months in relation to these matters.

National Carers Strategy

244. **Deputy Ciara Conway** asked the Minister for Health when he intends to bring the carer's strategy before the Committee on Health and Children for consultation; and if he will make a statement on the matter. [17054/12]

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*.

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.

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. 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 shortly as a basis for final consultation prior to submission to Government for a decision on future progress.

Health Services

245. **Deputy Michael McCarthy** asked the Minister for Health if he will examine if a person (details supplied) in County Cork will be entitled to free general practitioner visits under the long term illness scheme; and if he will make a statement on the matter. [17077/12]

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.

Data Protection

246. **Deputy John O'Mahony** asked the Minister for Health the way a person can retrieve their personal card stored on the DNA database resulting from the blood samples taken from newborns and the exact procedure they need to follow; and if he will make a statement on the matter. [17080/12]

Minister for Health (Deputy James Reilly): In late 2009, the Data Protection Commissioner (DPC) received a complaint from a member of the public in relation to the retention of Newborn Screening Cards (NSCs). The basis of the complaint (which was upheld by the Data Protection Commissioner) was that the NSCs should not be retained indefinitely without consent as this constituted a breach of the Data Protection Acts 1998 and 2003. During 2010, a number of meetings were convened with the Deputy Data Protection Commissioner and representatives of the HSE, the DoH and CUH and Temple Street Hospital. A policy was agreed in conjunction with the DPC to address both the legislative and ethical requirements of the National Newborn Screening Programme.

In accordance with the policy, from July 1st 2011, the blood portion of the Newborn Screening Card (NSC) will be retained for 10 years and disposed of during the child's 11th year (for the purpose of confirming an initial diagnosis should this be deemed necessary). Parents/guardians are provided with specific information on the retention of the NSC's with regard to their use and written consent is sought in this regard. The changes to the NNBSP since 1st July 2011 bring about compliance with both national and EU data protection legislation, uphold ethical principles and meet ethical obligations with regard to consent, privacy and confidentiality.

The agreed policy also provided for the disposal of archived NSCs older than ten years. Following receipt of representations concerning the proposed destruction of archived Newborn Screening Cards, I requested the HSE to conduct a review of this decision. The report and recommendations of the review group were submitted to my office in January 2012. Having carefully considered the issue, I have accepted the recommendation of the review group, that in order to meet our legal and ethical responsibilities, newborn screening cards older than ten years will be destroyed. The international consensus clearly favours seeking explicit consent (rather than opt out) from an individual and/or their parent/guardian for use of their previously collected biological material (including NCS's) for any other purpose than for which it was collected.

The HSE is developing an information campaign offering members of the public the opportunity to have their NSC returned to them, prior to any destruction of the cards taking place. This will ensure that anyone who wishes to donate their own or their child's NSC to research will be afforded the opportunity to do so. I have requested the HSE to provide an outline of the procedures to be followed for the retrieval by members of the public of their NSCs. The

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proposed course of action seeks to ensure public trust and a continued willingness to participate in the National Newborn Screening Programme, a vital public health measure for children and their families.

Health Services

247. **Deputy Peter Mathews** asked the Minister for Health his views on a matter (details supplied) regarding assistance for persons with disabilities; and if he will make a statement on the matter. [17088/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): I presume the Deputy is referring to the assisted living / personal assistant services provided by the Health Service Executive (HSE) to people with a physical and/or sensory disability.

The HSE's National Service Plan for 2012 provides for a reduction of 3.7% in funding to specialist disability services. However, the Plan states that at least 2% of this reduction should not impact on services and needs to be generated from other savings and increased efficiencies.

As part of the ongoing work of the HSE's National Consultative Forum on disability services, the HSE in conjunction with representative organisations, service providers and service users, has begun a process to identify and agree a framework for identifying and implementing cost efficiencies. The goal is to minimise the impact on services.

The HSE provides a range of assisted living services, including Personal Assistant services, to support individuals to maximise their capacity to live full and independent lives. In 2011, a total of 1.68 million personal assistant/home support hours were provided to 11,571 persons with a physical and/or a sensory disability. Although the funding allocated to disability services has decreased by 3.7%, the HSE aims to minimise the impact this will have on services users and their families as much as possible. The HSE is in the process of negotiating with agencies providing personal assistant services around the unit cost of providing this service.

Medical Cards

248. **Deputy John Browne** asked the Minister for Health the position regarding an application for a medical card in respect of a person (details supplied) in County Wexford; and if he will make a statement on the matter. [17092/12]

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.

249. **Deputy Patrick Nulty** asked the Minister for Health if she will expedite an application for a medical card in respect of persons (details supplied) in County Dublin; when the card will be approved; when same will issue; the reason for the delay; and if he will make a statement on the matter. [17111/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy as a matter of urgency.

Health Service Staff

250. **Deputy Pat Deering** asked the Minister for Health the reason a person (details supplied) in County Meath did not qualify for the early retirement scheme as per his Departments' circular 07/210 in view of the fact that the written advice they received from the an assistant

national director of human resources in the Health Service Executive indicating that they would qualify [17128/12]

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.

Social Workers Register

251. **Deputy Billy Kelleher** asked the Minister for Health the reason recent social worker graduates who paid €100 registration fee last year are expected to pay €295 for 2012 when there will be no fitness to practice committees, no supervision of regulation are currently in place and while other social workers are not required to pay until 2013; his views that this is fair and equitable; and if he will make a statement on the matter. [17130/12]

Minister for Health (Deputy James Reilly): The Health and Social Care Professionals Council and the 12 registration boards to be established under the Health and Social Care Professionals Act 2005 are responsible for protecting the public by regulating health and social care professionals. The Council was established in March 2007 and is working to put in place the necessary structures for registration, education and fitness to practise for the 12 health and social care professions designated under the Act.

The first registration board to be established, the Social Workers Registration Board, was established in August 2010, and the associated Social Workers Register opened for receipt and processing of applications for registration on 31st May, 2011. A second registration board, the Radiographers Registration Board, was established on 16th December 2011 and its register is expected to be established later this year. The opening of the Social Workers Register marks the first step in the regulation of an estimated 2,500 social workers.

Under the provisions of the 2005 Act, there is a two-year transitional period from the date on which the register of the members of that profession is established, during which existing practitioners may apply for registration. From May 2013, every social worker wishing to use the title will be required to be registered. The name of every registered social worker will be published in the register, which will be accessible on-line. Only social workers who have satisfied the board that they hold an approved qualification and are "fit and proper" to engage in the practice of the profession will be entered on the register.

A new statutory Code of Professional Conduct and Ethics for Social Workers has been adopted by the Board to underpin the regulation of the profession. The Code specifies the standards of ethics, performance and conduct required of registered social workers in a clear and accessible manner. The new system of regulation will give the public confidence that they are dealing with a fully qualified and regulated professional whenever they encounter a social worker.

Part 6 of the Health and Social Care Professionals Act 2005 refers to issues concerning complaints and disciplinary sanctions in relation to registrants and a fitness to practise advisory committee is currently working to develop a fitness to practise framework. The related fitness to practise regime for social workers, to be introduced at the end of the transitional period in May 2013, will allow concerned members of the public to make a complaint about a registered social worker. If upheld, disciplinary sanctions can be imposed, including preventing that person from practising as a social worker. The implementation and operation of a robust fitness to practise process will underpin and ensure adequate patient safety provisions.

The current fee structure is as follows and is set by the Council being mindful of the requirement for it to become self funding as soon as possible. A registration fee of €100 for new

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graduates, who have obtained recognised professional qualifications within two years of applying for registration. A registration fee of €295 for existing practitioners with the necessary experience and recognised professional qualifications or equivalent. An annual retention fee of €295 for registrants, including those who paid the lower rate on graduation, is payable on the annual renewal date which is 31st May each year for Social Workers.

Health and Safety Regulations

252. **Deputy Thomas P. Broughan** asked the Minister for Health if he has fully investigated allegations of fire safety concerns at a hospital (details supplied) in County Cork including the reported use of combustible insulation material in the underground carpark; if he has also reviewed the comments of the local fire officer in this regard; and if he will make a statement on the matter. [17133/12]

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

253. **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. [17176/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Consultancy Contracts

254. **Deputy Peadar Tóibín** asked the Minister for Health the amount paid to each external property consultant, surveyor and estate agent engaged by his Department for each of the past three years. [17266/12]

255. **Deputy Peadar Tóibín** asked the Minister for Health the cost of external property consultants, surveyors and estate agents engaged by his Department for each of the past three years [17281/12]

256. **Deputy Peadar Tóibín** asked the Minister for Health if he will provide a list of external property consultants or surveyors and estate agents engaged by his Department for each of the past three years. [17296/12]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 254 to 256, inclusive, together.

The sourcing of property on behalf of Government Departments is a matter for the Office of Public Works.

Noble Property Consultants were engaged to provide advice on a lease inherited by my Department from an external agency subsumed into the Department as part of a wider rationalisation programme.

Costs and details are as follows:

Name of Consultants	Cost
Noble Property Consultants	€2,420 (inc. Vat)

Departmental Expenditure

257. **Deputy Maureen O'Sullivan** asked the Minister for Health if he will publish a schedule of payments made from public funds to a multinational bracket investment banking and securities firm (details supplied) in the period from 1 September 2008 to date in 2012, with notes confirming the basis of each individual payment made; and if he will make a statement on the matter. [17591/12]

Minister for Health (Deputy James Reilly): My Department has made no payments to the firm referred to by the Deputy. In relation to agencies under the aegis of my Department, information is currently being compiled which will be forwarded directly to the Deputy as soon as it is available.

I have also referred this matter to the Health Service Executive for direct reply.

Departmental Properties

258. **Deputy Peadar Tóibín** asked the Minister for Health the number of leases held by his Department, agencies or quangos that have upward only rent review clauses in which the body concerned is the landlord. [17726/12]

Minister for Health (Deputy James Reilly): The sourcing of property on behalf of Government Departments is a matter for the Office of Public Works.

There are two leases currently held by my Department. These leases are not upwardly only rent review contracts.

The position regarding the HSE and other agencies is a matter for the agencies themselves. My Department is requesting them to reply directly to the Deputy.

Appointments to State Boards

259. **Deputy Michael Healy-Rae** asked the Minister for Transport, Tourism and Sport since the Government was formed, the number of vacancies in State boards that have been filled by his Department without advertising the availability of the positions; and if he will make a statement on the matter. [17039/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): Since my Department advertised new procedures for appointments to boards on Friday 8th April 2011, all appointments from that date have followed these procedures. However given the importance of ensuring the right mix of skills and experience on every board, appointments are not necessarily confined to those who have made an expression of interest.

In total there have been 71 appointments made to boards under the aegis of the Department of Transport, Tourism and Sport since I took up office as Minister. Of these 43 were new appointments and 28 were re-appointments. Of the reappointments, 8 related to members of the Advisory Committee of the National Transport Authority. These individuals were reappointed pending the completion and implementation of the Taxi Review Group's work. Of the 43 new appointments, 17 were from applications received arising from the new advertised process.

Details of State Board appointments are available on the Department's website.

Airport Development Projects

260. **Deputy Éamon Ó Cuív** asked the Minister for Transport, Tourism and Sport if it is intended to provide funding for Ireland West Airport Knock, County Mayo, for the development of an expansion of the existing apron, runway, overlay and upgrade and expansion of the arrivals and passenger handling facilities, as part of a long term development programme for the airport; and if he will make a statement on the matter. [17047/12]

261. **Deputy Éamon Ó Cuív** asked the Minister for Transport, Tourism and Sport if he is willing to make a five year commitment to the provision of capital funding to Knock Airport, County Mayo, to enable it to reach its full potential; and if he will make a statement on the matter. [17048/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I propose to take Questions Nos. 260 and 261 together.

Last year, I received approval from the European Commission to extend the 2006-2010 Regional Airports Capital Expenditure (CAPEX) Grant Scheme up to December 2014. The capital funding being provided under the Scheme is focused on safety and security projects which aim to ensure that each airport can comply with the latest national and international aviation safety and security standards.

Under the Scheme, I allocated some €17m for the regional airports over the four year period to end 2014. Capital grants totalling €4m were provided in 2011 with a further €13m to be provided to the four regional airports still receiving grant aid, including Ireland West Knock, over the next three years.

Ireland West Airport Knock has provided details to my Department on projects which the Airport wishes to advance under the Scheme. These are being considered by my Department in the context of priorities for funding at all the airports under the Scheme in future years. It is not possible to give any commitments at this stage on the eventual decisions.

Ireland West Airport Knock has been a major beneficiary under the CAPEX Scheme and has already received almost €11m in grant aid in the period 2006 to 2011 which is considerably more than any other airport has received. This included over €4m for the terminal extension and I am pleased to see that passenger numbers using this facility have increased at the airport. However, given the current financial Exchequer constraints, no funding is being provided under the Scheme for development purposes at these airports. It is a matter for the individual airports to pursue any such proposals with their own funding.

Air Services

262. **Deputy Éamon Ó Cuív** asked the Minister for Transport, Tourism and Sport if all airports, State and private are being charged for services by the Irish Aviation Authority on the same basis; and if he will make a statement on the matter. [17049/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): This question concerns charges imposed by the Irish Aviation Authority for the delivery of services to State and private airports. This matter is the responsibility of the IAA in accordance with its commercial mandate. I have accordingly referred the question to them for direct reply. I would ask the Deputy to contact my office if a reply has not been received within ten days.

Sports Capital Programme

263. **Deputy Simon Harris** asked the Minister for Transport, Tourism and Sport if he will

outline the potential sources of funding available from his Department for a volunteer sports organisation (details supplied) in County Wicklow; and if he will make a statement on the matter. [17060/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I am pleased to announce that applications are now being sought for a new round of the Sports Capital Programme. This Programme is the main vehicle for Government support for the development of sports facilities and the purchase of equipment. It is open to any organisation, such as the group referred to by the Deputy, with a suitable project to apply for funding under the Sports Capital Programme, subject to the Programme's terms and conditions. More information and application forms can be downloaded from *www.dttas.ie*.

Departmental Bodies

264. **Deputy Sandra McLellan** asked the Minister for Transport, Tourism and Sport the number of offices held by Tourism Ireland outside of Ireland; and the number of staff in the Tourism Ireland offices.; and if he will make a statement on the matter. [17101/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): As the matter raised is primarily an operational one for Tourism Ireland Ltd., I have forwarded the question to the agency for direct reply. Please contact my private office if you do not receive a response within ten working days.

Taxi Regulations

265. **Deputy Dessie Ellis** asked the Minister for Transport, Tourism and Sport if he will facilitate a debate in Dáil Éireann on the taxi industry review and its findings. [17107/12]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly): On the 29th February 2012, I made a presentation of the Taxi Regulation Review Report to the Committee on Environment, Transport, Culture and the Gaeltacht. If the matter of the Review Report is listed for discussion in this House, I will gladly facilitate that request.

Tourism Industry

266. **Deputy Bernard J. Durkan** asked the Minister for Transport, Tourism and Sport if it is possible to provide any form of grant aid towards the upgrade and restoration of listed buildings in Kilcock, County Kildare, including the old school, the monastery and other such buildings with a heritage dimension; and if he will make a statement on the matter. [17115/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): There is no funding available from my Department for the upgrade and restoration of listed buildings. I understand that funding is also unavailable for this purpose from Fáilte Ireland but I have referred the matter to them for further reply and any observations they may have on the matter. Please inform my private office if you do not receive a reply within ten working days.

Question No. 267 answered with question No. 38.

Sports Capital Programme

268. **Deputy Bernard J. Durkan** asked the Minister for Transport, Tourism and Sport the extent of sports grant awards by applicant and location of various groups or agencies throughout County Kildare in 2011; the number of applications received; the ones likely for consider-

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ation in the current year; if in respect of major or minor applications; and if he will make a statement on the matter. [17245/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I am assuming that the Deputy is referring to the Sports Capital Programme. There were 3 applications received from County Kildare in 2011 under a special initiative for Local Authorities to develop sports facilities that would have a positive impact on participation. None of these applications were successful. In two cases the planning permission was not in place and in the other case the Council did not confirm title to the land where the facility was to be developed. I am pleased to announce that applications are now being sought under a new round of the Sports Capital Programme and it is open to any organisation with a suitable project to apply for funding, subject to the Programme's terms and conditions. More information and application forms can be downloaded from my Department's website at *www.dttas.ie*.

269. **Deputy Bernard J. Durkan** asked the Minister for Transport, Tourism and Sport the full extent of applications for various sporting or recreational grants received by him in each of the past three years; the funding allocated; if fully drawn down the extent to which it is likely to respond to further similar application in the current year; and if he will make a statement on the matter. [17246/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I am assuming that the Deputy is referring to the Sports Capital Programme. Earlier today I announced that applications are now being sought for the 2012 round of the Sports Capital Programme. This Programme is the main vehicle for Government support for the development of sports facilities and the purchase of equipment. More information and application forms can be downloaded from *www.dttas.ie*.

While there has been no new rounds of the Sports Capital programme since 2008, applications were sought last year from local authorities for sports capital projects that would increase participation in sport. 206 applications were received under this initiative and a total of €4.5m was allocated to 111 separate projects.

Tourism Industry

270. **Deputy Bernard J. Durkan** asked the Minister for Transport, Tourism and Sport the extent to which the hosting of the Olympics in the UK is likely to benefit the tourism and sporting sectors here; and if he will make a statement on the matter. [17247/12]

271. **Deputy Bernard J. Durkan** asked the Minister for Transport, Tourism and Sport the possible benefits in terms of sporting and tourism likely to accrue from the holding of the Olympics in the UK; the way this can benefit the island of Ireland as a whole; and if he will make a statement on the matter. [17248/12]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring): I propose to take Questions Nos. 270 and 271 together.

The tourism and sports agencies are represented on the London 2012 Coordinating Group which I am chairing and which is looking at opportunities for Ireland from the proximity of this year's Olympic and Paralympic Games in London.

Tourism Ireland is the north-south body established under the Good Friday agreement with responsibility for the overseas promotion of the entire island of Ireland as a tourist destination. The organisation has been rolling out a busy programme of promotional activity to target a

wide range of potential visitors around the world in the run-up to and during the 2012 Games. This includes targeting Corporate Sponsors, promoting holiday package extensions to Ireland, targeting 'displaced' Londoners and promoting golf and Ireland as the 'Home of Major Champions.

On the sporting side, athletes from thirteen countries will train at the National Aquatic Centre in the lead up to the London Games including the US Synchronised Swim Team, the South Korean National Squad, the UK Paralympic Swimming Squad and swimmers from the Cayman Islands, Poland, Venezuela and Surinam. A pre-Olympic Water Polo Tournament taking place in the NAC in July will involve participation by Serbia, Croatia, Montenegro, Germany, Great Britain and current Olympic Champions Hungary. A number of other Olympic related events are also taking place in Ireland before the Games. Earlier this month, a Men's Hockey Olympic Qualifying Tournament was hosted at the National Hockey Stadium in UCD. In July, the World Youth Sailing Championships will take place in Dun Laoghaire while Morton Athletics Stadium in Santry will host a Pre-Games International Athletics Event.

Question No. 272 answered with Question No. 21.

State Airports

273. **Deputy Bernard J. Durkan** asked the Minister for Transport, Tourism and Sport the extent to which he sees any future developments in the share holding at Aer LIngus to affect air transport or to be affected by EU or competition laws; and if he will make a statement on the matter. [17250/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): In relation to Aer Lingus, the Government considers that the State's remaining shareholding is no longer a strategic asset as it does not enable the Government to determine Aer Lingus policy on issues such as the use of the airline's landing slots at Heathrow Airport. Accordingly, the Government has decided that the shareholding will be sold at an appropriate time, when market conditions are favourable and at an acceptable price that is agreed by Government. In conjunction with the Minister for Public Expenditure and Reform, I will consider all potential options for the proposed sale of the State's shareholding and any expressions of interest received.

With regard to competition law, the Deputy will be aware that a hostile takeover bid for Aer Lingus a few years ago was ruled out by the European Commission on competition grounds. The State had objected to the bid on the same basis. In terms of the proposed sale of the State's remaining shareholding, the future ownership arrangements would, of course, have to comply with relevant European requirements including the requirement that all EU licensed airlines are majority owned and effectively controlled by EU Member States and/or nationals of EU Member States.

Transport Costs

274. **Deputy Bernard J. Durkan** asked the Minister for Transport, Tourism and Sport if he can take any practical action to address commercial or other transport costs thereby assisting economic recovery; and if he will make a statement on the matter. [17251/12]

275. **Deputy Bernard J. Durkan** asked the Minister for Transport, Tourism and Sport the extent to which he has had discussions with his EU colleagues in the context of possible reduction of transport costs throughout the EU by way of economies of scale in the purchase of imports such as fuel; and if he will make a statement on the matter. [17252/12]

276. **Deputy Bernard J. Durkan** asked the Minister for Transport, Tourism and Sport the way he and his EU colleagues can best maximise the purchasing power of the EU in the tourism and transport sectors throughout the EU and the marketing thereof with positive effect on economic recovery throughout the entire EU; and if he will make a statement on the matter. [17253/12]

277. **Deputy Bernard J. Durkan** asked the Minister for Transport, Tourism and Sport the extent to which he has examined any services or costs of services provided by the State deemed to have a negative impact on the transport sector with a view to any rationalisation; and if he will make a statement on the matter. [17254/12]

279. **Deputy Bernard J. Durkan** asked the Minister for Transport, Tourism and Sport his expectations in respect of the maximisation of economic activity resulting in job creation throughout the tourism, transport and sporting sectors in the current and future years; and if he will make a statement on the matter. [17256/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I propose to take Questions Nos. 274 to 277, inclusive, and 279 together.

My Department has no direct control of transport costs in general but keeps under review costs arising from the services provided through our agencies.

In accordance with commitments under the *Programme for Government*, the Minister for Jobs, Enterprise and Innovation is currently conducting a review of all charges levied on businesses, including the transport sector, by Government Departments and their Agencies. My Department is contributing to the Review.

There are very significant practical, economic and political difficulties with the concept of centralised European purchasing of oil and other transport materials and assets. However, at national level, cost competitiveness is a key consideration for Ireland as an open export-oriented economy and transport is one of the many factors influencing that competitiveness. The Government's plans to improve competitiveness are set out in the Programme for Government and place a heavy emphasis on the delivery of effective transport services. I have also outlined my transport and tourism priorities to 2016 on my Department's website which can be found at *www.dttas.ie* . In addition, the Government's Jobs Initiative includes a number of measures intended to stimulate tourism by increasing the competitiveness of access transport and our tourism product.

Departmental Funding

278. **Deputy Bernard J. Durkan** asked the Minister for Transport, Tourism and Sport if he intends to examine further the possibility of reviewing capital projects which benefits have a positive economic benefit directly or by public private partnerships; and if he will make a statement on the matter. [17255/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): Funding for transport capital projects for the period 2012-2016 was determined in the context of the capital review carried out last year. A key priority when selecting projects was to protect existing investment and maintain safety standards. Following this, priority was given to projects and programmes which are affordable and provide value for money, contribute to economic recovery and transport objectives, including adding value to existing infrastructure and services.

Given the overall Exchequer funding position, affordability of new projects was a key factor. If a project cannot be afforded, the arguments pertaining to economic return are irrelevant.

Many road and public transport projects with strong business cases have been postponed for consideration in advance of the next capital programme to be agreed before 2016. Of course should additional Exchequer funds become available for transport in the interim some of these projects will be progressed.

The use of Public Private Partnerships (PPPs) as a delivery mechanism for capital investment where appropriate will also be kept under review. A number of road PPP projects have been successfully delivered in recent years. However, the successful awarding of a major PPP contract involving private funding is challenging at any time but is particularly challenging in current circumstances where Ireland has been the subject of intervention by the IMF/EU. Nevertheless, work is continuing with a view to seeking to finalise a contract for the N7/N11 PPP road project.

Question No. 279 answered with Question No. 274.

Departmental Expenditure

280. **Deputy Peadar Tóibín** asked the Minister for Transport, Tourism and Sport the amount paid to each external property consultant, surveyor and estate agent engaged by his Department for each of the past three years. [17271/12]

281. **Deputy Peadar Tóibín** asked the Minister for Transport, Tourism and Sport the cost of external property consultants, surveyors and estate agents engaged by his Department for each of the past three years. [17286/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I propose to take Questions Nos. 280 and 281 together.

In 2011, the Department of Transport, Tourism and Sport engaged the services of Alan Flood, Architect

to carry out investigations and a draw up a layout to ensure the optimum use of office space. A total of €739 was spent in this regard. No property consultants or surveyors were engaged by this Department in 2009 and 2010.

282. **Deputy Peadar Tóibín** asked the Minister for Transport, Tourism and Sport if he will provide a list of external property consultants or surveyors and estate agents engaged by his Department for each of the past three years. [17301/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): In 2011, the Department of Transport, Tourism and Sport engaged the services of Alan Flood, Architect, to carry out investigations and a draw up a layout to ensure the optimum use of office space. A total of €739 was spent in this regard. No property consultants or surveyors were engaged by this Department in 2009 and 2010.

283. **Deputy Maureen O'Sullivan** asked the Minister for Transport, Tourism and Sport if he will publish a schedule of payments made from public funds to a multinational bracket investment banking and securities firm (details supplied) in the period from 1 September 2008 to date in 2012, with notes confirming the basis of each individual payment made; and if he will make a statement on the matter. [17594/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): No payments were made by the Department from public funds to the company concerned during the period referred to in the question.

Departmental Properties

284. **Deputy Peadar Tóibín** asked the Minister for Transport, Tourism and Sport the number of leases held by his Department, agencies or quangos that have upward only rent review clauses in which the body concerned is the landlord. [17731/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The Department of Transport, Tourism and Sport does not hold leases with upward rent reviews. I have forwarded the Deputy's question to the agencies for which I have responsibility for their direct response. If the Deputy does not receive a reply within ten working days, please advise my private office.