



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Déardaoin, 29 Márta 2012.

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DÁIL ÉIREANN

Déardaoin, 29 Márta 2012.
Thursday, 29 March 2012.

Chuaigh an Ceann Comhairle i gceannas ar 10.30 a.m.

Paidir.

Prayer.

Leaders' Questions

Deputy Michael McGrath: I am sure the Minister for Public Expenditure and Reform, Deputy Howlin, will agree that the vast majority of Irish people are law-abiding citizens. The fact that, with less than three days to go, more than 1 million people have yet to pay the household charge is a measure of the shambles the Government has made of this whole affair. Since the Government forced the charge through in its present form last December the communications strategy and political handling of this tax has been a disaster. Even Ministers have publicly conceded that mistakes have been made. The Minister for the Environment, Community and Local Government, Deputy Hogan, has apologised in private to his Fine Gael parliamentary party colleagues but has not done so in public to the people.

(Interruptions).

Deputy Timmy Dooley: Did you miss the meeting, Anthony?

Deputy Michael McGrath: The Government has refused point blank to allow a waiver for people who have a genuine inability to pay.

Deputy Alan Shatter: There would be no charge if you had not destroyed the country.

A Deputy: Welcome home from Australia.

Deputy Robert Troy: They were looking for the Minister in Mullingar yesterday.

Deputy Timmy Dooley: There was a fellow calling to pay his bill but the Minister was not home. He had the €100 but the Minister was not there.

Deputy Alan Shatter: Do you think we live in a parallel universe?

Deputy Finian McGrath: Run the prisons, Minister.

An Ceann Comhairle: Please, Deputies.

Deputy Michael McGrath: The Government refused point blank to allow a waiver for people who have a genuine inability to pay. Since then people have been given the wrong information and been threatened, and genuine concerns have been dismissed out of hand. Ministers have

[Deputy Michael McGrath.]

taken to the airwaves and publicly contradicted each other about the role of An Post. People have been threatened that a council official would knock on their door to collect the tax and that income tax will rise if the charge is not collected. We now have confirmation from Active Retirement Ireland and others——

Deputy Alan Shatter: One would think you were responsible for nothing. Incredible.

Deputy Michael McGrath: ——that fraudsters are knocking on the doors of vulnerable elderly people throughout the country, looking for the €100 charge——

A Deputy: Scaremongering.

Deputy Michael McGrath: ——all because of the Government's threat. The deadline for paying this charge by instalments passed at the end of February, at a time when awareness of the charge was much less than it is today. There are many thousands of ordinary people who simply do not have access to €100 between now and Saturday night.

Deputy Bernard J. Durkan: We know why that is.

Deputy Michael McGrath: Is it not the case that the only thing preventing people being allowed extra time to pay this charge is the stubborn political pride of the Minister, Deputy Hogan, and this Government?

Deputy Mattie McGrath: Hear, hear.

Deputy Michael McGrath: Is the Government really going to force fines and penalties on more than 1 million ordinary people? Irish people are reasonable and fair-minded. Will the Minister take the heat out of this situation, extend the deadline for the payment——

Deputy Jerry Buttimer: Have you paid yours?

Deputy Michael McGrath: ——allow people to pay through their local post office and allow them to pay by instalments in accordance with the means they have?

Deputy Robert Troy: Well done.

Deputy Jerry Buttimer: Have you paid your charge?

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The Deputy opposite is his party's spokesperson on finance so he is uniquely well-placed to understand the economic situation this country faces. He also understands we are dependent to fund day to day services on an arrangement entered into by the previous Administration with the troika. Under that agreement we are obliged this year to have a household charge. We will migrate to a more refined household charge for next year.

Deputy Mattie McGrath: Emigrate.

Deputy Brendan Howlin: That work is already underway. We are obliged, however, to have the money this year.

Deputy Richard Boyd Barrett: You will not be getting it.

Deputy Brendan Howlin: Given the focus and controversy there is probably no household in the country that is unaware this charge is due. People know there are three ways in which the charge can and should be paid by the deadline of Saturday.

Deputy Mattie McGrath: Who told them?

Deputy Brendan Howlin: Half a million households have already paid. I ask Deputies on all sides of the House not to play party politics with this. This is part of the survival strategy for this country.

Deputies: Hear, hear.

Deputy Brendan Howlin: There is a requirement for local government to fund its normal services and for €160 million to be raised. The local government fund requires the household charge this year in order to meet that figure.

Deputy John Halligan: They do not believe you.

Deputy Brendan Howlin: Wherever there is a shortfall and whenever a Deputy or somebody who is obliged to pay does not that will impact on the quality of local services.

Deputy Mattie McGrath: They have no services.

Deputy Emmet Stagg: Thanks to you, Mattie.

Deputy Brendan Howlin: I ask Deputies in this House——

Deputy Alan Shatter: The Crown Prince is away.

An Ceann Comhairle: I am sorry. Quiet, please.

Deputy Brendan Howlin: ——to accept there is a legal requirement on households to pay €100. I know it is an imposition. I know the pressure households feel. The Deputy opposite knows full well, however, the economic catastrophe——

Deputy Peadar Tóibín: In theory, the Minister knows that but not in reality. He is out of touch.

Deputy Brendan Howlin: ——this Government inherited. We need to broaden the tax base beyond the narrow focus on taxing income alone in order to restore a solid income base that will ensure local and ordinary services continue to be provided for the people who need them.

Deputy Joan Collins: Take the medicine.

Deputy Michael McGrath: The Minister acknowledged the need to broaden the tax base. Implicit in that is acceptance by the Government that this must be done. The Minister consistently highlights the Government's negotiating skills with the EU and the IMF but at no stage has this Government sought to renegotiate the household charge or the property tax.

Deputy Fergus O'Dowd: Go away.

Deputy Michael McGrath: It should be honest with the people and at least acknowledge that fact.

Deputy Alan Shatter: You signed up for it.

Deputy Michael McGrath: I am only too well aware of the situation of the national finances. The important thing in that regard is that the €160 million pencilled into the budget to come from the household charge be collected over the course of 2012, not by midnight on Saturday. By imposing these strict terms and conditions in this manner the Government is placing enormous pressure and stress on ordinary Irish families, many of whom simply do not have access to €100 between now and midnight on Saturday. Is the Government really going to impose fines and penalties on more than 1 million people if they genuinely cannot come up with €100 between now and Saturday night?

Deputy Alex White: Is Deputy McGrath for or against it?

Deputy Michael McGrath: The Minister must acknowledge that he has not managed to bring the people with him on this issue. For once, he should eat some political humble pie. He has already acknowledged mistakes in the budget in respect of cuts to people with profound disabilities and should acknowledge that the way this has been handled is also a mistake. The deadline should be extended and people who genuinely want to pay should be given the opportunity to do so. They should be allowed to pay by instalments.

Deputy Brendan Howlin: I listened to Deputies, including those on this morning's radio programmes, who indicated they are in favour of a property tax, just not this one.

Deputy Seamus Healy: This is a household charge.

Deputy Brendan Howlin: Whatever property tax is devised, it will be opposed for-base political reasons. Deputy Michael McGrath's party agreed with the troika to have a site valuation tax and this is the first step in doing so. It is a flat rate tax and it needs to be nuanced. We are working on that. It could not be done in any other way this year.

Deputy Joan Collins: It is a poll tax.

Deputy Brendan Howlin: Deputy McGrath referred to it being done in the course of this year. Local authorities need certainty on their funding and there is no point in telling them their allocation——

Deputy John Halligan: The Government withdrew funding from local authorities.

An Ceann Comhairle: Deputy Halligan should stay quiet. We live in a parliamentary democracy.

Deputy John Halligan: The Government withdrew funding from local authorities.

An Ceann Comhairle: Deputy Halligan will take a walk if he is not careful.

Deputy John Halligan: Tell him not to be bullying people.

An Ceann Comhairle: Excuse me, please do not speak to the Chair like that.

Deputy John Halligan: I am not speaking to the Chair.

An Ceann Comhairle: I get complaints every morning about the behaviour in this Chamber from people viewing proceedings of the House. No one who shouts and roars is impressing anyone. I ask Members to allow others to have their say.

Deputy John Halligan: The Ceann Comhairle should look to the other side and should not be looking over here all the time.

Deputy Brendan Howlin: There are Deputies opposite who will support no tax, no charge and no cut. It is Darby O’Gill economics by which people will not be fooled.

Deputy Seamus Healy: What about a wealth tax?

Deputy Brendan Howlin: People want this economy to recover and they know the path to recovery is a hard path. They will not be fooled by people pretending we can fund local government with magic money. The final point is that we need certainty on this funding.

Deputy Mattie McGrath: The Government should send big Phil to China.

Deputy Brendan Howlin: I ask everyone in this House and those who are obliged to pay this household charge to use mechanisms available between now and Saturday to pay the charge in solidarity with the 500,000 households who have paid, many of whom are not in a great position to pay but know their duty is to pay the charge. I ask people to do so.

Deputy John Halligan: It is bullying.

Deputy Billy Kelleher: Have Government Members all paid?

Deputy Jerry Buttimer: Yes; has Deputy Kelleher paid?

An Ceann Comhairle: If Deputies Buttimer and Kelleher want to have a conversation with each other, please go outside the Chamber.

Deputy Mary Lou McDonald: The Minister’s colleague, Deputy Joan Burton, has called on the Government to review contact with Mr. Denis O’Brien. The Minister of State, Deputy Lucinda Creighton, shares those concerns. She was critical of his attendance at the global Irish economic forum last October. It seems the Taoiseach takes a different view, beaming as he was in a photograph with that individual. I ask the Minister to set out his position on this matter and the position of the Government.

Deputy Brendan Howlin: For my personal perspective, there should be a consequence for those well-known people, or not, against whom adverse findings are adduced by a tribunal of inquiry.

Deputy Michael McGrath: Is that the Government view or Deputy Howlin’s personal view?

Deputy Brendan Howlin: That is my view. It is an important point to bear in mind. The Taoiseach was invited to a particular function, he did not issue invitations. Others were also invited.

Deputy Timmy Dooley: What about the Global Irish Economic Forum?

Deputy Brendan Howlin: None of us can control the people who are photographed with us. Regarding the invitation to the Global Irish Economic Forum, the invitations issued replicated those who were invited to the first forum.

Deputy Timmy Dooley: Stop.

Deputy Richard Boyd Barrett: That is weak.

Deputy Brendan Howlin: There were adverse comments about the attendance of Mr. O'Brien and we must all reflect on that. I saw the glad handing of a former leader of Fianna Fáil at a party conference and we will now see who shuns him. We must all make personal decisions and the Government must make its decisions about any individual against whom adverse findings have been made by a tribunal established by this House. I agree with the Deputy in that regard.

Deputy Mary Lou McDonald: The answer is not clear.

Deputy Alex White: He agreed with you.

Deputy Mary Lou McDonald: The Minister said there should be consequences for people against whom adverse findings have been made and that the Government must take a decision. What is that decision? After a week debating the Mahon report, the Government seems ambivalent, confused or maybe compromised about its position on genuine consequences and genuine reform. What is the Government view of contact with Mr. O'Brien? Is there a division on this matter? I refer to the fiasco around Deputy Phil Hogan, not just the household charge but also the shutting down of legitimate inquiries into planning issues across local authorities——

Deputy Paul Kehoe: They are not shut down.

An Ceann Comhairle: We cannot go into a separate issue.

Deputy Mary Lou McDonald: ——which is further evidence of ambivalence——

An Ceann Comhairle: We can only deal with one topic. Deputy McDonald is over time.

Deputy Mary Lou McDonald: What is the position of Government in respect of Mr. Denis O'Brien?

Deputy Anthony Lawlor: What about Sinn Féin's pals?

Deputy Brendan Howlin: I will first talk about our reaction to the Mahon tribunal.

An Ceann Comhairle: We will not. That is a separate issue entirely. We are talking about Mr. O'Brien.

Deputy Brendan Howlin: I understood the question was about the adverse findings of the Moriarty tribunal and the Mahon tribunal and how we deal with people against whom adverse findings have been made.

An Ceann Comhairle: We must have one topic at the time. Does Deputy Howlin understand my position?

Deputy Brendan Howlin: I do but I hear a scattergun approach to questions and would like to answer them.

Deputy Mary Lou McDonald: It is a straightforward question.

Deputy Brendan Howlin: I have outlined my view on Mr. O'Brien and on anyone against whom serious adverse findings have been arrived at by a tribunal of inquiry. The Cabinet has not discussed the list of people to be shunned if that is what Deputy McDonald is asking about. If future invitations are to be issued, I am sure those matters will be discussed at Cabinet.

Deputy Alan Shatter: Does Sinn Féin shun those who were bombing and shooting people for 30 years and caused mayhem on this island?

Deputy Pádraig Mac Lochlainn: What about Deputy Shatter's friends in Israel?

An Ceann Comhairle: If this behaviour does not cease, I will suspend the sitting.

Deputy Mattie McGrath: It all started over there.

An Ceann Comhairle: I ask Ministers, in particular, to show an example. I will suspend the sitting if this behaviour, on both sides, continues.

Deputy Finian McGrath: I will bring the Chamber back to a serious issue. A number of weeks ago, I raised an important and serious issue of gangland crime and crime generally and the major negative impact it is having in communities and throughout the country. Since then, we have seen the terrible plight of Steve Collins and his family having to flee the country following the horrific murder of his son, Ryan, as a consequence of gangland criminals. We have also seen the horrific death of a young Polish worker Lukasz Rzeszutko, a model worker and son beaten to death by a gang for a buzz. There has also been the disgraceful case of a violent prisoner who was involved in the death of a garda released to an open prison. That is a very serious case and the public is very angry about it.

These deaths and threats are happening on our streets. I am glad the Minister for Justice and Equality is in the Chamber as there are many more unreported incidents yet there seems to be no widespread political revulsion. The silence is deafening.

First, will the Minister join with me in paying tribute to Steve Collins, his family and the other victims for their bravery, dignity and sheer courage as they have done this State some service? Second, if the Government is serious about standing with them will the Minister outline to me how it will protect our citizens? Does the Minister realise that many of our people are wondering who is running the country and the justice system in this State? Third, can the Minister tell this House how he and his Government intend to tackle these gangs and end lawlessness in this country?

Deputy Brendan Howlin: I might begin by acknowledging Deputy McGrath's final day as leader of the Technical Group. I understand he will be rotating out and handing over the baton to Deputy Pringle in the future.

Deputy Bernard J. Durkan: We are so sorry.

(Interruptions).

Deputy Brendan Howlin: I hope the trauma of the loss of leadership will not be too great for him to endure.

On the very serious matter Deputy McGrath has raised, there is no right-thinking person in the country who does not acknowledge the debt this State has to Mr. Collins and his family who stood by the institutions of this State at great personal risk.

Deputy Bernard J. Durkan: Hear, hear.

Deputy Brendan Howlin: It is profoundly sad that he had to come to the conclusion that to live a normal life he had to move out of his home city. That is shocking. I am aware that the Minister for Justice and Equality and this Government has done everything to stand by Mr.

[Deputy Brendan Howlin.]

Steve Collins and his family and support him in the decision that was best for him and his family.

On the broader issue of gangland crime, the Deputy will be aware that the crime figures generally are significantly improved and that the actions of the Garda Síochána, particularly in Limerick, have ensured that what is probably the most pernicious and vicious gang this country has ever had to encounter has been brought to heel, that many of them are in jail and that legal proceedings are pending against many more. That is not to say we should be complacent. We are not because often thugs who end up in jail are replaced by the next generation of thugs. It is an ongoing battle but I assure the Deputy that no resource will be spared in the fight against these pernicious gangs in particular.

Deputy Billy Kelleher: You opposed the legislation that put them in jail.

Deputy Finian McGrath: I thank the Minister for his comments on my rotating in the Technical Group. I assure him that we have a group of very talented people in the Technical Group and I wish them well in the future.

I thank the Minister for his response and I hope he takes on board my views on the question I asked earlier because it makes one wonder when one contrasts the bravery and integrity of somebody like Steve Collins and his family with the carry-on in the tribunals. That is what people are saying on the streets. Does the Minister accept now that we need a new and radical strategy to deal with this violent gangland crime issue? Also, does he accept that we need more prevention measures? There appears to be too much emphasis on what happens after the killings. We need more prevention measures.

I raise another serious issue for which we and the broader society have a responsibility. Will the Minister accept there is a connection between the violence occurring and the consumption of cocaine and alcohol? Most gardaí, nurses and fire officers on the ground will tell one that the people who mix alcohol and cocaine are the ones involved in extremely violent incidents, and they happen every night in our communities. How will the Minister's Government deal with the huge market for cocaine?

The late Tony Gregory raised this issue many times, and I think of him here today. Will the Minister and his Government sit down with the anti-drugs community groups and senior gardaí and develop a new strategy to try to tackle this issue in the next two to three months?

Deputy Brendan Howlin: It is important that we acknowledge success too. The Garda has been very vigilant and successful in confronting the gangs in Limerick in particular. Currently, 106 gangland members are in jail, including 20 of the leaders of the gangs, and that is because of the difficult task of following up the criminals and prosecuting them through the courts. That process is ongoing. The Minister for Justice and Equality has already told this House that the current significant raft of legislation is being reviewed constantly and the views of the Garda Síochána, particularly the Commissioner, on any resource or legislative measure that is required will always be entertained by the Minister.

On the drugs issue generally, the Deputy is right. We must get the message across to those who use drugs, particularly the middle class use of cocaine, that they are part of the gangland scene by providing a marketplace for this dangerous and destructive industry.

Order of Business

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): It is proposed to take No. 8, motion re proposed approval by Dáil Éireann of the Finance Act 2004 (Section 91)

(Deferred Surrender to the Central Fund) Order 2012; No. 14, statements on the Final Report of the Tribunal of Inquiry into Certain Planning Matters and Payments (resumed); and No. 1, Construction Contracts Bill 2010 [Seanad] — Second Stage.

It is proposed, notwithstanding anything in Standing Orders, that (1) in relation to No. 8: (i) the proceedings shall, if not previously concluded, be brought to a conclusion after 1 hour; and (ii) the speech of a Minister or Minister of State and of the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order, who may share their time, shall not exceed 15 minutes in each case; and (2) the Dáil on its rising today shall adjourn until 10.30 a.m. on Wednesday, 18 April 2012.

An Ceann Comhairle: Is the proposal for dealing with No. 8 agreed?

Deputy Mary Lou McDonald: It is not agreed. This matter refers to a capital carry-over of €114 million. As the Minister is aware, this matter was to go to the sub-committee on public expenditure and reform. I have no idea why proper procedure has not been followed in this instance. It is a considerable sum of money. It needs proper scrutiny by the Dáil and that should happen in committee.

Deputy Brendan Howlin: The normal procedure is that the Dáil takes precedence over any committee and certainly over any sub-committee of a committee. The fact that it is being debated in the full House and open to any Dáil Member to participate in underscores the importance of the issue.

Deputy Mary Lou McDonald: I am not satisfied with that response. The matter going to committee does not prevent it coming back to the Dáil.

An Ceann Comhairle: We cannot have a debate. My hands are tied by Standing Orders.

Deputy Mary Lou McDonald: The Government is not following proper procedures on this matter.

Deputy Richard Boyd Barrett: In addition to endorsing Deputy McDonald's comments, while it is reasonable to say the matter will be discussed here in the Dáil and that the Dáil takes precedence, the problem is that the structure of the debate is such that we will not be able to properly scrutinise the different items. We should be able to ask questions about the specific carry-overs from particular Departments——

Deputy Brendan Howlin: You can.

Deputy Richard Boyd Barrett: Not if we just have a set-piece speech. That is what we have — a set-piece speech. There is no interaction.

Deputy Brendan Howlin: Any questions put during the course of the debate will be responded to by the Minister of State.

Question, "That No. 8 be agreed to", put and declared carried.

An Ceann Comhairle: Is the proposal that the Dáil on its rising today shall adjourn until 10.30 a.m. on Wednesday, 18 April 2012, agreed to?

Deputy Mary Lou McDonald: It is not agreed.

Deputy Bernard J. Durkan: Be careful.

Deputy Brendan Howlin: I am very open.

Deputy Michael McGrath: I am glad the Minister is open. I have no intention of playing the usual game on this one but I have a very straightforward valid question for the Minister. Will he assure the House and the people that the suspension of the Dáil until 18 April will not result in any delay in the passage of any important Government legislation on any issue?

On behalf of my party, I state we are perfectly prepared to return next week——

Deputy Bernard J. Durkan: Hear, hear

Deputy Michael McGrath: ——if the Minister is willing to accept our legislation to provide for an extension of time on the household charge. In his response the Minister might also address the issue of the implications for Dáil sittings of the referendum being held on 31 May. The Dáil was due to sit right up to this date and not sit the following week. In consideration of the motion before us today, the Minister might take the opportunity to advise the House on these arrangements as it may be a factor in how people decide.

Deputy Mary Lou McDonald: As was discussed earlier, we are within days of the cut-off point for the payment of the Government's household charge, which 70% of citizens have not yet paid. Yesterday, a colleague of mine in a spirit of constructive engagement with the Government published a Bill to repeal the charge——

Deputy Robert Dowds: Absolute hypocrisy from Sinn Féin.

Deputy Mary Lou McDonald: We like to be helpful.

Deputy Anthony Lawlor: You are paying it in the North.

An Ceann Comhairle: Thank you.

Deputy Jerry Buttimer: Did you pay it?

An Ceann Comhairle: We are not having a debate. We are hearing the reasons that the Dáil should——

Deputy Noel Coonan: The new form of republicanism: pay the Crown but not the Republic.

Deputy Mary Lou McDonald: While I understand a recess is necessary, not least for family reasons, a long recess will coincide with this issue and, if I might say, with any prospective deal we are told the Government has on the promissory note. I do not know about the Minister, but I do not believe this should be announced at a Fine Gael Ard-Fheis. It would be more appropriate for such an announcement to be made in the Dáil and for there to be a debate on it.

Deputy Joe Higgins: I never engage in the farcical gameplaying that goes on generally when an adjournment of the Dáil is proposed.

Deputy Jerry Buttimer: You sure do.

Deputy Joe Higgins: I assure those sections of the media who will misreport it that I certainly have enough to keep me going over the next few weeks——

Deputy Jerry Buttimer: We do not need scripts like you.

Deputy Joe Higgins: —to serve my constituents and the people of the country who will have me as busy as I have been for the past three months.

Deputy Jerry Buttimer: You are never in Dublin.

Deputy Joe Higgins: I propose to the Government a variation whereby before the adjournment today it allows two issues to be dealt with. With regard to the household tax, the Minister, Deputy Hogan, has wisely cancelled his trip to Paris. Perhaps he was afraid of tripping over a guillotine, not there but when he came back in two or three days time. The fact is—

An Ceann Comhairle: This is about the Dáil adjourning.

Deputy Joe Higgins: —there is a misrepresentation of the reality and the real figures and the Minister must confirm this.

An Ceann Comhairle: No, we are not having a debate on this.

Deputy Joe Higgins: A total of 1.8 million households are due to register—

An Ceann Comhairle: No, no.

Deputy Joe Higgins: —not 1.6 million—

An Ceann Comhairle: Deputy please, I ask you to respect the Chair.

Deputy Joe Higgins: The other issue I wish to raise is that another multinational company, Game, has peremptorily shut up shop and left workers—

An Ceann Comhairle: I have granted the Deputy a Topical Issue on this matter.

Deputy Joe Higgins: In that case I will rest it there but—

Deputy Mattie McGrath: Can I get one too?

Deputy Bernard J. Durkan: He cannot get a lollipop or anything.

Deputy Ray Butler: We will get you a PlayStation or an Xbox.

An Ceann Comhairle: The children are a bit rowdy this morning and one must forgive them.

Deputy Ray Butler: We will put Pacman on it for him.

Deputy Joe Higgins: This is the third time in almost as many months that workers have been disgustingly treated like this and legislative provisions are needed—

An Ceann Comhairle: We can discuss all of this on Topical Issues.

Deputy Joe Higgins: I ask the Minister to reply.

Deputy Brendan Howlin: With regard to Deputy Michael McGrath's questions, the sitting sequence is a matter for discussion and will not simply be determined by the Government side. I understand the Government Whip would like to engage with all parties and Independent Deputies in the House to ensure general agreement on the sequencing of the sittings between now and the referendum day. I assure the Deputy the two week break will not impact on the legislative schedule.

[Deputy Brendan Howlin.]

To respond to Deputy McDonald, I welcome all useful suggestions, legislative and otherwise, from any side of the House. The repeal of the household charge, I am afraid, is not particularly useful because it would leave €160 million——

Deputy Mary Lou McDonald: Not to you perhaps.

Deputy Brendan Howlin: Neither to me nor the Government because of the €160 million required to fund local services for the hundreds of thousands of people who depend on them.

With regard to the announcement on the promissory note, from my perspective and the perspective of those of us in government who have been working on substantially altering the terms of the agreement entered into by our predecessors, wherever it is announced it will be a very welcome announcement.

Deputies: Hear, hear.

Deputy Brendan Howlin: There are those who do not wish success for the State. For political reasons they would prefer that we did not succeed——

Deputy Joe Higgins: Speculators and the financial institutions.

Deputy Brendan Howlin: ——and want constantly to badmouth the progress this economy has made step-by-step over the past 12 months.

I agree entirely with Deputy Higgins on the traditional gameplaying on these issues. Like him and all Members of the House, I have plenty to occupy myself fully for the next couple of weeks.

Deputy Joe Higgins: And the workers.

Question, “That the Dáil on its rising today shall adjourn until 10.30 a.m. on Wednesday, 18 April 2012”, put and agreed to.

Deputy Emmet Stagg: Not very enthusiastic.

Deputy Bernard J. Durkan: There was a big sigh of relief over there.

Deputy Michael McGrath: I wish to raise a number of issues.

An Ceann Comhairle: I ask those who wish to leave the Chamber to do so quietly so Deputy Michael McGrath can make his point.

Deputy Richard Boyd Barrett: Ceann Comhairle——

An Ceann Comhairle: Alright Deputy, we are not going anywhere. You need not worry. Give Deputy McGrath a chance and then I will call others.

Deputy Michael McGrath: I wish to raise a number of issues. Last night, we had the unusual but welcome development of all parties, and even non-party Deputies, agreeing to an Opposition Bill from Fianna Fáil which will allow the Financial Services Ombudsman to publish the complaint records of individual financial services providers. I wish to take this opportunity to thank the Government for supporting the Bill and to urge it to move quickly to ensure the legislation is enacted without any delay. It is manifestly in the public interest and I hope it can be brought into effect as quickly as possible.

I have questions on a number of Bills. The industrial and provident societies and friendly societies (miscellaneous provisions) Bill will introduce a number of regulatory changes and improvements for co-operatives. When is it expected we will take this? When will the statutory central register of credit histories, which will aid banking supervision and support better lending, be taken? When is the climate change Bill expected? Is it progressing or is it being stalled by the Department of the Environment, Community and Local Government?

Deputy Brendan Howlin: The Deputy asked a number of questions. The Central Bank and Financial Services Authority of Ireland (Amendment) Bill 2011, which is a Private Members' Bill, was discussed at Cabinet. The Minister for Finance, Deputy Noonan, is supportive of it being enacted and I am sure that will be facilitated. I understand that the Bill may require some tweaking but that will be worked on.

As regards the other legislation, the industries and friendly societies Bill is expected mid-year, the statutory central register of credit histories Bill will be published later in the year and a date has not yet been fixed for the climate change Bill.

Deputy Mary Lou McDonald: Yesterday, the State, under emergency legislation to recapitalise Permanent TSB, purchased Irish Life for €1.3 billion, which is approximately eight times the amount it expects to raise from the household charge and almost half the amount it expects to gain through the sale of State assets.

An Ceann Comhairle: Sorry, Deputy. This is the Order of Business.

Deputy Mary Lou McDonald: At what point does the Minister for Finance propose to debate this matter in the Dáil? Such decisions should in future be debated in this House prior to billions of euros of taxpayers' money being ploughed into the banks.

A Deputy: Hear, hear.

Deputy Brendan Howlin: Recapitalisation of the banks was debated at length a year ago when the PCAR numbers were published.

Deputy Mary Lou McDonald: The acquisition of Irish Life was not.

Deputy Brendan Howlin: Let me explain. It was estimated at that stage that the recapitalisation would be of the order of €35 billion. The final amount is considerably less than that because of the actions of Government, in particular, the deleveraging of non-core assets of the banks.

As regards purchase of Irish Life, the Deputy will be aware that it had been intended to use the sale of the insurance arm of Irish Life to recapitalise the banking element of Irish Life & Permanent although not because of the intrinsic value of Irish Life, which has maintained a substantial intrinsic value. However, it was not possible, because of external trouble in regard to the euro, to conclude that sale. The State has acquired that asset at fair value, the proceeds of which will be used to recapitalise Irish life & Permanent. The value of the insurance division, which is a valuable asset for the State to hold, will be fully realised for the benefit of the taxpayer in due course.

An Ceann Comhairle: Nine Deputies have indicated and there are only four minutes remaining for the Order of Business. I ask Members to be brief, otherwise I will have to cut them short.

Deputy Richard Boyd Barrett: The Government announced that the referendum on the Treaty on Stability, Co-ordination and Governance in the Economic and Monetary Union will

[Deputy Richard Boyd Barrett.]

be held at the end of May. Government spokespersons have on a number of occasions stated that if this treaty is not passed we will not be able to access——

An Ceann Comhairle: The Deputy must ask about promised legislation.

Deputy Richard Boyd Barrett: I am asking about the European Stability Mechanism legislation.

An Ceann Comhairle: Deputy Boyd Barrett should be fair to other Deputies. There is only three minutes remaining.

Deputy Richard Boyd Barrett: The Minister, Deputy Howlin, will be aware that that is not the case unless the relevant legislation is not passed by the Dáil. Perhaps the Minister will tell us when the legislation on the European Stability Mechanism will come before the Dáil and can he assure us it will not come before the Dáil until after the referendum is passed?

Deputy Brendan Howlin: The referendum Bill will be dealt with the first week after the Easter recess. The European Stability Mechanism legislation will be published but not taken until after the referendum.

Deputy Thomas P. Broughan: What is the status of the consumer and competition Bill? Does the Government propose to introduce legislation in regard to the Keane report and, on the economic management council and the Government's meetings with banks, is it meeting in regard to Priory Hall?

An Ceann Comhairle: That matter is not relevant to the Order of Business.

Deputy Brendan Howlin: The consumer and competition Bill will be published mid-year. As regards the ongoing discussions with the banks, the matters raised by the Deputy are subject to discussion at that level.

Deputy Patrick Nulty: When will the offshore gas storage Bill come before the House? Also, will Government, prior to publication of that Bill, hold a public inquiry into the licences awarded by the corrupt former Fianna Fáil Minister, Ray Burke who sold off the oil and gas in this country for a song? We all know his track record.

Deputy Brendan Howlin: The Bill will be published later this year.

An Ceann Comhairle: I call Deputy Mac Lochlainn.

Deputy Pádraig Mac Lochlainn: I was going to raise the same issue as Deputy Boyd Barrett. I am happy enough with the Minister's reply.

An Ceann Comhairle: I call Deputy Stanley.

Deputy Brian Stanley: The amalgamation of FETAC, HETAC, the Irish University Qualification Board and National Qualification Authority of Ireland requires the Qualifications and Quality Assurance Bill 2011 to be implemented. The problem is that employers who are providing this training cannot get certification from FETAC. This is also causing job losses. What is that status of that Bill? Can it be speeded up? There is an urgent need to upskill people.

Deputy Brendan Howlin: Deputy Stanley will be aware that that Bill was published as a Seanad Bill. It is being taken in the Seanad today. Once it concludes its passage there it will return to this House.

Deputy Seán Ó Fearghaíl: I am conscious as we come to the end of this session that only five of the Government's 26 pieces of promised legislation have come before the House. Fianna Fáil published more legislation than the Government, which is interesting. Is the legislative conveyor belt stuck? Is the Minister happy with the productivity of Government and can he indicate what progress is likely in respect of the outstanding Bills?

Deputy Brendan Howlin: There is no problem with the legislative conveyor belt. I commend the Deputy opposite and his party on its industry in publishing its own Bills. It is useful that Bills are introduced by the Opposition and accepted by Government, which was not my experience when a Member on the opposite side of the House.

My Department is publishing Heads of Bills to go to Committee. I have already done this in respect of the whistleblowers legislation and will be doing so in respect of the freedom of information legislation. It is part of the programme for Government that we have preliminary debate at Heads of Bill level, which is something we might embrace through the committees.

Deputy Robert Troy: When will the social protection Bill, which changes the criteria for eligibility to State pensions, be brought before the House? It is stated in the programme for Government that a facility will be provided during the lifetime of this Government to allow for the submission of parliamentary questions during recess periods.

An Ceann Comhairle: That is not a legislative matter.

Deputy Robert Troy: Will that facility be available during the next two weeks?

An Ceann Comhairle: The Deputy should take up that matter with the Whip.

Deputy Robert Troy: I am sure the Minister will be able to answer my question.

Deputy Emmet Stagg: Fianna Fáil blocked that for 40 years.

Deputy Robert Troy: I was not here.

(Interruptions).

An Ceann Comhairle: Does Deputy Troy wish to hear the Minister's response?

Deputy Robert Troy: Yes.

Deputy Brendan Howlin: The social protection Bill will be taken during the first week following the Easter recess. The two main pieces of legislation before the House that week will be the referendum Bill and the social protection Bill.

Deputy James Bannon: Surely in this——

An Ceann Comhairle: The Deputy must ask about promised legislation.

Deputy James Bannon: ——year of the Olympics we should be making every effort to update our sporting legislation to maximise our sport facilities for young people.

An Ceann Comhairle: What does the Deputy have in mind?

Deputy James Bannon: When will the sports council and campus Bill be published? It is an important Bill to the youth of our country.

Deputy Brendan Howlin: The Bill will be published later this year. The heads of the Bill have not yet been brought to Cabinet.

An Ceann Comhairle: I call Deputy Durkan.

Deputy Timmy Dooley: It is time to go.

Deputy Bernard J. Durkan: What is the status of the companies Bill, which legislation was promised for at least ten years by Members opposite when on this side of the House? The need for this legislation is increasingly urgent.

An Ceann Comhairle: I ask the Deputy to be brief. We are over time.

Deputy Bernard J. Durkan: Members opposite keep interrupting me.

An Ceann Comhairle: Do not mind them.

Deputy Bernard J. Durkan: I want to reassure the Opposition——

Deputy Aengus Ó Snodaigh: We do not need to be reassured.

Deputy Bernard J. Durkan: I thank Deputy Finian McGrath for raising an issue this morning which I raised previously.

An Ceann Comhairle: What is the other piece of legislation in respect of which the Deputy is inquiring?

Deputy Bernard J. Durkan: There are other related promised legislative proposals.

Deputy Peadar Tóibín: Promised.

Deputy Bernard J. Durkan: They were promised by the previous Government also. Would it be possible to select the Bills from the plethora of legislation promised by the previous Government and those proposed by the current Administration on organised crime and to prioritise them? These are illegal organisations.

An Ceann Comhairle: We are way over time.

Deputy Bernard J. Durkan: They are illegally organised. They are carrying out criminal activities in this country at present. I ask the Minister if he might be able to assist.

Deputy Brendan Howlin: The Deputy is probably aware that the companies Bill is an enormous project. There are 1,270 heads of the Bill.

Deputy Aengus Ó Snodaigh: The Government should publish the heads.

Deputy Brendan Howlin: An enormous quantum of work will have to be done after the Bill has been published and sent to the committee. I understand it is still intended that the Bill will be published this year. Work on the prioritisation of criminal justice legislation is being undertaken by the Minister for Justice and Equality, who has been very assiduous on the legislative side. Nobody in this House is better qualified to ensure we have the most robust criminal legislation required by this country.

**Financial Emergency Measures in the Public Interest (Reviews of Commercial Rents) Bill
2012: First Stage**

Deputy Peadar Tóibín: I move:

That leave be granted to introduce a Bill entitled an Act in the public interest, to provide for the imposition by way of Government Order of a requirement that landlords charge market rents only in respect of commercial premises, and to provide for related matters.

An Ceann Comhairle: Is the Bill opposed?

Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe): We have no objection.

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 Peadar Tóibín: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Tax Transparency Bill 2012: First Stage

Deputy Eoghan Murphy: I move:

That leave be granted to introduce a Bill entitled an Act to make provision for the annual issuance to each person paying Income Tax and other such direct taxes on earnings of an itemised statement of tax paid in the most recent tax year, the estimated tax payments to be made in the coming tax year and a breakdown of the areas of government spending on which the paid taxes are to be spent and in conjunction with this measure to provide an on-line mechanism whereby all payers of Value Added Tax and Excise may estimate the total amount of such taxes paid on goods and services with a view to calculating a similar detailed breakdown of the areas of government spending on which the paid taxes are to be spent and to make the necessary provisions so that every purchase order by a government department or agency for more than five thousand euro must be published.

An Ceann Comhairle: Is the Bill opposed?

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): 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 Eoghan Murphy: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Finance Act 2004 (Section 91) (Deferred Surrender to the Central Fund): Motion

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): I move:

That Dáil Éireann approves the following Order in draft:

[Deputy Brian Hayes.]

Finance Act 2004 (Section 91) (Deferred Surrender to the Central Fund) Order 2012, copies of which have been laid in draft form before Dáil Éireann on 7 March 2012.

We have maintained a significant public capital programme despite the difficult budgetary circumstances of recent number of years. This programme was outlined in the medium-term Exchequer framework for infrastructure and capital investment. It will provide some €17 billion over the next five years to address remaining infrastructural defects in key social and economic areas. The ministerial order before the House today is a technical instrument. Its purpose is to allow the Dáil to approve formally the expenditure by Departments and agencies in the current financial year of capital moneys carried over from the previous year. The capital carryover facility forms an integral part of the five-year rolling multi-annual capital envelopes that were introduced in 2004. The multi-annual system is designed to improve the efficiency and effectiveness of the management by Departments and agencies of capital programmes and projects. The carryover facility means that moneys which would have been lost to the capital programmes and projects concerned, under the annual system of allocating capital, can now be made available for spending on programme priorities in the subsequent year.

The introduction of the multi-annual capital investment system has been a major positive factor in the roll-out of capital programmes. Apart from allowing for resources that would otherwise be unspent by a Department to be made available for that Department in the following year, the multi-annual capital system has given greater medium-term financial security to Departments and implementing agencies. This, in turn, has facilitated better medium-term planning of programmes and projects and helped to eliminate the potential for wasteful spending on non-essential works to ensure full capital allocations are spent before the end of the year.

The Exchequer and Audit Departments Act 1866 generally requires the surrender of unspent Exchequer moneys to the Central Fund at the end of each financial year. However, section 91 of the Finance Act 2004, which gives legal effect to capital carryover, allows the carryover of unspent voted Exchequer capital to the following year of up to 10% of capital by Vote, by deferring this surrender requirement, subject to certain conditions. One of those conditions is that the amounts of capital carried over by Vote be specified in the annual Appropriation Act of the year from which the carryover is proposed. The actual decision in principle on the amounts of carryover by Vote are therefore determined in the Appropriation Act. The Dáil again has an opportunity to endorse the amounts in its decision on the Revised Estimates Volume, which shows the capital carryover amounts separately in the relevant Votes. The carryover amounts provided for in the Appropriation Act are required to be confirmed in an order to be——

Deputy Sean Fleming: On a point of order, those of us who want to contribute to this debate have not received a copy of the Minister of State's script.

An Ceann Comhairle: Okay.

Deputy Brian Hayes: I had assumed that my script would be circulated in line with the normal precedent. I presume that can be done in the shortest possible time. I apologise for the failure to do so before now. The Deputy is right. There is a precedent for doing that.

It should be noted that the Department of Social Protection had sought a carryover of €750,000. This sum was provided for in the Appropriation Act 2011. However, it transpired that the Department did not have the savings at the end of the year. Accordingly, it could not be permitted to carry that amount over. As a result, this sum has been excluded from the

Schedule. The Department is required to mention the matter in the 2011 accounts that it submits to the Comptroller and Auditor General. Capital carryover within a Vote does not have to be spent on the same subhead or programme where the saving occurred. It may be spent on a different programme, depending on progress and priorities.

On the more general question of getting value for money and accounting for departmental spending generally, Deputies will be aware that the old annual Estimates process has been replaced this year with a modern multi-annual framework. This will allow for full transparency about the allocations available to each Department over the coming three-year period. It will open the way for structural medium-term planning and prioritisation within each area, across all programmes, with full public input and parliamentary oversight. It will make it easier to assess what exactly Departments have achieved and are aiming to achieve with the public funds granted to them by the Dáil. It is not enough to know how much Departments are looking to spend. We need to know, and the public needs to know, what exactly is being delivered with that money. The Government is determined to ensure every area of public service is accountable for performance and results. This will apply to Ministers and their Departments, as well as to offices and agencies.

The 2012 draft order sets out the subheads or programmes under which Departments and agencies propose to spend in 2012 the capital carryover amounts specified by Vote in the Appropriation Act 2011. The total amount proposed in the draft order for 2012 is €114.355 million, which amounts to 2.5% of the 2011 provisional outturn. The total 2012 gross Exchequer capital provision allocated in budget 2011 amounts to €3.962 billion. The capital carryover of €114.355 million will bring the total Exchequer capital available for spending in 2012 to over €4.076 billion.

I will set out the main priority areas for the spending of the capital carryover of approximately €114 million I have mentioned. Some €34 million is being allocated by the Department of the Environment, Community and Local Government for the Leader programme. This is urgently required to allow for the maximisation of the drawdown of EU funds for rural schemes administered by the Department of Agriculture, Food and the Marine. Some €26.9 million will be spent by that Department on afforestation premia and on funding new forest planting. The Department of Jobs, Enterprise and Innovation will be allocating slightly over €18 million in Enterprise Ireland grants and science technology and innovation. Some €15.8 million will be spent by the Department of Communications, Energy and Natural Resources on multimedia developments and retrofitting. The Department of Transport, Tourism and Sport is allocating €8.7 million for smarter travel, sports grants and Sports Campus Ireland. Some €8 million will be allocated by the OPW to make up a critical part of the funding requirement to meet contractual commitments and urgent capital works. A total of €1.33 million will be spent by the Departments of Defence, Health, Justice and Equality, and Foreign Affairs on buildings, the forensic science laboratory and the EU Presidency, respectively. The total amount is €114 million. The specific allocations comprising the €114 million are set out in my script.

Departments and agencies have delegated responsibility to manage their capital programmes and projects. The availability of these capital carryover amounts in 2012 will assist them within this framework in tackling economic and social infrastructural priorities in their areas.

I commend the order to the House.

Deputy Sean Fleming: The matter under discussion has a rather technical title and the debate is consequently one that many people will not tune into. The motion seeks that Dáil Éireann approve in draft the Finance Act 2004 (Section 91) (Deferred Surrender to the Central Fund) Order 2012. If there is a title designed to clear the House and the media gallery, that is it. Having said that, people may tune in despite the technical title. I had hoped the Minister,

[Deputy Sean Fleming.]

Deputy Howlin, would have been present because he is responsible for public expenditure and reform. Having this debate this morning is a gross insult to this House.

We all know it is required by legislation that this order be approved by the House by 31 March. There are only a few hours to go before the Dáil goes into recess, and it will not be meeting again until April. Why was it left until the very last few hours to have the debate, with a guillotine and without any detailed scrutiny? A maximum of one hour is allowed for the debate.

We would have liked to go through each item of page 5 of the Minister's contribution in committee, including the Leader programme, agriculture, jobs and enterprise, smarter travel, the OPW and other areas covered by the Minister of State's Department. We would have liked to have asked why the money was not spent in the relevant Departments last year. An impression is almost given in the Minister of State's script that the money is an allocation for 2012 and that in some way it is new money. We know it is money that was not spent last year.

I, as a Member of the Oireachtas, take grave insult to the labelling of this as a technical process. Some may say it is technical but it is anything but in substance. While the amounts referred to have been referred to in the Appropriation Act, they are included in the Estimates for each of the Departments for 2012. As we rise for the Easter recess, not one Department has brought any of its Estimates to any committee for approval for expenditure for this year.

The figures that are included in the Estimates for 2012 must be debated by a committee. In a democracy, they must be voted on by the House. The Minister of State's Department has relegated the Estimates process that has yet to take place to a position in which it is a merely technical process. As an Opposition spokesperson, I have a good mind to consider withdrawing from that process entirely given the approach that has been taken. There might have been a general round-robin discussion in the House some time ago but the process requires that each Oireachtas committee deal with the Estimates pertaining to the Department it scrutinises. The Minister for Public Expenditure and Reform, Deputy Howlin, will not be available until at least the end of April to have his first discussion with our committee on this matter. The Minister of State, Deputy Hayes, will have to appear regarding the OPW Vote.

Deputy Brian Hayes: I will be appearing in two weeks with the OPW.

Deputy Sean Fleming: He will probably be the first. The Taoiseach's office must appear before the committee regarding the finance Vote. It will certainly be well into May before the House gets to approve the Estimates of expenditure for 2012, which Estimates include a figure of €114 million. The Minister of State claims the inclusion of the allocation is a technical matter but it has not yet been debated. By May, when the majority of the money for 2012 will have been spent and the remainder almost fully committed, there will be very little money available for discretionary spending. One must ask the purpose of having an Estimates debate to consider expenditure for the year after the horse has bolted. It will have been too late.

The Estimates for 2012 should have been discussed in October or November 2011. The Minister of State stated there is a new Estimates process for this year. The process for this year is not a bit new. There may be an extra bit of fluffy information attached but the process of the national Parliament discussing the Estimates for the current year has not changed, nor has the timetable. Nobody can attach any serious weight to the process. In a way, I do not blame the drafters of the script for calling this a technical issue. As far as they see it, the process is a mere rubber stamp and it does not matter what happens at committee or what is said. They believe the matter has already been decided.

Let me give a few examples of what I am talking about. The revised Estimate of the Department of Communications, Energy and Natural Resources for 2012 — Vote 29 — is €193 million. Reference is made to €15.8 million, programmes under which the subheads for this Vote will be accounted for by the Office of the Minister for Communications, Energy and Natural Resources, and which have “come by way of the application for capital supply services of unspent appropriations, the surrender of which may be deferred under Section 91 of the Finance Act 2004”. This is specifically accounted for.

Vote 13 pertains to the Department of the Minister of State, Deputy Brian Hayes. The 2012 revised Estimates for public services, which have not yet been brought before any committee, state the Estimate for the OPW for its services for the current year is being made by way of a provision of €358,69. By way of the application for capital supply services of unspent appropriations, the surrender of which may be deferred under section 91 of the Finance Act 2004, a sum of €8 million is listed. It was referred to by the Minister of State in his statement. The figure will not have been approved by the House until these Estimates are approved. Perhaps stage 1 has been approved.

I see the Minister of State smiling because he is getting approval to carry the sum forward, but it is part of the Estimates. He wants to carry it into the Estimates of expenditure to be allowed to spend it this year.

Deputy Brian Hayes: It is already approved.

Deputy Sean Fleming: The Minister of State has it in the front page of his book. It should either be in it or not in it. We cannot pass the Estimate for the Minister of State’s Department and have the same figures earmarked for every other Department unless we approve the carry-over during the Estimates discussion that will take place in April and May this year. The €114 is part of the Estimates of expenditure. If the Minister of State feels it is not and is going to take it out during the Estimates discussion, he cannot do so, as he and I know, because it is a fundamental part. Several months into the year, we will be discussing this matter.

My second question concerns the €114 million and capital works, to which reference was made. Capital expenditure in 2011 was budgeted at €4.65 billion. The Department of Public Expenditure and Reform, when producing capital expenditure plans for the next four years, reduced that to €3.9 billion for 2012. Is the €114 million in addition to the €3.9 billion or will €114 million be shaved off the €3.9 billion because it is being carried forward into this year? The Minister of State might explain that. These are not insignificant amounts because they come to close to the amount of moneys that will be collected by the household charge in the days, weeks and months ahead. When one considers the amount of time given to discussing the household charge which is expected to raise €160 million, this figure of €114 million deserves a similar time allocation for debate.

While the information on the Leader programme is a little light, it can be taken up further during the Estimates debate. Up to €34 million was unspent in this programme. Part of that unspent allocation is because the Government, already in its second year, has not got credit flowing through local banks. For example, a local business wishing to expand or hire more workers can apply to its local Leader company for a €50,000 grant. To qualify, it must produce bank certificates and accountants’ reports to show it has the matching fund to draw down the fund. While its bank may say this is a great idea and may consider advancing the matching funds, often it turns out the bank does not have the funds and cannot advance the loan. Accordingly, the local business cannot pursue the application with its local Leader group.

Demand for Leader funding is being suffocated at ground level by the fact the banks are not providing funds at local level. The Minister spoke about microfinance and related issues. This

[Deputy Sean Fleming.]

is the issue on the ground. I have dealt with cases where people have had to borrow €30,000 from family members, aunts and uncles to match the Leader grant and get their business set up. That is not the way to start a business. Part of this drawdown failure, particularly with Leader, is because of the lack of credit. It has also been complicated by the confusion as to whether Leader could assist food companies. Under the rural development programme, Ireland and other EU countries drew down some grants for small food businesses under a wrong heading. I understand this matter has had to be examined by the Department.

Will the Minister explain whether the €144 million is in addition to the €3.9 billion or will be taken out of it? Will he respond on the lack of drawdown for the Leader programme?

Many grants could have been allocated to the smarter travel scheme. Some 35 applications were originally submitted from 11 local authorities. Of these proposals, 11 were short-listed from Cork city, Drimnagh, Dundalk, Dungarvan, Galway, Kilkenny, Limerick, Loughrea, Navan, Sandyford and Westport. The short-listed areas were then asked to submit detailed bids and business cases for investment for consideration by a selection panel involving representatives of the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government as well as an independent expert on sustainable travel. It was intended this programme would be allocated €50 million. The Government, however, has actually cut that by more than half to €23 million. When such major reductions occur, it is no wonder projects fall off the rails. When the Government is cutting funding for these projects, those interested in proceeding often wonder if they should continue with them.

Under the jobs initiative last year, several on the ground, shovel-ready — that is probably the cliché used in the Office of Public Works — projects could have proceeded immediately in every local authority but did not. I accept the method for allocating funding is quite cumbersome but it should have been made available last year to facilitate improved cycling ways and safe routes to school, key businesses and work place zones. Funding could also have been made available for cycle parking in town centres and public transport nodes, better walking facilities, including pedestrianisation and reduced speed limits in town centres especially in front of schools. In the case of the latter, a speed limit of 20 km/h should be introduced at the entrances of the 3,000 primary schools and 800 second level schools across the country. I know flashing warning lights have been installed outside schools but one cannot have cars whizzing by at 50 km/h. Funding could also have been provided for works on improving or providing additional safer footpaths to and from schools and work places. Walking to school would assist in tackling childhood obesity.

Why was there no proper planning in place to ensure the funding that was tight last year was drawn down? I hope the funding in question will be properly utilised and when we debate the Estimates in April and May that we will get further details about this figure of €114 million. The Minister will have to accept we only got a one-liner in respect of each Department. Will he circulate a more detailed note to members of the finance committee in due course?

Deputy Mary Lou McDonald: The Minister of State, Deputy Brian Hayes, may find it interesting that when the Minister for Public Expenditure and Reform, Deputy Howlin, released the Revised Estimates for 2012 he made several points that were positive. For example, he stated:

Today my Department is publishing an unprecedented amount of information about what exactly Departments have achieved, and what they are aiming to achieve, with the public funds that are granted to them by the Dáil. It is not enough to know how much Departments are looking to spend. We need to know, and the public need to know, what exactly is being delivered.

The Minister was on the button in that.

On this morning's Order of Business I raised my concern that contrary to normal practice and the briefing note given to the Whips, this issue, be it technical or whatever way it is defined, was to be submitted to the finance committee but that did not happen. Will the Minister explain why this did not happen?

Deputy Brian Hayes: I have answered that. The date of the committee sitting was changed.

Deputy Mary Lou McDonald: We need an answer as to why that was the case. It is clear to all of us sitting in this large Chamber that this is not the appropriate forum to have this discussion with set piece interventions and so on.

Deputy Brian Hayes: Agreed.

Deputy Mary Lou McDonald: A multi-annual budgeting framework is entirely sensible and is exactly how we should do our business. It is also entirely reasonable that from year to year there would be a level of capital carryover. The last thing we want to do is to encourage what can be a damaging culture in any Department or organisation of spend it or lose it by year end. We know this gave rise to some bad practices in the past. In principle, I have no issue with capital transfers.

The Government seems to have a thing for 31 March deadlines. We are close to the mark and I agree with Deputy Sean Fleming that we are dealing with this matter very late in the day.

Deputy Brian Hayes: That deadline was established in 2004.

Deputy Mary Lou McDonald: It is coincidental then. I wanted more information than was given in the Minister of State's script. It would be helpful, for example, if for the €26.9 million under the heading for the Department of Agriculture, Food and the Marine it was shown what percentage this figure represented of the original capital budget. Agriculture, agrifood and the rural economy are critical to our economic performance, the social cohesion of rural Ireland and so on. In this light and given our straitened times, how is it that there was an underspend of almost €27 million? According to the Minister of State, it is not necessarily a prerequisite that the moneys carried over will be used for the same purpose.

Deputy Brian Hayes: There could be changes.

Deputy Mary Lou McDonald: I understand. We need to know the purpose to which the €27 million will be put.

Defence is to take a further €500,000 in respect of buildings. The Government has closed barracks across the State. How did this underspend occur? What, in the name of all that is rational, is this about at a time when, instead of ensuring the upkeep of buildings, they are being vacated by Army personnel?

I am given the most cause for concern by the Department of Jobs, Enterprise and Innovation, where the underspend was greater than €18 million. This relates to Enterprise Ireland grants, science and technology funding and micro-finance. Every Deputy is being inundated by people who are desperate to get their hands on funding for their start-ups and new ideas, some of which are good. When they approach their enterprise boards, they are often told that there is no money left. They go elsewhere and are told that the cupboard is bare. The Minister of State, my Opposition colleagues and I require more than a one-line statement about there being an underspend of more than €18 million. How could this occur in a climate in which there is a virtual credit drought? Small and medium-sized enterprises, SMEs, and new innovations,

[Deputy Mary Lou McDonald.]

technologies and start-ups will return the bulk of the almost 500,000 people who are on dole queues to work. Will the Minister of State address this point?

The Minister of State should discuss the headlines item by item and indicate what percentage of each original capital budget is represented by the proposed carryover. I appreciate that he might not have the information with him, but will he explain why there was an underspend in each case? To what purpose will the underspends be put?

The manner in which Estimates are handled by the Oireachtas is deficient. I am still a relative newbie, but it is astonishing that the process by which moneys are allocated and spent is sequenced so irrationally. We discuss moneys that have been spent and moneys that have not been spent but are intended to be spent. The entire process is incoherent. I took the Government's word when, upon taking up office, it promised greater transparency and coherency in the budgetary process. I am disappointed, as this has not proven to be the case. The sum of €114 million is not insubstantial. We need a more detailed account from the Minister of State and some members of the Cabinet of why this underspend occurred.

I will echo another Member's point. It is unlikely that the State will yield anything like €114 million from the household charge.

An Ceann Comhairle: If I may disturb the Deputy for one moment, I note in the order that there is no provision for a reply by the Minister of State. I will ask the Chief Whip to move an amendment to the order so that a reply can be given.

Deputy Mary Lou McDonald: I will conclude my sentence. The Chief Whip is present. Given the fact that 31 March is like the charge's D-Day, perhaps the Government could accept Sinn Féin's Bill to repeal the charge. Unless the Government can tell the House exactly where the €114 million will be spent and why it was not spent originally, let us carry it over to write off the household charge. How is that for creative thinking? I am sure the Minister of State will welcome my proposition with open arms.

Deputy Brian Hayes: The flood walls would not get built.

Debate Adjourned.

Allocation of Time: Motion

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

That, notwithstanding anything in Standing Orders, today's schedule be amended to allow the Minister of State five minutes to make a reply to the motion re Finance Act 2004 (Section 91) (Deferred Surrender to the Central Fund) Order 2012.

Question put and agreed to.

Finance Act 2004 (Section 91) (Deferred Surrender to the Central Fund) Order 2012: Motion (Resumed)

The following motion was moved by the Minister of State at the Department of Public Expenditure and Reform on Thursday, 29 March 2012:

That Dáil Éireann approves the following Order in draft:

Finance Act 2004 (Section 91) (Deferred Surrender to the Central Fund) Order 2012,

copies of which have been laid in draft form before Dáil Éireann on 7th March, 2012.

Deputy Richard Boyd Barrett: As mentioned by the Minister of State, this motion addresses what is primarily a technical issue to do with the carryover of unspent moneys. I will discuss that point but, given the fact that he referred to the capital programme, I will make an equally brief comment.

According to the Minister of State, the capital investment programme remains substantial at €17 billion, but it is important to state that the significant cuts in capital investment are particularly disastrous in the current economic climate. Investment is desperately required, but these cuts come at a time when private sector sources of investment have collapsed. As such, any cut in the capital programme is disproportionately damaging to the possibility of economic growth.

A significant amount of money was poured into Europe's private banking system, supposedly in an effort to get banks lending to and investing in the economy. According to announcements made this week, however, there has been no investment and the banks are hoarding money in the vaults of the European Central Bank, ECB. This situation makes the cut in Ireland's public expenditure on capital investment all the more depressing and damaging. We need a significant increase in that expenditure if we are to have any chance of restarting economic growth and returning people to work.

As Deputies have stated, it is quite sensible that last year's unspent moneys be carried over as opposed to having them surrendered to the Central Fund. I agree with the Minister of State that multi-annual budgeting makes sense. Many projects roll over several years and restricting planning to an annual budget framework would be foolish. That said, €114 million is a significant sum in the current economic climate. As Deputies and public representatives, we must scrutinise how every cent and euro of public money is being spent or unspent if we are to know it is being spent well, efficiently and to maximum effect and advantage for the public and the economic and common good.

In this context, it is a matter of concern that the only information we are given is a list of Departments and headings and a bald figure.

There is no explanation for why the underspend occurred and, more specifically, the areas or projects affected. There is no information in either the original note on the deferred surrender or in the Minister of State's speech on whether the money carried over will be spent under different headings and, if so, the original headings. The Government owes it to the House and, more importantly, the public to explain fully the underspends, the headings under which the money will be spent and the reason for any changes that might have been made.

As the biggest single issue facing the country is the employment crisis, it is critical that we spend money to maximum effect in creating jobs. In that context I note that part of the €15.8 million carried over by the Department of Communications, Energy and Natural Resources is to be spent on retrofitting. Does this mean the retrofitting programme had an underspend last year or is the money being moved from elsewhere? Targeted expenditure in this area could create tens of thousands of jobs and the measures could be self-financing in that the State would make significant savings in energy efficiency. Is there a problem with investing in an expansion of the retrofitting programme?

I cannot tell from the figures whether there was an underspend in micro-finance last year or if we are shifting money from other areas. If there was an underspend in this area can the Minister of State explain the reason for it?

Deputy Brian Hayes: Yes, I can.

Deputy Richard Boyd Barrett: I look forward to his explanation because the Government has spoken at length about the importance of this initiative and its potential for job creation. It is odd that we have not spent the money allocated to this area. The biggest figure is €26.9 million for agri-food and the rural economy. This is an area in which we have the natural resources, ability and tradition to produce food to high standards. We have the capacity to generate badly needed employment and revenue for the State. I ask the Minister of State to explain why there is an underspend in this area and how the money will be spent this year to maximise the effect of investment.

It appears from the lack of information on underspending and changes to the carry over for next year that the parties opposite changed their attitude after coming into government. The points being now raised by Opposition Deputies are the same as those made by Fine Gael prior to the election. In 2010, the current Minister for Jobs, Enterprise and Innovation, Deputy Bruton, stated in a debate on a previous deferred surrender to the Central Fund:

With the greatest respect, if this is supposed to be an exercise in transparency I give it a poor D rating. That we have been presented with a list of capital sums without any information as to the project concerned, the reason the projects were not delivered in the year in question, whether it was a question of cost overruns that are being carried forward, what projects have been lost, may fulfil some letter of some obscure law, but it does not shed any light on the efficiency, effectiveness or value of our capital programme. It is pointless bringing us in here to approve a 10% carryover when we do not know any of the background as to the reason the projects were delayed or whether the projects delayed continue to be worth pursuing.

Given that Fine Gael was critical of the previous Government's failure to provide adequate information on the use of public funds, one would have expected more transparency and information from it in Government so that we can properly scrutinise the figures and any changes that may have taken place. Instead, however, we get the same limited list with insufficient information to allow a proper debate on the significance of the figures and the headings under which the money is to be spent.

I ask the Minister of State to provide us with further information. When carry overs and deferred surrenders are discussed in future I hope we are given adequate information on them. While I welcome that the Minister of State will have five minutes to respond to our concerns there should be an opportunity for an exchange that would allow us to inquire about the various headings so we can fully scrutinise and understand the figures.

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): I agree with the Deputy this is not the right way to do our business and I put my hand up to acknowledge it should not have happened this way. During the previous Dáil I spent considerable time in committees asking the questions raised by the Deputies opposite. However, the reason why it was not possible to discuss the matter in committee was because a meeting agreed with the relevant committee was postponed at the last minute. The suggestion of conspiracy or bad faith on the part of the Government does not agree with the facts. We sought a meeting with the committee but it was postponed at the last minute.

In regard to the 31 March deadline, this appears to be a fetish for the Government in terms of a number of things that are happening.

Deputy Mary Lou McDonald: Among others.

Deputy Brian Hayes: I assure Deputy McDonald and other Members of the House that this relates to a Bill passed in 2004 providing that when a capital allocation was being transferred

from one year to the next, the order needed to be placed before the House by 31 March. While we are responsible for many things, we are not responsible for that.

I agree with colleagues that this should in future be debated at the select committee. I will ensure that every Member of the House receives a full Vote-by-Vote assessment of the savings made by Departments and what they are intending to do line by line. That will be in their pigeonholes by late this afternoon — I give an absolute commitment on that. I apologise that it did not happen before the debate.

We are dealing here with money allocated for 2011. To answer Deputy McDonald's question it is approximately 2.5% of the 2011 allocation. So while €114 million is a significant amount of money, it is very small in global terms. As Deputies will appreciate there is general support for the idea that if a Department cannot spend the money by the end of the year, the worst thing it could do, as Departments did for many years, was to spend a glut of money at the end of the year very often unwisely. It was spent badly and there was no value for money and everyone knew that. The 2004 legislation provided for an opportunity to spend that money in the following year and also to change it between subheads if there was not the expenditure profile there.

Colleagues have legitimately asked why we have these underspends. Much of it is down to timing. In the OPW, for which I have responsibility, almost half the capital allocation is spent on flood defences. We set out a profile for a year and the contracts that are to be awarded and the progression of those contracts. However, much of that depends on whether the other bidder takes an action as to whether he won the contract or whether the contractors actually get on-site into the river. It depends on whether the agreement on the purchase of the private land-holding as part of the scheme is agreed and proceeds. It is not as if the money will be spent on anything different in the following year for the OPW. It is just the way the scheme is progressing and the drawdown of funds accordingly.

Deputy Richard Boyd Barrett: If there were no outsourcing, we would not have that problem.

Deputy Brian Hayes: This is very much in-sourcing. This is the Department itself organising it. Although outsourcing is not a bad idea as I said this morning at a conference.

Deputy Richard Boyd Barrett: The Minister of State is talking about bidders.

Deputy Brian Hayes: Much of it is about timing and the profile of that timing. The other reason we are not spending as much is that we are getting better value for money. At the start of the year a Department might propose spending, for example, €50 million on an item, but it ends up being cheaper because of the collapse in the construction industry. I understand reductions of approximately one third have been achieved in some schemes.

Deputy Boyd-Barrett asked about retrofitting. One of the reasons we did not spend enough on such demand-led schemes was that the level of applications from householders was not as significant as we expected. On the minor flood schemes, we may give local authorities €3 million and find at the end of the year they have only spend €1.5 million because they have not drawn down the funds. On demand-led schemes we are dependent on a third party or an individual drawing down the funds and in many cases they do not. That is one of the reasons that occurs.

Even though it is 2012 expenditure, we are talking about an amount of 2011 expenditure which is to be spent on various subheads. I give an absolute assurance to Deputies that we will get a detailed Vote-by-Vote breakdown into their pigeonholes by this afternoon. It is only right and proper that would happen. We do not want to do it this way. I ask Members who are members of the relevant committee to facilitate having this detailed engagement where an

[Deputy Brian Hayes.]

opportunity arises. I fully concede that it should not be in plenary session and should be at the committee where we can go back and forth on the many issues that arise. Ultimately it is an important procedure. Without allowing this to happen the State cannot spend €114 on various worthwhile projects. However, I accept we need greater scrutiny of those projects, and of the relevant capital envelope and that should happen at the committees. Some seven or eight Departments are involved and I am sure each of their Ministers would be more than happy to appear before the relevant committees to set out how that additional expenditure will be spent in this year.

Question put and agreed to.

Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Joan Collins — the potential closure of the Seven Oaks pre-school facility in lower Ballyfermot, Dublin; (2) Deputy Ann Phelan — the position regarding heel-prick data cards; (3) 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; (4) Deputy Simon Harris — the need to formalise the referral procedures and after-care services in place for the selective dorsal rhizotomy operation; (5) Deputies Caoimhghín Ó Caoláin, Seán Crowe, Kieran O'Donnell, Clare Daly, Joe Higgins and Richard Boyd Barrett — 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; (6) Deputy Derek Keating — the need for a dedicated child-protection service in view of the recently published report of the Ombudsman for Children; (7) Deputy Kevin Humphreys — the proposed incinerator at Poolbeg, Dublin, and regulation of the waste market; (8) Deputy Brendan Smith — the reason that some DEIS band 1 schools, particularly schools (details supplied) in Dublin, will lose teaching posts in September; (9) Deputy Eoghan Murphy — the attempts being made to locate an Irish citizen missing in Rishikesh, India, since February; (10) Deputy Peter Fitzpatrick — sheep worrying caused by dogs on the Cooley Peninsula, County Louth; (11) Deputy Alan Farrell — the need to make provision for Saturday voting for future referenda, general elections, local and European Parliament elections, by-elections and presidential elections; (12) Deputy Terence Flanagan — the need for the banks to freeze all mortgages on properties in Priory Hall, Dublin; (13) Deputy Aodhán Ó Ríordáin — the omission of St. Laurence O'Toole's girls national school, Sheriff Street, Dublin 1 from the five-year capital building programme; (14) Deputy James Bannon — the need to review the cut in funding to St. Christopher's Services, Longford; (15) Deputy Thomas P. Broughan — the proposed changes to the community welfare services in the Darndale Belcamp Village Centre, Dublin 17; (16) Deputy Dominic Hannigan — the need for a review of the rent allowance limits to take place; (17) Deputy Dara Calleary — the witness protection programme following the departure of the Collins family from Limerick; (18) Deputy Mattie McGrath — the changes being implemented to the community alert seniors alert scheme; (19) Deputy Mick Wallace — the provision of guidance counsellors at Gorey community school, County Wexford; (20) Deputy Robert Troy — the plans for the future of Columb Barracks; (21) Deputy Seamus Kirk — the need to discuss overcrowding in accident emergency departments particularly the Mid-West Regional Hospital; and (22) Deputy Dessie Ellis — the need to discuss the effects on communities of the cuts to Dublin Bus services especially in the areas of Ballymun and Finglas.

The matters raised by Deputies Dara Calleary, Kevin Humphreys, Peter Fitzpatrick, Caoimhghín Ó Caoláin, Seán Crowe, Kieran O'Donnell, Clare Daly, Joe Higgins and Richard Boyd Barrett have been selected for discussion.

Mahon Tribunal Report: Statements (Resumed)

Deputy Clare Daly: Over the course of the debate there has been considerable looking back at the past with the implication that was then and this is now. However, this phenomenally costly exercise has not done anything other than spell out what we already knew and have known for decades. In one sense that is probably all right, but the real test before the House is what we will do about it now. Will concrete measures be introduced to begin a new era? I do not see any indication that is the case. The examples highlighted by the tribunal were not isolated occurrences. They were probably worst excesses of a system which is intrinsically bound up and influenced by big business as we see in a number of areas. The seamless transition that Ministers of all of the main parties have when they leave this House and take up positions on the boards of multinational companies and so on shows that relationship.

The roots of the present crisis, borne on the shoulders of young couples and families, lie in the findings of the Mahon report and the carry on that was the norm in the past. A few people resigning from Fianna Fáil and Fine Gael is hardly justice for those crimes, which is what they were in many instances. Obviously there are more Fianna Fáil members named than Fine Gael members, but that probably reflects the fact that Fine Gael was out of power more than Fianna Fáil was and probably had less opportunity to be influenced. The dogs on the street knew that councillors from the right wing parties facilitated this process. They very keenly participated in a system that by a show of councillors' hands turned people into millionaires overnight because of a zoning change on land they owned. It is illustrative of the links between big business funding and political parties.

Even the Labour Party was not immune. I note that the tribunal exonerates and commends the behaviour of the Minister, Deputy Rabbitte. However, even in his case he received cash in his house in November and gave the money back 36 days later. One would have to ask why he was keeping it and why did he accept the cash in the first place. Of course the Labour Party went on to accept many donations from big business and it illustrates that it was seen to be the norm. Such behaviour was seen to be acceptable. Despite what Deputies have said about it here, the dogs on the street knew it was going on. The Christmas after I was first elected to Fingal County Council, I saw one of the members of staff carry in boxes laden down with presents, gifts, drink and so on. I happened to ask who it was for and he informed me it was for certain councillors. He suggested that if I wanted to know who had given it, I could see for myself because I had received a calendar from the same person. Clearly, the people who voted the right way were being rewarded. I suggest they came rather cheap at the price. I recall the election count in Fingal in 2002. Every developer there, including the likes of Gerry Gannon, raised G.V. Wright and other Fianna Fáil Deputies shoulder-high following their election. Mr. Wright had to resign his seat from Fianna Fáil recently. One need only drive around and look at the ownership of sites where billboards appeared during the elections to know where the influence lay.

These people were buying the failure of the State to implement the Kenny report and control the price of building land. The question for the Government is whether it will do something to deal with that situation now. The failure to do so has put a phenomenal burden on the shoulders of ordinary people. The Government could take concrete steps to implement the Kenny report. Decisions on lands for development purposes should be based not on ownership, but on strategic necessity and it should be linked to the control the price of housing. This is absolutely necessary if there is to be any change. This important measure could be taken now.

[Deputy Clare Daly.]

I do not believe that removing the power from councillors is a solution. I believe there should be more local democracy whereby the population has the right to recall councillors who do not perform their duties or who betray the electorate. Such measures should be extended into the planning process *per se*. It is not only councillors who have been tainted. I do not for one moment believe that George Redmond was the only corrupt planning council employee. There must be greater measures to ensure transparency on planning decisions and this must involve An Bord Pleanála as well. Ultimately, this is not about individuals or their behaviour, although some of them behaved especially badly. The real challenge is for society. What was the role of the media and the Garda? These questions have not featured enough in the debate. The behaviour and conduct that occurred could not have taken place without the complicity of the media and the Garda.

I pay tribute to Joe MacAnthony, one of the first people who exposed corruption in the State. He broke the first story about Ray Burke in the 1970s, a role recognised 30 years later during the Flood tribunal. However, some 40 years later, almost nothing has been done to deal with this criminal activity. We must ask ourselves why nothing has been done. Clearly, it is because of the private ownership and the influence of the media. When the *Sunday Independent* was bought by the Fianna Fáil contributor, Tony O'Reilly, the accurate and well-supported stories published by Joe MacAnthony ceased. In essence, he was axed and elbowed out. He was exiled to Canada for revealing the close relationship between the property developers Mr. Brennan and Mr. McGowan and the then Deputy Ray Burke. The journalist produced legal evidence from the Companies Registration Office which showed criminal, corrupt behaviour from Ray Burke. He brought this to the attention of the state forces, the Garda, but no action was taken because Ray Burke was a Minister at the time. Nothing was done about that behaviour. Meanwhile, the man who revealed the story and who carried out the research had his wages cut. He was effectively squeezed out of Independent Newspapers. He had been lined up for a job in RTE, the State broadcaster, but was axed from that contract as well.

What happened to Ray Burke afterwards? He went on to steal further. When he was Minister for Communications, he accepted £30,000 from the Fitzwilton group, owned by Tony O'Reilly, also the owner of the *Sunday Independent*. That newspaper has continued to play a despicable role in the coverage and history of the State. In essence, there is a golden circle in the country facilitated by many of the stalwarts of the Irish media. The failure to deal with Mr. Burke in the 1970s gave a licence to everyone else to carry on. This failure gave the nod and indicated that this was acceptable behaviour. It confirmed that there was one law for the rich and another for the poor. This type of stance continues to the present day. These double standards remain extant. It has been proven that Anglo Irish Bank broke liquidity laws. That is indisputable. Those involved took part in criminal activity which is liable for a penalty of five years in prison. However, not one of those people have been brought before the courts.

Rather than taking action to deal with criminal activity in the banking sector, the Government and the taxpayer have been asked to support it and to reward those involved by paying off their debts. Those whose shoulders the debt is foisted on, ordinary citizens, PAYE taxpayers and pensioners, are threatened with the courts for refusing to pay an unjust household tax demanded to pay precisely the debts that are a result of criminal behaviour. This is the type of corruption that goes on in this society and if the Government was serious about it, it would deal with it.

The tribunal report also expresses its findings with regard to corporate vehicles and transparency of assets. I have raised this issue on several occasions with the Minister in respect of the role of charitable trusts operating out of the International Financial Services Centre. Essentially, they carry on their business in a tax haven. They are established to defeat transparency.

They are set up to facilitate off-balance-sheet operations and shadow share dealings or bond deals. I pose the following question for the Government: how can these trust regulations be allowed to stand? If the Government fails to take action to deal with these trusts, it would be altogether incompatible with the findings of the tribunal. The Minister for Finance must give a public commitment that he will end what Transparency International Ireland refers to as legal corruption of these trusts. Will the Government wait until it becomes the subject of an investigation by the IRS or the UK fraud squad? These are not historical but current issues. The taxpayer has paid hundreds of millions of euro to fund a tribunal into corrupt practices. If the Government is serious, it must make far-reaching decisions with regard to how it conducts itself in terms of business and planning matters throughout the State.

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):

I am grateful for the opportunity to speak on this important, seismic issue, an issue most disturbing for Irish politics. With its thousands of pages, the Mahon tribunal report opened a unique window into what was an especially dark and murky period in Irish political history. The word “corrupt” or related words are referred to over 800 times. It was a period of brown envelopes, digouts, whiparounds and when money came before the common good, when there was something rotten in the State of Ireland, to paraphrase Shakespeare. The report’s conclusions are stomach-churning. I believe I can still get away with saying that as a younger politician I hope never to see this happen again and I will work night and day to restore faith in Irish politics.

We are all aware of the tribunal’s findings and there is no need to repeat the facts outlined. We must move on and create a better, more transparent way of conducting politics. However, it is important to put on record the damage that the corruption culture did to the country, how it started, how it was fostered and how it penetrated every level of Ireland and the Government.

The corruption can be traced back to TACA, the fund-raising arm of Fianna Fáil, as part of which men in mohair suits travelled from dance halls to GAA socials throughout the country with begging bowls in one hand and giving slaps on the back with the other. Things got done as part of a nod-and-wink culture. One was served not according to one’s need, but depending on the size of one’s pocket and wallet. If one sought access to the relevant Minister, one had to cough up and be a part of the TACA club. It became the culture which underpinned the political movement of Fianna Fáil, the so-called movement for the everyman and woman. In this murky culture, which was never tackled, the honest man or woman was not rewarded. If one wished to get ahead in business, one had to look after Fianna Fáil.

One person came to pioneer this deceitful, dishonest and destructive culture more than most. This was Mr. Charles J. Haughey, the first of three recent Fianna Fáil leaders to be implicated in tribunals. His attitude to money, Charvet shirts and champagne on Inisvickillane spread around Fianna Fáil like a virus. Although disgusting, this disgrace spread throughout the Government through him. It occurred at local and national level and it infested the culture of Fianna Fáil. It infected Government at every level according to Judge Mahon.

Following Mr. Haughey we had Mr. Reynolds, who the tribunal found to have abused his political power and who sought donations for political support. There is no evidence that he had any interest in tackling the cronyism culture and corruption that polluted Fianna Fáil and subsequently polluted the country.

Then we have Bertie, a former Minister for Finance and an accountant, who cannot account for his money. Some of it he won on a horse and some of it was kept in a safe in his office when he was supposedly broke. He is the man whose solicitor travelled around Dublin to seek money for him, apparently to pay his legal fees. Bertie is the man who wanted to renovate a house he did not own and the man who, above all, let his secretary take the hit for him in

[Deputy Alan Kelly.]

public. Not even his political and financial cunning could get him out of this one. There is no doubt but that his farcical explanations were exposed by the tribunal.

Politics is supposed to be about values, but in Fianna Fáil it seemed to be about lining your own pockets. It is beyond credibility to think that over ten years of Fianna Fáil Government Bertie Ahern's his Cabinet colleagues could listen to this fairytale coming from the tribunal and buy it. How can former Fianna Fáil Ministers who are still Members of this House credibly explain their silence on these matters over the past years? The report is damning of a number of them and their attacks on the tribunal and it is not good enough that they only now say they regret them. Being contrite after the fact is a joke considering the attitude they displayed during the tribunal.

There was also Pádraig Flynn. How could we forget him? Some €50,000 meant for his party disappeared and reappeared in a personal family transaction according to the tribunal. This was a man who had one of the great privileges of Irish politics, to represent this country as a Commissioner in Europe, a great honour. Did he conduct himself with honour? Not in the slightest. Does he deserve his European pension? Not in the slightest way.

Charlie Haughey, Liam Lawlor, Albert Reynolds, Frank Dunlop and a whole host of others, all Fianna Fáil members, were all implicated in tribunals that involved large sums of money changing hands. Corruption seemed to become a regular aspect of Fianna Fáil's public role, but who suffered? We all did. Everyone suffered, whether as a result of poor planning or of rewarding cute hoors above honest talent. Fianna Fáil polluted the country for many generations and ignored the honest decent people who were trying to make lives for themselves in difficult economic circumstances. Some people suffered more than others. As I stated on "The Frontline" programme on Monday, there are people in west Dublin living in houses that should never have been built. Fianna Fáil wanted to reward its developer friends and moved the town centre to Quarryvale, where we now have a huge shopping centre but awful planning. I know that in planning schools in eastern Europe, Dublin is used as an example of what not to do.

On behalf of the new generations of politicians in this House, I say that we can never let this happen again. Never again should it happen and we stand indicted as a political generation if anything like this ever does. Politicians and political parties need to put the country, the Republic before themselves or their parties. With Fianna Fáil, the party always came first. The only values Fianna Fáil held dear was electability and power. No more. We need to kill the murky political culture of Fianna Fáil, and I am determined we will.

Remember, there is a direct link between the Fianna Fáil cronyism culture and our current crisis. Seánie Fitzpatrick had no problems getting access to senior Fianna Fáil Ministers as and when he needed. There was a reason Fianna Fáil supported the property class so much. Many of its pioneers were strongly linked to Fianna Fáil and it was these people, along with Fianna Fáil, who destroyed this country. They have no right to lecture any other party politically anymore, least of all the Labour Party, of which I am proud to be a member, whose senior politicians were commended by the tribunal. My colleague Joan Burton has 42 writs to show where the Labour Party stood on corrupt planning. Listening to Fianna Fáil's Deputy Collins the other night, one would swear Fianna Fáil had done a Superman act in a telephone box and come out squeaky clean like someone in a Daz ad. Has he forgotten the Ansbacher accounts? Has he already forgotten the MaCracken and Moriarty tribunal reports? The stench of corruption around Fianna Fáil will last for generations. The tactics of Deputy Collins and his Fianna Fáil colleagues are to try and slip into a commentary that suggests they were all the same and were all at it. They seem to suggest "Yes, we were bold, but we are Fianna Fáil and we will be back". Well, we are not all the same. This republic does not need that Fianna Fáil.

It has done enough damage. The Government is trying to bring back our republic and our sovereignty, which was sold out by Fianna Fáil.

The Mahon tribunal report recommendations need to be taken very seriously. This is a once-off chance. We need to create a change in political culture. We have a job to do as a political generation, across all parties and across all levels of politics from the parish to the councils to the Oireachtas. We must use this report as an opportunity not just to end political corruption in Irish life but also to end the public apathy we have as a nation towards corruption. The wider public repeatedly voted Fianna Fáil back into power throughout 22 of the last 25 years and we know the result.

Planning and procurement systems have changed dramatically and will continue to change so that they can be free of private or political interest and operate from now on in the interests of the common good and be evidence based rather than developer led. The nature of party donations will be completely different. We will have a register of lobbyists that will also determine the regulations around political donations. We will have whistleblowers legislation to encourage people to speak out. We also will update ethics and corruption legislation to prevent the revolving door syndrome where former politicians or senior public servants move from their jobs into private sector jobs in an area closely related to their previous jobs. There needs to be a cooling off period of a number of years for people in such positions. Furthermore, those who are found to have tried to bribe politicians or public servants must be dealt with severely. They should no longer be allowed tender for public contracts, for instance, or apply for a job in the public sector. Those who have ever received a bribe should never hold political office now or in the future. They should also forfeit their pensions. This will be difficult to bring about, but we should do everything in our power to try and achieve it. The public demands this and I am with the public. Above all, we in this House need to undo Fianna Fáil's legacy. It will take a long time but we can do it.

Deputy Charlie McConalogue: I welcome the publication of the Mahon tribunal report into planning corruption. Its publication was a sad day for politics here and for my party. It was sad for our party to see some of our former members indicted as having been corrupt by the tribunal and it was sad that the tribunal did not believe our former party leader gave a truthful account of moneys to the tribunal.

Both the Mahon and Moriarty tribunals have been ongoing since the late 1990s and during that period they have cast a shadow over Irish politics and the business of politics in this country. While we were getting on with business, two tribunals were discussing and investigating practices in Irish politics in the past of which none of us could have been proud. Until such time as those tribunals reported, they cast a shadow over political life here. In many ways, it is a relief to see that both tribunals have now reported. It was a relief when the Mahon tribunal report was issued last week because it brought into the open its adjudications, judgments and decisions on the evidence given over a number of years.

With regard to Fianna Fáil, I and many members feel a sense of betrayal with regard to members of the party — former Ministers, Deputies and councillors — who were found to have taken corrupt payments and to have acted corruptly. This was a betrayal of the party, of politics of our country and of the people who elected them. There is no pride for me in seeing that people who operated within the same party I do undertook and committed such acts. However, Fianna Fáil has acted as strongly as it possibly can in response to the judgments. We moved to expel those who were found to have acted corruptly or against whom serious findings were made by the tribunal. We want to make it clear that there is no place within our party for people who betray the public trust and who do not act in the interest of the public who

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elected them or in the spirit of the membership of the party who supported and helped them get elected.

I have listened to the comments of Minister of State, Deputy Alan Kelly, and of many other Ministers and Deputies during this debate this week. They refer to Fianna Fáil as if it had been the subject of the findings of the tribunal and as if it found Fianna Fáil to be corrupt. I wish to make it clear that Fianna Fáil is not a corrupt party and neither is its membership. Some members of the party who held very high office within the party have been found against by the tribunal and this fact is a betrayal of the membership of our party and for what our party stands for——

Deputy Alan Kelly: The country was betrayed.

Deputy Charlie McConalogue: I agree. I wish to assure the House that the membership comprises of good and honest people and they are members of the party for the right reasons. They have spent many years knocking on doors, working in the community, organising national collections for the party outside church gates and in that case, they have accounted for every penny. It is an absolute betrayal of those members when it is found that some of our key party representatives acted in such a manner as has been found in this tribunal and in other fora. I can assure the House there is no cloud over my name nor any cloud over the people who support me nor over the membership of the party. However, we have been betrayed by the actions of some of these people and I assure the House there will be no truck with such people in the future. The party will continue with the good spirit and commitment of those of whom we can be proud. However, we have been betrayed and we are not proud of what has happened. We have a job to win back the trust of the public but I am confident that with the spirit of the membership of the party we can do this and we have to make that effort.

I remind the House that Fianna Fáil has introduced a Bill dealing with political donations and a Bill dealing with the registration of lobbyists and it also made a contribution to much of the ethics legislation introduced in recent years by the previous two Governments in order to regulate political donations. There is an onus on all parties and on all those involved in politics to act on the findings of the tribunal to ensure that this type of activity can never happen again.

Other Members have referred to the Fianna Fáil Party as if every member of the party is the same. The Mahon tribunal also found against members of other political parties, certain Fine Gael members and one Labour Party member and Independents——

Deputy Jan O'Sullivan: He was kicked out of the party in 1993.

Deputy Charlie McConalogue: Rightly so. My point is that the findings were not exclusively against the members of one party and we must all ensure that this can never happen again. This will require the Government parties to step up to the mark to ensure that they take responsibility on their side. The Moriarty tribunal found that a Minister who sat at the Cabinet table with many of the members of the current Government delivered a mobile telephone licence to a particular company. This was one of the most significant decisions made by the State in recent years. Fianna Fáil had nothing to do with it.

We must ensure that politics from now on will be above reproach. I note the Minister, Deputy Hogan has suppressed and reversed the decision to have an independent investigation into planning decisions in certain local authorities, a retrograde step.

Deputy Jan O'Sullivan: It has started.

Deputy Charlie McConalogue: I note that the former Minister who initiated those inquiries has criticised the Government.

Deputy Jan O’Sullivan: They are not suppressed, they are ongoing.

Deputy Charlie McConalogue: They are ongoing now but the Government has been in office for a year. I ask how much longer they will continue. The Mahon tribunal cost €300 million and we being informed it will be one or two months before the Minister will issue a statement. If the Government was serious about it, the independent investigations should have been continued when the Government came into office——

Deputy Jan O’Sullivan: They have started.

Deputy Charlie McConalogue: Independent investigations had been done previously and they should have been continued by the Government. I note the lethargic attitude of the Government as to the continuation of this work and it gives out the wrong message as a response to the Mahon tribunal findings. The Government should initiate those independent investigations. I acknowledge it is unfortunate the House has to spend so much time debating a report which has such damaging findings but I hope it will be last time we have to do this. All parties must ensure that they operate in a way so that politics will be regarded differently in the future.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): I will address the issues raised by Deputy McConalogue at the conclusion of my contribution. I assure the House that those investigations are ongoing.

It is important and good that the House is finally debating the final report of the Mahon planning tribunal. This is a significant debate which will be the historical point of departure in responding to the analysis, findings and recommendations of the Mahon tribunal report. I want to make it clear that this report will be the basis for action. We will ensure that the climate which existed will never be tolerated again whereby corrupt manipulation of the political and planning systems occurred in this country. As Minister of State with responsibility for planning matters I wish to reassure the House that I regard the report as a historic opportunity for both myself and for the Minister for the Environment, Community and Local Government, Deputy Hogan, to mark a point of departure between what has gone before and what is to come.

I will repeat the core element of my initial public response statement to the Mahon tribunal report:

The evidence given during the hearings and the conclusions of the report have rightly apportioned blame to those who received corrupt payments, frustrated the work of the Tribunal and undermined our planning process. Planning corruption is not a faceless crime, it affects the welfare of families and communities for decades. I am determined to act on its conclusions to ensure that our planning system is designed and operated in the interests of the country and the community [and not of developers].

The Minister and I are keenly aware of the strong relationship between the need to have an effective planning system and to overcome our economic challenges and prepare for our country’s economic recovery. I also wish to underscore the strong synergy between the planning recommendations of the Mahon tribunal report and recent and ongoing reforms to the legislative underpinning and operation of planning in this country.

There was consolidation of planning legislation in 2000 and the publication of the national spatial strategy in 2002, followed by the introduction of regional planning guidelines in 2004

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which were substantially revised in 2010. Although more progress is needed extensive efforts have been made to ensure a more strategic approach to planning, one where the debate is less about whose field is to be zoned and more about how places are being used in the longer term. That progress must continue.

The 2006 Planning and Development (Strategic Infrastructure) Act established statutory recognition of the national spatial strategy and the 2010 Planning and Development (Amendment) Act 2010 provided further amplification. In this regard, the 2010 Act has strengthened regional co-ordination, delivered better alignment of planning nationally, regionally and locally, and introduced a new requirement for core strategies in the development plan process. This process is one that local authorities are strongly engaging with because they recognise the need for a stronger, plan-led, strategic, phased approach to development that will facilitate careful management of, and prudent investment in, infrastructure provision at a time of acute pressure on the public finances.

By taking account of both the tribunal’s findings and recent experiences better planning will be achieved. First, where there is an evidence-based approach and future needs, whether for housing, office space, retailing or infrastructure, are agreed strategically and matched by strategic planning at Government level through the appropriate national strategies and sectoral investment plans. Second, when we refocus on revitalising our city and town centres and move against the tendency of the Celtic tiger era to envisage extensive and sprawling extensions of our cities and towns that draw the lifeblood out of older, established central urban areas. Third, where local authorities use the core strategy approach to tackle the legacy of historical and systemic over-zoning and ensure that all zoning is based on a quantifiable need that is community based rather than developer-led. Fourth, when we move instead towards a more co-ordinated and joined up approach to the delivery of essential public services such as schools, public transport and water services, using the local plan as the template.

I wish to take this opportunity to outline some initiatives I have been involved in during the short period since I took office, which are pointers for the way forward. I expect shortly to receive the regional planning guidelines implementation annual report 2011 which has been prepared by the eight regional authorities, having particular regard to the core strategy provisions of the Planning and Development (Amendment) Act 2010 and ensuring proper oversight of the alignment of plans at national, regional and local level. I believe the report of the regional authorities will indicate that serious progress is being made and must continue to be made in tackling our addiction to zoning.

The 2010 Act was aimed at decreasing the need for ministerial intervention in development plans and local area plans by bringing clarity to the legal responsibilities of planning authorities to have reasonable and evidence based plans rather than rely on the Minister’s intervention in the plan process. I wish to make it clear that this does not automatically rule out the need for my future intervention, in particular in the context of ensuring local plans and development plans are consistent. I will closely monitor their consistency with the now adopted core strategies in development plans.

I will shortly launch an innovative planning information system that for the first time in this country will draw together all the zoning maps of every development plan and local area plan in the country. These will be published on the Internet and will be accessible to the public. The system will enable a much more open and transparent system for tracking the integration of plans across the country. It will be a game-changer in terms of how the public will view the operation of the forward planning system. I will announce this very shortly. It is important to recall — as the tribunal did — that there are fundamental differences between the current

planning regime and that prevailing at the time the planning tribunal started its work 15 years ago. I agree with the tribunal that while recent progress is welcome, we can and must go further.

I turn now to look more closely at the ten planning recommendations of the Mahon tribunal report. Recommendation No. 2, on regional authorities, will be considered in the context of the forthcoming policy proposals of the Minister, Deputy Hogan, concerning further local government reform, to include the regional dimension. Recommendation No. 3 and, to an extent, No. 8, on regional and local authority procedures, have already been acted upon in recent legislative amendments. Recommendation No. 4 is a matter for the Minister for Transport, Tourism and Sport. Other recommendations propose sensible improvements to improve accountability, transparency and fairness in the planning process. I believe we would all largely agree on these but we must study them closely and consider them carefully as we prepare to respond to them in greater detail. I have already met officials and will meet them again next week in order to progress these recommendations, in particular in the planning department within the Department of the Environment, Community and Local Government.

Without question, however, the most fundamental recommendation is for the establishment of an independent planning regulator. In this one recommendation, the Mahon tribunal essentially tells legislators such as us that notwithstanding the roles of local authorities and the Minister, and progress made in recent years in tightening up a previously lax system, planning, especially the forward planning process, needs independent oversight. This must have the appropriate legal mandate and resources to determine whether plans are in compliance with legal requirements and, if they are not, to determine what intervention may be necessary where serious policy departures have taken place, or where there is strong evidence of bad practice or systemic failure. In other words, the tribunal's assessment is that Ireland needs to introduce an element of independent review of forward planning and planning administration practice in the manner that An Bord Pleanála undoubtedly delivers in overseeing our independent planning application appeals system. I intend to look at that recommendation and consult on it. My main focus in all this is to improve accountability and transparency.

In the short term, Members will also be mindful of the legacy of planning complaints, referred to by the previous speaker. Concerning these the former Minister, John Gormley, had announced a planning review that was intended to assess the application of planning legislation, policy and guidance within the development plan and development management systems at local level, and to inform further policy development in these areas. A number of planning authorities, representing a broad geographical spread of urban and rural areas and large and small authorities, have been selected to assist in the review of policies and practices by reference to a number of cases raised with my Department. I assure Deputies that work on this is ongoing and I have urged my officials to complete it as urgently as possible. Once it is completed I will issue a public statement, including any appropriate actions to be pursued in regard to further policy development and guidance while also taking account of the need to develop wider proposals for improving the transparency and openness of the planning system as recommended in the report of the Mahon tribunal report.

I wish to make it clear that the former Minister, Mr. Gormley, did not establish any investigations. He set up a panel of consultants who were to be available to carry out investigations. He left office in January 2011 without establishing any such investigation process. He was succeeded as Minister by Deputy Ó Cuív until the fall of the last Government but he, too, did not initiate any investigations. My predecessor, in conjunction with the Minister, Deputy Hogan, asked for a review within the Department which is ongoing and the findings of which I will publish when they are available. If necessary, and if appropriate on the basis of what is in that information, I will instigate investigations. The Deputies have my assurance on that because I intend, as Minister of State with responsibility for planning, to ensure we have a fair,

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open and transparent system of planning in this country, one in which people can be confident and on which they can depend, that will deliver the sustainable communities and quality of life for which we all strive and which people deserve.

I thank the members of the tribunal for their work over the years. I see this as a historic debate that I hope will close a very ugly, distasteful and damaging chapter in the history of this country. I look forward to playing my part in ensuring we have an open and transparent system in the future, without corruption.

Deputy Sandra McLellan: I welcome the opportunity to contribute to this debate on the final report of the Mahon tribunal. It is a shame it took 15 years for the tribunal to complete its work and that the costs associated with its work were so large. However, taking into consideration the findings that have been revealed regarding the core corruption within Irish politics, it may yet be a small price to pay. The conclusion of the Mahon report is that corruption was systemic and pervaded public life. The tribunal’s conclusions and its criticism of the political elite in this state are damning. The report revealed what many people had been all too aware off, that the culture of corruption has blighted the political life of this state for decades and has caused widespread social damage.

Corruption in Irish political life was both endemic and systemic. It affected every level of Government, from certain holders of top ministerial office to certain local councillors. Its existence was widely known and widely tolerated. The findings of the report show that some people in elected office did not tell the truth. For me, this is the most disheartening result of the Mahon tribunal.

I was elected to my constituency in good faith to represent the people of Cork East. These people trust me to represent them. The findings of this report that politicians put their pockets before the people will further deepen the public’s perception of politicians, which is damning for Irish politics.

It also reveals a culture of corruption within our political institutions. This culture began with the development of relations between greedy developers and politicians corrupting planning for profit. At the heart of this corruption lies what was once the most powerful political institution in Ireland, Fianna Fáil. The tribunal referred to how the Fianna Fáil Ministers launched what was described as “extraordinary and unprecedented attacks on the Tribunal” to erode its independence and collapse it. Questions must be asked of these former Ministers. Why were they so quick to attack the tribunal? Was this due to the fact that they did not want the truth to get out?

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 turned a blind eye to it all, and that former Fianna Fáil member Liam Lawlor abused his role as a public representative. This statement, that the Head of State and the person who represented our country throughout the world was found by the tribunal to be unable to tell the truth, is horrific.

Deputy McConalogue referred to some people in Fianna Fáil being honest and he is correct. However, many Ministers around the Cabinet table turned a blind eye to what was going on and that is a very poor reflection on the Fianna Fáil Party. We attempt to teach our children from an early age that lying, even a small white lie, is unacceptable yet the final report of the Mahon tribunal is telling the entire world our former Head of State cannot tell the truth. How do we intend to teach our children right from wrong when our former Taoiseach, who held the highest office in the land, is unable to tell the truth? The evidence our former Taoiseach, Mr. Bertie Ahern, gave to the tribunal was seen to be inadequate. It was clear from the outset that

he was unable to give an honest account of the substantial amounts of money he received. His explanations were laughable and, during the period he was Minister for Finance, he did not have a bank account. The widespread opinion at the time was that his evidence was not believable, something the tribunal has now confirmed to be true. The final report makes references to corrupt developers who were knowingly making authorised payments to politicians for their backing for the rezoning of land and these payments were willingly embraced by all sectors of the political institutions in Ireland, from council to Government level. Greedy developers sought to corrupt greedy politicians. These greedy politicians were mainly from, but not limited to, Fianna Fáil and sought to extort brown paper envelopes from developers. The result was poor planning and devastated communities.

The evidence of this corrupt system is to be seen throughout the country. Land was rezoned from agricultural to residential use, regardless of whether sufficient housing existed. Housing estates popped up in the middle of nowhere, with no amenities to support the residents. Some local authorities also appear to have flouted their own development plans in granting certain permissions. The consequences are visible and the taxpayer, via NAMA, is now the reluctant owner of many of these empty houses and ghost estates. The Mahon report lays bare how our democracy was subverted by an unhealthy and corrupt relationship between politics and business. This rotten political culture has contributed directly to the economic catastrophe visited on this State, with all its horrendous consequences such as mass unemployment, mass emigration and the devastation of our public services through austerity and cuts. There are the many homeowners in mortgage distress because some politicians chose to facilitate developers and bankers and pursued an economic strategy that brought the State to its knees. There are growing numbers of elderly citizens who do not know if they will have a public nursing bed when and if they need it.

Within our education system, we have had Traveller support teachers removed, teachers of English as an acquired language removed, SNAs removed and home school liaison officers removed. We have had an attack on the DEIS schools and small schools are under pressure, which causes major problems in rural areas, especially in the Gaeltacht. Some students are now unable to attend university due to the increase in the registration fee paid by third-level students, a figure that is likely to continue to increase. These austerity measures are being placed upon families who are already struggling to make ends meet.

The Mahon report confirmed widespread suspicions that bribery was a tried and tested way for developers to get the decisions they wanted. Councillors do not have a great deal of power under the Irish local government system but one they do hold is the ability to rezone land. What a lucrative income stream that proved, for some, during the boom.

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. The Fianna Fáil Party should take a good hard look at themselves and examine what happened. Many Fianna Fáil elected representatives involved, although not corrupt, were complacent. We also saw the defiant and defensive attitude from many in the leadership of Fianna Fáil during the Mahon tribunal. It is without question that these elected representatives should have acted differently and more appropriately, both within their party at the time and to the public. Many of the people who were so defiant and defensive of the then leader Bertie Ahern, now sit on the Opposition benches.

I have little doubt this report has damaged the view of the Irish politician but I doubt the findings of the Mahon tribunal have surprised many. We need to ensure the citizens of Ireland

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regain confidence in their public representatives. We must ensure we have an Ireland of equals, a real republic, one that stands with the citizens not against them.

Deputy Billy Timmins: I commend the members of the Flood and Mahon tribunal, who took much stick over a long period. We all questioned the length and the cost but, irrespective of the length of time and its cost, it would always be subject to a certain amount of criticism. Short of bringing out the wrongdoers and decapitating them, there would never be satisfaction from the public at large. Although I welcome the report, I also find it depressing for a number of reasons. The first is that there is so much bad in it and so much bad was done by so many individuals. A blind eye was turned by many other individuals. It also depressing because many of the individuals who did so much bad also did some good. The main focus in recent times has been the former Taoiseach, Bertie Ahern, whose evidence I do not believe. However, I acknowledge that he did some good during his time and it is important to acknowledge that, notwithstanding the fact that it does not exonerate him from the wrongdoing.

It is also depressing to listen to Sinn Féin lecturing Fianna Fáil. If I was to make a chart of the complaints about Sinn Féin I have come across, relative to Fianna Fáil over a 30 year period, I have no doubt that Sinn Féin would be the loser. It is a dishonest party that has murdered, maimed and manipulated. It has failed to acknowledge this although perhaps it is trying to go down a new path now. I have never heard members of Sinn Féin say they were sorry and I have never heard them tell the truth about what they were involved in. The Northern Bank robbery and the McCabe murder go to the back of the minds of most Irish people as they move on and forget. Sinn Féin vehemently denied both of those events although I am not sure if they still deny them. The fault I find with Sinn Féin, which is growing politically, is that the party is where Fianna Fáil was in the 1920s and 1930s. It puts the party before the State. Some Fianna Fáil members will take offence at this. That came home to roost in terms of some members of Fianna Fáil culminating in the likes of this report but Sinn Féin does not have an interest in putting the State first. The advancement of the party is more important. I include some of the left wing Independents in that. I will not get a chance to speak about the household tax but it is important to state that if a Member of this Oireachtas who believes in the democratic process and accepts democracy and who was elected by the people to this House does not accept the democratic view of the House and refuses to pay the household charge, that is corruption in another form.

Where there are people, power and money, there will always be the potential for corruption. My colleague, the Minister of State, said we must make sure nothing like this every happens again but as sure as night follows day, this will happen again. Since Eve took the bite of the apple we have had corruption of sorts. We can blame the snake on that occasion but, ultimately, society has a weakness in that regard. We all have weaknesses as individuals and notwithstanding that I had a go at Sinn Féin, I do not like to be too judgmental on that because one never knows what forces an individual man or woman to do this but those in office in particular who have engaged in wrong-doing and involved themselves in corruption should be followed to the ends of the earth and made repay. We must ensure we have structures in place that will limit cases of corruption or that it will be discovered if it does occur.

Like most people I speed read most of the recommendations in the report and corruption and bribery appears to be very difficult to prove but we must move in that regard. I would abolish the Standards in Public Office Commission. I do not know what great purpose it achieves but whatever limited purpose it achieves could be incorporated into a new public interest office. We do not need a corruption office or a planning regulator, but a public interest office. I was never one to act on anonymous information but the tribunal recommends it and

due to the climate of fear, the fear of authority and the uncertainty that exists, and a fear in terms of confidentiality, we should set up such a public interest office which should have a section dealing with anonymous information.

I hear the term that the dogs on the street knew about this corruption. I was not in politics in the early 1990s. I came into it in 1997 but no dog on the street ever came up to me and told me about corruption. One would often hear it in the ether, as one hears many things, but I am not inclined to believe what I hear in the ether. I do not necessarily believe in the adage that there is no smoke without fire. I do not believe that all people are corrupt. The majority of people, be they in Sinn Féin, Fianna Fáil, Fine Gael, Labour or whatever party, are decent, honourable people who are doing the best they can. Every party has the potential for corruption and wrongdoing, including Fine Gael. However, this report has shown that in Fianna Fáil, perhaps because it was in power the longest, there was bad practice, activities that were not in the public interest and corruption carried out at the highest level in the party. There was also complacency, as mentioned by an earlier speaker, or a blind eye turned to the difficulties. I was surprised to read about the former Taoiseach, Albert Reynolds, and the Flynn money. One would never associate the former Taoiseach with those deeds, yet he was informed of the Flynn donation and it appears he did nothing about it and appointed him subsequently as a Minister and a Commissioner.

That goes back to the concept of loyalty and the misconceived perception those of us in politics have about loyalty to the party and to the party leader. One must be loyal first to oneself and to the people one represents. People who speak about loyalty often are the people in control, not the general body. Loyalty and the misplaced concept of loyalty has given rise to many difficulties in Irish politics over the years.

One of the weaknesses in our system is that the Executive, irrespective of whether Labour, Fine Gael, Fianna Fáil or whatever party is in power, holds all the power and it is very difficult to hold the Executive to account. The only way we can go some way in holding it to account is to have a committee system that can be independent of the Executive. That is an issue we have discussed in the past but we have done nothing about it. It has not happened in my time here nor has it happened to date during our Government's time in office.

An Leas-Cheann Comhairle: There are two minutes remaining.

Deputy Billy Timmins: I have so much to cover. We may need to reform the Dáil again.

The committee system must be able to hold the Government to account. Committees cannot be the arm of a Minister of a Department but until such a time as we change the mindset in that area we will not have change.

The most important recommendation in the report concerned the concept of corruption in office. The report refers to the charge introduced in legislation in 2001, and the need to increase that charge. That is something I hope the Minister for Justice and Equality will move on very quickly.

The Minister for the Environment, Heritage and Local Government has come into the Chamber. There is a long list of recommendations about planning. There is mention of regional planning guidelines and that elected members have very little input into them. Many of the elected members of local authorities are not accountable to the people who elect them either. I look forward to the Minister for the Environment, Heritage and Local Government radically reforming local government. He should abolish town councils, reduce the number of county councils and regionalise them, and have them elected and accountable.

[Deputy Billy Timmins.]

I do not agree with the concept of the planning regulator. Who will be the planning regulator? Will it be the James Gogarty or the George Redmonds? I do not believe that all politicians are corrupt and that they cannot be put in these offices.

The report refers to establishing an independent appointments board. One of the boards I get the most complaints about is An Bord Pleanála which sometimes does a good job but sometimes does not. If we believe that an independent body or individual has a monopoly on righteousness or wisdom, we are wrong. Irrespective of what body we set up or who we appoint——

Deputy Phil Hogan: It would not work.

Deputy Billy Timmins: ——there must be a system of checks and balances because the position is only as good as the individual in it, and the body must keep a hold on that individual, so to speak.

The most important aspect to arise out of this report is the need to have a public interest body to which confidential information can be given and that will have teeth, and that those of us in this House should examine reforming our committee system, and I do not mean the optics of reform. Committees can work independently and whether one is a Government or an Opposition Member they can prosecute the Government in the public interest and not in self-interest.

Deputy John Browne: I am delighted to see the Minister, Deputy Hogan, in the House. Perhaps he will announce deferral of the household charge until September as many people up and down the country want.

Deputy Phil Hogan: I am not a weak person like the Deputy. Wexford will never get anywhere with weakness like that.

Deputy John Browne: No. Wexford was always to the forefront. I was not involved in any public meetings, as the Minister is very much aware.

Deputy Phil Hogan: The Deputy nearly went to one.

Deputy John Browne: There are many dissatisfied people in Wexford.

To get back to the issue of the Mahon tribunal report——

An Leas-Cheann Comhairle: Yes, please.

Deputy John Browne: ——which is more important, I welcome the report of the Mahon tribunal. Fifteen years is a long time to wait for that report, with a cost of €300 million. Some people I met in recent days wondered about the costs of the tribunal and were critical of the high amount of moneys paid to judges and barristers, but that was the position at the time. During my time as a Member, and the Minister, Deputy Hogan, has probably been here as long as me, we had the Flood tribunal report, the Moriarty tribunal report and now the Mahon tribunal report. We must learn lessons from all of the tribunals on where we should go for the future.

This tribunal has done valuable work in exposing wrongdoing by politicians across the political divide. I am sad to say that the majority involved in the Mahon tribunal have been from my party but some were from other parties as well. Deputy Billy Timmins mentioned Bertie Ahern who certainly did tremendous work on the peace process. We all want to acknowledge

this, but unfortunately he is now caught up in the report from the Mahon tribunal. We can never lose sight of the work he did, with many people at the time, to bring peace to this island. It started with Albert Reynolds and continued with John Bruton and we must also acknowledge this. Bertie Ahern, with many other people, put the final touches to the peace process.

Corruption in any walk of life is very wrong, and it is even worse if it involves elected men and women in whom people put their trust as public representatives at local or national level. The Mahon tribunal report is a serious indictment of many people who held public office at all levels of public life, not only politicians but also officials. It is not good that people in such high office, either elected by large numbers of voters or officials in high positions, would carry out such misdemeanours. It is not acceptable and should not be tolerated now or ever.

I listened to the Minister of State, Deputy Alan Kelly, this morning when he attacked Fianna Fáil. We are used to him attacking Fianna Fáil and there is nothing new in it. The difference between his contribution and that of the Minister of State, Deputy Jan O'Sullivan, was very striking. He had a holier than thou attitude about the Labour Party. As we all know, the high moral ground is a dangerous place to be and I will say no more on this.

The ambition of the thousands of decent and honourable Fianna Fáil people throughout the country is to improve the quality of life for our people. As the tribunal has pointed out, we have had some rotten apples in the barrel. They must be removed from the party. Some have been removed and others will be removed in the coming days. The party owes it to our thousands of supporters who are horrified by the report of the Mahon tribunal to clean up the act in our party. I have been in this House for a long time and I have worked with my colleagues in Wexford from many years since Deputy Howlin, Avril Doyle and I were first elected. All of those on the council at that time were decent and honourable and were there for the common good of the people. They were not there to take handouts or to be involved in corruption. Our only interest in the planning process at county council level was to improve the quality of life for our people to allow investments to take place, encourage people to invest in the county and introduce suitable county development plans.

Unfortunately during the Celtic tiger era the planning process went cuckoo. Local authorities lost control and county development plans went out the window and were ignored, certainly in Dublin and the larger cities. This was a major mistake. I remember when the county manager was reviewing the development plan he brought proposals for each electoral areas along with consultants' reports stating very clearly what was required for housing, retail and commercial activity over the coming five years. We then zoned the land based on these recommendations. It seems in some counties the county development plan and the reports of the county manager and the consultants were constantly ignored. As a result we now have cities and towns which have been destroyed. People live in ghettos and ghost estates. We have huge housing estates with thousands of houses built in an area with no shops, schools or sports facilities.

We also have out-of-town shopping centres where multinational supermarkets came in and played one county or town off another, threatening to move elsewhere if they did not get an out of town shopping centre. Unplanned developments have destroyed the heart of many smaller towns. In New Ross, Dunnes Stores, Tesco, Lidl and Aldi are all based on the outskirts and the heart of the town centre has been decimated. This was a mistake.

Recently I attended a funeral in Adamstown in west Dublin. The Minister, Deputy Hogan, has responsibility for the environment and I must say this type of development must never be allowed to happen again because it is not conducive to good living. People cannot live the way they should because of the lack of housing, schools, shops and other facilities. I hope we will not find ourselves in this position again.

[Deputy John Browne.]

During the Celtic tiger era we had a huge demand for planning. Wexford County Council dealt with 10,000 planning applications per year. It was unbelievable. There were few extra staff and decisions were made quickly. In some cases the wrong decision was made. Perhaps it has gone in the other direction but I am glad to say that at least those dealing with planning can make proper decisions. Last year, Wexford County Council received less than 1,000 planning applications. We would like to see this figure increase in the coming years but we would not like to return to the situation we were in previously.

The Minister of State, Deputy Jan O'Sullivan, pointed out very clearly that it is very important we take on board the recommendations of the Mahon tribunal. She outlined some of the issues she will focus on, particularly with regard to planning and planning regulators. This situation should not be allowed to happen again. When the Minister replies to the debate, perhaps he will speak about the fact that the Moriarty tribunal report has been put on the shelf and none of its recommendations has been implemented.

The Minister withdrew the report on seven local authorities and will do an internal report on them instead.

Deputy Phil Hogan: I did not.

Deputy John Browne: Perhaps it will work. I am not here to criticise him.

Deputy Phil Hogan: I just want to clarify it. I know the smear tactics that are going on.

Deputy John Browne: When will the reports will be available? If they are not up to the standard required by the Minister, will he bring in outside consultants to follow up?

It is difficult to take a lecture from my friends on my right in Sinn Féin because they are not in a position to lecture Fianna Fáil, Fine Gael, the Labour Party or any other party in the House. Sinn Féin's embrace of double standards on this issue is hard to take and is brass necked. Perhaps, as Deputy Billy Timmins stated, Sinn Féin is coming more and more into the democratic process. I hope it is and I hope it will continue down this road. As a member of Fianna Fáil who has tried to uphold the standards of people throughout the country for many years, I will not accept lectures from Sinn Féin. I hope the recommendations of the Mahon tribunal will be put in place as quickly as possible and we will not find ourselves in this position again.

In *The Irish Times* today Mr. Eoin O'Malley, who teaches politics at Dublin City University, wrote that Fianna Fáil is on the way out and is a dying party. He is probably in a very high-powered job and well paid and I say to him to go dance on somebody else's grave as Fianna Fáil will be here for quite a long time to come.

Deputy Brendan Ryan: I welcome the Minister to the House. It is beyond dispute that the massive problems faced by ordinary families throughout the country have in large part been caused by the toxic relationship between politicians, developers and bankers. The report of the Mahon tribunal lays bare to all of us the extent to which this toxic relationship extended to the planning process. Several modules of the Mahon tribunal focused on irregular planning decisions in the town of Swords, the largest town in my constituency of Dublin North. While some 25 years ago Swords was a village in North County Dublin it is now a vibrant town with a population equivalent to that of Waterford city.

It is sad that a Swords resident who wishes to map the transformation of the town will have to refer to the Mahon report for a record of how certain planning decisions were made, which decisions were made against the advice of county managers and other local councillors. Swords

is a town still coming to terms with the infrastructure needed for a town of its size. This is a direct cause of the decisions made by some corrupt councillors 20 years ago.

The Tánaiste, Deputy Gilmore, used the phrase this week in the House “a chronicle of betrayal, ignominy and disgrace” to describe the final report of the Mahon tribunal. Six words to describe a 14 year, multi-million euro investigation into all that was rotten in Irish politics at all levels and to describe the root of a problem, the branches of which stretch to poorly developed communities, inadequate infrastructure, ghost estates and a plethora of related problems for ordinary people.

I represent the constituency of Dublin North, which along with the west of Dublin, was the focal point of the Mahon tribunal’s investigations. It was common knowledge among those with an interest in local politics that certain councillors were on the take and that the rezoning of certain areas of North County Dublin were the result of corrupt activities and inappropriate payments. As a political activist in the 1990s, I was aware of what was going on. It seemed to me everyone was aware of it. The phrase “The Dogs on the Street” comes to mind.

While the Labour Party was fighting elections to the council and Dáil on shoestring budgets, largesse was being thrown about by politicians we knew were on the take. Following a series of tribunals, this is now official and denial is no longer possible. It took the heavy scrutiny of the tribunal inquiries, supported by members of the public, strong people in the media and upstanding public representatives, to finally bring the grubby practices of corrupt councillors and developers to light. In my constituency of Dublin North, Labour Party councillors led the charge against questionable rezonings. Former Deputy Séan Ryan and Mr. Tom Kelleher were very strong in their opposition to the corrupt rezonings. It is encouraging to read it being reflected a number of times in the Mahon report that they sponsored motions to undo the damage of the rezoning coalition partners. Councillors Ken Farrell and Bernie Malone also fought the good fight against the corrupt rezonings. I am proud of my constituency colleagues in all of these matters.

It is important for the public to know that even 20 years ago there were good honest public representatives from all parties discharging their duties honourably. The Labour Party did not need costly tribunals, media scrutiny or the heavy weight of public moral force to act against corrupt or inappropriate planning. We voiced our outrage at the time. We expelled the lone wrongdoer in our midst, which the public record reflects. I am disappointed, therefore, that the media coverage of the Mahon report this week is slow to acknowledge this and give us the credit we deserve. Deputy Clare Daly attempted in her contribution to link the Labour Party to the problem by reference to the Minister for Communications, Energy and Natural Resources, Deputy Rabbitte, who was commended by Mahon. Her comments in this regard were beyond belief.

The Mahon report states that the corrupt and the corruptible will inevitably gravitate to the weakest link in the chain of anti-corruption measures. The task before us is, therefore, to ensure there is no weak link, no area which can be exploited by those who wish to place profit above the public good. The report contains many recommendations, one of which is that any politician found guilty of taking bribes be stripped of his or her lucrative pension. This recommendation should be implemented as soon as possible. The Public Bodies Corrupt Practices Act 1889 needs to be extended to cover those found guilty of taking bribes. It is an affront to the ordinary people of Ireland that former public representatives are in receipt of public pensions having been found guilty of corrupt practices. I believe this recommendation when implemented should be extended to include those guilty of having misled a tribunal, those found to have told untruths and those who have failed to explain vast sums of money in their accounts. It is not acceptable that a former Taoiseach cannot explain the source of £215,000

[Deputy Brendan Ryan.]

yet continues to draw more than €2,000 per week from the public purse as part of his Rolls Royce pension. With each pension payment cashed, it is the proverbial two fingers to the Irish people. The Irish people are suffering enough. They do not need this insult added to their injury. While the Minister for Public Expenditure and Reform, Deputy Howlin, intends to introduce changes in this regard through the proposed Public Sector Pensions Bill I understand these measures cannot be retrospective, which is unfortunate.

The core area wherein corruption of the planning process took place was local government, which is the area on which many of report's recommendations focus. Corruption's natural home is in the shadows, unseen and hidden. As citizens, we need to shine a light on all our public representatives, including our councillors. While legislative changes have wrested some powers away from councillors *vis-à-vis* planning, the lesson that must be learned is that there must be greater engagement between local councillors and the people they represent. This is a two way-street. The people need to place their councillors under the same scrutiny as they do local gardaí, teachers and Dáil representatives. More needs to be done to link the public with their local councillors.

Arguably, the most talked about Government policy of the past number of weeks has been the household charge. Now is not the time to debate that issue although it is worth pointing out that the charge and the subsequent property tax to replace it next year are taxes which will fund local authorities. Previously, local authority funding came directly from central taxes, which I believe led to a certain disconnect between the public and their local authority. The fact that people will now be paying directly for their local services will lead to an even greater connection between people and their local council and councillors. I believe that those politicians who are opposing the introduction of local charges and property taxes at this time are mere political opportunists, engaged in cynical populism. I would certainly like to also see an end to that in Irish politics.

The report states that gaps in transparency and accountability have been reduced, although not eliminated. We all need to work to eliminate these gaps. One recommendation of the report is that anyone seeking a planning permission for a property be required to declare on their application form if they have donated more than €55 to a councillor. Why €55? I would go further and require that such person should declare any donation to a councillor and that this be extended to Deputies. While since the abolition of the dual mandate Deputies have no statutory relationship with the local authorities they can have relationships with their party colleagues on the council. Also, Deputies who were formerly councillors may have strong relationships with council officials. People should be aware, as are Members of this House, that council officials rather than councillors grant individual planning permissions. Councillors are responsible for zoning.

If we are to really tackle corruption, we should not be naive to the realities of political and party relationships. Political corruption is not a victimless crime. The victims are too many to name and cut across gender, class, religion and creed. The victims of these crimes are the families without promised crèche facilities or schools, the children without libraries, the communities without sports facilities or bus routes. I meet these people every day in my advice centres and on the streets of North County Dublin. Swords has a population of more than 50,000 people. It is still catching up to the demands foisted upon it by corrupt and totally irresponsible rezoning 20 years ago. Schools are overcrowded and oversubscribed, public transport is stretched to the bone and anti-social behaviour is on the rise. These are today's problems but the roots can be traced back to those councillors on Dublin County Council who took grubby little bribes from seedy developers. Those few councillors sold out the people of Swords and North County Dublin, who are still paying the price.

I welcome this report and hope that it will mark the beginning of the end of corruption in Irish politics. As Members of this House, we must implement the recommendations of this report and so quickly.

Deputy Catherine Murphy: This final report of the Mahon tribunal is lengthy. I doubt if any Member of the House has read it in full, myself included, although I have read a sizeable portion of it. In my view, the recommendations do not go to the heart of the problem in terms of their requiring reform of the system. I believe the current system needs to be changed. For example, it is safe to conclude that had the Kenny report been implemented we would not be debating the Mahon report nor would we be in the depth of economic crisis.

Prior to establishment of the Mahon tribunal to investigate planning corruption in the Dublin region, a £10,000 reward was offered by Colm McEochaigh and Michael Smith for information about corruption. This happened at a time when there was widespread media debate about the practices of the old Dublin County Council, in particular. Citizens in Dublin were often shocked by the decisions the council made and disgusted by the way those decisions were made. Those who proposed that an area be rezoned were often from the opposite side of the county to the location that would be affected. Therefore, there was no direct opportunity for the people of the area to do anything about the proposer at the next local election. The planning system and democracy itself were corrupted. Locations in west Dublin that are contiguous to the area I represent became absolute battlegrounds. Some of them, such as Laraghcon, are within or close to the Liffey Valley area.

Many people are talking about the shock they feel following the publication of the Mahon report. However, I am surprised that anyone could be shocked by the report. I am disgusted, but I am not shocked. I am disgusted that a tribunal was required. I am disgusted that it cost so much money. I am disgusted that it is being portrayed as a question of a few bad apples, rather than as a question of systemic failure and endemic political corruption, particularly within the Fianna Fáil Party. One has to ask why a tribunal of inquiry was necessary. What does it say about our legal system which failed so spectacularly to investigate and prosecute corruption? The same planning system that allowed such corrupt practices to take place in Dublin existed and continues to exist in the rest of the country. Anyone who thinks this type of abuse was not widespread is not living in the real world. It might be happening on a smaller scale, particularly in areas that are under less development pressure.

During most of the 1990s, the planning system lacked any strategic focus. Development plans were a nightmare, with landowners and their agents doing endless rounds of lobbying. People knocked on my door at 7 o'clock in the morning and at 11 o'clock at night. Anyone who has participated in the development plan process will be familiar with that. I never felt under any pressure because I did not feel I had an obligation to any land owner. I was elected to Kildare County Council in 1991. Part of the reason I stood for election was that I could not understand how we could keep building more and more houses without seriously considering where children would go to school and how community or recreational facilities could be provided. I did not understand why the development was so one-dimensional, when our communities are multidimensional. At the time, development was not about building communities — it was about building houses and building fortunes.

It amazed me that the Civil War parties seemed to be very united when it came to rezoning land. That is clear when one looks at the numbers. It was not about where the land was located. It did not matter if the land had previously flooded. It was not about the amount of land that was required, or predicted to be required. It was usually about who owned the land. The system was designed to act in the interest of making millionaires of the preferred landowners. The question was how one could become one of the lucky preferred landowners. No windfall tax

[Deputy Catherine Murphy.]

was applied to such transactions to pay for infrastructure. Instead, in 1997 the then Minister for Finance, Charlie McCreevy, cut capital gains tax in half. This was designed to fuel the demand for rezoned land. There was no connection between land use and transportation planning. When the DTO produced development scenarios for the greater Dublin area, we got was the worst case scenario. The dispersed pattern of settlement that resulted has made the delivery of sustainable public transport unobtainable. The same situation arises in relation to the delivery of sanitary services, particularly if we are to comply with European Union laws. Money has had to be diverted from health, education and social protection, or raised through additional taxation, potentially including water metering. The cost of the tribunal is the tip of the iceberg.

During the Kildare development plan process in the mid-1990s, I demanded that a strategy for development be included as a central part of the development plan. The then Department of the Environment — initially through Deputy Howlin and later through Noel Dempsey — agreed and such a strategy was subsequently included. This approach was heavily resisted by senior administrative council officials and most councillors. It involved quantifying the amount of land that had already been zoned and estimating the housing need, etc. It was basic stuff. It had the effect of reducing the rezoning orgy. Since then, the regional planning guidelines and the national spatial strategy have been produced. Unfortunately, the opportunity presented by the strategy was misused when efforts were made to give every Minister a hub, a spoke or a gateway. It needs to be revisited.

Those of us who dared to question the prevailing approach to planning, including representatives of community groups, were depicted as being anti-development and told to make sure the last person to leave switched off the lights. We were labelled as NIMBYs who did not know how the system worked. In most cases, all we were doing was trying to curb the worst excesses or demand a rationale for what was happening. A former Independent councillor in County Kildare, Tony McEvoy, took successful court actions, including in the High Court, at considerable risk to himself. He was one of two Independent councillors who were elected in the county on a “planning alliance” platform in 1999. That alliance existed because of the disquiet about what was happening.

Throughout the Mahon report, there is an emphasis on elected officials as the only people who might corrupt the system. However, many of the battles we had were with senior administrative officials. In some cases, it was difficult to rationalise the positions they took. When An Bord Pleanála made its decision on an eight-storey car park and apartment complex on Main Street in Leixlip, where the dominant building height is two storeys, one of its officials stated:

I find it extraordinary that it took the planning authority almost five years to refuse the proposal...certain officials of the planning authority assisted the developer's agent in redesigning the proposal during the assessment stages of the application. The proposed development shows...a brazen lack of consideration for the residents.

Transparency is constantly highlighted as a requirement by the Mahon report. I agree with that. In my experience, some practices, such as the use of non-statutory plans like masterplans or area action plans, are misused to give cover for decisions made. They lack transparency. Laws around their use need to be strengthened to ensure transparency. Indeed, I believe they need to be placed on a statutory basis. Last year, An Bord Pleanála finally put paid to a development on lands adjacent to Castletown House in Celbridge. The development involved nine blocks of up to seven storeys, mostly of apartments on a protected demesne in the Liffey Valley. The process in this case was far less than transparent and satisfactory. This was furiously fought by community groups for the guts of a decade. The land was zoned in the early part of the new millennium, with only a handful of councillors including myself resisting it.

Sustaining one's involvement in the political system is predicated on having sufficient funding to fight elections. Those of us who competed against people who had five, six or ten times as much money were always at a disadvantage. I welcome the recommendation that real-time information should be available so conflicts of interest can be gauged by the electorate. The recommendation on electing regional authorities is essential. We need to go much further, however. We need radical reform of our local government system. It should include the phasing-out of the county council system, as I have said previously. We should reduce the number of regional authorities. I absolutely agree that they must be democratically elected. A new tier of district council, with a primary role of place-shaping, should be established. That would build on the successes at community level, tap into what makes us successful as a people and regenerate our local government system.

I have listened to many of those who have commented inside and outside the House. Many speakers have said we need new young politicians. That is supposed to be the answer. People inside and outside this House acted ethically and properly in the planning process. I want to say that applies across the spectrum. I do not believe it is an issue of age. It is a question of acting in the public interest, having a civic morality, and being a democrat. There needs to be a route for investigations. Six areas have already been designated as requiring scrutiny. I believe that other complaints which have been made require answers as well. This report will be repeated unless we create a mechanism whereby such investigations can happen. That needs to happen as an absolute matter of urgency.

Deputy Noel Harrington: I welcome the opportunity to speak on the findings of the Mahon tribunal. The State has mainly been led by Fianna Fáil-led Governments since its foundation. Unfortunately, they have not served the country as best as they might have done, as outlined in the Mahon report. A gallery of three former taoisigh has been paraded through tribunals to account for decisions.

It must be remembered how fragile democracy and truth are. It is not so long ago that Ben Dunne was going to throw himself off a balcony in the Hyatt Regency Grand Cypress hotel in Orlando in Florida in 1982. Had that not happened, we would never have known what was occurring. Had Mr. Pádraig Flynn not lost the plot on the "Late Late Show", we would never have known what was happening.

We must commend the initiative taken by a few. Many Deputies have spoken about individual politicians who worked against the grain to highlight what they regarded as corruption and the work of individuals such as Mr. Colm Mac Eochaidh and Mr. Michael Smith, who ran an advertisement seeking information on corruption in the planning process in Dublin. We must commend those people as we would never have found out what occurred without them. The culprits would have got clean away with their actions. That Mr. Gilmartin and Mr. Gogarty were prepared to give evidence in early tribunal hearings has also assisted greatly in highlighting the payments that were swirling around the world of development. I am afraid about what is in the Mahon report but I am terrified by what is not in it. How much more corruption was there that we are not aware of and how much more will never be discovered?

The main force against temptation is the prospect of getting caught. The report, through discovering illegal payments, has done this State some service, to paraphrase a former Taoiseach. If the report prevents even one corrupt payment, it must be applauded, but at some cost. The tribunal's investigation cost €250 million. Not only did people ride a coach and four through our legislation, they could just not tell the truth. That is the reality and that is why the taxpayer will have to foot the bill. Those named in the report could not behave ethically in government or before the tribunal and could not tell the truth.

[Deputy Noel Harrington.]

It is an awful pity that those who warned us about Mr. Haughey from the very beginning, including George Colley, Des O'Malley, Mary Harney and Charlie McCreevy, were not listened to. Most of them went on to work with other Fianna Fáil leaders who have now been found out. This is a message for all political parties and those with political loyalties. We must analyse policies critically, not just from within this Chamber but within each party. As representatives and individuals, we cannot act as fans of a football team act. This must not be allowed to happen any more and we must be more critical.

We must remember that Mr. Ahern had given most of his evidence to the tribunal in advance of the 2007 general election, yet the people gave Fianna Fáil 76 seats. There is a salient lesson in that. A few people might remember the famous pronouncement by Mr. Brian Cowen during that general election campaign to the effect that his party would roast the Opposition slowly on a barbecue. Regrettably, Fianna Fáil did so in that election. Inevitably, however, the party later found itself on the very same spit and has suffered for it. That has also happened this State.

We now know that Mr. Charlie Haughey was even more flawed than Mr. Garret FitzGerald ever suggested. We know Mr. Albert Reynolds had his hand in many different pies and appointed people to his Cabinet whom he knew were less than savoury and, in some cases, corrupt, as has been proven. We now know that Mr. Bertie Ahern is not able to tell the truth. These people betrayed hundreds of thousands of citizens who honestly believed they were making the correct decision in voting for them. They appointed people they described as their friends to influential positions, for example, in Dublin Port Authority. That was normal. Corruption thrives when one is working in the darkness and shadows, to paraphrase the tribunal. It must be eliminated from society. Politics is about service and the people to whom I referred have done politics a disservice. They have corrupted two generations of politicians, practically all of them at the core of Fianna Fáil.

I am appalled by the evidence given to the tribunal regarding events in this House. Mr. Gilmartin met the Taoiseach and a cabal of Ministers whom he described as being worse than anything the Mafia could arrange. This is extreme language, but the tribunal was quite clear in this regard. It is shocking. That there were at least three Fianna Fáil groups trying to extort money on one occasion in one corridor speaks for itself.

These people were elected by the people and they betrayed the trust of the electorate. They let the electorate, themselves and their party down. They let down the people I meet on a daily basis who were once proud to say they were politically active. Some have said they were Fianna Fáil members from time to time but they do not say this any more, unfortunately or fortunately, because they feel badly let down.

I agree with former Taoiseach Bertie Ahern's statement that the tribunal report is incredible. This is the first bit of truth I have heard in years. He was a highly paid Minister for Finance, yet had to go out with a begging bowl. This was extraordinary, at a time when he could statutorily and legally earn no more than he could earn from his salary as a Minister. He went about as I described and could not operate a bank account, even when he was facing a court battle over his personal problems. What was he trying to do? What was he trying to prove and who was he trying to defraud? Was he trying to withhold information regarding a personal legal issue which nevertheless raised serious concerns? When he dragged his personal affairs up as evidence at the tribunal and in the media as a mitigating factor, we had a right to question that.

Some have stated the tribunal did not make a finding of corruption against former Taoiseach Bertie Ahern. It did not have to make such a finding. Just because one cannot see something does not mean one cannot smell it. The Taoiseach subverted the State and damaged the political process. It will take generations to restore it.

I would love to see former Deputy Ahern before the courts to explain his actions. I do not want to say more than that because we have seen how former taoisigh have been let off the hook by statements made in this House and elsewhere. However, there is a case and I would like to see it made elsewhere. The taxpayer is paying. Every time taxpayers pay their mortgages, they should realise what occurred was not a victimless crime. They are paying for transactions involving illegal moneys and corruption.

There are many fine people in politics and most politicians are honest. I had the pleasure of serving on Cork County Council from 1999. I went through two county development plan processes and two local area plan processes and I was chairman of the regional authority when engaging in the regional planning guidelines process. That the reputation of individual authorities is left hanging because of the activities of Dublin local authorities, as outlined in the tribunal report, needs to be addressed.

Certainly since 1999, and perhaps since 1991, before which year I do not have records, only one section 4 motion was passed by Cork County Council. It concerned pylons over Cork Harbour, in respect of which public concern was considerable. The members voted for the motion knowing they would be personally liable for any costs incurred. Any material contraventions or variations that happened to go through the council from 1999 to 2011 went through on the recommendation of management.

It is difficult in some cases to reconcile what was happening in Dublin with my experience in Cork County Council. That council had a strategic plan for its area that was much praised by the planning institutions and regarded as a model for the way to move forward on spatial and strategic planning. More recently, the council, in its development plan, made proposals whereby services would be installed before zoning for housing.

This harks back to the limits pertaining to what local authorities and planning authorities can do. Through local authorities, one can plan to move people, particularly through local authority development plans. The authorities can plan to move people on the basis of various land issues but they have no say in respect of local education, schools, hospitals and Garda stations. I include also local issues, rather than policy issues.

This is a significant stumbling block in proper and sustainable planning. That should also be addressed in a discussion we will have with local government. It is a different debate but it is a good development if the Mahon tribunal can focus on improving local and national government, transparency and enhancing the role of the public in policy. While it is pricey at the cost of €250 million, regrettably that is the world in which we live. I hope after the Mahon tribunal we will live in a better world and more transparent society.

Deputy John McGuinness: I wish to share time with Deputy Brendan Smith.

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

Deputy John McGuinness: I listened carefully to the contributions made by many of the new Deputies who would have been very young at the time the events in question were going on and had no association whatsoever with the political culture and the process in place then. I did not know where to start in my contribution. When I look back on 1979 when I was first elected to Kilkenny Borough Council, if I had been told then that all of this referred to in the report was going on in politics either locally or nationally, I would not have believed it. In my time both on the borough and county councils, I served with people from Fianna Fáil and other political parties who gave their time to public service. It was a job they were elected to do on behalf of their communities which they took seriously. They also took the political engagement and their participation in their political parties seriously while doing it with pride. That was the

[Deputy John McGuinness.]

politics that I came into, enjoyed and to which I committed myself. I do not know what happened in the course of time that changed much of that.

The report from the Mahon tribunal sets out what happened in the political system and administration, as a beginning, in Dublin — I am not saying it did not happen in other areas — events of which I am ashamed. I never thought it could happen but it did. From a public service view, when one reads the report it is shocking that in some way this was not arrested when it began. It has contaminated and corrupted the whole political system, casting a bad reflection and doubt on each and every one of us in politics. Arising from the recommendations of the Moriarty and Mahon tribunal reports, we will have to work on legislation to ensure this will never happen again, either locally or nationally.

From my party's perspective, I am also ashamed of what happened with every party leader and Taoiseach involved in the tribunal and what went wrong with corruption in the State. Ordinary and decent members of the Fianna Fáil Party who wanted to make a contribution have been betrayed. As public representatives and ordinary individuals, when we made presentations to Ministers at the time in question, we showed them respect, not knowing the extent of corruption and activities in which they and other members at parliamentary and council level were engaged.

I appeared before the Mahon tribunal for all but two minutes. One would not want one's name mentioned in the same line as a tribunal of inquiry. Some of the reporting has been lazy — I will not say inaccurate — in the context of how it is portrayed for different people who are uncomfortable about the fact they had to attend the tribunal.

I want to join with the House in acknowledging that the Garda, Criminal Assets Bureau, Revenue, or any other arm of State deemed necessary to be involved, need to be brought into action quickly arising from the report's findings. It must be clearly displayed to the public that we are about our business and setting about ensuring those who have been proved of wrongdoing will be brought to justice. The public also wants to see the political system becoming more transparent and honest with them.

From the perspective of the Fianna Fáil Party, we must do a large amount of work to rebuild trust with the public and our own membership. We must ensure protocols and regulations are in place that will display to the public that we can rebuild a political party for which many people were elected to office on the basis of good public service and nothing else. I acknowledge it was wrong of those involved in the activities in question and so corrupt of them in the terms of the money that was taken. In the context of reform and new legislation, there is a role for the register of friendly societies and for legislation affecting political parties, legislation which has not been reformed since the late 19th century. In Canada and other places, reforming legislation in this area has been put in place to great effect to ensure political parties become more transparent. I acknowledge the very poor display by Fianna Fáil personalities down through the years.

Deputy Brendan Smith: The endemic corruption exposed and outlined in the Mahon tribunal final report is shocking, showing that public representatives at different ranks truly betrayed the trust of the people. People engaging in corrupt practices have no role in public life and must be held accountable for their actions. Immediately in the aftermath of the publication of the report, the Fianna Fáil Party leader, Deputy Martin, stated clearly and without equivocation the party accepts the findings of the tribunal and condemns the individuals who, as representatives of our party, betrayed the public trust that had been placed in them by the electorate. Immediately moves were initiated to take action against those who behaved in a disgraceful manner. It upsets and sickens me that people could engage in such behaviour. The behaviour

of several public representatives in the 1980s and early 1990s is deplorable. It has been stated already that the report found a number of public representatives from Fianna Fáil, Fine Gael and one Labour councillor had undermined the planning process in Dublin with corrupted decisions.

With electoral success, Bertie Ahern had the trust of the people placed in him and the trust of the party by electing him to high office. Of course people of whatever rank in public life cannot betray the trust of the people. It was absolutely wrong and totally inappropriate for Pádraig Flynn to accept that cheque from Mr. Gilmartin. Such behaviour was a disgrace. While the central allegation against Bertie Ahern was not sustained, the evidence confirmed by the tribunal, and comments relating to him, are extremely serious. It is clear the receipt by a senior officeholder of large amounts of money, which a sworn tribunal has held is of unclear origin, and the failure to give any credible explanation, requires an unequivocal response.

In proposing the motion of expulsion of several members of Fianna Fáil, including a former leader, Deputy Martin stated the outstanding achievements, such as the Good Friday Agreement, which are of significant importance to all of our people and island, do not absolve Bertie Ahern from facing the implications of this report. At the Fianna Fáil Ard-Fheis recently, the party leader stated he would act swiftly and definitively on the findings of the Mahon tribunal report, irrespective of how tough the findings were. He has done so. This is unlike the approach which Fine Gael and Labour followed in ignoring the evidence and criticisms levelled in the Moriarty tribunal report.

Fianna Fáil rank-and-file members across the country, as Deputy McGuinness said, are furious that some public representatives abused their positions for personal gain. They have been hurt by the damage done to a party of whose traditions they are rightly proud. Those traditions and the party's work for this country have been undermined by the actions of a small number of people.

I have had the privilege of being elected to Dáil Éireann five successive times and am the third member of my family to have served in public office. I appreciate the trust that the electorate of Cavan-Monaghan have placed in me each of those times. Neither I nor anyone in the House or public life takes that for granted. We work diligently, hard and honestly to represent our constituents to the best of our ability and to retain their trust. This goes for the overwhelming majority of all public representatives, be they at local authority level or Members of the Oireachtas.

On an ongoing basis, I depend on the support of my local public representatives and our organisation. The people who support and work on behalf of our party at cumann, comhairle cheantair and comhairle Dáil cheantair level do so out of a genuine commitment to their local communities. They do not seek any personal gain. They are available to help out with ongoing political work and are called upon at election time to make a considerable effort without reward and at a cost to themselves. Understandably, they have been hurt and angered by the behaviour of a small number of people within the Fianna Fáil Party.

It does not take a political scientist to analyse why our support declined so much in the Dublin area, as shown in successive local authority elections. It was in the early 1990s that our former party colleague, Michael Smith as the Minister for the Environment, stated that planning in Dublin had become a debased or devalued currency. He set about dealing with those issues. It is now clear why Dublin County Council was split into a number of authorities. The actions of a number of Dublin councillors subverted the democratic system and significantly betrayed the trust of the electorate.

From 1997 on, the Fianna Fáil Party in government introduced a comprehensive series of measures to ensure the maintenance in public office of the highest ethical standards. With the

[Deputy Brendan Smith.]

support of all sides of the House, planning laws have been strengthened and reformed to reduce the potential for corruption.

I appeal to the Government to implement the Mahon tribunal report's sensible and practical recommendations at the earliest possible date. The Minister of State, Deputy O'Dowd, and the Minister for the Environment, Community and Local Government, Deputy Hogan, are familiar with the local government system and know how essential it is that the system's reform be done right. I disagree with Deputy Catherine Murphy's opinion that county structures are outdated. Each of us has a large attachment to county structures, boundaries and so on. Regional planning guidelines on which county development plans are based have been put in place. I appeal to the Minister of State and the Minister to carry out a consultative process so that we can get the reform of local authorities right. The role of councillors is of the utmost importance in this respect. When they are first elected, they must be given good training and their responsibilities and powers must be outlined to them. All wisdom does not reside in officialdom.

Deputy Jerry Buttimer: I regret that we must debate this report. The tribunal should not have been necessary, but that it was is an indictment of the political system. During the debate, most Fianna Fáil Members have discussed their party rather than the people, communities and country we are elected to serve. This is regrettable. As politicians, we are elected to serve all of the people, not just the chosen few, the vested interests or the golden circle. Whatever else comes from this report, we must never allow politics to become the preserve of the rich and those who can fund themselves. It must never become an elitist democratic system. Instead, it should be concerned with everyone.

The Mahon tribunal report shows that certain politicians betrayed the sacred trust bestowed by people when they cast their votes, which is a solemn undertaking. The report has damaged everyone in politics, not just those against whom the tribunal found. Political parties and politicians are judged on many factors. When people vote, they consider our track records, including who we supported and defended and what we did. One of the most important tasks we face as members of political parties is the selection of our leaders. Our decision gives an insight into a party's culture, ethos, standards and tolerated practices. This fact applies across the world.

The Mahon tribunal report has confirmed that three successive leaders of Fianna Fáil — Mr. Haughey, Mr. Reynolds and Mr. Ahern — acted inappropriately at best. According to the report, Mr. Reynolds abused political power and Mr. Ahern's evidence was untrue. Contrast these names with those of Garret FitzGerald, Alan Dukes, John Bruton, Michael Noonan, Enda Kenny, Eamon Gilmore, Pat Rabbitte, Dick Spring and Ruairí Quinn. It is a wide chasm. Why were people who believed they were beholden to others elected to political office? I cannot figure it out. I have read all of the recommendations, but I have not read all of the report.

There is a direct link between the current Fianna Fáil Front Bench and the actions of that party's former leader, Mr. Ahern. He led it in government for 14 years. Whether the Front Bench likes it or not, members of those Governments went out on the plinth and the public airwaves to defend him. Why did the former Minister, Deputy O'Dea, apologise on television this week if he had not tried to undermine the tribunal? Why did Fianna Fáil's current leader and a then Minister, Deputy Martin, castigate the tribunal? I challenge him to listen to his interview with Matt Cooper on Today FM.

Irrespective of our political and ideological differences, we have a duty to uphold the highest ethical standards. We must uphold the law regardless of whether we agree with it. This applies

to those who oppose the household charge. We must respect the State, its institutions and processes and, most importantly and irrespective of whether we agree with them, the people we represent.

If we betray standards, there must be consequences. Those who are found guilty of wrongdoing must face rigorous penalties, be they civil, criminal or financial. For this reason, it is important that the tribunal's report become not just an end, but a bridge to changing the culture. I hope that people will be imprisoned, have their pensions removed and be stripped of the dignity they have enjoyed to date. By their actions, they have denigrated every Deputy.

I agree with Deputy Smith, in that the Government must make and implement recommendations on political reform if we are to restore the people's trust in politicians. Elected representatives must understand that, if they transgress, there will be consequences. It is time that we had a new electoral commission to run elections and regulate what Independents and political parties can spend and receive between elections.

I have no difficulty with introducing a blanket ban on donations but we must understand what it will mean for politics. How will political parties and independent politicians fund the democratic system? I am all in favour of State support for politicians because it means everything will become transparent and the responsibility will rest with the political parties and the politicians. Senator Bradford raised an important question when he asked the Seanad if politicians and political parties should stop sponsoring golf events, race nights or sporting and community organisations. If we are divorced from these activities nobody can say, "You gave me X amount of money, so I will look after you".

We should have a real debate about how we fund politics and how we operate rather than merely seeking the cheap headlines certain newspapers and media organisations would love. We saw what happened to the Tories in England last week. The US presidential and congressional election system is enormously expensive. We must never allow our democracy to be taken over by the chosen few.

We must take this report seriously by putting in place the recommendations it contains. The five anti-corruption principles set out in the report are transparency, accountability, top level commitment, public support and monitoring and review. We must change An Bord Pleanála and the planning system from top to bottom. Planning hearings for major developments should be held in public. We can no longer allow the planning process to continue in its current form. At present it gives an indemnity to some. If we have public oral hearings on every major planning decisions, people would be able to see what is happening. That would allow the public to see how the official, the developer and the politician conduct their business. I support the recommendation in the report to put the national development plan and the national spatial strategy on a statutory footing because it would remove the suspicion of political cronyism and manipulation in the development of these important policy areas.

The actions of a few have undermined the political system. We must restore trust through proactive reform that protects the people instead of hiding the few. If Deputy Martin is serious about ending Punch and Judy politics, he should reflect on the comments he made in this House and elsewhere about the tribunal. Politics requires us to serve all the people, not just some of them.

Deputy Michael Colreavy: I am not usually at a loss for words but I find it difficult to speak for two reasons. First, it is difficult at the end of three days of debate to say anything that has not been said already. Second, as Deputy Buttimer noted, we should not have to be speaking about these matters. I prepared a speech last night but I will ignore most of it because I want to reflect on where we have come from and where we want to go.

[Deputy Michael Colreavy.]

The Democratic Programme of the first Dáil, which was adopted on 21 January 1919, states:

We declare in the words of the Irish Republican Proclamation the right of the people of Ireland to the ownership of Ireland, and to the unfettered control of Irish destinies to be indefeasible, and in the language of our first President, Pádraig Mac Phiarais, we declare that the Nation's sovereignty extends not only to all men and women of the Nation, but to all its material possessions, the Nation's soil and all its resources, all the wealth and all the wealth-producing processes within the Nation, and with him we reaffirm that all right to private property must be subordinated to the public right and welfare.

We declare that we desire our country to be ruled in accordance with the principles of Liberty, Equality, and Justice for all, which alone can secure permanence of Government in the willing adhesion of the people.

We have come a long way from that aspiration.

In some respects the Mahon report is only catching up with informed public opinion because many of us have been saying for years that the entire system of government was rotten from top down. Corrupt politicians colluded with people of deep pockets to satisfy their greed for money. Society knew this. Fianna Fáil criticised us for lecturing on the matter but the people passed their verdict on that party in the last election. The report described in stark terms the extent to which our system of governance was undermined over a lengthy period.

It only looked at Dublin, however, and we all know there is corruption elsewhere. Many of the beneficiaries of this corruption have gone unpunished and continue to enjoy the fruits of their ill-gotten gains. Indeed, some of them are still held in reverence in certain quarters. Instead of being treated as the social pariahs they are, they are looked up to and admired. What sort of example is that for the young people of this country? When can we stand proud as a nation and declare we have a system of governance that looks after their interests and ambitions and which has the public good as its first and only consideration?

We cannot rest secure in the knowledge that the same corruption is not happening today. Just yesterday every Member of the Oireachtas received an e-mail which outlined serious allegations against a named senior judge, the Garda and the planning authorities. If true, these allegations would lead me to believe there was a conspiracy against the democratic and legal rights of a law abiding citizen of this State. I do not know if these allegations are true, but if they are not investigated we will never find out. We cannot just bin e-mails like that. We need to follow up on them because practice has shown that failure to respond to such allegations gives rise to the environment where corruption occurs.

I describe Sinn Féin as ideologically the main Opposition party. We also have lessons to learn from the Mahon report. The Government side also has lessons to learn from the Mahon report. The Nyberg report referred to the herd mentality and of the Government's failure to listen to the voices of caution at the time. Sometimes in the exchanges in the Chamber here I see the same failure to listen. I see abuse replacing debate and opinions being laughed at, which is not good enough. Had there been better opposition, we would not now be analysing the degree and level of corruption that has been exposed in the Mahon tribunal. Part of the responsibility of an opposition is to ensure better government. Opposition is a part of governance. Where we see corruption, we will stand up and fight to have it changed. Regardless of how powerful or great the source of that corruption is, we will not be found wanting.

On Tuesday, Deputy Adams said we need a new and better Republic and he is right. In a way we need to go back to the principles that underpinned the democratic programme of Dáil

Éireann. We need to get back to the citizens of the State being able to have confidence that what is being done in their name is the right thing. Even if it is something with which individuals disagree, they should know it is being done for the right reason. The citizens need to be sure that, regardless of how deep their pockets, these cliques and golden circles are broken and gone forever. Only then will we truly be on the road to the new Republic that in our hearts we all know is needed. Otherwise we will have learned nothing from that report and these three days of debate.

An Ceann Comhairle: I call Deputy Maloney, who is sharing time with Deputy Seán Kenny.

Deputy Eamonn Maloney: I acknowledge the service done to the State by the two individuals who placed the advertisement in *The Irish Times* in 1995 — Michael Smith, the former chairman of An Taisce, and the barrister, Colm Mac Eochaidh. That advertisement led us to where we are today having this debate about the Mahon tribunal. It did not immediately lead to the establishment of the tribunal, but as a consequence in 1997 this Parliament set up the tribunal — it was not done by the Government but by the House. From reading the transcript of the debate at that time, there was from some quarters — not all because there are decent people in all political parties — within the Fianna Fáil-led Government at the time a sense of reluctance over the establishment of the tribunal. As Deputy Colreavy and others have rightly stated, we should not be having this debate at all and would not be having it if people elected to this Parliament had behaved themselves properly and not been in receipt of corrupt payments.

Since it was established, people have had a go at this tribunal, not always Fianna Fáil people but Progressive Democrats people also. Having taken the praise in one respect for establishing it, they then set about attacking the tribunal both directly and indirectly. I have listened to some of the contributors to the debate from the Opposition side bemoaning the fact that it cost a lot of money — which it did — and the duration of the tribunal. However, the money and time would not have been spent if some members of the Fianna Fáil Party had behaved themselves. They obviously did not and that is why we are having this debate.

As a Labour Deputy I am proud that no Labour Deputy or councillor is indicted in the report. During this debate some Opposition Members have challenged the Minister for the Environment, Community and Local Government, Deputy Hogan — he has been challenged quite a lot in recent days — regarding not publishing reports into local authorities outside Dublin. My advice to them is that they should be careful what they wish for. As the previous speaker said, those who think this is just a Dublin problem should hold their breath because there is other stuff coming out in these reports. This issue was not just confined to Dublin and there is some horrific stuff in it.

Like everybody else, I was selective in the parts of the Mahon report I read. One person in particular was vilified. I am not defending the man because he made payments, but I am talking about Tom Gilmartin. I know nothing about him that is worth talking about. The truthfulness of his contribution stands out. I know he gave money, but I have certain sympathy for people who, like me, had to emigrate to Britain and elsewhere at some stage. Tom Gilmartin was one of those people. He did not have to give his testimony and could have turned the other way as some others did. This man was vilified. Ironically, he came back to this country having been abroad and found himself in this building with a Minister, Pádraig Flynn, wearing his Armani suit, trying to take £50,000 from his pocket. He then found himself out in County Dublin faced by men in black glasses who would not show their faces under the guise of being republicans. They were also trying to get their fingers into his wallet. For a man in this situation it must have been quite a dilemma.

[Deputy Eamonn Maloney.]

I have a very simple analysis of people in high places who took corrupt payments. I know what they should do — they should do time in jail.

Deputy Seán Kenny: As a former member of a Dublin local authority during the 1980s and 1990s, I welcome the Mahon tribunal report and its findings. The report has taken a decade and a half to complete but I believe it was worth the length of time and the cost involved.

I will refer to several modules of the tribunal. First, I refer to Cloghran and Cargobridge modules. Cloghran is located on the boundary of my constituency, Dublin North-East, close to Dublin Airport. In 1992, there was a campaign to rezone lands at Cloghran for the Cargobridge warehousing consortium. One difficulty for the consortium, which included Neptune Freight, was that access to this site was over lands owned by the Minister for Transport. On 1 October 1992, the Fianna Fáil Deputy, John McGuinness, then a member of Kilkenny County Council, made direct representations by letter to the then Taoiseach, Albert Reynolds, to allow the consortium to access the site over the lands owned by Minister for Transport. At the same time, Deputy McGuinness's brother, Michael McGuinness, was a director of Neptune Freight. The Mahon report states that Michael McGuinness gave £10,000 in cash to Frank Dunlop in the knowledge that at least part of the money would be used for corrupt purposes. The report also states that Michael McGuinness refused to attend the tribunal.

The Fianna Fáil Deputy, John McGuinness, recently made strong, trenchant attacks and criticisms of the Mahon tribunal report following its publication, especially in respect of the tribunal costs. At the same time, he neglected to refer to his own intervention in the Cargobridge affair. Earlier today during his contribution in the Chamber, Deputy McGuinness failed to address the Mahon report remarks on his involvement in the affair. That is deplorable. Deputy McGuinness is currently Chairman of the Committee of Public Accounts. I call on Deputy John McGuinness to step aside as Chairman of the Committee of Public Accounts in the light of the Mahon tribunal account of his involvement in the Cargobridge affair.

A major part of the tribunal report deals with the Quarryvale lands. At the time of the rezoning of these lands I was an elected member of Dublin City Council. Part of the Quarryvale land, approximately 64 acres, although located in the Dublin County Council area, was in the ownership of Dublin Corporation, as it was then called. Any sale or disposal of these lands was a reserved function of the elected members of Dublin Corporation. In 1988, these lands were considered by Dublin County Council as suitable for commercial development. Early in 1989, Dublin Corporation proceeded with the sale of these lands by way of public tender. On 19 May 1989, a written report was put to the Dublin Corporation planning and development committee, of which I was then a member, to sell the Quarryvale lands to Mr. Thomas Gilmartin for the sum of £5.1 million. On that day the planning committee approved the proposal on the recommendation of the manager. At the following monthly meeting of Dublin City Council on 12 June, the recommendation of the planning committee was agreed by the full council meeting following the proposal of the Fianna Fáil councillor, Joe Burke.

The Mahon tribunal was set up in 1997 and its hearings on the Quarryvale module began in early 1999. I was greatly alarmed and shocked at the revelations made known at the tribunal hearings some ten years after Dublin City Council had voted on the matter, a vote in which I had participated. Page 211 of the report notes that Mr. Thomas Gilmartin, who I accept to be an honest man, informed the tribunal of a discussion he had with Bertie Ahern, the then Minister for Labour, in May 1989 in respect of Mr. Gilmartin's tender which was under consideration for the purchase of the Quarryvale lands.

Mr. Gilmartin told the tribunal that some days after his discussion with Bertie Ahern, Councillor Joe Burke, then the vice chairman of the Dublin Corporation planning committee, arrived

at Mr. Gilmartin's office. Joe Burke told Mr. Gilmartin that he had been sent by Bertie Ahern to discuss Mr. Gilmartin's acquisition of the Quarryvale lands. Mr. Gilmartin further told the tribunal that he received a telephone call from Councillor Joe Burke on 13 June 1989 informing him that Dublin Corporation had approved his tender.

In the light of these revelations in 1999, ten years afterwards, I came to the conclusion that many of the Dublin Corporation members who voted for the sale of the Quarryvale lands were not given all the background facts relating to the activities of the Fianna Fáil Councillor, Joe Burke, and the then Minister, Bertie Ahern. At the least, Joe Burke misled his colleagues by failing to inform them of his role in the Quarryvale affair. Certainly, he never told me what he was at.

I could go on but I will conclude by saying that I agree fully with the recommendations in the report. I support the views that political corruption diverts public resources to the benefit of the few and to the detriment of the many; that corruption in public office is a fundamental breach of public trust and is inherently incompatible with the democratic nature of the State; and that anti-corruption measures must focus on ensuring transparency and accountability. I am proud to have been a Dublin Labour Party councillor for almost 32 years before I was elected to the House on 25 February last. There is more I could say but, unfortunately, time will not allow it.

Deputy Joan Collins: The Mahon tribunal report is vast, running to more than 3,000 pages. The most telling quote is from the introduction. It refers to how throughout the late 1980s and 1990s corruption in Irish political life was both endemic and systematic. It affected every level of government from some of the holders of top ministerial office to local councillors and its existence was widely known and tolerated. The second statement is more devastating than the first. The political and business establishment knew and accepted that something was rotten in the relationship between business and politicians. This applied not only to the political establishment, but to the business elite. Someone cannot be bribed unless there is someone wishing to bribe them.

Chapter 2 of the report dealing with Quarryvale was referred to by a previous speaker. Chapter 2, part 4 deals with the relationship between Tom Gilmartin, Owen O'Callaghan and Frank Dunlop with Allied Irish Banks. This is the rogue bank among rogue banks. It competes well with Anglo Irish Bank and National Irish Bank for the title. This bank has bought us the ICI debacle of 1985, the bogus non-resident accounts, the DIRT scandal, loan write-offs to Charlie Haughey and Garret FitzGerald, rogue trading by John Rusnak, the Faldor tax evasion scheme for executives and customer overcharging.

Let us consider the Mahon tribunal report statement about Allied Irish Banks, AIB, and its senior officials who dealt with the Quarryvale development. AIB applied considerable pressure on Tom Gilmartin to give control of the project to Owen O'Callaghan. In the process, it acquired a 20% stake in the development. The tribunal was satisfied that senior personnel at AIB were aware of the corrupt payments to councillors. Incredibly, the senior official and manager in charge of the Gilmartin account recommended to the bank's credit committee that a loan be conditional on the then Minister for the Environment, Pádraig Flynn, telephoning the bank to confirm that the site would receive tax designation status.

In November 1992, Mr. O'Callaghan informed an AIB manager, Michael O'Farrell, that the council vote on rezoning would take place in December and that substantial additional costs would likely arise. Mr. O'Farrell noted in a memorandum of the meeting that the vote would be tight, that Mr. O'Callaghan was lobbying continuously and that he had injected a further £85,000 into the situation. It is absolutely scandalous. The tribunal found that Mr. O'Farrell was made aware of the £85,000 and how it was spent on lobbying councillors. Where is Mr.

[Deputy Joan Collins.]

O'Farrell today? He is head of intermediary services at the bailed-out AIB. AIB offered remarkable services to Frank Dunlop. He was able to fill suitcases with up to £100,000 of cash withdrawals, especially at election time. He was also able to cash cheques made out to a Barry McCarthy, a fictitious person. What does this suggest? These shenanigans were known practices in business, banking and politics.

This problem is not peculiar to Ireland. Let us consider the spending in the USA, where hundreds of millions of dollars will be spent by the wealthy and those in big business to buy the presidential elections. Across the water, we have witnessed the recent spectacle of the United Kingdom Prime Minister hosting £250,000 per head private dinners in his apartment at 10 Downing Street. This is not a case of a few bad apples in Ireland and elsewhere. It is a systematic, well-organised corruption of the democratic process by capitalism. It involves the capitalist class, big business and international finance buying a favourable climate for business. These people would not give one the proverbial steam off their wastewater without seeking something in return.

Where light touch regulation is a preference in Government contracts, low or non-existent taxation and high incomes and extraordinary personal wealth accrue. Fianna Fáil just happened to be the party in power for 61 of 80 years of this republic. It is the party caught in the quagmire and pulled into the cesspit of this type of light touch regulation and its use by capitalism and big business in this country.

This type of regulation has created a society where, as indicated in 2010 CSO figures, in a situation in which we are all supposed to be together and where we all have to make sacrifices, the gap between the richest 20% and the bottom 20% has increased by 25%. The income of the top 20% grew to five and a half times greater than the income of the bottom 20%. The 5% drop in average household income affected the poorest most and a rise in consistent poverty to 6.2% has affected 8% of children and 11% of adults of working age. To date, I have not seen a Government audit of the effect of the recent budget on children or on the poor. The mud-slinging in this debate between the Fianna Fáil, Fine Gael and Labour parties makes for a disgusting spectacle. All three parties stand condemned, either for presiding over or for being aware of this endemic corruption and doing nothing. I have always been in politics with parties that did not fund themselves through bank robberies or by being bank-rolled.

The first experience I had of development planning came when I was elected as a councillor in 2004, towards the end of the process of developing the plan for 2005-11. I saw clearly then how vested interests can apply pressure on politics and councils. At that time, there was an issue with regard to the rezoning of religious lands and continual representations were being made to the council by the religious hierarchy with regard to ensuring their lands would be rezoned in a way that would bring in the greatest return on the sale of the lands. It was disgusting to see this.

The first experience I had of how the system operates came in May 2005 when the Crumlin feasibility study suddenly appeared. We were all called to a meeting in the area. A plan had been envisaged that had no legal status in planning law, but a feasibility study had been produced in which all of Crumlin village was to be transformed into a village of four and five-storey apartment blocks. A number of these apartment blocks were seen on the feasibility study plan to be on lands to the rear of the church. We did not know that within a couple of weeks, the church would sell that land to the developer making the highest bid. It was sold for €3.1 million and the plans for that land were just the start of what comprised the feasibility study. When we appealed the plans to An Bord Pleanála, irrespective of the fact that we were

told the feasibility study had no legal status within the plan for 2005-11, the study was taken into consideration by the board to allow the development to go ahead.

The links between auctioneers, developers, business people, politicians and city managers became part of an endemic system following the rezoning issues and corruption in planning from 1993 onward. We have all seen examples of this in our community. For example, a business man who owned shops on Keeper Road allowed the shops to go to rack and ruin and the council allowed the community hall beside them to go the same way. Then suddenly, a planning application was submitted for an eight-storey apartment block on the site. We had a public meeting in the area on the issue and most of the people in the community resisted the plan and did not want to see this apartment block developed. The council argument was that the place was in ruins and kids were banging balls against the shutters every night and it was better to build something to change the situation. At our public meeting, I was nearly pulled out of my chair by the developer who had made the planning application and Fine Gael politicians who attended the meeting tried to disrupt it because of their interests with the developer.

I also attended a meeting in Bluebell when the local area plan was being put through and again the plan was concentrated on developing apartments and on putting up houses on Lansdowne Valley, which was a lovely parkland area. This plan was opposed and when I suggested a moratorium should be put on the plan on the basis that there had been insufficient access and input to it, I was vilified by the then Fine Gael councillor who is now a Deputy in the area. I was vilified for challenging the right of property developers. Their right was sacrosanct and the people's rights were as nothing. What happened was outrageous. Throughout the Dublin 12 area, petrol stations, pubs and community halls have been closed down and their lands have been submitted for planning. Factories and businesses have been closed, for example, Unilever, Eason's, Lyons Tea, Nissan and others, all in the interest of developers and planning.

If people want to see a change from corruption, they should not vote for parties that have been involved in this. They must demand transparency and accountability. I agree that payments to political parties should be abolished.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Fergus O'Dowd): This important debate comes after a long process, much of which was debated in the public domain, and after a long period of reflection for the tribunal before producing a result. The findings of the tribunal are serious, significant and true. As other Deputies have said, planning corruption has been endemic in our country.

It is not the case that all the right is on one side and all the wrong on the other. Out of eight seats here, five of them would be filled by Fianna Fáil people who were involved, Messrs Haughey, Burke, Ahern, Reynolds and Flynn. All of these were found to have acted inappropriately in terms of planning and some of them were found to have acted corruptly. Undoubtedly, in the serried ranks behind Fianna Fáil for many years, there were many fine decent people and I acknowledge that. However, when Fianna Fáil states that only a small number of people were involved in corruption, it was the people at the top of and the leaders of the party who were involved. That is the reason the country is in the place it is in now. It is because of the relationship between politics, planning, building and houses and the other issues mentioned by Deputy Collins.

I was first elected as a councillor in 1974 and was very concerned, as is everybody here, about proper planning and development. In Drogheda, we had a listed building in the centre of the town, Drogheda Grammar School. It was on a two-acre site in the heart of the town and

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was protected by a High Court order and could not be demolished without planning permission. The old school was built around the 1740s and was of national importance as a historic building and an example of Georgian architecture. I am sure Deputies can guess what happened. One holiday weekend in the middle of the night a developer knocked the school down. This would have provided him with a fabulous clear site with no encumbrance in terms of a listed building and unfettered planning for whatever he might want, regardless of our heritage.

The local authority refused to take action on this and the Department of the Environment refused to intervene, so I and a friend, Eddie O'Doherty, brought the developers to the High Court. I was a Fine Gael councillor at the time and Eddie was just an ordinary guy. When nobody else would, we forced the developers to be accountable to the laws of the land and the court. The action we took resulted in those developers having to pick up every brick and bit of cut stone they knocked that could be preserved for use in the reconstruction of the building. When they refused to obey the order of the court, we went to the court again and got an order for their imprisonment for refusal to obey the order. The planning battle went on, but the result is that today that building stands. It has been rebuilt and is now an important part of a shopping centre, but it retains its original integrity. I tell this story today to show that it was action by community activists that helped us achieve that.

We took on the vested interests in our town and we took on the local authority when it refused to act. We took on the political system which showed no interest in the issue at the time and with the help of conservation groups, An Taisce, the Old Drogheda Society and the Louth Archaeological Society, we made sure the law in question was respected and that the developers paid the fine which was a maximum at the time of £10,000. This maximum amount was subsequently changed to €1 million, as a result of these issues. Never again will a listed building be demolished in the centre of our town and in the manner in which it was. Corruption was at the heart of that issue at the time just as it is at the heart of the Mahon planning tribunal. It is naked greed to make a fast buck and to set aside everything else except the interests of the developers. I acknowledge that Fianna Fáil councillors in Drogheda stood with us in that battle. Unfortunately, one member of the Labour Party did not help us at all. I will not name him but his actions were a disgrace.

As Deputy Joan Collins said, when one takes on the establishment and when one wins a just cause, one must then change the way people think. Fighting corruption at a local level can be very difficult for the ordinary common or garden guy when many powerful and wealthy people who control resources are involved. We did not have two pennies to rub together. When we went to the High Court, our barrister, who took the case *pro bono*, asked us how much money we had and we replied that we had nothing, only our homes which we put on the line. We took that risk because we were in the right and we were proven right. This tribunal result shows that we can no longer allow corrupt development and corrupt politicians to put our country's future at risk.

Significant changes have been made since the time of that court case and since the findings of the Moriarty tribunal. The planning system is now better organised and co-ordinated and any planning application must have due and proper regard to local area plans, regional planning and many other considerations. The planning process is now more transparent and accountable. However, more changes are still needed to make the system more accountable. Many of the tribunal's recommendations are important and it is the duty of the Government to implement them.

From my experience as a councillor, there should be more accountability at representational level. so that a planning representation by an elected member should be recorded in the file, and this should include any oral representations to the chief planning officer. As has been

shown in the tribunal report, people were pretending to do something while doing the opposite. The public were conned and coddled in many cases by the public representatives who have been found wanting in this regard.

Another issue of concern arises when An Bord Pleanála holds an investigation into a planning issue. Oral hearings often last for two or three weeks with lorry loads of consultants speaking for developers against ordinary members of the public. It is often the case that An Bord Pleanála overturns the views of the planning inspector who carries out the oral hearing. In my view, there ought to be a greater barrier preventing An Bord Pleanála overturning the decision of a planning inspector who has heard all the evidence because this can bring the process into disrepute.

In conclusion, the country is changing for the better and this report will help in the creation of better planning, better law and a better future for everybody. I hope to see the end of type of housing estates which were built during the Celtic tiger era, poorly constructed houses for which people paid through the teeth. The infrastructure is appalling and there was not proper oversight by the local authorities in many cases. A significant number of people will be paying for these houses for the rest of their lives. It is a result none of us wanted but it is what we have and we will have to deal with it.

Deputy Seán Ó Fearghail: Gabhaim buíochas leis an Cheann Comhairle as ucht am a thabhairt dom labhairt ar an ábhar fíor-thábhachtach seo. Agus mé ag labhairt air, táim tromchroíoch mar gheall ar an ábhar uafásach seo atá os ár gcomhair. Chomh maith leis sin gabhaim buíochas leis an Rialtas de bharr an trí lá seo a thabhairt dúinn chun an t-ábhar seo a phlé.

It is important to acknowledge and to thank the Government for the fact that we have had three days' debate on this particularly critical issue. One would hope that out of this debate would come some sense of reassurance for the general public that the circumstances around planning in this country have changed and have changed dramatically.

Before I deal with the specific details of the report, I wish to record my personal anger, disappointment and deep disgust at the findings of the Mahon tribunal report about Fianna Fáil members. I was honoured to be elected as a Fianna Fáil Deputy for Kildare South in 2002 and to be re-elected since. I represent my constituency to the very best of my ability and I will continue to do so as long as I am elected. It was the ordinary people of County Kildare, the decent, honourable citizens, who sent me here, just as they sent my colleague on the opposite side, Deputy Durkan, to represent Kildare North. I would be failing in my responsibilities to the public who elected me and the friends and Fianna Fáil members and family members who supported me if I did not clearly also reflect their disgust and dismay at revelations showing a culture of inappropriate or corrupt behaviour on the part of a small but significant number of party members, some of whom have held high office.

Those who have betrayed the public trust at whatever level within the Fianna Fáil organisation, whether through intentionally corrupt activity or as a result of inadequate ethical standards, have brought shame on our party, shame on their colleagues and have damaged the whole body politic. I acknowledge and appreciate the reasonable points made by the Minister of State, Deputy O'Dowd, because he has reflected, as have others such as Deputy Timmins, that while we had a significant problem in our party, what happened should not be taken as a reflection on all members of Fianna Fáil who have served here and on local authorities throughout the country.

It needs to be stated emphatically that the Fianna Fáil members of this Dáil, led by Deputy Micheál Martin, are committed to the highest possible standards in public life. We are honoured to serve here at the discretion of the electorate and we are absolutely determined to ensure

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the reputation of the vast majority of our predecessors who served here and throughout the country with total honour and integrity is not sullied now by those who would take opportunistic advantage of the Mahon report. We are further committed to organising our own political affairs in such a manner as to ensure that the 20 year-old transgressions identified in this report and the profound conclusion which Mr. Justice Moriarty arrived at in his report with regard to the biggest public contract in the history of the State are never repeated.

I regret the fact that Sinn Féin has been sharp and vociferous in its condemnation of our party. I acknowledge, as others do, that many of the Sinn Féin members are sincere and committed Members of this House and that their intentions are the best. However, their criticism, representing the party that they do, goes beyond the point of hypocrisy when measured against the nefarious activities of some of their members and their fellow travellers.

Fianna Fáil accepts the findings of the Mahon tribunal. In such an extensive report, however, extending to well in excess of 3,000 pages, there may be elements which require clarification or correction. I refer in particular to references on page 2,460 to my colleague and friend, Deputy Seán Fleming. We support the Deputy in his call to the tribunal to rectify the situation in regard to the reference made to him.

Fianna Fáil has more than 65,000 members throughout Ireland, in urban and rural communities. These are decent community activists who have joined our party, seeing it as the vehicle through which they can serve their community and their country. Under our leader, Deputy Mícheál Martin, swift action was taken towards the members who had findings made against them in the report. Up to yesterday, as Members know, six members have resigned their membership of the party. If they had not done so I am confident that the meeting of our national executive, scheduled for tomorrow, would have terminated their membership. The rules and procedures committee of our party will also look at the other members who are in receipt of what has been described as “inappropriate” payments. I understand Fine Gael is doing likewise. Whether people like it or not, our party, along with others, has made a remarkable contribution to democracy in Ireland. Lest there be any doubt, I assure the House we will continue to contribute as long as people give us a mandate. Those who would will us away and see the end of us can go off and dance on somebody else’s political grave, in the short term at least.

Commentators tend to forget that even though our worst ever result was in the election last year, more than 400,000 decent people throughout the country voted for Fianna Fáil at that time. We are bruised and battered but we have not, and will not, go away because we have a lot to contribute to public life. Our members and the public have been let down by the actions of a few; we recognise that. I agree with what the Minister for Finance, Deputy Noonan, said last Friday. He noted that the vast majority of people he has met during his long life in politics, whether at national or local level, are honest and hardworking. That has been my experience as well.

In his response to the report the Tánaiste made reference to the fact that he had called for an inquiry in 1990. In that year I believe the Tánaiste was a member of Democratic Left. The Labour Party was in Government with Fianna Fáil between 1992 and 1994 but no planning inquiry was set up and no laws were changed during this period. I wonder if the Tánaiste had a word with his party about this inaction at a time when he was not yet a member.

The report exposed endemic corruption in the political system, primarily including our party but also elements of Fine Gael and the Labour Party. If we are to debate the report and look at it honestly that fact must be acknowledged. Double standards are not acceptable, especially if we are to illustrate to the public how planning issues are totally different now. The time the

Mahon report examined must be put into context. It covered a very different time when there was no legislation either in regard to political donations or, more specifically, to the actual planning process. That should not give any consolation to those who were involved in inappropriate and corrupt activity. We should not have to legislate to ensure that people, in particular those who hold public office, behave in a manner that reflects the responsibilities bestowed on them by the public.

I like to think things are vastly different now — rightly so. Let us again be honest and admit that much of the change has been brought about by as a result of 15 different pieces of legislation delivered under Fianna Fáil-led Governments. There is no way corruption can be totally eliminated — as with poverty which will always be with us, there will always be those who will tend towards inappropriate action. We must make every attempt to ensure corruption is stamped out and must root it out when it can be identified. Culturally, people are now very intolerant of procedures not being followed. It is only right that we are open and transparent. That is why the requirements of the Standards in Public Office Commission, SIPO, have rightly made politicians more accountable for any earnings or gifts they receive. Declarations and annual statements are required since Fianna Fáil brought these requirements into legislation in 2001.

The Government stated it considered the Mahon report at Cabinet on Tuesday and that all relevant Ministers will look at the recommendations and revert to the Department of the Environment, Community and Local Government by the end of April. Fianna Fáil supports the recommendations made about the independent regulator. I presume the Minister, Deputy Hogan, will have his own views on that and will make them known to us as soon as possible. This regulator would be in addition to other legislation already in place and would prevent inappropriate interference.

Although we have never identified any significant corruption within the professional planning system there is much that needs change and amend in how our professional planners do their business. Most of the involvement and representational initiatives taken by people like us — I suspect Deputy Durkan would agree — would not need to be taken if the professional planners were more accessible and more engaged with those people who are in the planning process and who deserve to be able to engage on a professional level.

I sincerely hope the actions resulting from the Mahon report do not take as long to implement as the suggestions, reports and recommendations made in the Moriarty report which was published a year ago. The Taoiseach said at the time that report would not gather dust but it has been doing so for the past year.

It is up to all of us to act responsibly — after all, we are legislators and most of us take that role very seriously. Fianna Fáil will support the legislative proposals that are recommended in the Mahon report. I assure people that the political culture of the 1980s and 1990s is well gone as far as our party is concerned and I welcome its demise.

Deputy Bernard J. Durkan: I am glad to have an opportunity to speak on this issue although it is not one that can be covered adequately in ten minutes. In particular, those of us who have been members of local authorities have lots of experiences and comparisons to make.

It is a time of sadness for all of us. It is sad when people who are elected to public office find themselves, for one reason or another, in a position in which they succumb to temptation. That is not the way it is supposed to work. I do not want to be sanctimonious, judgmental or condemnatory because that is not the way any human being should be. If somebody falls off the rails for one reason or another and does something wrong, he or she must pay a price. It does not necessarily follow that the rest of society can mount the high pinnacle of moral

[Deputy Bernard J. Durkan.]

rectitude and sanctimoniously condemn everybody in sight, claiming this is a symptom of political society and everything is rotten in the state of Denmark etc. I do not accept that notion.

What happened was wrong. It was obvious that investigations, reports and issues that were raised throughout the years should have been investigated by the authorities at the time. Actions taken and suspicions raised should have been followed up, keeping in mind that people have the right to be judged innocent until opinion is formed to the contrary. We live in a world of experts and there is none more so than those involved in planning, regional or spatial strategy, among whom are experts to beat the band. Where we went wrong I do not know but with all the expertise around surely we should have been able to come to some kind of conclusion as to how to proceed.

All my life I have held the view that the first public representatives were people of property, with independent means. They were incapable of being the subject of bribery or corruption because they had independent means. That was at a time when public representatives were not paid at all. That is the way it was. Even on this island people with property had three or four votes, known as the franchise vote. All that has changed with the passage of time and with it should have come some means of ensuring that those people who may be vulnerable or in financial difficulty do not find themselves under pressure and subject to harassment of a financial or verbal nature when making decisions for which they have statutory responsibility. It is a serious decision. I have spoken about this previously. Who knows who sat around a table, making statutory decisions, making up one's mind to do the right thing and not knowing one was sitting beside someone with a different reason for coming to the same conclusion? We are damned if we do and damned if we do not. One could vote to achieve what one thought was the correct result and, by virtue of a series of accidents, could be deemed to be corrupt for no other reason than doing what one thought was right.

I agree with my colleague Deputy Sean Ó Fearghaíl. We were both members of the same local authority for a number of years. In so far as we could, we watched each other to make sure someone did not step over the line. It is difficult but that is how it happens. Consensus is dangerous in this situation. As a member of a local authority, I have voted against all my colleagues because I thought I was doing the right thing. In the aftermath, it may have been for the right reasons but at the time one was made to feel one was doing something unpatriotic and something that was not in the national interest even though one thought it was at the time. I have done that and I know Deputy Ó Fearghaíl has done the same. I am not so sure people are equipped to stand on the high moral ground and say that someone did wrong. It is always easy to come to that conclusion with the benefit of hindsight.

I was very disappointed with the contribution of Deputy Gerry Adams, who referred to the foundation of the State. He said politicians in this jurisdiction had let down the people and that, after the foundation of the State, they had turned their backs on the people, grown apart and lost the ideals that originally motivated them. As we all know, the founder of the party Deputy Adams represents was also the founder of my party. There were other issues at the foundation of the State that had a serious negative impact on the country. This includes not going along with the wishes of the majority of the people on issues that were put to the people. It took a very long time for people to recognise that. There is no use in presuming or proclaiming that everyone was corrupt but that cleanliness has now arisen and is here in abundance.

I am so sorry that a major party has fallen by the wayside in the way Fianna Fáil has been punished by the people. I genuinely mean that. It is a salutary lesson for everyone in this House. It may have worked on a number of occasions but it did not work last time. The people summarily punished the party for what they saw being done to the country. I say that with no

glee and it will happen again. Those who readily lead people astray and mislead them by pretending that following their philosophy will be better will be visited in the future. There will be disastrous consequences for those who promote those ideologies.

What element of society has not had to undergo a revision in the past 20 years? If there was so-called endemic corruption in politics, where else was it? Right across Europe, there are suspicions about the media. In the adjoining jurisdiction, I heard someone yesterday morning say he could anticipate the result of the tribunal in this country. He could look closer to home because there are a fair few investigations under way. Over the past ten or 15 years we have had revisions in the church, priests, bishops, lawyers, the legal profession, the teaching profession and the public service. Maybe we need a revision and we need to step back and see where we have gone. Now is the time to do it and it should affect everyone.

The people are the ultimate arbiters and the people must examine their consciences. It is easy for me to blame Fianna Fáil, my party's political opponents, but the people approved of what they did over the course of three general elections in 15 years. If there was any doubt about it, those who want to divest themselves of responsibility throughout the community include the Independents on the Opposition benches who signed up to agreements with the previous Government. The question was asked not once but three times. In 1997, 2002 and 2007, when it was clear to all and sundry that the country was flat broke in more ways than one, the people supported the *status quo* of Fianna Fáil with the Independents. I do not blame Fianna Fáil for that. It is guilty, without doubt, but many other people are also guilty. Those people should ask themselves serious questions.

Sad as this is for the country, it may well be a watershed and a reminder that there should be a small bit of humility. We are not all experts and occasionally mistakes are made. Some people pay for the mistakes and others do not.

Deputy Seán Crowe: I listened to many of the contributions on the outcome of the Mahon report from Deputies in the Chamber, which ranged from annoyance to disgust to outrage. There was broad acceptance of the outcome. I remember the original advertisements in newspapers referring to a solicitor in Newry. People talked about it at the time and it captured people's imagination. They wondered what was going on and whether it was a scam. None of us imagined that this is what would come out. It shone a light on what was going on in this city and throughout the land.

The Mahon report concentrated on matters in the Dublin area. What annoys me is that the practices of Dublin City Council and Dublin County Council were happening in other councils around the country. That is a discussion for another day. If we are to learn from the Mahon report, we must examine mistakes made in the past and the corrupt planning decisions in other local authority areas. Like other Members, I am concerned at the idea of the Minister closing down investigations into those practices in the past.

I live in Tallaght and a former Member used to mention the names of roads in the constituency. I have tried to represent the area as best I can since becoming active in community politics, being elected to the council and then to this House. What strikes me about the discussion after the Mahon report is that some people say they were not aware of what was going on. If people were not aware of the practices that went on leading up to the 2007 election, they must have been living in another universe. Some of the irregularities regarding it were quite clear from media reports and so on.

Many of the people who have come out badly from the Mahon tribunal were rewarded by the electorate at that time. It is clear there was a connection between business and politicians in that regard.

[Deputy Seán Crowe.]

If I was to criticise the Mahon tribunal it would be that there was never any attempt made to bring porters who were working for the then Dublin County Council into the investigation. I do not know the reason for that. I was previously a councillor and if one wanted to know what was going on in the building one asked the porters. If one wants to know what is going on here, they are the people to ask. I thought it was strange that they were not brought into the investigation. I do not know if it was a class thing in that it might have been felt they were at the bottom of the ladder, so to speak, but they were the people running up and down corridors passing messages and so on. It was an omission on the part of the tribunal that it did not look into that.

I live in Tallaght, having lived originally in Rathfarnham. I got married and moved out to Tallaght. I remember Tallaght when it was a village and the changes that came about. I am proud to represent that area but I recognise that there have been many problems in the area. One could probably say the same about the new towns in Blanchardstown, Clondalkin and across the city. Some of those problems are down to bad planning in the past, and perhaps I was part of that bad planning, but I remember when people were transported out of the city into these new suburbs. They were new houses but those people lost their sense of community. There was no work. There was little or no transport yet these things happened. Some people would argue that it was a positive development to take people out of Dickensian housing conditions and move them out to the country but it broke up families and communities. We wonder how those decisions came about.

As part of this debate a number of people went on the attack. Members of Fianna Fáil attacked all around and blamed other parties for what they did but it is clear there is a problem within Fianna Fáil. I come from the position where my grandfather who was a Fianna boy in 1916 and fought the Tans in 1922 ended up joining Fianna Fáil. I did not know the man when I was growing up. I was too young but I have talked to many people who were in Fianna Fáil who do not recognise what it has turned into. Fianna Fáil members can say that is not true but even today many party stalwarts would talk about the way the party ended up. People can say it was because of the Haughey era and that there were other people involved. It was the cute hoorism but it was also the relationship with business, and in that regard I go back to the 2007 election. People said there was no connection in that regard but one only had to go around the north inner city to see that every building site in Dublin had posters connected to a particular party, and it was not mine. There was a clear connection and people made that decision in regard to it.

We must learn from the Mahon tribunal. There was criticism of the length of time it sat, the costs and so on. People can criticise those aspects but the lessons we must learn from this tribunal, the Moriarty tribunal and some of the others is that this cannot be allowed to happen in future. We must be much more transparent in that regard.

I would like to see positive steps being taken by Government arising from the Mahon report. We need to examine decisions that have been made in the past. As an Irish citizen and a TD in this House I am concerned about some of the decisions made regarding offshore oil exploration. There must be a clear investigation in regard to some of the people who have been found to be corrupt by the Mahon tribunal.

From my small involvement in the peace process, I recall concern being expressed about some of the individuals who were central to the negotiations at that time. People say we can be critical when looking back but concerns were raised regarding Ray Burke and whether something would backfire in regard to him. We know that during a critical phase of the discussions leading up to the peace process and eventually to the Good Friday Agreement Ray

Burke had to be removed from a central negotiating position representing the Government at that time. That was scandalous. People can rewrite history in terms of their involvement in that process but that was a major mistake made at that time. That person should never have been allowed into that position.

I am proud to represent the area I represent. I am proud to represent Dublin but the changes that have come about were down to wrong decisions being made. In terms of what is right and wrong, the Mahon report talks in terms of corrupt payments but also inappropriate payments. What is corrupt and what is inappropriate? People appeared to have a level they could go to in that it was okay to take €200, €500, €2,000 or €200,000. At what point is a TD or other elected representative culpable in that regard? It is not right to take €10 or €100 if it is offered to try to force someone to change their mind on a decision.

I hope positive changes will come out of the Mahon report and that the recommendations will be taken fully on board by all parties in this House.

Deputy Joe Carey: I welcome the opportunity to speak on the Mahon tribunal report. The report confirms so much of what most people believed, namely, that corruption was rampant throughout our political system from the very highest office in the land down. The poor example given and tolerated trickled down the political tree to create a toxic culture of brown bags and shady decisions in our planning system.

The report is detailed and broad. It extends to 3,500 pages and will cost the State €300 million. Many people are rightly concerned about the sheer cost of the tribunal and are asking what actions will now take place to ensure that corrupt practices cannot be repeated.

In that regard I welcome the immediate referral of the report to the Garda Commissioner, the Revenue Commissioners, the Criminal Assets Bureau and the Standards in Public Office Commission. Individuals named as corrupt in this report must be held responsible. The length of time the tribunal sat, all of 15 years, was considerable and we must devise and introduce a system of inquiry which will be more efficient and cost effective.

Our democracy is not necessarily as robust as we would like to think. There is no doubt that as the Mahon tribunal publishes its final report our democracy has been rocked and has become very fragile. If as an Oireachtas we do not act decisively on the conclusions and recommendations of the Mahon report we run the risk of undermining that which we should cherish and on which we should work constructively, namely, a strong, robust democratic system on which we can all pride ourselves.

Everyone in this House has a serious problem to deal with. The constitutional referendum on the powers of inquiry for Oireachtas committees failed last year because quite simply the Irish people do not trust politicians with regard to investigations. The Mahon tribunal report somewhat bears this out as it states:

[Corruption] continued because nobody was prepared to do enough to stop it. This is perhaps inevitable when corruption ceases to become an isolated event and becomes so entrenched that it is transformed into an acknowledged way of doing business. Specifically, because corruption affected every level of Irish political life, those with the power to stop it were frequently implicated in it.

Despite laudable exceptions such as the DIRT inquiry, this perception, as presented by Judge Mahon, was clear in people's minds last October. A member of the DIRT inquiry committee was involved in offshore accounting. A principal character of the Mahon tribunal, now deceased, chaired an Oireachtas committee on ethics. This type of carry-on does not go unnoticed and as such the people were not prepared to allow us in our current state have any

[Deputy Joe Carey.]

further powers of inquiry. It gives a clear and unambiguous indication of how we are viewed and mistrusted. It is our task to rebuild trust in the political system and move swiftly on implementing the recommendations contained in the Mahon tribunal report.

Apart from the conclusions of the report, one of its most depressing aspects is that it was widely known by people throughout the State how widespread corruption in planning was and the practice was tolerated. The journalist, Joe MacAnthony, left Ireland disillusioned in 1973, having exposed elements of planning corruption. Garda investigations went down blind alleyways in 1973, 1989 and 1993.

Topical Issue Debate

Witness Protection Programme

Deputy Dara Calleary: I thank the Ceann Comhairle's office for allowing me to raise this issue. Anybody who has not lost a child cannot imagine the grief that Steve and Carmel Collins and their family have gone through following the murder of their son, Roy. To have this grief added to by being forced to leave their city and country because of being afraid to remain is unimaginable. I acknowledge the work done by the Garda on this case over many years and the efforts made to try to avoid this.

The witness protection programme seems to have failed in this instance. While results were achieved, if the family is forced to leave the country is there a danger a signal will go out and other people who would want to co-operate with the Garda will not do so. I acknowledge the Minister's statements on this to date but we need to stand back and look at how we enforce the programme and examine whether further powers are necessary for the Garda to enforce and sustain the programme to ensure nobody else will be afraid of coming forward out of fear of having to leave the country.

The thought the State has paid €50,000 to a member of the McCarthy Dundon gang for a home will horrify many people, particularly in light of the news we received this week about the Collins family having to leave the country. The Limerick regeneration agencies paid this money because of the overall aims of the project. However, given the involvement of the gang in sustained crime throughout Limerick and the mid-west region it is the wrong signal to send out.

In his response, will the Minister confirm the status of the witness protection programme? How many people are involved in it on a macro level? We do not need the details. Will the Minister confirm whether it has been affected by the budget cuts to the Garda this year? What are the specific effects on the day-to-day running of the programme? Is the Minister aware of any other family involved in the programme which is being forced to leave the country on the basis of involvement in the programme?

Minister for Justice and Equality (Deputy Alan Shatter): I listened with interest to the Deputy's contribution. He obviously substantially misunderstands the concept of a witness protection programme. Witness protection programmes worldwide are devised to facilitate individuals who are at risk from organised crime to start their lives anew, in a different location in the same country or in another country, for their own protection. Witness protection programmes are not simply about providing Garda protection for families or individuals placed at risk in their own communities. It is utterly and completely wrong for the Deputy to suggest in

any shape or form that the witness protection programme has failed or that it has in any way been impacted by any cutbacks of any description.

Since my appointment as Minister, I have been determined that the State should do everything it could to assist Mr. Steve Collins and his family. Primarily, Mr. Collins and his family stood by the institutions of this State. They paid a dreadful price for the courage which they showed, courage for which all of us in this House salute them. It is vital that the State is seen to stand by them. However, despite the great progress which the Garda has made in tackling the gangs in Limerick, it remained necessary for Mr. Collins and members of his family to have intensive Garda protection.

For some considerable time, there had been contact with Mr. Collins as to how the State could best assist him and his family. This culminated in Mr. Collins deciding that the best hope for himself and his family to lead a better life is to move abroad. It has never been the practice to comment on who may or may not be in the witness security programme and the House will appreciate that, for security reasons, it would not be appropriate for me to comment in detail on any of the arrangements made for Mr. Collins and his family's move abroad. However, I assure the House that the State has offered, and is providing, every assistance possible in giving effect to that decision. Of course, I regret that Mr. Collins has had to take this decision but I fully understand it and I am sure all right thinking people will wish him and his family well in their move and in their new life.

The Garda is determined to maintain a robust response to criminal gangs. I am determined to do everything I can as Minister to support the Garda in its efforts. We should remember that, week in week out, the Garda successfully brings people involved in gangland activities before the courts and secures convictions, and a substantial number of people are serving prison sentences. Garda detection rates for murder and manslaughter cases are high, with provisional figures indicating a detection rate of more than 80% for murders last year.

The Garda Commissioner has assured me that policing in Limerick and actions to deal with gangland crime will continue to be an absolute priority for the force. I am advised by the Garda Commissioner that more than 20 gang leaders and a total of 106 individuals related to Limerick criminal gangs are in prison at this time. In addition a significant number of gang leaders are awaiting trial at present. Considerable resources will continue to be put into containing and pursuing criminal gangs in Limerick. An additional 105 gardaí have been deployed to Limerick since December 2006, bringing the total strength there to 637 at the end of 2011 — the highest number of gardaí ever deployed in the Limerick division.

The Criminal Assets Bureau is also pursuing the assets of these gangs. The bureau is central to tackling gangland crime and has had considerable success in recovering proceeds of crime. A review of the proceeds of crime legislation underpinning its operation is continuing, with a view to finalising proposals which will give effect to the commitment in the programme for Government to strengthen further the bureau's powers to seize the proceeds of crime.

The Deputy will be aware that the witness security programme is a vital part of the Garda response to tackling gangland crime. He will appreciate, however, that for security reasons it would not be appropriate for me to comment in any detail on its operation or to respond to some of the queries he raised. The House will appreciate that programmes of this nature are operated by many countries which have to confront the realities of organised crime. While I cannot, as I say, go into any detail about its operation, I assure the House that we are determined to do what is necessary to operate an effective security programme. This programme involves not only providing, where required, intensive security to individuals at risk in their communities but also, where necessary, facilitating individuals and their families to relocate to other jurisdictions.

Deputy Dara Calleary: I accept and fully support the programme. However, it is not only me who is expressing concerns about it. I direct the Minister to the remarks of the former Director of Public Prosecutions who said in 2009 it was of limited use in tackling organised crime. Has the Minister reviewed those remarks and has he internally within the Garda Síochána made changes to the programme? The Minister must admit that what happened this week, in terms of the publicity surrounding this family having to leave the country, has been damaging to the programme. There are people who want to get involved in the programme and to support its objectives but who do not wish to leave the country.

In raising this issue, I hoped to hear from the Minister what is in place to repair that damage and if there is anything we can do to make the programme more effective to ensure what happened does not have to happen again. I accept that some people will have to leave the country but the Minister must admit that the circumstances of this particular case, in terms of the bravery of the Collins family having to take the decision to leave this country, is damaging to the programme.

Deputy Alan Shatter: It is unfortunate that Deputy Calleary should attempt to play crass party-political politics with a serious programme designed to protect individuals in circumstances in which this State and this Government has provided essential assistance to the Collins family to facilitate their relocating abroad.

The Deputy stated that in 2009 the Director of Public Prosecutions described the programme as being of little or limited use.

Deputy Dara Calleary: Limited use.

Deputy Alan Shatter: The Deputy might recall that his party was in government in 2009——

Deputy Dara Calleary: Yes. We put the gardaí in Limerick.

Deputy Alan Shatter: ——and that former Minister, Dermot Ahern, not I, was Minister for Justice. If the Deputy had any concerns about the efficacy of the programme he had two years during which time his party was in government to raise them directly with his ministerial colleague. Under this Government, there is an effective programme. The Deputy's comments today are damaging. He might reflect on that. The very essence of witness protection programmes is not only to provide intensive security for families within their locality but to assist those families, who have assisted the State in bringing to justice those engaged in organised crime, who wish to lead their lives free of that intensive security to relocate should they wish to do so.

While the Deputy may not understand that, my predecessor did. The arrangements put in place in regard to the Collins family commenced with discussions in which the former Minister, Dermot Ahern, was engaged. I substantially advanced those discussions and brought arrangements that were taking far too long to fruition and finality, thus facilitating the Collins family in their wish and choice to relocate elsewhere so they can lead a normal life. I wish them well. It is a disgrace that the Deputy should use the successful implementation of the witness protection programme and the bravery of the Collins family in terms of their freely made decision to relocate elsewhere when we would have continued to provide them with extensive security in this State for crass party-political point scoring.

Poolbeg Incinerator

Deputy Kevin Humphreys: It is 15 years since the Poolbeg incinerator was proposed. This saga has run for the same length of time as did the Mahon tribunal. For 15 years a local

community has feared construction of this incinerator. The contract was at review stage up to end February. This was further extended to 31 August. The Minister of State, Deputy O'Dowd, will be aware that €80 million has already been spent on this project, which equates to approximately €5 million per annum since it was first proposed by Dublin City Council. A further €9 million was spent this year on the purchase of land and additional consultation fees.

I welcome the news that the local government audit service will provide a full report of the cost exposure to the Committee of Public Accounts. However, this is too little too late. The money has been spent and a bad contract remains in place. The original contract was for construction of 600,000 tonne incinerator, which is too big for current and projected needs. According to the Hennessy report, a put or pay clause means that Dublin City Council must provide 320 tonnes per year to the incinerator or face fines of €350 million. This has left citizens of this country exposed to fines for a contract from which they, through their democratically elected representatives, were shut out while public servants tried to cover their past mistakes through changes to the law. The council can no longer deliver waste to this monster and thus changes to the law to end side-by-side competition and make the council the owner of the waste stream, which is constitutionally dubious, have been proposed. This uncertainty is putting private sector jobs at risk. Rather than continue to jump through hoops we should scrap the project and bring certainty to the waste market.

I welcome the move by Mr. Joseph McCarthy and Ms Valerie Jenkins to file a complaint about this contract with the EU Commission. It is clear that Dublin City Council has breached EU public procurement in terms of its awarding of the contract on the Poolbeg Peninsula to Covanta Energy. Mr. McCarthy also highlighted the waste in respect of the voting machines but was not listened to. He has undertaken extensive research in respect of this incinerator. Whether we can continue with this incinerator is highly questionable. Former Minister, Mr. Roche, signed the contract for this incinerator before he left office. To his credit former Minister, John Gormley, did his best to prevent it going ahead.

I know the Minister of State has with him a well prepared script from the Department. I ask that he request the Minister to re-examine this contract, which is not working and will result in great cost to the taxpayer. I ask also that he ensure the Minister is not captured by his civil servants and re-examines this contract over the coming weeks. The opportunity exists to prevent further costs to the taxpayer.

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Fergús O'Dowd): I am taking this matter on behalf of my colleague, the Minister for the Environment, Community and Local Government, Deputy Hogan.

The Poolbeg project is provided for in the Dublin regional waste management plan for which the four Dublin local authorities have statutory responsibility under the Waste Management Acts. The facility is being advanced by Dublin City Council, acting on behalf of the Dublin local authorities by way of a public private partnership with Dublin Waste to Energy Ltd, a joint venture of Covanta Energy and DONG Energy Generation A/S Denmark.

The project received planning approval from An Bord Pleanála in November 2007 and was granted a waste license from the EPA in December 2008. The facility is intended to recover energy from residual waste and is to have a capacity of 600,000 tonnes per annum. In accordance with the provisions of the Waste Management Acts, the preparation and adoption of a waste management plan, including in respect of infrastructure provision, is the statutory responsibility of the local authority or authorities concerned and under section 60(3) of the Act the Minister for the Environment, Community and Local Government is precluded from exercising any power or control in relation to the performance by a local authority, in particular circumstances, of a statutory function vested in it.

[Deputy Fergus O'Dowd.]

Mr. John Hennessy, SC, was appointed under section 224 of the Local Government Act 2001 as an authorised person to examine potential financial risks associated with the Poolbeg project within a given set of scenarios. Mr. Hennessy had access to a full range of commercial documents. In June 2011, the Minister published the report prepared by Mr. Hennessy on the Poolbeg project. He did so to ensure that as much information as possible is available to the public, while respecting the confidential nature of information provided to Mr. Hennessy to compile his report. The report, as published, was, therefore, redacted to protect commercially sensitive information. At the time of publication I indicated that much had changed since the report was commissioned and that there will be further changes as he finalises a new waste policy. Mr. Hennessy provided a very good report but was working within a set of scenarios which had been narrowly defined for him, which somewhat restricted the applicability of the report. Having consulted Government colleagues, the Minister concluded that there was no national waste policy justification for intervening in the matter and that decisions in regard to the project are a matter for the two parties to the contract, Dublin City Council and Covanta Limited.

The Minister understands that the parties to the contract in respect of the Poolbeg facility are in a period of review. Queries concerning the status of discussions, contract terms and costs of the project should be directed to the city council and its partners in the project.

Deputy Kevin Humphreys: I am sorry the same old answer has come from the Department. I accept that much has changed since this project was conceived 15 years ago. We are in a period of review. The local authorities cannot be allowed to run on this issue. Much has changed. The Environmental Protection Agency's report on the waste market shows the national waste recycling rate is 40%. It is 46% in the Dublin region. Since 2009, the volume of waste going to landfill has decreased by 13%. It is estimated that there is enough landfill capacity for 12 years. Therefore, no urgency is associated with the Poolbeg incinerator. Equally, the required volume to feed it is not available. Over 650,000 tonnes of private waste recovery infrastructure has come on line in the last two or three years. That exceeds the tonnage of the Poolbeg project.

According to the SLR Consulting report that was compiled on behalf of the Irish Waste Management Association, we will comfortably reach our 2013 and 2016 targets for the diversion of biodegradable waste from landfill. The argument that has always been made is that we will not be able to reach our targets and will therefore face enormous European Union fines. The opposite is the case. We are reaching our targets comfortably. We have rolled out brown bins to 50% of households in Dublin. The national rate of recovery of such waste increased by 3% in 2011. Approximately 900,000 tonnes of waste that currently goes to landfill is capable of being composted. A much better use of money would be to encourage re-use, rather than incineration.

If we have to face EU fines, as we are always being warned about, they will be dwarfed by the substantial and unnecessary waste of money on the Poolbeg project and by the fines that will potentially result from the pay-out clause. I remind the Minister of State that the Hennessy report suggested that the fines could amount to up to €350 million. It is clear that private waste contractors will challenge any attempt to place the ownership of the waste stream in the hands of the council. In every place where side-by-side competition has been replaced by tendered routes, it has resulted in a less efficient and more expensive service for our home owners. We are constantly getting set-piece answers from the Department. I ask the Minister of State to re-examine the figures. We are opening up a huge potential cost to the taxpayer at a time when money is tight.

An Ceann Comhairle: We are over time.

Deputy Kevin Humphreys: I appreciate that an important announcement is expected. I conclude by emphasising that this needs to be reviewed at a national level.

Deputy Fergus O'Dowd: I will bring the Deputy's comments to the attention of the Minister, Deputy Hogan. The programme for Government includes a commitment to introduce competitive tendering for household waste collection whereby service providers will bid to provide waste collection services in a given area for a given period of time and to a guaranteed level of service. The approach to the future regulation of the household waste collection market will be carefully considered by the Minister, Deputy Hogan, and his Government colleagues. It will take account of the full range of economic, environmental and other relevant issues. It will also take account of the many perspectives offered by consultants. I emphasise that in considering the regulation of household waste collection, the Minister, Deputy Hogan, will be mindful of a set of factors, including economic and environmental issues, the need for realistic and workable policy options and, critically, the availability and desirability or otherwise of various options.

These issues are not without a degree of complexity. It is not a simple matter of comparing costs. Household waste collection services are of critical importance. Wider issues of market stability and industry sustainability must be considered. The programme for Government contains a commitment to develop a coherent national waste policy that adheres to the waste hierarchy. The policy will aim to minimise waste disposal in landfill and maximise recovery. The Minister, Deputy Hogan, is prioritising this commitment and is anxious to provide early regulatory certainty. He expects to be in a position to submit final proposals on national waste policy, including the regulation of the market, in the coming weeks. The new policy will not be driven by any particular project, technology or interest group — it will be driven by what the Government judges to be in the best interests of the country.

An Ceann Comhairle: I understand the Minister for Finance wishes to make an announcement. I will not call Deputy Fitzpatrick on the next Topical Issue until he has done so.

Deputy Kevin Humphreys: I thank so many Members for attending the debate on the Topical Issue I raised.

Deputy Colm Keaveney: The Deputy was the warm-up act.

Deputy Dara Calleary: Poolbeg is a big issue.

An Ceann Comhairle: I thought for a moment that Deputy Humphreys was going to get a standing ovation.

Message from Select Sub-Committee

An Ceann Comhairle: The Select Sub-Committee on Education and Skills has completed its consideration of the Education (Amendment) Bill 2012 and has made amendments thereto.

Banking Sector Regulation: Announcement by Minister for Finance

An Ceann Comhairle: I have been advised that the Minister for Finance wishes to make an announcement for the information of the House. I call the Minister to do so.

Deputy Michael Noonan: I wish to make an announcement to the House. The Government has been committed to reviewing the arrangements that were put in place to capitalise the Irish

[Deputy Michael Noonan.]

Bank Resolution Corporation, formerly Anglo Irish Bank and Irish Nationwide. The purpose of this review is to determine if there is a way to reduce the overall cost to the State. Part of the capitalisation of the Irish Bank Resolution Corporation was provided using promissory notes as a consideration. The second instalment under the promissory notes arrangement is due on 31 March 2012. We have the funds available in our programme to make this scheduled debt payment. On Wednesday of last week, I informed the House that discussions were taking place with the EU authorities on the basis that the €3.06 billion promissory note instalment due on 31 March 2012 “could be settled by the delivery of a long-term Irish Government bond”. This proposal, which would result in the €3.06 billion cash payment due from the Exchequer at the end of the month being deferred, does not involve any adjustment or variation to the terms of the promissory notes. The use of an Irish Government bond in relation to the promissory note payment allows the wider discussions to continue between the Irish authorities and the troika, both on the promissory notes arrangement and on how to advance the return to normality of the Irish banking system, thus improving the availability of banking services in support of economic recovery.

There are significant advantages to this approach. This payment was included in our debt repayment schedule for 2012 and this proposal removes the requirement for the Exchequer to settle in cash the €3.06 billion promissory note instalment. There is a significant cash flow benefit to the Exchequer in 2012 and our long-term debt sustainability is enhanced. This will have an impact worth approximately €90 million on the general Government deficit in 2012 which is small relative to the overall benefit of the removal of the requirement for the Exchequer to settle €3.06 billion in cash.

The €3.06 billion of programme funding that would otherwise have been used to make the promissory note payment should potentially allow greater flexibility around when and the level at which Ireland returns to the capital markets. As noted by the Governor of the Central Bank in his appearance before the Committee on Finance, Public Expenditure and Reform: “There is a very definitive gain in debt sustainability.” The net effect of this transaction is to reduce the economic cost for the State as a whole of refinancing this payment. Given these benefits, the Government is going to proceed with the proposed settlement arrangement.

The Economic Management Council, along with officials from the Department of Finance and representatives of the Central Bank and the NTMA, have been working on this Government bond settlement proposal to determine its finer details.

Put simply, €3.06 billion will be settled by delivery to IBRC of a long-term Government bond with an equivalent fair value. Ultimately, it is intended that this long-term Government bond will be financed for one year, on commercial terms, with Bank of Ireland, which may in turn refinance the bond with the ECB. While this transaction has been approved by Bank of Ireland’s board, it remains subject to the approval of the Bank of Ireland shareholders.

As a short-term interim measure, pending the results of Bank of Ireland’s shareholders’ vote, the financing of the bond will be a collateralised facility provided by NAMA to IBRC on equivalent commercial terms as the financing with Bank of Ireland. NAMA is in a position to facilitate this collateralised financing from its own funds. This financing approach reduces the level of emergency liquidity assistance provided by the Central Bank of Ireland to IBRC.

This approach reinforces the commitment of our European partners in assisting the State in its path to recovery. The Government thanks all parties to these discussions for their constructive approach and positive engagement in this regard.

I urge caution in spite of today’s success. The State still has a very sizable Exchequer deficit of public spending over revenue of €15.8 billion. If we want a State that supports the creation

of jobs, we must continue on the path of closing this gap over time. While this arrangement reduces the amount of our national debt repayable in 2012 it has no impact on the measures introduced in the budget for 2012. The Government's primary objective in this regard is to reduce the general Government deficit to meet the 8.6% deficit target in 2012.

While this development in regard to the end of March payment is positive, we must keep our eye on the greater benefits that would derive from the re-engineering of the promissory note and also the potential improvements for the continuing banking sector which could also stem from the ongoing technical discussions. It is for these reasons that we must consider the recent developments as an initial step to facilitate a project in respect of which success, if achieved, will be in the medium term rather than immediate. These discussions will continue, and the Government is focused on developing an alternative solution to the promissory note arrangement with IBRC. The ongoing discussions may also explore options to refinance the long-term Government bond issued in settlement of the March 31 payment. We all want to arrive at a successful conclusion that is in the interest of Ireland and the European Union.

Deputies: Hear, hear.

An Ceann Comhairle: We will now return to the Topical Issue Debate.

Deputy Michael McGrath: On a point of order, is the Ceann Comhairle providing an opportunity for Opposition spokesmen to ask questions?

An Ceann Comhairle: I am afraid not. As the Minister was making an announcement, there is no provision for a response. Precedent rules out any further statements.

Deputy Richard Boyd Barrett: On a point of order——

Deputy Michael McGrath: Are we allowed to make even a brief response?

An Ceann Comhairle: My problem is that there are Deputies who have topical issues tabled. The Topical Issue Debate is to be followed by Question Time and the Dáil must finish.

Deputy Mattie McGrath: We will wait.

An Ceann Comhairle: If the House wants to extend the sitting, perhaps it can return to this matter later. Now, however, we must continue with the business we are dealing with.

Deputy Mattie McGrath: Given that there is good news——

An Ceann Comhairle: We either have it or we do not.

Deputy Peter Fitzpatrick: I am next to contribute on the Topical Issue Debate and have no problem waiting.

An Ceann Comhairle: I know that. I ask the Deputy to resume his seat for the moment. I have a predicament in that precedent shows there is not provision for any comments or statements after an announcement.

Deputy Mattie McGrath: This is unprecedented.

An Ceann Comhairle: The Minister for Finance announced that he was making an announcement. That is not a statement as far as I am concerned.

Deputy Richard Boyd Barrett: Will the Minister allow for statements?

An Ceann Comhairle: The Minister cannot make a ruling; I must do so, unfortunately. I will facilitate the House——

Deputy Richard Boyd Barrett: This is an issue of national importance meriting statements.

An Ceann Comhairle: If the Deputy stops shouting at me, we might get somewhere. If the Whips wish to meet and make some arrangement about further statements later, I will be facilitative.

Deputy Michael McGrath: Later today.

An Ceann Comhairle: Yes. It is up to the House.

Deputy Mary Lou McDonald: That makes no sense.

Deputy Michael McGrath: Will the Minister make himself available to answer questions?

An Ceann Comhairle: That is a matter for the Whips.

Deputy Michael McGrath: The Minister is not available later to take questions.

Deputy Richard Boyd Barrett: The Minister or Taoiseach could indicate now——

An Ceann Comhairle: I call Deputy Fitzpatrick.

Deputy Michael McGrath: Is that the Ceann Comhairle's final ruling?

Topical Issue Debate (Resumed)

Sheep Worrying

Deputy Peter Fitzpatrick: Recently some harrowing and shocking accounts of sheep worrying in the Cooley peninsula, County Louth, have come to my attention. The problem is nearing epidemic proportions and causing great strain among the farming community in the area.

This area of north Louth has outstanding natural beauty and, as a result, attracts thousands of visitors for recreation. They are welcomed by the farming community and they have had a long relationship founded on the principle of mutual respect. Without doubt, the majority of people visiting the area for recreation respect the countryside and play their part in protecting the environment. However, there are some, particularly disrespectful dog owners, who do not consider farm animals, particularly sheep. These callous few have allowed their dogs to run loose on the land. Often they are accompanied by other dogs. These unrestrained dogs are causing terror among livestock. Only recently, a group of well-intentioned hill-walkers were left very distressed having been confronted by two dogs. This was not the first group of hill-walkers to have been intimidated by loose dogs. Many people are fearful of dogs, whether they are on leads or not, and due consideration should be given to them. If humans are being left distressed by uncontrolled dogs, one can only imagine the stress and pure horror sheep and lambs must endure. These incidents are all too frequent now and it is only a matter of time before a serious altercation arises.

As one knows, a farmer is entitled to shoot a dog that is worrying sheep. Sheep worrying is a big issue for sheep farmers at any time of the year but it is particularly problematic when it happens during the lambing season. Sheep worrying occurs when dogs chase sheep and injure or kill them. Sheep are flight animals and flee at the first sight of danger or predators. The

most obvious damage caused is visible and it includes wounds. Often the sheep are left alive with very bad injuries. Often these injuries are untreatable and they have to be put to sleep. Other damage caused is less visible among the sheep. For example, if they are in lamb, they often abort. After a dog-worrying episode, a sheep can become terrified of dogs, which can make life very difficult for the sheep farmer as sheepdogs are used routinely to herd sheep. Thus, routine farm tasks become very time-consuming for the farmer. It causes economic losses and makes for a difficult working environment for the farmer.

Despite what many dog owners may feel about their beloved pets, they are still a source of great distress to sheep, whether on a lead or not. Even though dogs have been domesticated for a long time, they have not lost their basic instincts. These instincts include a strong predatory drive. The chase instinct can be triggered by the sight or movement of animals. Accordingly, humans should not be shocked that the family pet dog could chase or worry sheep. Any breed of dog can be involved in a sheep worrying or killing episode. I must add I have been a dog owner all my life and am aware of the joy a pet can bring to a household. It would be remiss of me, however, not to acknowledge that mine or any other dog could be a form of distress to sheep.

On behalf of the besieged farming community of north Louth, I am asking the Minister to ban the practice of taking dogs, other than local sheep farmers' dogs, out on the Cooley Peninsula. Banning dogs there would be a win-win for both parties and would reduce the fatalities of both sheep and dogs. The farming community of north Louth has suffered more than most over the past decade since the outbreak of foot and mouth disease. It has an excellent relationship with dog walkers and is very amenable to leisure and tourism activities. The community's benevolence, however, is being taken for granted and it is now at breaking point as almost daily incidents of aborted lambs, sheep worrying and killings are occurring.

As recently as last week, a debate in England called for tougher penalties, greater vigilance and education in this matter. This shows the need for a clear and unambiguous message. The umbrella organisation for all registered walking groups had a strict code of conduct of no dogs. At national level, Comhairle na Tuaithe is of the opinion that hill walkers should not bring their dogs to the hills. This is significant given it is made up of representative groups such as the IFA and Keep Ireland Open which often have diverse views. Nevertheless, they are all agreed on this issue.

Dogs, other than local sheep farmers' dogs, should be banned from the Cooley Mountains. We do not want to stop people enjoying these amenities but we do want to prevent the terrible damage caused by dogs to livestock.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Fergus O'Dowd): I am taking this matter on behalf of the Minister for the Environment, Community and Local Government. As a Deputy from Louth, I am very much aware of this issue. The control of dogs, including for the harassing of livestock, is vested in local authorities under the Control of Dogs Act 1986. The Act sets out the duties of local authorities, the powers of local authority dog wardens and the right of local authorities to make by-laws relating to the control of dogs in their functional areas.

The local authority in question is aware of the issue raised by the Deputy. I am aware myself of this as a national issue in terms of the problems that can be caused by dog attacks on sheep, in particular attacks on flocks of sheep during lambing season. My colleagues, the Minister and Minister of State at the Department of Agriculture, Food and the Marine, are also involved in raising awareness of this serious issue by drawing attention to the damage and distress that can arise from attacks on farm livestock, particularly sheep, by marauding dogs. They have also

[Deputy Fergus O'Dowd.]

appealed to all dog owners, particularly those living near farms, to ensure their dogs are kept under control at all times and particularly at night.

I will continue to highlight the issue of dog control in the prevention of attacks on livestock. The Department of the Environment, Community and Local Government met with IFA representatives recently to discuss this matter. While the representatives were satisfied with the level of legislation in place covering this area, they stressed the need to raise awareness of the issue. I share their views and my Department will continue to examine ways of raising this with dog owners, some of whom may be totally unaware of these problems and, indeed, the possibility that their pet might be involved in such attacks.

Deputy Peter Fitzpatrick: I thank the Minister for his reply.

Up to 2.5 million lambs will be born across the country in the next three months. A dog attack is extremely stressful on sheep and can result in severe injuries and death. I recognise the majority of dog owners are responsible. However, a simple lapse of concentration can have disastrous consequences. I urge dog owners at this time of year to be careful and ensure all dogs are secure. I would appreciate if the Minister could explore raising better awareness among dog owners of this issue.

Deputy Fergus O'Dowd: Officials from Louth County Council met recently with a delegation of local IFA hill farmers on this matter and it continues to be active in addressing this problem. The Department of the Environment, Community and Local Government recently publicised this issue in association with Comhairle na Tuaithe, the Countryside Council, to raise awareness among dog owners who take part in recreational activities in the countryside. A specific focus was put on the vulnerability of sheep flocks at this time. Overall, the campaign stressed the need to avoid disturbing farm animals and wildlife. These are the key principles of the Leave No Trace programme which the Department supports to encourage responsible recreational use of the countryside.

Many people from urban areas go to the country at weekends and leave their dogs off the leash not realising that their friendly dog at home can turn into a savage marauder. Absolute vigilance by dog owners is critical at all times.

Deputy Joe Higgins: Some of those dogs might be handy next week.

Job Losses

Deputy Caoimhghín Ó Caoláin: I thank the Ceann Comhairle for selecting this important issue of the plight of GAME stores workers. This is an urgent issue both because of the injustice done to these workers in the past week and because of the strong trend emerging where employers are dumping workers with no notice and no redundancy payments. I understand that sit-ins are taking place in most of the stores. Our first message here this afternoon must be one of solidarity with the protesting workers at all locations. I welcome the representatives of the workers who are with us in the Visitors Gallery.

On Monday, with my colleague councillor Seán Conlon, I visited the workers at the GAME store sit-in at Monaghan shopping centre. These are young people totally abandoned by a company which they have served as a dedicated and well-informed workforce. The company washes its hands of its responsibilities and leaves it to the State to take up the burden. We have similar situations in Lagan Brick in Kingscourt, County Cavan, and in Vita Cortex in Cork. Retail workers like those in GAME were similarly treated by TalkTalk and La Senza. This requires Government action. Words of regret from Ministers are not enough. Pointing to existing industrial relations machinery and existing legislation is not enough. Clearly, this

machinery and legislation are not working. Employers feel free to act in this way without fear of sanction of any kind.

GAME continues to trade in hundreds of its stores in Britain. It must be called to account both for the laid-off workers as well as for those customers in Ireland who have built up credit in the company's stores and now are out of pocket as a result of the closures. We are asking for an outline of action here today.

Deputy Seán Crowe: It is nothing short of scandalous that 173 employees of GAME stores across Ireland are not only losing their jobs but are denied their basic right of a redundancy package. It seems only a couple weeks ago we were here debating the similar plight of La Senza, Vita Cortex and TalkTalk workers. At the time, we asked the Minister responding what legislative proposals the Government had to address these matters.

A man in the Visitors Gallery today worked for 17 years for GAME but is now told he has no entitlements to redundancy. Is this acceptable in this day and age? This is 2012, not 1913. We need legislative change in the redundancy payment area. If not, we will have more workers filling the Visitors Gallery with similar stories in future. We need to close the loopholes in the existing legislation.

Profits were made by GAME and sent abroad. The workers in question are entitled to their redundancy packages. The Minister needs to deliver for them.

Deputy Kieran O'Donnell: I welcome the staff and managers from GAME Ireland to the Visitors Gallery. It is a worrying time for them and their families. We cannot lose sight of the human dimension. Early on Monday morning, they were informed without warning that they would need to close their shops. The shop in Limerick city has been one of the landmarks on Cruises Street for more than 16 years. Of its nine employees, some have worked there for as many as 15 years. It is a worrying time for them. The way that GAME UK made this decision and communicated with staff was tardy and unfortunate. We must examine the issue of how companies deal with closures so that there is proper communication with staff.

The rights and interests of staff must be looked after. Their social welfare entitlements must be adhered to so that they are paid their proper redundancies. Their claims must be submitted by the administrators immediately. I welcome the appointment of PricewaterhouseCoopers Ireland in this context. Until today or yesterday, everything was handled from the UK.

Credits have been given to customers, many of whom are young people. GAME UK is in administration, but many of its shops are surviving. It should consider the Irish situation and find a way to provide people with their proper entitlements, including redundancy payments. We all know that these are difficult times, but companies must take a reasonable approach towards their staff. I commend the GAME staff on the way they have handled their discussions. This morning, they met the administrators, PricewaterhouseCoopers, in Dublin and I understand that further discussions are to take place.

I am a Deputy for Limerick city, where nine people have lost their jobs without warning. It would have been nice had GAME UK allowed its Irish staff to put together a collective package or a series of packages for individual shops to allow them to continue trading. This is a question of jobs and working together and I am glad that the Ceann Comhairle allowed it to be debated as a Topical Issue. I await the Minister of State's response. We are discussing workers' entitlements. This is a difficult time for the people involved and their families, particularly those GAME employees in Limerick.

Deputy Joe Higgins: I am also speaking for Deputy Clare Daly. The Socialist Party and the United Left Alliance condemn the brutal fashion in which the GAME workers are being

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treated. This is the third time in less than six months that a group of workers have been dealt with in such a callous and brutal fashion by a major company. How the GAME workers have been treated is as disgusting as the manner in which the Le Senza staff were treated by their employers at the beginning of January, betraying utter contempt for those who made fortunes for their employers and shareholders, particularly during a time of economic growth. This is a growing trend. Transnational and Irish companies believe that they can treat workers in the most callous way, pawns to be dismissed at a convenient opportunity.

It is incredible that workers can legally be thrown into this situation and a company can walk away by going into administration or using some other legal advice and pleading an inability to pay. What about the massive profits that this and other companies made in previous years? Clearly, legislation in this regard needs urgent and fundamental change. The trade union movement leadership needs to get off its seat, demand change and give the leadership that is required. GAME's outlets around the country depended on ordinary people's funds, but austerity's effect has been to reduce demand across the board. Therefore, it has been a part of the difficulty.

I express my solidarity with the workers and I welcome them to Dáil Éireann. I demand urgent action from the Government. Otherwise, the House will be debating a similar situation in a few weeks time.

Deputy Richard Boyd Barrett: This cannot go on. Consider Jane Norman, Lagan Brick, Le Senza, Vita Cortex and now the 121 GAME workers. That employers or administrators can chew workers up and spit them out is not acceptable and has gone on for too long. We need Government action. Where is the legislation to ensure that employers and administrators cannot treat workers in this way? Where is the legislation to prevent a company that operates and makes profits in Ireland from hiding behind the fact that it is based in another jurisdiction and not discharging its responsibilities to its employees? Will the Government state today that it will demand that PricewaterhouseCoopers treat the GAME workers properly and provide redundancy payments and entitlements? Allowing this situation to continue would not be acceptable.

I pay tribute to the occupying workers. I encourage them to stay in occupation, as it is their only leverage to demand justice. The Government cannot cry crocodile tears. It must introduce legislation to prevent a similar situation from recurring and it must exert pressure on the administrators.

All of these cases show that austerity is destroying demand and our domestic economy and massacring jobs. They should give the Government pause to consider investing in the economy to end the jobs massacre instead of making us prey to employers and multinationals who treat workers like dirt in this way.

Deputy Fergus O'Dowd: I am taking this Topical Issue matter on behalf of the Minister for Social Protection, Deputy Burton, who is unavoidably absent. I note and take on board all of the comments——

Deputy Joe Higgins: The Topical Issue Debate is becoming a joke.

Deputy Fergus O'Dowd: I did not interrupt the Deputy.

Deputy Joe Higgins: No, but it is ridiculous. These debates are supposed to be meaningful and Ministers are supposed to attend. Now it is by ministerial rote.

An Leas-Cheann Comhairle: The Minister of State without interruption, please.

Deputy Fergus O'Dowd: I am present to read the Minister's script and I would be more than happy to communicate to her the strength and significance of the contributions that have been made by the Deputies, who are from almost all parties in the House, so that she can understand the concerns, frustrations and deep disillusionment of the workers who have found themselves in this situation.

The Minister's understanding of this case is that administrators have been appointed following a review of the business. Her Department administers the redundancy payments and insolvency payments schemes, which may be availed of in this instance. The primary purpose of the redundancy payments scheme is to compensate workers under the Redundancy Payments Acts 1967 to 2011 for the loss of their jobs by reason of redundancy. Compensation is based on a worker's length of reckonable service and reckonable weekly remuneration, subject to a ceiling of €600 per week.

It is the responsibility of the employer to pay statutory redundancy to all eligible employees. An employer who pays statutory redundancy payments to employees is entitled to a rebate from the State. Rebates to employers and lump sums paid directly to employees are paid from the Social Insurance Fund. Where the employer has proven that it was unable to pay the statutory redundancy, the Department will seek to recover the amount paid less the amount of the rebate that would have been payable to the employer had the employer paid the statutory redundancy payment to the employees. Where it appears that the refusal or failure of the employer to pay the statutory redundancy was without reasonable excuse, any rebate to which the employer would otherwise have been entitled may be withheld or reduced. In either case, the amount of the Minister's claim against the employer may be increased accordingly.

The insolvency payments scheme operates under the Protection of Employees (Employers' Insolvency) Acts 1984 to 2007 and is designed to protect certain outstanding pay-related entitlements due to employees in the event of the insolvency of their employer. Such entitlements include wages, holiday pay, sick pay and payment in lieu of minimum notice due under the Minimum Notice and Terms of Employment Act 1973. Various other statutory awards made by the Employment Appeals Tribunal, Rights Commissioners, etc. are also covered by the scheme.

Payments calculated by reference to an employee's wages are subject to a limit of €600 per week and arrears of wages, sick pay, holiday pay and minimum notice are limited to eight weeks. Payments under the insolvency payments scheme, like redundancy payments, are made from the Social Insurance Fund. The Minister for Social Protection becomes a preferential creditor against the assets of an employer in respect of most amounts paid under the scheme.

In so far as customers of Game stores are concerned, the Minister for Social Protection is advised that customers may wish to consult the National Consumer Agency's website, which offers valuable information on consumers' rights where traders go out of business. As the consumer's contract is with the retailer, the consumer should seek to bring his or her problem directly to the attention of the retailer or in the case where the retailer has gone into liquidation, examinership or receivership to the attention of the liquidator, receiver or examiner. The agency's website provides information on different situations which can arise where traders go out of business, including information on the remedies available to consumers who purchased goods by means of credit cards. In so far as issues concerning faulty goods arise, the UK administrators of the Game Group have indicated that they will continue to assist customers in respect of the exchange or refund of faulty goods. Customers of Irish Game stores may wish, therefore, to contact the administrators about any problems they may have in these areas.

Deputy Caoimhghín Ó Caoláin: The Minister of State's reply is no comfort to the workers following the debate from the Visitors Gallery. The question even arises as to whether the Minister for Social Protection is the appropriate person to deal with the issues raised. We are

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looking for action rather than a reiteration of the problems. It is incumbent on the Government to take immediate action in support of these workers' just claim to have Game's owners acknowledge their years of service.

The Government certainly needs to introduce legislation to ensure proper notice of redundancy, just and adequacy redundancy payments and proper accountability for employers but this will not come in time to make a difference to the Game workers on whose behalf we are speaking.

Will the Minister of State and the Tánaiste, who is in the Chamber for this debate, use their good offices to arrange a Government intervention and offer immediate assistance to the Game employees? They will have the full support of this House if they bring forward legislation on notice periods and redundancy payments for workers but we need action now.

Deputy Seán Crowe: When I spoke with workers in Tallaght this morning, they were fairly up-beat about the negotiations scheduled for later in the day. However, these negotiations have since broken down. My colleague is correct that there is no comfort in the Minister of State's reply. We are going through the motions but the issue extends beyond the Department of Social Protection to labour law and workers' rights. We need to offer these individuals our support. Many of them are not trade union members. It is wrong to simply let somebody go after working in a company for 17 years. We need legislative change in the long term, but we also need to work with our colleagues in Europe because this is an issue that crosses frontiers.

Deputy Kieran O'Donnell: I want to break the issue into two parts, the first of which is the notice that Game UK provided to its employees. We need to put in place procedures that ensure proper notice is given and that every alternative is explored, including the possibility that people could take over some of the stores. I understand that in other countries where Game operated such alternatives have been explored.

On a practical level I ask that every arm of the State be made available to ensure that the 121 employees, nine of whom are in my constituency of Limerick City, receive redundancy payments and social welfare entitlements in a timely manner.

Deputy Joe Higgins: The Topical Issue Debate was supposed to make a revolutionary change to the way the Dáil operated by facilitating a real engagement between Members and the Government on issues arising around the country. Game workers came from Dublin and further afield to engage the Government through their elected representatives but all they got was a script that was dry as dust. It is not good enough for the Government to deal with the issue in this way. The Minister for Jobs, Enterprise and Innovation should be here to give us real answers about how he intends to outlaw this kind of callous exploitation of workers and to introduce emergency measures for the individuals and families who are caught in this bind so that they do not have to endure the hardships others have suffered. They need immediate respite and assistance. The company must be pursued but the law must also be changed to ensure this does not happen again.

Deputy Richard Boyd Barrett: The Government is running out of excuses for not acting on this issue. It could hide behind the law the first time it arose but this is the fourth or fifth incident in the last six months. Game's workers want to know what the Government intends to do about their immediate plight in terms of putting pressure on the administrators and assuring them that their applications for statutory redundancy will be fast-tracked. I spoke to one individual who has worked for Game for 20 years. During all those years this individual has been producing profits for Game, which can walk away after sucking profits out of its

workers. It is possible that, as in the case of Jane Norman, the stores will reopen after being sold off and these workers will be left with nothing? What is the Government going to do about it, in the immediate term and more generally?

Deputy Fergus O'Dowd: As I previously noted, I am taking this matter in the unavoidable absence of the Minister for Social Protection. I was given the script by her Department and I am required to read it. It may well be as dry as dust but that is what I have been asked to read. I have no particular knowledge of this issue but I acknowledge the strong feelings that the Deputies have expressed. I am confident their concerns have arisen from their close contact with the workers and their families.

I will do my duty as a Member of this House and a Minister of State to ensure their views are brought to the attention of the Minister and her Department. Whatever can be done must be done. The Deputies have made a strong case and I appreciate the worries and needs of those families. There is a need for the agencies of the State and the Minister of the particular Department to engage immediately in a very industrious fashion with all of the agencies that can help. I can only assure the Deputies of that. I stand here as they do listening and understanding the issues, and will attempt as much as possible to get them resolved inasmuch as the State has powers to do so.

Ceisteanna — Questions

Priority Questions

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): Can the Leas-Cheann Comhairle confirm that this session will conclude at 5.45 p.m.?

An Leas-Cheann Comhairle: I believe it is to last 75 minutes until 6.05 p.m.

Diplomatic Representation

1. **Deputy Seán Ó Feargháil** asked the Tánaiste and Minister for Foreign Affairs and Trade the progress, if any, he has made in securing an agreement with the Vatican over the use of the Irish embassy to Italy in Rome as a dual host to an ambassador to the Holy See; and if he will make a statement on the matter. [17429/12]

3. **Deputy Mattie McGrath** asked the Tánaiste and Minister for Foreign Affairs and Trade the reason a decision was taken to close the embassy at the Vatican as opposed to all other embassies; if he will publish the cost of running this embassy relative to all other embassies; if he will reconsider his decision to close our embassy to the Vatican; and if he will make a statement on the matter. [17438/12]

Deputy Eamon Gilmore: I propose to take Questions Nos. 1 and 3 together.

In November 2011, the Government announced its decision to close three of Ireland's overseas missions — our embassies in Tehran and to the Holy See, and our Mission in Timor Leste. This decision, taken with the greatest regret and reluctance, was driven by economic factors deriving from our need to cut public expenditure and focus the modest resources of our diplomatic service on economic recovery. The choice of missions for closure followed a comprehensive review of the diplomatic network, in which particular weight was given to the economic return from missions, and their role in rebuilding Ireland's reputation abroad. As regards the Holy See, the logic for closure was based on the fact that the embassy is not involved in

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consular services or trade promotion and that essential issues of church-State relations could be handled relatively well by a non-resident ambassador.

In a full year, the combined savings from the three closures is estimated at €1.175 million. Net savings in respect of the closure of the Embassy to the Holy See are estimated at €400,000 this year and €845,000 in 2013. These projections take into consideration the relocation of the offices of the Embassy to Italy and the residence of the ambassador to Italy to the State-owned Villa Spada. It is expected that the transfer will be completed during the course of the present year and that the full-year rental savings, amounting to €445,000, will be realised in 2013. A list of the budgets for all overseas missions in 2011 will be provided to the Deputies. This shows that the annual running costs of the majority of our missions is approximately €500,000 per annum per mission.

On the issue of co-location of missions to Italy and the Holy See, for what I understand are historical reasons the Holy See does not accept accreditation from a resident embassy that is also accredited to Italy. It will not accept the appointment of the same person as resident ambassador to both states. Nor will it agree to a country operating its embassy to the Holy See from the same address as its resident Embassy to Italy. This issue of operating our embassies to Italy and to the Holy See from the same premises has been raised with the Holy See and will be further explored.

As I have previously stated in this House, the decision to close the resident Embassy to the Holy See will not be reversed in the immediate term. However, as the economic situation improves and in the context of the regular review of our diplomatic network it may be possible to revisit the matter at some time in the future. If the Holy See were prepared to relax its current requirements so as to allow the State-owned Villa Spada to serve as a location for both our Embassy to Italy and our Embassy to the Holy See, that could be taken into account in any future considerations.

Deputy Seán Ó Feargháil: Gabhaim buíochas leis an Tánaiste as ucht an freagra sin a thabhairt dúinn, cé nach bhfuil mé ró-shásta leis an méid atá le rá aige. Ba mhaith liom díriú isteach ar Cheist Uimh. 1. I ask the Tánaiste to elaborate on the level of engagement and who participated in the engagement with the Vatican on the issue of the possible use of Villa Spada for both embassies. An honourable attempt has been made by people who are quite passionate on this issue to encourage the Tánaiste to use Villa Spada as a dual-purpose embassy. I am sure the Minister of State, Deputy Creighton, whose heart I believe is in the right place on this matter, has been encouraging the Tánaiste in that direction also. What was the nature of the communication? Was it through the Tánaiste, the Department or the Secretary General and acting ambassador that these contacts took place?

The Tánaiste has rightly said much about the need to continue to build Ireland's reputation abroad. We have already had a protracted debate on these matters and that debate will not go away because this issue will continue to be raised here. Will he now accept that the decision he made effectively to torpedo the country's relations with the most important diplomatic listening post in the country, far from advancing the entire business of Ireland's diplomatic initiatives and our reputation abroad has in fact done damage?

Deputy Eamon Gilmore: I do not accept the allegation about torpedoing the diplomatic relations between Ireland and the Holy See. Ireland has good diplomatic relations with the Holy See and that will continue. I was very glad, for example, to be present when the President received the new papal nuncio to Ireland and accepted his credentials. Indeed I welcome him to Ireland and had the opportunity of doing so on that occasion.

There are two issues with the use of the same premises. First, there is the issue of the ambassador. The position of the Holy See — as it is entitled to maintain — is that it will not permit the accreditation of an ambassador to Italy to also be an ambassador to the Holy See. So it is not possible to have one in the same embassy and one in the same ambassador serve Italy and the Holy See. That is a long-standing position of the Holy See. The same applies to the use of the embassy premises. The long-standing position of the Holy See is that it does not permit that to be done. It is a matter for the Holy See. It is not a matter for Ireland and is not an issue of negotiation. It is a matter for the Holy See to decide what is acceptable to it in terms of arrangements for a resident ambassador.

On the appointment of a new ambassador, when the decision was made to close the resident Embassy to the Holy See, the Government appointed the Secretary General of the Department of Foreign Affairs and Trade to be a non-resident ambassador to the Holy See. Arrangements are being made for him to have his credentials accepted. I understand there will be a ceremony in early May when he will hand in his credentials. In the meantime he has of course been visiting the Vatican and has had a number of meetings there already.

Deputy Mattie McGrath: I apologise for not being in the House when the Tánaiste gave his reply. I am not satisfied with his answer. From the outset there was a degree of — I will not say mischievousness—

An Leas-Cheann Comhairle: A question.

Deputy Mattie McGrath: When will the Tánaiste give us the facts and figures for the savings to be made in comparison with other embassies? Why was it picked upon? I believe it was picked upon because there was a weakened Catholic Church and the Tánaiste wanted to exercise his bias against the Catholic Church and close it for that reason. It is a shame. It is naked politicisation and is wrong.

Deputy Eamon Gilmore: I reject in the strongest terms the allegation by the Deputy that I have any bias against the Catholic Church. I hold no bias against the Catholic Church or any church and the Deputy should withdraw his allegation.

On a number of occasions I have set out the reasons for taking this decision. It has been necessary given the financial circumstances in which we find ourselves. Limited resources are available to the Department of Foreign Affairs and Trade for our diplomatic service. We have a small diplomatic service with 340 diplomatic staff to cover the entire world across 73 missions. In the present climate and with the resources available to us, it is not possible for us to spread ourselves as thinly. We are being pulled in a number of different directions to service varying needs, particularly the country's trade needs. For example, we have all heard of the need to extend our reach into the Brazil, Russia, India and China, BRIC, group of countries in particular. I am mindful that we have only two resident embassies in South America but we need more. In these circumstances we have had to cut our cloth to suit our measure. Regrettably, we have had to reduce the number of resident embassies abroad. We examined the matter and we decided to close three, one of which was in the Holy See. We can service our requirements to the Vatican and the Holy See by having a non-resident ambassador. In recognition of the importance many people in the country, including myself, attach to our diplomatic mission to the Holy See, we specifically decided to appoint the most senior diplomat in the diplomatic service, the Secretary General of the Department, as the non-resident ambassador to the Holy See.

Deputy Seán Ó Fearghaíl: While I disagree strongly with the Minister, I do not attribute any mal-intent to him in these matters. I am unhappy with the Minister's response. I asked him

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about the nature of the contact he had with the Vatican to try to achieve a resolution. Given that the nominated ambassador, the Secretary General, has not yet presented his credentials will the Minister advise us if he has been able to do anything on our behalf in the intervening period? Given that strong proposals have been made about a dual use of Villa Spada, has the Department carried out an architectural study of the building to ascertain whether the suggestion is feasible from a practical or logistical point of view?

Deputy Mattie McGrath: I will not withdraw what I said. The Minister and the Government should have been more aware of the situation in respect of the church before the final choice of the three to cut as well as the various comments made by those in the Minister's party when in opposition on issues addressed in many other areas and on investigations. They should have kept away from this because they should have known it would be seen as having a bias against the Catholic Church. The Minister and the Minister for Education and Skills should try to tell the public what they have told me. I do not accept what the Minister says. I am convinced, as are others, that there is a bias against the Vatican and the Catholic Church.

Deputy Eamon Gilmore: I reject that. Deputy McGrath has given expression to his view in the House. I realise it has been stated by Deputy McGrath and others that there is somehow a bias against the Catholic Church on my part. I absolutely reject that. The Deputy can point to no occasion or find no statement in which I have expressed bias or hostility towards the Catholic Church.

Deputy Mattie McGrath: The Minister should talk to his members.

Deputy Eamon Gilmore: I simply do not accept that because it is absolutely false. It is a base political charge that Deputy McGrath and others have been touting. His interest here is not in the embassy to the Vatican or the Catholic Church.

Deputy Mattie McGrath: It is a fact.

Deputy Eamon Gilmore: Deputy McGrath's interest is to have a political cut at the Government. If he wishes to make a political charge or take a political pop at me, that is fine, but I will reply to it.

Deputy Mattie McGrath: The Minister makes plenty of them over there.

Deputy Eamon Gilmore: I am saying in clear terms that there is no bias against the Catholic Church or any other church. We made a pragmatic decision about the number of embassies. I have made it clear that if financial circumstances improve and especially if the Holy See relaxes the position on arrangements acceptable to it for the appointment of ambassadors, then we will take these factors into account in any reconsideration.

Nuclear Proliferation

2. **Deputy Pádraig Mac Lochlainn** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on the imposition of economic sanctions on Israel; his further views on the imposition of sanctions on Iran; and if he will make a statement on the matter. [17431/12]

Minister of State at the Department of Foreign Affairs and Trade (Deputy Lucinda Creighton): It is important to distinguish between the different circumstances of Iran and Israel, especially with regard to compliance with the nuclear non-proliferation treaty, NPT. Under the NPT, Iran has committed not to engage in a nuclear weapons programme. However, it has

repeatedly failed to live up to its international treaty obligations and it is in breach of a succession of UN security council, SecCo, and IAEA resolutions concerning its nuclear programme. The report issued by the IAEA last November concluded that there are strong grounds for serious concerns regarding possible military dimensions to Iran's nuclear programme while also indicating that Iran had carried out activities relevant to the development of a nuclear explosive device.

In response to Iran's failure to address the international community's serious concerns about its nuclear programme, the EU, along with other international actors, has implemented sanctions against Iran with the aim of persuading it to return to meaningful negotiations. These sanctions are immediately reversible should Iran demonstrate its commitment to addressing the concerns raised by the IAEA report. In this regard, I welcome Iran's indication that it is willing to resume dialogue with the EU3+3 and I hope that it enters negotiations this time in a genuine spirit of compromise and co-operation.

Israel is not a party to the nuclear non-proliferation treaty and it has never officially declared that it possesses nuclear weapons. Ireland is keen to see full universality of the NPT. We have repeatedly called on the remaining three states which are not party to the NPT to accede to the treaty as non-nuclear weapons states and to conclude a safeguards agreement with the IAEA.

It is the long-standing position of successive Governments not to support a policy of boycotts or sanctions against Israel. To do so would only weaken the weight carried by our views in Israel, where we seek to persuade, and among our European Union partners. We must recognise that there is no prospect at present of securing agreement at EU level to adopt sanctions or to suspend the EU-Israel association agreement.

Deputy Pádraig Mac Lochlainn: Essentially, we are dealing with double standards of the most profound nature. Israel has been in defiance of UN security council resolutions on this issue. It has not opened up its facilities but no sanctions whatsoever have been taken. As the Minister of State has acknowledged, it is not a signatory to the non-proliferation treaty while, on the other hand, Iran is a signatory. Iran has tried to be a responsible member of the international community. It has tried to meet the agreed responsibilities of the international community, that is, not to allow any further proliferation of nuclear weapons. However, it has faced sanctions of the strongest terms. There are double standards and there is a lack of balance. What does Israel get? Not only are there no sanctions against Israel but it is party to favourable trade agreements with the European Union. We wonder why so many people in the Middle East and the wider region have no confidence in the United States and the European Union to negotiate a fair settlement of the conflicts. Why is the European Union, of which Ireland is a part, applying double standards and undermining consistency and trust in our role as an arbiter of peace and conflict resolution?

Deputy Lucinda Creighton: We have had this discussion at the Joint Committee on European Union Affairs. I respect the Deputy's viewpoint on this matter. However, I simply cannot agree with the view that Iran has been responsible in meeting its international obligations. I am unsure of the Deputy's views on the integrity of the International Atomic Energy Agency, IAEA, but I suspect I have some indication based on some of our previous exchanges. The agency is the implementation body which the Government respects and whose opinion and report, published in November, we give great stock to.

The conclusions of the IAEA on Iran are contrary to Deputy Mac Lochlainn's assertion that it has behaved responsibly. Since 2002, the IAEA has become increasingly concerned about the existence in Iran of undisclosed nuclear related activities involving military related organisations, including activities related to the development of a nuclear payload for a missile. The

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report published in November also states that the lack of co-operation from Iran means that the agency is unable to provide any credible assurance about the absence of undeclared material and activities in Iran. This precarious and dangerous situation threatens not just the Middle East, but global security. I am sorry to say that I cannot agree with the Deputy. We cannot simply turn a blind eye and suggest that Iran has been responsible in meeting its international obligations under the non-proliferation treaty.

Deputy Pádraig Mac Lochlainn: As the Minister of State may be aware, the director of the International Atomic Energy Agency has been heavily criticised for publishing that report. He is seen to be way too close to the American-Israeli analysis of the situation. That report was not substantiated. It was opinions and it is contradicted by the US intelligence agencies in their report to their Senate. I am very critical of the Iranian Government and Iranian regime on many different levels, not least their human rights record. However, in terms of trying to develop nuclear weapons, the evidence is not there. We know the road this has led to in the past, in terms of Iraq and the disaster that took place there. It is time to produce the evidence on whether there is any ambition to develop nuclear weapons.

We have very significant evidence that Israel possesses hundreds of nuclear warheads. However, there is no determination by the international community to access its sites or to have consistency. Can the Minister of State not see how this does and could undermine faith in that region in the European Union and the United States and their bona fides on peace?

Deputy Lucinda Creighton: On whether the evidence exists, when I visited Vienna recently as part of a visit to the United Nations' Human Rights Council, I also met the deputy director of the IAEA, who had just visited Iran. It is clear that he and the others in the agency are people of enormous integrity who are professionals in their field and they have carried out countless site visits. With regard to the report, Deputy Mac Lochlainn asserts it is questionable or unreliable. I disagree. The report is based on information that has been drawn from a wide range of sources, including the regular inspections which have been carried out by IAEA inspectors, including the gentleman I met in Vienna, and it is deemed by the IAEA to be consistent in terms of technical content, individuals and organisations involved in that time-frame. I reject the Deputy's assertion.

Human Rights Issues

4. **Deputy Seán Ó Feargháil** asked the Tánaiste and Minister for Foreign Affairs and Trade if Chinese human rights abuses have been raised by him with the Chinese authorities; and if he will make a statement on the matter. [17430/12]

Deputy Eamon Gilmore: As the Deputy is aware, the Taoiseach has just returned to Ireland after his first official visit to China. During the visit, the Taoiseach and Premier Wen Jiabao released a joint statement establishing a strategic partnership for mutually beneficial co-operation between Ireland and China. This new strategic partnership will facilitate practical, effective and result-oriented co-operation so as to further develop the bilateral relationship. It covers several important sectors, including education, tourism, agriculture and food as well as science and technology. The two sides agreed to maintain the momentum of high-level exchanges and underlined the leading role of such exchanges for the development of bilateral relations.

The strategic partnership, which is a major step forward in bilateral relations, provides for a strengthened political and economic dialogue between China and Ireland and promotes closer consultation and co-operation between my Department and its Chinese counterpart. The strategic partnership reaffirms the commitment of Ireland and China to respecting and safeguard-

ing human rights. As indicated in the joint statement, Ireland and China will conduct exchanges of expertise in governance and rule of law on the basis of equality and mutual respect.

We hope that, as China develops, it will be possible for further progress to be made in ensuring that individual rights are enjoyed by all of China's citizens. We will continue to address these matters in a frequent and regular dialogue, including the EU human rights dialogue and also bilaterally, in a spirit of mutual respect and co-operation.

Deputy Seán Ó Fearghaíl: It can be accepted on all sides that Fianna Fáil, in government, was involved over a number of years in working to develop effective relations between this country and the People's Republic of China, not least because of its significance as the second most significant economy in the world. In that context, I commend the Taoiseach and the Tánaiste on the work they have been doing. The adoption of the strategic partnership arrangement is a positive development.

As relations between our two nations are confirmed and as friendships are established, we find ourselves in a stronger position to be able to engage on the issue of human rights. While we are all conscious of the enormous importance of the economic relationships between us, would the Minister agree that we cannot just focus on these and that there are real and worrying issues of concern with regard to the human rights situation there? Does he accept Amnesty International's estimate that there currently half a million people in China enduring punitive detention without charge and that there are millions unable to access the legal system to vindicate their rights? Will the Minister give us some sense of how we will develop this parallel relationship of economic co-operation and at the same time have respectful engagement on the human rights issues?

Deputy Eamon Gilmore: The way in which our relations with China will develop will be in line with the strategic partnership that has been agreed during the course of the Taoiseach's recent visit to China. This is a significant development in our relationship and it sets down the framework for the contacts between the two countries on a range of political, economic and human dimension issues. Part and parcel of that agreement is a joint commitment with regard to respect for human rights and an understanding that there will be a continuing dialogue between China and Ireland on human rights issues, democracy and rule of law. That will be at a bilateral level.

In line with this, there is also dialogue between the European Union and China on human rights issues. I have had the opportunity of meeting a number of representatives of the Chinese Government here. The most significant of these meetings was the recent visit of the Vice-President of China. At all of these meetings, human rights issues are raised and discussed. There are also opportunities and arrangements whereby human rights issues, particularly individual cases, are raised at official level.

Deputy Seán Ó Fearghaíl: With regard to the Minister's response, did officials from his Department brief the Taoiseach on human rights issues before his departure for China? Will the Minister indicate which specific human rights issues were raised by the Taoiseach in the course of his four-day visit?

Deputy Eamon Gilmore: I can confirm that my Department briefed the Taoiseach on human rights issues as part of the Taoiseach's brief for going to China. With respect to the approach taken to human rights issues, the principal political agreement concluded between the Irish Government and China was the strategic partnership agreement. It is significant and important that human rights form part of that agreement and are specifically identified as one of the issues which will form and be a regular part of the discussion between Ireland and China.

[Deputy Eamon Gilmore.]

Obviously these discussions will be followed up and there will be a number of other ministerial visits this year. The Minister for Agriculture and Food will visit China next month and I intend to visit China later in the year as part of our trade work. In all of our discussions, the opportunity will be taken to raise and pursue the human rights issue.

EU Treaties

5. **Deputy Pádraig Mac Lochlainn** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on whether there is divergence of opinion across the EU on the issue of the Treaty on Stability, Coordination and Governance, particularly within core countries such as Germany, France and the Netherlands; and, if so, his further views that this division could undermine efforts by the European Council to proceed with the treaty [17432/12]

Deputy Eamon Gilmore: The Taoiseach joined with the Heads of State or Government of 24 other EU Member States in signing the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union, subject to ratification, as recently as 2 March.

In signing the new treaty, the governments of the 25 contracting parties have indicated their support for the treaty as a demonstration of a shared commitment to sound and sustainable public finances and as a means to promote conditions for stronger economic growth in the EU. Each will now work to ensure ratification in accordance with their respective constitutional requirements.

As our European partners respect our ratification procedures, it would not be appropriate for me to comment on what this might entail in the case of other contracting parties, nor would it be proper to comment on the internal politics of another member state. What is clear, however, is that while the new treaty is an important step in re-establishing confidence in economic and monetary union it will not, on its own, answer all the challenges faced by the euro area. A great deal has already been done in that regard, including through strengthening the Stability and Growth Pact, reforming banking and putting the EFSF and ESM in place.

The Government has consistently argued that Europe also needs measures to generate growth and to get people back to work, particularly young people, and I am pleased to announce there is now agreement on this balanced approach. This will be the most important and urgent issue facing the Union in the period ahead.

Deputy Pádraig Mac Lochlainn: I refer to the Tánaiste's sister parties throughout Europe which have serious concerns about this treaty, most notably from the possible next president of France, François Hollande, who has expressed significant concerns about the treaty and its implications, its anti-jobs and growth agenda. He has stated he would seek to renegotiate it. This is a very interesting position. The Dutch Labour Party approach is that it does not believe this insane focus on targets without any real plan for recovery, jobs and growth. The social democrats in Germany and the European trade union confederation have expressed concerns. All the traditional brothers and sisters of the Tánaiste's party in the struggle for a social Europe are deeply alarmed at this treaty. I ask the Tánaiste in that context how he can have any passion or vigour when he is campaigning for this treaty in the time ahead. He will be out of kilter with the views of those who have worked with him over the years in Europe.

Deputy Eamon Gilmore: My sister parties in Europe respect the right of the Irish people to make our own decision in respect of ratification of this treaty, just as we respect the right of other countries to make their decision on ratification in accordance with their own constitutional provisions. This is fundamental. We all must understand that fundamental cornerstone of how Europe does its business, to respect the right of each country to make its own decision and to respect on this occasion the right of the Irish people in a referendum to make our decision.

This treaty is necessary in order to provide stability and security for the euro. Everybody in this country understands the importance of the euro and particularly in light of our experience in the latter part of 2011, understands the difficulties posed for our economy, for investment, for maintaining jobs and for creating new jobs, if there is uncertainty around the euro. That is the reason this treaty is necessary. Nobody is claiming this treaty is the be-all and end-all of what is required to make the European economy recover and that is why the Irish Government has pursued a strategy in our discussions, successfully, so the jobs and growth agenda form part of what is agreed at European Council level. Regarding the approach the Taoiseach took at the European Council meeting in January, the issue of jobs and growth has been firmly placed on the European agenda, particularly issues relating to the completion of the Single Market, problems of small and medium-sized enterprises and especially the issue of youth unemployment which is now at the top of the European agenda and of course it must form part of the discussions.

Deputy Pádraig Mac Lochlainn: The Tánaiste also said at the initial stages of this debate that this treaty is merely a continuation of existing approaches at European level and I cite, for example, the six pack. I could read into the record of the House — I will not do so — what his own party colleagues, the three Labour MEPs, said in response to the six pack. They voted against most of the measures. The one measure they did not vote against was one containing a social clause and that social clause is not part of this treaty. Apparently the Tánaiste plans to lead this campaign with passion and vigour but he will be out of kilter with the Left, those in the social democracy movement across Europe, those who are deeply alarmed that this treaty will only strengthen the nature of the crisis. Ireland is being asked to insert the implications of this treaty into constitutional law when we do not see the full solution. We are told this is part of an overall strategy and solution but we are being asked to take such a draconian step without the full picture or any real indication of how we are to address the banking crisis with justice, with full disclosure of all the mess across all of Europe, how we are to address the sovereign debt crisis — the announcement today will certainly not do that for Ireland — and how we are to look at the issue of growth, of investment and how to tackle the European unemployment crisis.

Deputy Eamon Gilmore: The only uncertainty is what is Sinn Féin's prescription if the treaty is rejected. What is the Sinn Féin position on the euro? Does Sinn Féin support the euro? Is Sinn Féin in favour of the euro? Does it want Ireland to return to sterling? What is its position on the euro? If we want to have the euro, then the rules governing the euro must be implemented and enforced and that has been one of the difficulties which the euro has experienced in recent times. The treaty will provide for a repetition of those rules and the means by which they are enforced and enshrined. The only uncertainty is what happens to Ireland's access to funding if we reject this treaty. The policy of this Government is that hopefully with the policies we are pursuing and are succeeding with that we will be out of the programme and hopefully will not need to have access to the ESM. If at any stage in the future we needed access to the ESM, how does the Deputy intend we get the money? These are the unanswered questions that, frankly, on this occasion, the Deputy will have to provide the answers. The Government is arguing that the treaty be ratified because it provides security for the euro. If the euro is secure and stable, this will increase the confidence of investors to invest in Europe and increasingly in Ireland and that is part of what Ireland needs in order to bring about economic recovery.

Business of Dáil

An Leas-Cheann Comhairle: Before proceeding to other questions, I wish to correct an earlier statement by the Chair. There is no arrangement in place to extend the sitting of the House. The House will adjourn at 5.45 p.m. as usual.

Under Standing Orders a motion would have had to be moved before 3 p.m.

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I am most relieved to hear that.

Ceisteanna — Questions (Resumed)

Other Questions

Foreign Conflicts

6. **Deputy Seán Ó Feargháil** asked the Tánaiste and Minister for Foreign Affairs and Trade if he supports the growing Kony 2012 campaign committed to ensuring that Joseph Kony the leader of the Lord's Resistance Army is brought to justice for his crimes this year; the actions he has taken on this issue; and if he will make a statement on the matter. [17183/12]

Minister of State at the Department of Foreign Affairs and Trade (Deputy Lucinda Creighton): I will echo the Tánaiste's sentiments as we are all under some time pressure with prior commitments this evening.

I share the widespread concern that Joseph Kony remains at large in central Africa. I welcome recent public initiatives to highlight the fact that he has not been held to account for the atrocities which he and his so-called Lord's Resistance Army, LRA, committed over two decades in northern Uganda and the wider region.

In 2005, the International Criminal Court issued a warrant for the arrest of Joseph Kony and other leaders of the LRA on 33 counts of crimes against humanity and war crimes. These are charges of the utmost gravity and it is essential that Mr. Kony appear before the court to answer them. We strongly support the work of the International Criminal Court in seeking to bring him and his collaborators to justice. Ireland, both directly and as a member of the European Union, provides ongoing support, including funding, for the court and for its work. We also support regional efforts, in co-operation with the United Nations, to implement a comprehensive peace building strategy which aims to combat the activities of the LRA in the Democratic Republic of Congo, the Central African Republic and South Sudan.

Northern Uganda suffered more than any other area from the appalling violence of the LRA in the years up to 2006, when the group moved into neighbouring countries. Ireland has been providing humanitarian support to the people of the area for well over a decade. Uganda is one of the priority countries for Ireland's aid programme and we have a commitment to the provision of long term strategic assistance there. As part of our overall programme, we have committed to providing some €22.5 million between 2010 and 2014 to support the Ugandan Government's programme for the north of the country to ensure recovery from the disastrous effects of two decades of war.

Deputy Seán Ó Feargháil: I thank the Minister of State for her reply. We are all struck by the worldwide impact of the social media campaign, Kony 2012. I am sure many of us would have to admit we were not aware of the nefarious activities of the Lord's Resistance Army as established by this notorious individual, Joseph Kony.

The Leas-Cheann Comhairle is under pressure so I will be brief. Has the Minister had any communications with the US authorities or her EU counterparts in regard to advocating military support for the capture of Joseph Kony? The US authorities have provided 100 military experts. Does the capacity exist within the EU to address this issue? What discussions, if any, have we had on this matter with the African Union and with people such as Jean Ping, and can the AU play a more active role?

Deputy Lucinda Creighton: I agree with the Deputy's sentiment about the power of social media. This is something we saw in the Arab Spring in particular. I hope it will assist people who otherwise might not have a voice or be in a position to draw the attention of world leaders to issues of such grave international significance.

The European Union is constantly co-ordinating and liaising, especially in this region, and has announced it will provide €9 million for humanitarian assistance to the war-affected population as part of its regional strategy. The EU has a good record and I believe it will be enhanced in the region in the months and years ahead. As a member of the United Nations, Ireland is very much engaged in this issue. The UN, the African Union and the US Administration are co-ordinating to assist national armies in the region to end the scourge of LRA violence — which is a tall order. Last year the US deployed a team of 100 military advisers and experts in order to provide logistical support and build the capacity of the indigenous forces. That is the right approach.

In addition, the Great Lakes regional armed forces recently established a 5,000 strong force under the auspices of the African Union to combat the LRA rebels. Uganda, South Sudan, the Democratic Republic of Congo and the Central African Republic have united under a Ugandan forces commander and will be based in South Sudan.

An Leas-Cheann Comhairle: Is the Deputy happy enough with that? We will move on.

Middle East Peace Process

7. **Deputy Willie O'Dea** asked the Tánaiste and Minister for Foreign Affairs and Trade if he raised with the Israeli Government the recent violence in the Palestinian territories that resulted in fatalities; and if he will make a statement on the matter. [17213/12]

36. **Deputy Sandra McLellan** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on whether the recent acts of violence in Gaza which resulted in the death of 26 Palestinians and rocket attacks on Southern Israel were precipitated by Israel's assassination of Zuhir al-Qaisi and if he will call on the Israeli Government to cease these acts. [17222/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore) (Deputy Eamon Gilmore): I propose to take Questions Nos. 7 and 36 together.

I have been deeply concerned by the worrying rise in violent exchanges across the Gaza border in recent weeks and made this clear in a statement which I issued on 12 March. These exchanges have included not only Israeli air strikes against Gaza, in which 24 people are believed to have been killed, including five civilians, but also continuing and completely unjustifiable indiscriminate rocket and mortar attacks by militants against civilian targets in Israel. A measure of calm has returned following the conclusion of an Egyptian mediated cease-fire on 13 March but these events greatly inflame tensions and negatively impact the prospects for the resumption of substantive meaningful peace talks.

Since the conclusion of the Gaza conflict in January 2009, the use of military force between Gaza and Israel, in both directions, has considerably abated. Hamas has broadly refrained from rocket or mortar attacks into Israel, and has acted with some degree of success to restrict such attacks by other militant groups in Gaza.

The most recent attacks were carried out by militant Islamic groups in response to the targeted assassination of the militant, Zuhair al-Qaissi. Again, I condemn the utterly indiscriminate firing of rockets from Gaza into Israel and the resulting terror inflicted on the population of southern Israel. However, although I recognise that Israel has to take steps to prevent terrorist attacks against its civilian population, I do not believe the practice of targeted assassin-

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ations is justified or strengthens Israel's security. Nor can I condone the disproportionate use of military force by Israel in response to such events which results in large-scale civilian casualties.

I deplore and condemn all attacks against civilians. Both Israelis and Palestinians are entitled to live free of the fear of attack.

Deputy Seán Ó Fearghail: I will be brief, being conscious of the time constraints. I commend the Tánaiste on his response. I had a very interesting meeting yesterday with the Israeli Ambassador, His Excellency, Mr. Boaz Modai, and was struck by his absolute conviction that Prime Minister Benjamin Netanyahu is the man to work towards a solution to this intractable problem.

From his visit to the region in January, will the Tánaiste give his assessment of the process and his views on the kind of further facilitation or interventions that may be necessary to broker a peace deal? Has the issue of this most recent violence been raised with members of the Middle East Quartet?

Deputy Eamon Gilmore: When I visited the Middle East at the end of January I met Prime Minister Netanyahu and the Israeli Foreign Minister, Avigdor Liberman, on the Israeli side and President Mahmoud Abbas and Foreign Minister, Riyadh al-Maliki, on the Palestinian side. The talks in Amman had just commenced at that stage, namely, the attempt to get things moving along the lines of the Quartet framework. Both sides told me they were willing to engage in those talks and move them ahead.

I left the meeting with Prime Minister Netanyahu hoping there would be progress on the Israeli side and that some confidence-building measures would be announced which would enable President Abbas to proceed with talks and make some progress at that end. I am disappointed that has not happened. We continue to work through the European Union. Catherine Ashton has been in touch with both sides on a regular basis to try to get the Quartet formula moving forward again. I remain hopeful that may happen.

Deputy Pádraig Mac Lochlainn: One of the concerns one has reading reports during and after the recent attacks by the Israeli Army is the real sense the army had targeted and killed a militant in Gaza. Forces within Gaza then launched missile attacks on south Israel. None of them were part of Hamas. At least ten people were killed, a good number of whom were civilians. The concern in the region is that this may have been an attempt to provoke Hamas and undermine the partnership it has developed with Fatah which is critical in terms of achieving the unity of the Palestinian people, creating and sustaining a two-state solution and guaranteeing the security of both Israel and Palestine for which we all hope and pray.

Does the Tánaiste believe the initial actions of the Israeli Army in targeting somebody like that were reckless and wrong?

Deputy Eamon Gilmore: I cannot speculate as to what was the motivation. The attacks in both directions — the terrorist attacks on Israel and the military attacks in the opposite direction — are wrong to the extent that 25 people are dead, many of them civilians. As has been said time out of number, substantive talks to get a settlement are needed. It is disappointing that the Quartet framework has not been progressed to date. Ireland will work actively through the European Union and United Nations to get those talks progressed.

Deputy Mick Wallace: I agree wholeheartedly with the Tánaiste that strikes on both sides are to be regretted and are wrong. In the past five years, deaths on the Palestinian side outnumbered deaths on the Israeli side by over 100 to one. It is a pretty uneven fight at the moment.

I find it odd that the Tánaiste referred to one attack as a terrorist attack and the other as military. People on both sides have been terrorised by the actions taken.

Deputy Eamon Gilmore: I have been pretty clear on the attacks from both sides. We want both to end and I am glad that, as a result of the Egyptian intervention, the outbreak of violence has ended. I hope that remains the case but there is an onus on people to get talks moving again. There must be a settlement and that is why Ireland continues to press at EU and UN levels to get things moving. It is deeply frustrating that what appeared to be an initial hopeful sign that meaningful talks would get under way has been put on the backburner.

Human Rights Issues

8. **Deputy Jonathan O'Brien** asked the Tánaiste and Minister for Foreign Affairs and Trade the position regarding the follow up work that has been done jointly between him and the Colombian Government on issues discussed during President Santos's visit to Ireland in January; and the recent efforts that have been made by him at European level to raise ongoing human rights concerns in advance of free trade agreement negotiations. [17221/12]

Deputy Eamon Gilmore: I met the Vice President of Colombia, Angelino Garzón, when he visited Ireland on 24 January. I conveyed the concerns of the Government of Ireland at reports of human rights abuses in Colombia. Vice President Garzón acknowledged these concerns and underlined the progress that had been made in recent years to improve the human rights situation in Colombia. During our meeting, Vice President Garzón and I discussed the possibilities for information-sharing experiences between Irish and Colombian NGOs and civil society organisations.

We also discussed the Colombian Government's plans for a national conference on human rights scheduled to take place in November-December 2012. Further information on the theme for, as well as the process of participating in, this important event has been sought from the Colombian embassy in London. It is intended that a series of regional roundtable dialogues in Colombia will precede the conference, the aim of which is to create a national framework for human rights.

Ireland actively supports the EU policy of engagement, dialogue and scrutiny as the best way to promote the advancement of human rights in Colombia. The EU recognises that Colombia remains a fragile state and that, despite the progress made, human rights abuses continue to occur. It is for this reason that Ireland attached such importance to the inclusion of a human rights clause in the EU free trade agreement with Colombia and Peru during its negotiation.

Ireland will continue to support the efforts of the Colombian Government to address human rights challenges via our embassy in Mexico city and with our partners in the European Union.

Deputy Pádraig Mac Lochlainn: There is a mistake in the question, which refers to President Santos. As the Tánaiste correctly pointed out, it was a Vice President Garzón. I met him in person and I thank the Tánaiste for clarifying that.

I met a former trade unionist yesterday in the House. He is from Colombia but is now a refugee in Europe. He expressed concern about the harrowing history of murders of trade union leaders. Colombia has one of the worst, if not the worst, records in the world. His concern is that, as civil society starts to organise itself through trade union movements, women's movements and rural peasant movements, they will not be allowed to make their protest peacefully and develop and articulate their sense of injustice.

The Tánaiste and the Minister of State, Deputy Costello, have pointed out that Ireland inserted a human rights clause into the free trade agreement, which is heavily opposed by the

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trade union movement in Europe because of concerns that it is premature. Colombia has a long way to go in demonstrating its *bona fides* on human rights and the protection of rural landowners from pillaging of their matter resources by multinationals. This has been the case in Colombia and Peru. Will the Tánaiste give the House an assurance that, as the Government intends to proceed with the agreement and has inserted a human rights clause, he will lead from the front if there is any attempt to undermine a civil society movement or peaceful opposition by people in the country?

Deputy Eamon Gilmore: We will lead from the front on this issue. As Deputy Mac Lochlainn acknowledged, we strongly argued that there should be a human rights clause in the free trade agreement. The agreement provides for a suspension or abandonment of the agreement if human rights are not honoured in Colombia. I share the concern expressed about the dangers in Colombia for trade union activists. I raised that directly with the Vice President when he was here. The Vice President is a former trade union leader in Colombia and has some understanding of these issues. We intend to proceed with this and it is one of the reasons we discussed the possibility of an arrangement whereby the civil society organisations on the Irish and Colombian sides, such as NGOs and trade unions, could have an exchange at that level. This would lead to active engagement between people who work the ground in the trade union area with counterparts in Colombia. We will keep on top of this.

Written Answers follow Adjournment.

The Dáil adjourned at 5.45 p.m. until 10.30 a.m. on Wednesday, 18 April 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 8, inclusive, answered orally.

Foreign Conflicts

9. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Foreign Affairs and Trade the further measures being considered at EU and UN level to address the ongoing crisis in Syria; and if he will make a statement on the matter. [17171/12]

15. **Deputy Niall Collins** asked the Tánaiste and Minister for Foreign Affairs and Trade the action he has taken in conjunction with his EU partners in relation to the humanitarian crisis in Syria; and if he will make a statement on the matter. [17190/12]

54. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the extent to which the situation in Syria continues to be monitored by the international community with particular reference to on-going alleged human rights abuses; if his EU colleagues in conjunction with the UN or otherwise can offer persistent persuasion to bring about a resolution; and if he will make a statement on the matter. [17532/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I propose to take Questions Nos. 9, 15 and 54 together.

I have on a number of occasions stated clearly my grave concerns at the deteriorating situation in Syria and condemned the unacceptable violence and repression which is now estimated to have claimed 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

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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. The Tánaiste 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 Co-ordinating Committee, which has committed itself to achieving democratic freedoms in Syria 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.

Human Rights Issues

10. **Deputy Seán Ó Fearghaíl** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has raised concerns over the conduct of the March Presidential election in Russia and subsequent treatment of protesters with the Russian authorities; and if he will make a statement on the matter. [17202/12]

24. **Deputy Patrick Nulty** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on allegations of fraud in the recent presidential election in Russia; if he will raise this matter at EU level; and if he will make a statement on the matter. [17173/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I propose to take Questions Nos. 10 and 24 together.

The Russian Federation Presidential Elections took place on 4 March and were the subject of an extensive monitoring mission conducted principally by the OSCE Office for Democratic Institutions and Human Rights (ODIHR), together with partners from the OSCE Parliamentary Assembly and the Parliamentary Assembly of the Council of Europe.

The mission issued a preliminary report on 5 March which noted that the presidential election was marked by unequal campaign conditions but also that the campaign had seen significant civic engagement, including an increased focus on election observation. It was evident from this report that while steps had been taken to address some of the shortcomings identified in the State Duma elections late last year, more work by the Russian authorities needs to be done.

EU High Representative Ashton issued a statement on 5 March in which she noted the preliminary results of the presidential elections and the clear victory of Vladimir Putin. She commented that international election observers had noted the significant civic engagement in the campaign and that authorities allowed protests to take place without undue interference, but had also identified shortcomings and irregularities in the preparations and conduct of the elections and that voters' choice was limited. The EU encouraged Russia to address these shortcomings.

On the question of demonstrations that took place before the elections and since then, I welcome the engagement of the authorities with the opposition in authorising demonstrations and commend the peaceful manner in which they have been conducted. It is important that the right to peaceful protest is fully respected and that the authorities respond openly and quickly to allegations of improper treatment.

I have not been in direct communication with the Russian authorities on the conduct of the elections but I would encourage them to take full account of the concerns that have been aired both within Russia and by its partners.

Middle East Peace Process

11. **Deputy Peadar Tóibín** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on whether, prior to the start of negotiations about a two-state solution, Israel is obliged under the roadmap to freeze all settlement activity including natural growth of settlements and dismantle settlement outposts erected since March 2001; and that, by failing to do so, Israel is in breach of this agreement [17225/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): As I have repeatedly stated in this House, I regard the continued expansion of settlements as the major

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obstacle to peace. It is an attempt to create demographic facts on the ground that will dictate the contours of any future Palestinian State. Settlement outposts are illegal under international law, and also under Israeli law. There can be no doubt that settlement outposts erected since March 2001 must be dismantled, if there is to be a viable future Palestinian State.

The parties agreed to enter talks on the basis of the Quartet statement of 23 September 2011 which set out a timetable of not later than the end of 2012 to reach an agreement. A settlement freeze was not a pre-condition for the resumption of talks. The parties met for a number of rounds of direct negotiations in Jordan in January, which were the first direct talks since September 2010. While direct talks were a positive step, the talks failed to make any real progress and have been effectively halted since late January, largely due to Israel's failure to make comprehensive proposals on the issues of security and borders in line with the Quartet timetable.

As I made clear in my discussions with Israeli Prime Minister Netanyahu and Foreign Minister Liberman during my visit to the region in January, the long-term interests of both Israelis and Palestinians are best served by having stable and secure neighbours, which can only be achieved by a comprehensive peace deal. Both sides recognise that there is no alternative to dialogue. The challenge, as ever, for all concerned with promoting peace in the Middle East is how to fashion the appropriate environment and climate of confidence to allow serious peace negotiations to get underway.

What is now most urgently required are positive confidence-building measures, particularly on the part of Israel, to instil the necessary confidence that real progress could now be achieved, were substantive peace talks to resume. It is the prerogative of President Abbas to determine the conditions under which he would be prepared to resume direct peace talks. I believe a reinstatement of a settlement construction freeze would be a major confidence building measure but there are other forms of confidence building measures that would also demonstrate Israel's commitment to genuinely engage in substantive and meaningful peace talks.

Foreign Conflicts

12. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will provide an update on the assistance that the EU and the international community are currently providing for the restoration of democracy in Burma; and if he will make a statement on the matter. [17172/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The Government remains closely engaged at both European Union and international level in monitoring the situation in Burma and in supporting the Burmese people in their struggle for democracy and human rights. We have been encouraged by recent movements including the opening of dialogue between the Burmese Government and Aung San Suu Kyi as well as approval of the registration of her political party, the National League for Democracy. We also view positively the negotiation of a cease-fire deal between the Burmese Government and ethnic rebels, the recent visits to Burma of a number of EU Foreign Ministers as well as EU Commissioner Piebalgs and the release of a significant number of Burmese political prisoners.

Together with our EU colleagues, and as a signal of our hope for Burma's continuing process of political reform, the EU has begun to take steps to ease the sanctions on Burma by suspending the visa ban on certain individuals.

While the situation in Burma has improved, there is still much to achieve. We hope for continuing reform over coming months, including the unconditional release of all remaining political prisoners as well as further action from the Burmese Government in addressing the

concerns of ethnic minority groups and towards the establishment of comprehensive human rights protection for the people of Burma. We remain optimistic that the April 1st by-election — in which Aung San Suu Kyi is due to stand — will be characterised by free and fair conduct.

Together with our EU colleagues, we want recent developments to indicate a lasting change for the people of Burma and hope that they herald the beginning of a new era of peace, democracy and respect for human rights.

13. **Deputy Clare Daly** asked the Tánaiste and Minister for Foreign Affairs and Trade noting the recent report of the UN Human Rights Council, International Commission of Inquiry on Libya which concludes that all sides committed war crimes (details supplied), and that NATO has refused to fully cooperate with the Commission of Inquiry, if he will withdraw Irish cooperation with NATO Partnership for Peace until NATO agrees to fully cooperate with the UN investigation of NATO war crimes during the attack on Libya. [17166/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The Human Rights Council, at a Special Session on 25 February 2011, established the International Commission of Inquiry on Libya. The mandate of the Commission was “*to investigate all alleged violations of international human rights law in Libya, to establish the facts and circumstances of such violations and of the crimes perpetrated and, where possible, to identify those responsible, to make recommendations, in particular, on accountability measures, all with a view to ensuring that those individuals responsible are held accountable*”. The principal concern of the countries, including Ireland, that supported the establishment of the Commission, was to address the widespread and persistent reports of violent acts of repression being carried out by the Qadhafi regime against the Libyan people. The Commission’s report, issued on 2 March 2012, “*concluded that international crimes, specifically crimes against humanity and war crimes, were committed by Qadhafi forces in Libya ... The Commission further concluded that the *thuhar* (anti-Qadhafi forces) committed serious violations, including war crimes and breaches of international human rights law*”.

The Commission also assessed the impact of measures taken by NATO-led forces between March and October 2011 to implement UN resolution 1973. The report states that “*The Commission concluded that North Atlantic Treaty Organization (NATO) conducted a highly precise campaign with a demonstrable determination to avoid civilian casualties. On limited occasions, the Commission confirmed civilian casualties and found targets that showed no evidence of military utility. The Commission was unable to draw conclusions in such instances on the basis of the information provided by NATO and recommends further investigations.*” There is no suggestion in the report that war crimes were committed by NATO but the Commission has called on NATO to conduct investigations to determine the level of civilian casualties.

The recommendations made in the report in relation to NATO are a matter for that organisation and its members to consider. Ireland is not a member of NATO and therefore does not have any role in this process.

Ireland’s cooperation with NATO is conducted through our participation in the Partnership for Peace (PfP) programme. The PfP is a voluntary and cooperative framework for regional cooperation. Our foremost reason for participation is co-operation in peacekeeping. The PfP has been an invaluable tool in developing the capabilities of our Defence Forces and enhancing inter-operability with other potential peacekeeping countries. This ensures that Ireland can most effectively contribute to UN-mandated missions as we have done for more than 50 years.

Human Rights Issues

14. **Deputy Pádraig Mac Lochlainn** asked the Tánaiste and Minister for Foreign Affairs and

[Deputy Pádraig Mac Lochlainn.]

Trade the steps he has taken to date to highlight the detention of Bahrainian human rights activist, Abdulhadi Al-Khawaja who has been on hunger strike since the start of February in protest at his sentencing to life imprisonment; and the steps he will take as a matter of urgency to highlight his critical condition. [17230/12]

27. **Deputy Martin Ferris** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on Bahrain's continued lack of political reform and ongoing repression of pro-democracy and human rights protesters; and if he will make a statement on the matter. [17229/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I propose to take Questions Nos. 14 and 27 together.

I have already made clear on a number of occasions, including in this House, my own deep concern and that of the Irish Government and people at the human rights situation in Bahrain. I am particularly concerned about the gravely deteriorating health of dual Danish-Bahrain citizen Mr Al-Khawaja, a leading Bahraini human rights activist and a former Frontline coordinator who was arrested in April 2011 for his alleged role in the unrest in Manama last year. Mr Al-Khawaja has now been on hunger strike for some 50 days and is reported to be refusing water and medical treatment.

Mr Al-Khawaja's hunger strike is in protest at his sentencing to life imprisonment on 22 June 2011, a verdict which I continue to regard as unjust and appalling. The Bahrain Independent Commission of Inquiry report published last November has clearly described how Mr. Al-Khawaja was subject to violent abuse in detention which resulted in serious head injuries requiring urgent medical treatment. I do not believe that Mr Al-Khawaja received a trial meeting international standards. His trial was conducted in circumstances closely resembling a military trial; civilians should be tried in ordinary civilian courts.

I raised Mr. Al-Khawaja's case with Danish Foreign Minister Sovndal at the Gymnich informal meeting of EU Foreign Affairs Ministers in Copenhagen on 10 March. In addition, my officials have been in contact with the Danish, US and UK authorities in recent weeks with regard to this case, while my serious concerns have been relayed directly to the Bahraini Ambassador in London by officials in my Department. It is my understanding that Denmark has offered to accept Mr Al-Khawaja and to give him medical treatment. Our Ambassador in Riyadh has also been active in relaying my general concerns regarding the human rights situation and also the specific case of Mr Abdulhadi Al-Khawaja to the Bahraini authorities and will continue to do so at every opportunity. I urge the Bahrain authorities to work earnestly with the Danish authorities to resolve this case as a matter of humanitarian urgency. I remain concerned at reports of ongoing repression against protestors in Bahrain as well as the unfair trials and continued detention of political detainees.

I welcomed the publication on 23 November 2011 of the Bahrain Independent Commission of Inquiry's report into the violent repression of protests earlier that year. I also welcome the fact that significant steps have been taken by the Bahraini authorities to implement the recommendations of the report, including the establishment of a follow-up commission. However, it is essential that the Bahraini authorities make further progress in a timely, transparent and thorough manner towards addressing the serious shortcomings identified in the report. I particularly urge the Bahraini authorities to release those detained for peacefully protesting and to hold accountable those who, according to the report, were responsible for serious violations of human rights.

Ireland has also been active in ensuring the EU remains focussed on the situation in Bahrain and strongly supported the EU démarche to the Bahraini authorities in January urging the

authorities to release political detainees. I will continue to monitor closely developments in the case of Mr Al-Khawaja as well as the broader human rights situation in Bahrain, including the ongoing civilian retrial of a group of medical doctors and nurses, some of whom were Irish-trained.

Question No. 15 answered with Question No. 9

Irish Communities Abroad

16. **Deputy Michael Moynihan** asked the Tánaiste and Minister for Foreign Affairs and Trade if he brought up the status of the undocumented his visit to the United States for St. Patrick's Day; the progress made in relation to this issue; and if he will make a statement on the matter. [17209/12]

31. **Deputy Denis Naughten** asked the Tánaiste and Minister for Foreign Affairs and Trade the progress made to date on resolving the issue of the undocumented Irish in the US; and if he will make a statement on the matter. [17167/12]

55. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade if it has been possible to engage with the US authorities with a view to regularisation of undocumented Irish in the United States having particular regard to the vulnerability of such persons and the potential hardship to them and their families; and if he will make a statement on the matter. [17533/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I propose to take Questions Nos. 16, 31 and 55 together.

The welfare of our young people who are working abroad is a very important priority for the Government. I made this clear during my visit to Canada over St Patrick's Day when I had an opportunity to meet many young Irish living and working there and where I opened a centre in Toronto which will help address their needs.

There are particular concerns in the United States where addressing the position of the undocumented Irish and reforming our migration arrangements are priorities for the Government in its contacts with the US Administration and Congress.

The Taoiseach and I have worked closely and continuously on this matter. We discussed immigration issues with President Obama on 23 May last year in Dublin and I have raised it in discussion with Secretary of State Clinton.

My assessment at this stage is that the Government's keen interest in a resolution of the situation for undocumented Irish migrants is well recognised and accepted by our friends within US Administration and Congress. Their advice to us remains that comprehensive reform of the US immigration system and procedures is likely to be the only manner by which this can be achieved.

With a view to helping some positive momentum around immigration issues insofar as they relate to Ireland, enabling Irish people to apply for E-3 temporary U.S. work visas has been a particular focus of our efforts. If passed this would make 10,000 E-3 visas available to Irish citizens each year.

During my visit to Washington in February, I reviewed progress on E-3 issues during meetings with Senators Leahy, Brown, & Schumer and the Friends of Ireland group in the House of Representatives and with Deputy Secretary Bill Burns.

I also discussed prospects for progress with the Congressional Delegation led by leader Nancy Pelosi in Dublin on 12 March.

[Deputy Eamon Gilmore.]

During his recent visit to Washington, the Taoiseach raised immigration with President Obama and with Senators Leahy, Brown and Schumer and the Friends of Ireland Group.

While I am heartened by the advances that have been made so far towards bi-partisan consensus in the US Senate towards enabling Irish people to apply for E-3 visas, I am conscious that passing any immigration-related legislation in an election year in the US presents very significant challenges. Through our Embassy in Washington, the Government will continue to work closely with our friends in Congress and with Irish-American community representatives with a view to ensuring that every opportunity is taken to put an E-3 visa scheme in place.

Missing Persons

17. **Deputy Denis Naughten** asked the Tánaiste and Minister for Foreign Affairs and Trade the steps he has taken to assist with tracing the whereabouts of a person (details supplied) who went missing in the Netherlands in 2008; and if he will make a statement on the matter. [17168/12]

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.

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 so that they could get in touch with 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.

Foreign Conflicts

18. **Deputy Pádraig Mac Lochlainn** asked the Tánaiste and Minister for Foreign Affairs and Trade if he supports the statement that war crimes alleged in Sri Lanka in the final stages of the war are of such magnitude that if unchallenged risk undermining international justice mechanisms; and if he supports the international call on the UN to support an independent international investigation into these alleged crimes [17227/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): Ireland supports the promotion of national reconciliation and accountability in Sri Lanka. It is Ireland's view and one shared by the other member States of the European Union that genuine reconcili-

ation among all groups and communities in Sri Lanka is essential and requires justice and accountability for past events. The Lessons Learnt and Reconciliation Commission (LLRC), appointed in May 2010 by Sri Lankan President Mahinda Rajapaksa and which reported to him on 15 November 2011, stated that the root cause of the ethnic conflict in that country lay in failure to address the grievances of the Tamil people.

Last month, the High Representative and Vice President of the EU expressed regret that the questions raised in the report of the Expert Panel of the UN Secretary-General Ban Ki-moon, Chaired by Marzuki Darusman, and delivered to the Secretary-General on 12 April, 2011 were not reflected in the LLRC report. Ireland supports the UN Panel of Experts' recommendation for the establishment of an independent international mechanism to investigate allegations of human rights violations by both the Sri Lankan military and the Liberation Tigers of Tamil Eelam in the closing stages of the Sri Lankan Civil War which ended in 2009. Last week, at the Human Rights Council in Geneva, Ireland together with the EU and others in a Resolution entitled *Promoting reconciliation and accountability in Sri Lanka* called on the Government of Sri Lanka to implement the recommendations of the LLRC as well as to fulfil its legal obligations with regard to alleged violations of international law.

Further, we have called on the Sri Lankan Government to respect the rights of individuals and civil society that have cooperated with the UN mechanisms, including the Human Rights Council and to allow for their safe return to Sri Lanka.

The EU believes that accountability is an essential part of the process of national reconciliation and sustainable peace and encourages Sri Lanka to take the necessary measures.

Together with EU members at the Human Rights Council and other levels, Ireland will continue to convey concern over reports of intimidation and reprisals against civil society representatives in Sri Lanka. Free and unhindered contact and cooperation with individuals and civil society are indispensable for the UN to fulfil its mandates.

Human Rights Issues

19. **Deputy Richard Boyd Barrett** asked the Tánaiste and Minister for Foreign Affairs and Trade if his attention has been drawn to the arrest and detention of Hana Shalabi by the Israeli authorities under their administrative detention procedure, the fact that she is currently more than 34 days into a hunger strike and reportedly unable to move due to her weak condition; if he will call on the Israeli authorities to release her immediately; and if he will make a statement on the matter. [17181/12]

21. **Deputy Gerry Adams** asked the Tánaiste and Minister for Foreign Affairs and Trade the steps he will take to apply pressure on Israel to seriously address the underlying reasons behind the growing protests of Palestinian political prisoners and to end the large scale practice of internment without charge or trial known as administrative detentions. [17220/12]

35. **Deputy Gerry Adams** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will publicly call for the protection of the life of the 30 year old Palestinian woman, Hana Shalabi, resident of Burqin village near Jenin, who was re-arrested on 16 February 2012 and is being held in Hasharon Prison where she has been on hunger strike since that same date in protest of her violent arrest; and if he will call for her immediate transfer to a hospital, with adequate care that is uninterrupted by frequent and unnecessary transfers. [17219/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I propose to take Questions Nos. 19, 21 and 35 together.

[Deputy Eamon Gilmore.]

I am aware of the case referred to by the Deputies. Hana Shalabi was released last October as part of the prisoner exchange deal concluded between the Israeli government and Hamas for the release of the Israeli soldier Gilad Shalit. She had spent over two years in administrative detention by the time of her release. She was re-arrested on 16 February and immediately commenced a hunger strike.

Ms Shalabi was transferred over a week ago to an Israeli civilian hospital due to her deteriorating health. I am very concerned that her hunger strike has reached the point that her health is being jeopardised. While visits by her lawyer and family were suspended following her transfer to the civilian hospital, I understand her lawyer has visited this week, and I urge that her family be allowed to visit her as soon as possible.

At my request, the Irish Embassy in Tel Aviv has raised Ms. Shalabi's case with the Israeli authorities and has urged steps be taken to reach a resolution which would allow Ms. Shalabi to end her hunger strike. The EU Delegation in Tel Aviv will also raise and express concern regarding Ms. Shalabi's case with the Israeli authorities and urge a resolution which averts her continued hunger strike.

I have made my views regarding administrative detention very clear in this House. I recognise that States facing serious threat sometimes have to enact emergency powers. But such powers should be limited as much as possible, carefully safeguarded and in accordance with international law. I do not accept that it is compatible with international law to detain a person for a prolonged period, or repeatedly renew a detention order, without a case coming to trial.

Ireland and our EU Partners have been active for some time in raising the practice of administrative detention and urging the Israeli authorities to move away from and end its use. Such representations appear to have had some effect, with the overall numbers in administrative detention falling considerably in recent years. We will continue to press on this issue as well as on the specific case of Ms Shalabi.

International Agreements

20. **Deputy Jonathan O'Brien** asked the Tánaiste and Minister for Foreign Affairs and Trade his response to recent comments made by Vital Moreira, chair of the European Parliament's trade committee, stating that some African countries may have to start paying an 8.5% to 15.7% duty on their exports to Europe if they fail to sign Economic Partnership Agreement agreements by end 2013; and if he will make a statement on the matter. [17223/12]

Minister of State at the Department of Foreign Affairs and Trade (Deputy Lucinda Creighton): I am aware of the reported comments of Professor Vital Moreira when he led a European Parliament delegation to Kenya and Zambia last week in order to discuss the ongoing negotiations for Economic Partnership Agreements between the European Union and the African, Caribbean and Pacific (ACP) States.

The EU has been engaged in the negotiation of a series of new trade and development agreements with the ACP States since 2002. The negotiations are being carried out by the European Commission, on behalf of the European Community and the Member States. They were necessitated by rulings by the World Trade Organisation (WTO) that the unilateral trade preferences which the EU had previously granted to the ACP countries established unfair discrimination between developing countries.

The original aim had been to conclude comprehensive Agreements with six regional groupings of the ACP States by the end of 2007, the deadline set by the WTO. However, following a process of protracted and difficult negotiations, only one of the ACP regional groups, rep-

representing Caribbean States, was ready to initial an Economic Partnership Agreement by that date. In order to avoid trade disruption, interim Agreements were agreed and initialled at the end of 2007 with 21 other ACP States, either individually or in regional groupings. These interim Agreements provide for full duty and quota-free access to the European Union market but allow the ACP countries a flexible and asymmetric trade liberalisation schedule.

In recent years, there have been well-founded concerns that there was a need to restore momentum to the negotiations and revitalise the original shared commitment to the achievement of strong Agreements which serve the development needs of the ACP countries. Political leaders from both sides agreed at the EU-Africa Summit in November 2010 “to conclude Economic Partnership Agreements that support socio-economic development, regional integration and the integration of Africa into the global economy”. As a result, the European Commission last year engaged actively and flexibly in renewed negotiations at the regional level. In tandem with this approach, at the end of September the Commission adopted the proposal, to which Professor Moreira referred, which would set a deadline of 1 January 2014 for the conclusion of the negotiations. This proposal will be considered by the European Parliament and the Council of EU Trade Ministers.

The Government accepts that the proposal seeks to put EU-ACP trade relations on a solid legal footing based on respect for WTO and EU law. I believe it is essential that the EU’s negotiating approach is as flexible as possible under WTO law and underlines the importance of a strong partnership approach throughout the negotiations. It is encouraging that the EU Trade Ministers, at their most recent meeting on 16 March acknowledged the need for flexibility and pragmatism on both sides to find solutions to the outstanding issues. Ireland will continue in the coming months to work with our partners for Agreements which clearly support the development priorities and needs of the ACP countries. We will also work positively with the Commission on these issues during our Presidency of the EU in the first half of 2013.

Question No. 21 answered with Question No. 19.

Diplomatic Representation

22. **Deputy Derek Keating** asked the Tánaiste and Minister for Foreign Affairs and Trade if his attention has been drawn to alleged abuses by certain countries having Embassy services in Ireland particularly related to traffic violations and parking offences; the status of such Embassy staff and their families; the way in which disputes and complaints are addressed; and if he will make a statement on the matter. [17170/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): There are currently 58 resident Embassies in Ireland. The operation of these Embassies is regulated by the Vienna Convention on Diplomatic Relations 1961 as transposed into Irish law by the Diplomatic and Immunities Act 1967. Privileges and immunities of accredited diplomatic agents in Ireland are governed by the Vienna Convention on Diplomatic Relations of 1961 and the Vienna Convention on Consular Relations of 1963, as incorporated into Irish law, by the Diplomatic Relations and Immunities Act of 1967 and as amended by the Diplomatic Relations and Immunities Act of 1976.

Where traffic violations or other such issues concerning a resident Embassy or Embassy staff accredited here are brought to the attention of my Department by An Garda Síochána, the Department reminds resident Embassies about their obligations under Article 41.1 of the Vienna Convention 41.1 to respect the laws and regulations of the receiving state and informs the Embassy concerned which generally operate in compliance with Irish law. My Department

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works to ensure that the law is upheld and will assist, as appropriate, in any investigation being undertaken by the relevant Irish authorities.

My Department expects all those diplomatic agents duly accredited here, who are entitled to privileges and immunities in accordance with Article 31 of the Vienna Convention, to respect Irish laws and regulations, as indeed, we expect our Embassies abroad to respect the laws and regulations of the host country. I would recall that the purpose of diplomatic privileges and immunities is not to benefit individuals but to ensure the effective performance of the functions of diplomatic missions. In addition, Article 31(4) of the Vienna Convention provides that the immunity of a diplomatic agent from the jurisdiction of the receiving state does not exempt him from the jurisdiction of the sending state.

I would assure the Deputy that my Department will do everything it can consistent with its obligations under the Vienna Convention to ensure fair treatment for all.

Foreign Conflicts

23. **Deputy Richard Boyd Barrett** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on his response to the recent massacre of 16 civilians in Afghanistan in view of the fact that Irish troops are serving in that country. [17182/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The killing of 16 Afghan civilians on 11 March this year was a shocking and tragic incident. On behalf of the Government, I extend my deepest condolences to the families of those killed and to the Afghan people. I welcome the commitment made by the US Secretary of Defence to quickly establish the facts surrounding this incident and to hold the person responsible to account. I understand that the US army and the Afghan authorities are cooperating in relation to the investigation of this incident and that charges have been formally brought against one member of the US Armed Forces.

This incident should not be allowed to jeopardise progress towards building a stable and democratic Afghanistan. Ireland will continue to support international efforts to develop Afghanistan as a peaceful, democratic nation, based on respect for fundamental human rights and for the rule of law.

Our support is demonstrated through our contribution to humanitarian programmes, participation in the EU Police Training mission and the deployment of members of the Defence Forces to the UN-mandated International Security Assistance Force (ISAF). Ireland has participated in ISAF since 2002 following a Government decision to authorise the provision of seven members of the Permanent Defence Forces for service with ISAF; these serve in non-combat roles at ISAF HQ in Kabul.

Ireland has also, since 2005, provided €35 million funding for humanitarian assistance, including mine clearance, civil society development programmes, and support to the Government of Afghanistan through the World Bank-managed Afghanistan Reconstruction Trust Fund (ARTF) in Afghanistan.

Question No. 24 answered with Question No. 10.

Nuclear Proliferation

25. **Deputy Seamus Kirk** asked the Tánaiste and Minister for Foreign Affairs and Trade the action further to the oil embargo due to come into operation this summer, that he has taken in conjunction with his EU partners in relation to Iranian efforts to develop a nuclear arsenal; and if he will make a statement on the matter. [17199/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The most recent reports of the International Atomic Energy Agency on Iran, including those issued on 8 November 2011 and 24 February 2012, have concluded that there are both strong grounds for serious concerns regarding possible military dimensions to Iran's nuclear programme and that information available indicated that Iran had carried out activities relevant to the development of a nuclear explosive device. The IAEA is, of course, the internationally recognised watchdog on this issue, with unrivalled technical expertise and a record of absolute impartiality and independence. The Government is satisfied, as are Ireland's EU partners, that the IAEA's reports are credible and its conclusions must be taken very seriously.

Regrettably, Iran made no move to address the serious findings regarding its nuclear programme raised in the IAEA's 8 November 2011 report. Therefore, the EU has recently been compelled to adopt two further rounds of restrictive measures which I fully support. These were agreed at the Foreign Affairs Councils held on 1 December 2011 and 23 January 2012 and include an embargo of Iranian crude oil imports to the EU which will begin on 1 July. Notwithstanding the clear impact which this planned measure is having on global oil prices, Ireland, along with other EU Partners, has been prepared to accept the economic cost involved, given the gravity of compelling Iran to engage seriously with the international community in addressing the concerns over its nuclear programme.

It is my belief that the additional restrictive measures adopted by the EU, as well as tough bilateral sanctions implemented by US, Canada and the UK, have been of great influence in triggering Iran's belated agreement to accept an offer from EU High Representative Ashton to resume discussions with the E3 + 3 (UK, France, Germany, US, Russia, China). Arrangements are now being made for these resumed negotiations to commence next month. I hope that Iran will now address comprehensively the international concerns about the possible military dimension of its nuclear programme and I urge the Iranian side to enter negotiations this time in a genuine spirit of compromise and cooperation.

Ultimately, it remains the Government's strong view that the issues surrounding Iran's nuclear activities can only be adequately addressed and resolved through diplomacy and negotiations, and not by any other means.

Diplomatic Representation

26. **Deputy Derek Keating** asked the Tánaiste and Minister for Foreign Affairs and Trade in keeping with a complete review of all Government Departments and perhaps adopting the practices by other democracies, if he will consider reviewing the system of appointing Ambassadors from the ranks of the civil service and examine the possibility of appointing businessmen, businesswomen, academics and civic leaders who are well skilled in the area of diplomacy and representing Ireland's mission abroad and taking into consideration the Department of Trade to be assigned to him, his views on whether this is beneficial based on our new drive to bring inward investment and developing new markets for our exports; and if he will make a statement on the matter. [17169/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): In my view the State has been very well served by the current system governing Ambassadorial appointments, which draws on the skills and professionalism of experienced, dedicated and impartial career civil servants. The maintenance of a non-politicised civil service is a principal of our system of government to which I attach considerable importance.

Ireland's diplomatic service is highly respected at home and internationally. Successive Governments have acknowledged its positive contribution, such as in advancing the peace process in Northern Ireland, in establishing and enhancing our bilateral relationships, in rep-

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resenting and protecting our interests in multilateral fora including the European Union and the United Nations, in promoting Irish business and economic interests and in managing the State's bilateral aid programme and in providing consular services to Irish citizens in difficulties abroad. Senior officers about to take up posts abroad attend special business-focussed training programmes and Embassy staff work hand-in-glove with local Irish State agency representatives in furthering Ireland's economic interests. I frequently receive expressions of appreciation for their efforts.

Question No. 27 answered with Question No. 14.

Overseas Development Aid

28. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the extent to which international aid commitments made by various donor countries throughout the world in the wake of various natural disasters over the past ten years have been honoured in part or in full; the main reason for failure to deliver in such circumstances; if he can take any steps to reactivate such issues with particular reference to Haiti and similar situations; his views on whether by agreement all such locations should be reviewed to reactivate interest and restore credibility; and if he will make a statement on the matter. [17234/12]

49. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade if he is satisfied that commitments entered into in the wake of numerous worldwide natural disasters have been fully honoured by the various prospective donors, whether ongoing encouragement is offered to meet the commitments entered into; and if he will make a statement on the matter. [17527/12]

51. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade if international aid promised to Haiti and other similar disaster locations worldwide has been met fully or in part to date; and if he will make a statement on the matter. [17529/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I propose to take Questions Nos. 28, 49 and 51 together.

Significant progress has been made in recent years to improve the scale and effectiveness of the response of the international community to major disasters and humanitarian crises. This has included the provision by Ireland and other donors of predictable emergency response funding. However, disasters on the scale of the earthquake in Haiti continue to challenge the humanitarian system. For such crises, international pledging conferences are often considered necessary in order to generate additional donor funding.

Two months after the January 2010 Haiti earthquake, an international donor conference was held in New York, at which US \$4.5 billion worth of assistance was pledged by the international community in response to the crisis. UN figures indicate that just \$2.38 billion of this has actually been disbursed to date. Ireland has continued to use all available opportunities at international meetings, in Brussels, New York, Geneva and elsewhere, to urge donors to keep their promises and to provide the kind of long-term, coordinated and predictable funding which is required in order to move Haiti from crisis to recovery.

For our part, Irish Aid has worked hard to meet the Government's commitments to the people of Haiti. Some €11.5 million of the €13 million pledged by Ireland at the Haiti Donor Conference in New York in March 2010 has now been committed. We intend to meet our entire pledge in the coming months. In addition to financial support, Irish Aid has carried out 18 deployments to Haiti from the Rapid Response Corps and these experts have been able to

assist UN and other agencies in vital areas such as logistics, engineering and water and sanitation.

More generally, the issue of implementation of donor aid pledges has been the focus of attention in the media and among civil society organisations in recent times. A recent OECD report highlighted a gap in international aid flows against pledges amounting to some \$21 billion over a five year period. The shortfall is partly due to the difficult budgetary situation in developed countries over the past three years.

In order to promote the importance of ensuring that donor aid pledges are credible, achievable, and properly monitored, the OECD has published a 'Recommendation on Good Pledging Practice'. This comprises a set of principles relating to pledging practice for financial undertakings to developing countries. The Recommendation is designed to serve as a benchmark to help OECD member States frame future aid pledges in terms that are clear, practical, realistic, and capable of being monitored. Ireland strongly supports this OECD initiative.

Foreign Conflicts

29. **Deputy Clare Daly** asked the Tánaiste and Minister for Foreign Affairs and Trade noting the recent report of the UN Human Rights Council, International Commission of Inquiry on Libya which found no evidence of genocide or any organised civilian massacre by the pro-Ghadaffi forces in Benghazi or elsewhere in Libya from the beginning of the uprising until the fall of the regime, his views on whether UN resolution 1973 which was premised on the widespread and systematic attacks currently taking place in the Libyan Arab Jamahiriya against the civilian population, was based on fraudulent information provided to secure authorisation for the NATO attacks on Libya to enable the overthrow of the Libyan Government. [17165/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The Human Rights Council, in emergency session on 25 February 2011, established the International Commission of Inquiry on Libya. The Commission's mandate is "to investigate all alleged violations of international human rights law in Libya, to establish the facts and circumstances of such violations and of the crimes perpetrated and, where possible, to identify those responsible, to make recommendations, in particular, on accountability measures, all with a view to ensuring that those individuals responsible are held accountable". The International Commission of Inquiry on Libya issued its second and final report on 2 March 2012 which clearly states that "international crimes, specifically crimes against humanity and war crimes, were committed by Gaddafi forces in Libya," prior to and after UN Resolution 1973. In particular, it found that "acts of murder, enforced disappearance, and torture were perpetrated within the context of a widespread or systematic attack against a civilian population."

Of particular interest in relation to actions by the Gaddafi forces prior to UN Resolution 1973 was the Commission's finding that "Gaddafi forces engaged in excessive use of force against demonstrators in the early days of the protests, leading to significant deaths and injuries." The report continues: "the nature of the injuries indicates an intention to kill; the level of violence suggests a central policy of violent repression. These actions breach international human rights law as an arbitrary deprivation of life."

The report further finds "that the Gaddafi forces executed and tortured to death large numbers of prisoners in detention centres. Executions tended to occur immediately prior to retreats. During the armed conflict, this amounts to a war crime. Insofar as many of the detainees were part of the civilian population rather than captured fighters, the systematic and widespread executions constitute a crime against humanity."

[Deputy Eamon Gilmore.]

In light of the findings of the International Commission of Inquiry, there is no reason to question the motives which underlay adoption of UN Security Council Resolution 1973 on 17 March 2011 and, in particular, the clear need to authorise all necessary measures to protect the civilian population in Libya. Only hours before the vote, Gaddafi said in a speech broadcast on radio and television in Libya that his forces would “show no mercy and no pity” to those in Benghazi who opposed his rule. Resolution 1973 demanded an immediate and complete ceasefire, authorised all necessary measures to protect civilians as well as establishment of a no-fly zone over Libya. On that basis, Ireland fully supported Resolution 1973 and urged that military action to enforce Resolution 1973 be implemented in a manner that was proportionate, avoided civilian casualties and fully complied with its terms.

30. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the extent to which he and his colleagues at EU and on UN level have focused on the top ten worldwide primary locations of known acts of war, terror, human rights or other abuses resulting in starvation famine, genocide or murder by Governments of those attempting to overthrow such; if the international community has exerted sufficient positive influence in such situations particularly on the continent of Africa or in the context of the Arab Spring; if any new initiatives have been examined; and if he will make a statement on the matter. [17235/12]

58. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the extent to which he and his EU colleagues continue to examine locations worldwide at which on-going war, famine, starvation, genocide, human rights abuses continue; the degree to which positive intervention can be arranged in such circumstances in the future having particular regard to past experience; and if he will make a statement on the matter. [17536/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I propose to take Questions Nos. 30 and 58 together.

As far as I am aware neither the European Union nor the United Nations produces a top ten list of countries in regards to the violations outlined by the Deputy.

In our foreign policy, which is expressed in direct contact with other countries or multilaterally through the EU, the UN, and other international bodies such as the Organisation for Security and Co-operation in Europe (which is chaired this year by Ireland), we are working to alleviate instances of war, terror, human rights or other abuses resulting in starvation famine, genocide or murder by Governments, and to enhance international peace and security.

Meetings of the EU Foreign Affairs Council provide regular opportunities at which to consider such events and the response of the EU and the wider international community to them. The EU has adopted Common Positions on certain countries, which attach priority to promoting human rights, democracy, good governance and the rule of law. The Council is also the body which takes decisions in relation to the EU’s crisis management actions, such as the launching of new EU missions or significant changes to the 13 existing Common Security and Defence Policy (CSDP) missions — 10 of which are civilian operations.

The EU, the UN and the OSCE act as co-chairs of the Geneva discussions, which is the forum to resolve issues following the 2008 conflict in Georgia. The OSCE chairs the so called 5+2 talks on the Transdnestrian settlement process, and the EU acts as an observer. These talks seek to reach agreement on the status of Transdnestria and the first session of the 5+2 talks this year was held successfully in Farmleigh on 28-29 February.

Officials of my Department and the Department of Defence also hold regular discussions with like-minded countries, including in relation to the 9 different UN-mandated peace-keeping

and peace enforcement missions on which members of the Defence Forces are currently deployed.

In Africa, addressing the problems faced by people living in areas of conflict and instability remains a huge challenge. These include the issues of the Al-Shabaab insurgency in Somalia, piracy off the coast of the Horn of Africa, the displacement of several hundred thousand people across the region, and an estimated 13 million people in need of emergency assistance. In response to the fragile political and humanitarian situation, the EU in November 2011 adopted a Strategic Framework to guide the EU's engagement in the region. EU and Member State engagement will be in support of both regional efforts, including through the Inter-Governmental Authority for Development (IGAD) and the African Union (AU), and national efforts to achieve lasting peace, security and justice, good governance based on the democratic principles of inclusion, the rule of law and respect for human rights.

The uprisings across the Arab world which started at the end of 2010 have been genuinely popular movements demanding reform, freedom and equality. These movements are promoting fundamental values such as freedom of expression, freedom of assembly, the right to a fair trial and freedom from torture. Ireland and its EU partners subscribe fully to what these movements are seeking to achieve. We will continue to provide them with both political and financial support.

Human rights concerns remain central to our foreign policy. Together with our EU partners, Ireland closely monitors the human rights situations in many countries, including post-conflict countries, throughout the world. We do this on the basis of information obtained from a variety of sources including both official channels and non-governmental/civil society organisations. Where and when the situation warrants, we make known our concerns about human rights violations to the Governments in question.

Ireland supports the use of the full UN human rights machinery in responding to human rights abuses, including supporting the role of UN Human Rights Treaty Monitoring Bodies, Special Procedures and Mandate Holders and the convening, where appropriate, of Special Sessions of the UN Human Rights Council. At the UN, the EU regularly makes statements on the human rights situations in a number of countries from all regions. Ireland is fully associated with these statements.

Ireland has been a consistent and strong supporter of the International Criminal Court, recognising it as an essential means of combating impunity for the most serious violations of international humanitarian law and human rights law.

The Government is committed to the active promotion of full observance of universal human rights standards. Active participation in multilateral organisations including the EU, UN and the Council of Europe provides an opportunity for Ireland to voice its concerns regarding human rights abuses. Through these organisations, international pressure can be brought to bear on those responsible for violation of human rights. Ireland will continue to use these mechanisms as a means of highlighting violations of human rights and furthering their protection.

Question No. 31 answered with Question No. 16.

Civil Aviation Regulation

32. **Deputy Mick Wallace** asked the Tánaiste and Minister for Foreign Affairs and Trade the specific measures he has taken to ensure that our civil aviation laws robustly guard against Irish airports and airspace being used for illegal activity; and if he will make a statement on the matter. [17231/12]

34. **Deputy Mick Wallace** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will detail the action he has taken to date and any action he plans to take in order to prevent Irish airports and airspace being used for illegal activity; and if he will make a statement on the matter. [17232/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I propose to take Questions Nos. 32 and 34 together.

Under the Programme for Government 2011, as the Deputy will be aware, the Government undertook to enforce the prohibition on the use of Irish airspace, airports and related facilities for purposes not in line with the dictates of international law. The regulation of civil aviation is a matter for my colleague the Minister for Transport, Tourism and Sport. My Department has primary responsibility under Irish legislation for foreign military aircraft seeking to overfly or land in Ireland. Under the Air Navigation (Foreign Military Aircraft) Order 1952 foreign military aircraft are not permitted to fly over or land in the State save on the express invitation or with the express permission of the Minister for Foreign Affairs.

In the event that permission is sought, my Department requires an undertaking from the relevant embassy that the aircraft in question will be unarmed; will not be carrying arms, ammunition or explosives; will not engage in intelligence gathering; and is not participating in military exercises or operations.

A number of bodies in Ireland play a role in ensuring compliance with civil and criminal legislation, including An Garda Síochána, and the customs authorities. However, none of these are under the aegis of my Department.

Foreign Conflicts

33. **Deputy Sandra McLellan** asked the Tánaiste and Minister for Foreign Affairs and Trade his response to the recently leaked EU heads of mission report which notes that in an area where between 200,000 and 320,000 Palestinians used to live in the Jordan Valley, Area C, this number has dropped to 56,000 due to the demolition of Palestinian homes and prevention of new buildings, and that in a similar period, the Jewish population in that same Area C has grown from 120,000 to 310,00; and his views on whether the window for a two-state solution is rapidly closing with the continued expansion of Israeli settlements such as these. [17224/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I am aware of the leaked internal EU report to which the Deputy refers. It would not be appropriate for me to comment on the specific details of this internal report but it is one of a series prepared by EU Heads of Mission in Jerusalem/Ramallah which have usefully helped to highlight the challenges and difficulties facing the Palestinian population in Area C as a result of the demolition of Palestinian homes and the expropriation of Palestinian lands. While the major Palestinian population centres are located in Area A and B, the viability of a future Palestinian State is dependent upon the state being contiguous and encompassing the major population centres with their natural hinterland. The continued expropriation of Palestinian lands for settlements and the declining Palestinian population in Area C is clearly a threat to the viability of any future Palestinian State. No one is under any doubt that expropriation of land for settlements is an effort to create demographic facts on the ground that will dictate the contours of any future Palestinian State. These actions are clearly contributing to fast diminishing prospects for achieving a two-State solution.

I am also deeply concerned by the upsurge in violent settler attacks against Palestinians and their land, which has been particularly prevalent in Area C. The United Nations Office for the Coordination of Humanitarian Affairs reported a 50% increase in settler attacks last year.

These illegal and violent attacks have one goal — to frighten the Palestinian population into leaving their homes. I urge the Israeli authorities, as the occupying force, to abide by their obligations under international humanitarian law to protect the civilian population and to ensure that those responsible for such attacks are held accountable and brought to justice.

There is no alternative to direct negotiations aimed at achieving a comprehensive peace deal but these developments inflame Palestinian public opinion, and destroy public support for their leaders to engage in serious negotiations with Israel. I remain determined to continue highlighting with EU and international partners all the pertinent issues relating to the ongoing Israeli occupation and to impress upon both sides the need for dramatic gestures and acts of political will which would help to substantially transform the current depressing situation on the ground.

Question No. 34 answered with Question No. 32.

Question No. 35 answered with Question No. 19.

Question No. 36 answered with Question No. 7.

Human Rights Issues

37. **Deputy Martin Ferris** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will call on the Moroccan Government to immediately repeal Article 475 in Morocco's penal code which allows a rapist to avoid prosecution and a long prison sentence by marrying his victim if she is a minor; and if he will also call for the passing of legislation in Morocco prohibiting violence against women. [17228/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The Government's deep concern and revulsion at the tragic case of Amina Falili has already been stated during the course of a debate in this House last week. She was raped and then forced to marry her assailant so as to prevent him from being prosecuted for his appalling and heinous crime. Amina also suffered appalling domestic violence at the hands of her husband which ultimately led her to take her own life.

Morocco has in recent years taken some steps to empower women in Moroccan society. The adoption of the Family Code in 2004 was a major milestone in improving the protection of women's right in Morocco, including by raising the age of marriage to 18 and prohibiting polygamy. The new Moroccan constitution, which was adopted by referendum last year, has for the first time recognised gender equality. While these are steps in the right direction but it remains clear further steps are needed to protect women who have been the victims of rape or domestic violence, including the repeal of Article 475 that permits such an appalling miscarriage of justice as was suffered by Amina.

Amina's death has resonated considerably within Moroccan society and prompted many Moroccans to seek changes to this draconian law. I fully support the demands of human rights defenders in Morocco for an immediate repeal of Article 475. I would also strongly urge the Moroccan authorities to launch a full investigation into the death of Amina and the important issues it raises.

Morocco will undergo the second review of its human rights obligations and commitments as part of the Universal Periodic Review Process at the next UN Human Rights Council session commencing in May this year. Ireland and its EU Partners will engage with Morocco in the course of the latter on the human rights situation in Morocco, including recommendations on necessary reforms to the penal code to ensure greater protection of women to provide for greater equality and empowerment of women in Moroccan society.

Foreign Conflicts

38. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will detail support which Ireland has given or is preparing to give to democratic movements in Arab countries. [16235/12]

56. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the extent to which the EU directly or through the UN continues to monitor the situation in countries the subject of the Arab spring political and or social military changes with particular reference to the need to encourage the establishment of democratic procedures and practices including free elections; and if he will make a statement on the matter. [17534/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I propose to take Questions Nos. 38 and 56 together.

The uprisings across the Arab world which started at the end of 2010 have been genuinely popular movements demanding reform, freedom and equality. These movements are promoting fundamental values such as freedom of expression, freedom of assembly, the right to a fair trial and freedom from torture. Ireland and its EU partners subscribe fully to what these movements are seeking to achieve. We will continue to provide them with both political and financial support.

In terms of bilateral support to date, Ireland has contributed €150,000 to the Office of the High Commissioner for Human Rights' 2011 funding for North Africa appeal. We also provided €150,000 to UNDP in Egypt to strengthen democratic participation in the recent Egyptian elections, an essential part of increasing human rights and accountability.

Ireland has also contributed humanitarian aid to both Libya and Syria. In the case of Libya, €1.3 million was provided in 2011 to international agencies in response to the humanitarian needs within Libya and on its borders. In response to the Syrian crisis, Ireland has pledged to make up to €500,000 available to the Red Cross and UN agencies operating in Syria, as well as in neighbouring countries such as Jordan, Turkey and Lebanon. In addition, the Irish Aid Rapid Response Corps and our emergency stockpiles in Dubai have been made available for immediate dispatch as required.

In terms of non-financial support, Ireland has already facilitated the entry of approximately 30 Libyans seriously injured during the war into Ireland for medical treatment in private hospitals and more are expected to follow.

As regards EU support in 2011, the EU launched the Neighbourhood Civil Society Facility, which increases support and funding to Civil Society organisations in the region, and the EU SPRING package which will see an additional €350 million targeted at the region for democracy support programmes and to promote job creation. Funding for these initiatives comes from the European Neighbourhood Programme Instrument (ENPI) which for the Multi-annual Financial Framework (MFF) 2008-2013 has a budget of €11.3 billion, Ireland's contribution being €132 million.

International Agreements

39. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will detail any proposals which the European Union Division of his Department are preparing concerning reform of the European treaties. [16231/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): As the Deputy will be aware, the European Union has experienced an unprecedented economic crisis in recent years. It has taken significant steps to address this, including through strengthening

the Stability and Growth Pact; undertaking banking reform; putting the EFSF and the ESM in place; and, for most Member States, agreement on the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union. These steps will help to place European economies on a more sustainable footing, and will ensure that the mistakes that contributed to the crisis cannot not be repeated in the future. This process of reform will continue.

In addition, there is consensus that the Union must intensify its efforts to generate growth and job creation, so as to ensure that Europe recovers and moves beyond crisis. The Government has long argued that such an approach is required and is pleased that its analysis is now fully shared, including at the highest level in the European Council.

The Government believes that this work must remain the absolute priority in the period ahead, and it does not see a process of Treaty change as an essential part of this immediate effort. It is not, therefore, engaged in preparing specific proposals in that regard.

Human Rights Issues

40. **Deputy Seamus Kirk** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will detail any initiatives with which he has been involved at head of State or Government level concerning the promotion of respect for human rights. [16228/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The Government attaches a very high priority to the promotion and protection of human rights in both our domestic and our foreign policy. Ireland is currently involved in two major projects which are centred on human rights: our campaign for election to the United Nations Human Rights Council for the 2013 to 2015 term, and the review of our domestic human rights record by the Human Rights Council.

The Human Rights Council is the UN's principal human rights body. It is composed of forty-seven member States which are elected by the member States of the UN General Assembly. It is mandated to address violations of human rights; to make recommendations to the UN General Assembly in relation to international human rights law; to promote the full implementation of human rights obligations undertaken by States; and to undertake a Universal Periodic Review of the fulfilment by each State of its human rights obligations.

Ireland has over many decades enjoyed a high profile and standing at the UN; we have had a particular emphasis on human rights issues in this context; and our candidature for Human Rights Council membership is an integral part of the Government's strategy for restoring Ireland's international profile and rebuilding our reputation abroad. This is our first time to seek election to the Council. If we succeed, we will be able to play a much fuller role in safeguarding and advancing human rights around the world.

The first examination by the Human Rights Council, under its Universal Periodic Review (UPR) mechanism, of Ireland's domestic human rights record took place in Geneva on 6 October 2011. The UPR process is an extremely valuable contribution to raising standards and increasing awareness of human rights on a global level. It is a unique process whereby the domestic human rights records of each of the UN's Member States are reviewed every four years.

Ireland's delegation to the UPR review was led by the Minister for Justice, Equality and Defence, Mr Alan Shatter, T.D. The Report of the Working Group on Ireland's Universal Periodic Review was formally adopted by the Human Rights Council on 15 March 2012. Of the 127 recommendations made by Member States, Ireland was able to fully accept 91 recommendations, to accept in part a, further 17, and was only unable to accept 19. Ireland's next

[Deputy Eamon Gilmore.]

review will take place in four years time when we will be asked to report on our implementation of the recommendations.

Human rights issues are also a central focus of Ireland's Chairmanship-in-Office of the Organisation for Security and Cooperation in Europe (OSCE) during 2012. In OSCE terminology, the term *human dimension* is used to describe the set of norms and standards related to human rights, democracy and the rule of law that are regarded within the OSCE as one of three dimensions of a comprehensive approach to security. I have been active in promoting the OSCE's human dimension commitments since assuming the Chairmanship-in-Office on 1 January 2012, including in addresses to OSCE participating States and to outside bodies such as the UN Security Council and the U.S. Helsinki Commission in Washington D.C. Ireland will oversee a series of human dimension events during 2012, including an event on Internet Freedom in Dublin on 18-19 June 2012.

In addition to our work in multilateral fora, the promotion of respect for human rights informs our approach to our bilateral relationships. In September 2011, I launched a new Africa Strategy which sets out our priorities for engagement with the countries of sub-Saharan Africa over the period ahead and emphasises our aim of strengthening political engagement between Ireland and the European Union and the countries of that region in the pursuit of a number of policy aims, including the promotion of human rights.

Northern Ireland Issues

41. **Deputy Niall Collins** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has reviewed recent actions in the context of sustaining confidence building initiatives which have formed part of the peace process and have been coordinated by his Department.
[16227/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): Confidence building initiatives continue to be an important aspect of implementation of the Good Friday Agreement and related Agreements. Contacts at political and official level with both communities in Northern Ireland are important in this regard and the Oireachtas itself plays a vital role, through the work of the Joint Committee on the Good Friday Agreement and through interactions between other Oireachtas Joint Committees and their counterparts in the Northern Ireland Assembly.

The Reconciliation Fund established by the Department of Foreign Affairs in 1982 assists individuals and organisations involved in reconciliation work and encourages and facilitates better relations within and between the nationalist/republican and unionist/loyalist traditions on the island of Ireland and also relations between Ireland and Britain.

The Anti-Sectarianism Fund established in 2008 provides financial assistance to projects in communities seeking new and more effective ways of addressing sectarianism and division in society. Since 1982, the two Funds have disbursed some €37 million to over 800 projects. Despite the difficult economic circumstances we face, I am happy to confirm that I will have up to €2.7m in funding available to the Reconciliation and Anti-Sectarianism funds this year. Applications are currently being accepted for funding and officials from my Department have this week conducted briefings for community and voluntary organisations in Derry and Belfast in order to brief potential applicants on how to apply for support from the Funds.

Since 2006, the Department of Foreign Affairs has hosted an annual "Reconciliation Networking Forum", bringing together up to 100 community groups and organisations engaged in reconciliation activities on both sides of the border, many of which do not ordinarily have the opportunity to meet with other groups and organisations active in the reconciliation sector.

The annual Networking Forum is an important and valuable opportunity for a diverse range of groups from different places, engaged in similar work, to network, share learning and initiate collaboration in a supportive and friendly atmosphere.

This evening in Iveagh House, at my invitation, the First Minister of Northern Ireland, Peter Robinson MLA, will give a lecture entitled “The Edward Carson lecture: Reflections on Irish Unionism”. The invited audience will represent a range of political views and key individuals involved in commemorative activity. The content of this, and future lectures, will be made widely available. This lecture represents a key component in the Government’s programme of commemorative activity over the coming years. The Government has decided that all initiatives under this programme, including this lecture, will be underpinned by the following principles: respect for historical accuracy, promotion of tolerance, respect and inclusiveness, and recognition of the All-Island and East-West dimension of our shared history.

Trade Missions

42. **Deputy Willie O’Dea** asked the Tánaiste and Minister for Foreign Affairs and Trade the position regarding plans for his participation in trade missions during 2012. [16229/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): Trade missions are a valuable support to Irish business in developing markets abroad and are particularly important in the context of the export-led growth which is crucial to our economic recovery. I can assure Deputy Martin that since becoming Tánaiste and Minister for Foreign Affairs and Trade, I have been active in promoting opportunities for Irish companies overseas, both through targeted trade missions organised by Enterprise Ireland and in the course of broader working visits abroad. The Deputy will be aware that I have just returned from Canada, where my visit for St Patrick’s Day provided 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, IDA Ireland and Tourism Ireland and supported the valuable work that they do in promoting Ireland as a place to do business and to visit.

My colleague, the Minister of State for Trade and Development Joe Costello, is currently leading an Enterprise Ireland trade mission, comprising 25 Irish companies, to Turkey. There are plans for similar trade missions this year led by myself or Minister Costello to London, Russia, Brazil, and South Africa. I also hope to visit China this year. As the Deputy will be aware, I am undertaking a programme of travel related to Ireland’s Chairmanship of the OSCE. Insofar as it is possible, I use all my overseas visits to enhance Ireland’s reputation and promote our economic interests.

Proposals for trade missions to be led at Ministerial level are developed by Enterprise Ireland on the basis of the priority markets being targeted by their client companies. The programme of trade missions for 2012 was submitted by Enterprise Ireland simultaneously to both the Minister for Jobs, Enterprise and Innovation and myself, reflecting the close involvement of both our Departments in trade-related matters, and at the meeting of the Export Trade Council last month, which I Chair, we considered the overall programme of trade missions for 2012 as they relate to our priority markets.

Irish Communities Abroad

43. **Deputy Mattie McGrath** asked the Tánaiste and Minister for Foreign Affairs and Trade the position regarding the progress being made to address the matter of undocumented Irish citizens in the US; the level of dialogue taking place with all levels of the US political system

[Deputy Mattie McGrath.]

and Government in support of these undocumented Irish in America; and if he will make a statement on the matter. [17439/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The welfare of our young people who are working abroad is a very important priority for the Government. I made this clear during my visit to Canada over St Patrick's Day when I had an opportunity to meet many young Irish living and working there and where I opened a centre in Toronto which will help address their needs. There are particular concerns in the United States where addressing the position of the undocumented Irish and reforming our migration arrangements are priorities for the Government in its contacts with the US Administration and Congress.

The Taoiseach and I have worked closely and continuously on this matter. We discussed immigration issues with President Obama on 23 May last year in Dublin and I have raised it in discussion with Secretary of State Clinton.

My assessment at this stage is that the Government's keen interest in a resolution of the situation for undocumented Irish migrants is well recognised and accepted by our friends within US Administration and Congress. Their advice to us remains that comprehensive reform of the US immigration system and procedures is likely to be the only manner by which this can be achieved.

With a view to helping some positive momentum around immigration issues insofar as they relate to Ireland, enabling Irish people to apply for E-3 temporary U.S. work visas has been a particular focus of our efforts. If passed this would make 10,000 E-3 visas available to Irish citizens each year.

During my visit to Washington in February, I reviewed progress on E-3 issues during meetings with Senators Leahy, Brown, & Schumer and the Friends of Ireland group in the House of Representatives and with Deputy Secretary Bill Burns. I also discussed prospects for progress with the Congressional Delegation led by leader Nancy Pelosi in Dublin on 12 March.

During his recent visit to Washington, the Taoiseach raised immigration with President Obama and with Senators Leahy, Brown and Schumer and the Friends of Ireland Group. While I am heartened by the advances that have been made so far towards bi-partisan consensus in the US Senate towards enabling Irish people to apply for E-3 visas, I am conscious that passing any immigration-related legislation in an election year in the US presents very significant challenges. Through our Embassy in Washington, the Government will continue to work closely with our friends in Congress and with Irish-American community representatives with a view to ensuring that every opportunity is taken to put an E-3 visa scheme in place.

Ministerial Travel

44. **Deputy Sandra McLellan** asked the Tánaiste and Minister for Foreign Affairs and Trade the cost incurred by his Department, for this year's overseas travel programme for St Patrick's Day, which saw the Taoiseach and eight Ministers heading abroad for the holiday; and if he will make a statement on the matter. [17328/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): As the Deputy will be aware, I travelled to Canada to promote Ireland's economic, political and community interests during St Patrick's Day celebrations. My programme was designed to achieve three key objectives: to outline our economic strategy and progress achieved to key Canadian political and business figures; to increase trade and investment between our two countries; and to engage with recently arrived Irish emigrants and more longstanding members of the Irish community.

I travelled to Canada on an economy class return ticket totalling €673. I was accompanied by four officials whose return flights amounted to €2,850.

Final costs for the full programme are not yet available. However, available other costs associated with the visit were: hotel accommodation for the delegation — CAN\$2,480.35 (€1,867); internal flights for delegation — CAN \$903.25 (€680); and car and driver hire (people carrier) — CAN \$3,182.19 (€2,396).

My visit to Canada from 16-18 March was the most senior visit by a member of the Government to that country in almost 8 years. The visit included a series of engagements in Montreal and Toronto and formed an important part of our ongoing commitment to re-invigorate Ireland's relationship with Canada.

The key engagements of my visit included:

- an investment breakfast at the Montreal Board of Trade with senior executives from leading companies in Montreal, targeted by the IDA;
- an address to the St Patrick's Society of Montreal annual luncheon, attended by over 500 of the city's most influential political, business and community leaders;
- a meeting with the members of the Global Irish Network and senior business contacts in Toronto;
- an Enterprise Ireland business breakfast in Toronto, after which I participated in a number of product launches and announcements by Irish companies;
- the official opening of the Ireland Canadian Immigration Centre, supported through my Department's Emigrant Support Programme;
- meetings with the Federal Minister of Citizenship and Immigration, James Kenney, and with the Premier of Quebec, Jean Charest. My meeting with Minister Kenney included a detailed discussion on proposals on immigration requirements which would be beneficial for Irish citizens;
- the launch of the Government's Certificate of Irish Heritage programme, in Canada including a presentation to former Canadian Prime Minister Paul Martin;
- meetings with the Orange Order, the GAA and other organisations.

Nuclear Proliferation

45. **Deputy Eoghan Murphy** asked the Tánaiste and Minister for Foreign Affairs and Trade if he endorses the international joint parliamentary statement for a Middle East free from nuclear weapons and all other weapons of mass destruction, which, inter alia, supports the goal of a Middle East zone free from nuclear weapons and all other weapons of mass destruction, affirms the role of the United Nations in assisting in the development of such a zone, emphasises the importance of comprehensive peace negotiations in the Middle East; commends the leadership of the United Nations Secretary General in advancing a five point proposal for nuclear disarmament, and calls on all Governments, especially those in the Middle East and the nuclear weapons States, to collaborate in good faith with the UN facilitator tasked to conduct consultations with the States of the region and undertake preparations for the convening of a conference to be attended by all States of the Middle East, on the establishment of a zone free of nuclear weapons and all other weapons of mass destruction; and if he will make a statement on the matter. [17370/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): Nuclear weapons pose an existential challenge to humanity and achieving their elimination is a fundamental global challenge. Nuclear non-proliferation and implementation of the Nuclear Non-Proliferation Treaty have been priorities of Irish Governments for over 50 years. We have a proud record of engagement and achievement in this critically important field and I am committed to maintaining this tradition.

The NPT, the primary international mechanism for controlling the spread of nuclear weapons, is reviewed every five years. The 2010 review conference adopted forward-looking action plans across all three pillars of the Treaty, disarmament, non-proliferation and peaceful uses of nuclear energy, and on the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction. Full implementation of these plans would considerably reinforce the non-proliferation regime and I intend to promote this, bilaterally and multilaterally, in the period ahead.

Ireland regards the establishment of a Middle East Zone free of weapons of mass destruction and their delivery systems as a particularly important objective. I am very pleased that at the 2010 NPT Review Conference, Ireland brokered agreement on a text which emphasised the importance of establishing such a zone and which set out a number of practical steps towards achieving this, including the convening of a conference in 2012. We are hopeful that all countries in the region will participate in the Conference and in the process going forward.

The position of the Government has been clear and consistent. The Middle East is an area of high tension which contains many regional conflicts and has seen many wars. The escalation of military capabilities to new heights in such a volatile region can only make the situation more dangerous. We support the establishment in the Middle East of a zone free of all weapons of mass destruction, to include all states in the region.

Overseas Development Aid

46. **Deputy Joanna Tuffy** asked the Tánaiste and Minister for Foreign Affairs and Trade the steps that are being taken to ensure that Irish aid to Malawi is effectively spent; if he has raised any concerns in the context of aid given to Malawi in respect of reported human rights abuses; and if he will make a statement on the matter. [17456/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): Malawi is among the world's poorest countries, ranked 171 out of 187 on the 2011 UN Human Development Index. It has suffered two major famines in the last decade and over half of the population live below the national poverty line. More than 40% of children under five years of age suffer from chronic malnutrition and almost 12% of the population are living with HIV and AIDS. Malawi was designated the ninth Programme Country for Ireland's aid programme in 2006, and an Embassy was established in 2007, which manages the delivery of our programme of assistance. Funding for the programme amounted to just over €11 million in 2011. It is focused on increasing the supply of food, improving nutrition, strengthening agricultural research and smallholder farming and enhancing good governance, and is concentrated on the needs of the poorest and most vulnerable communities in Malawi.

I visited Malawi last month in order to see the impact of our assistance on poor communities. Ireland's support is delivered through targeted programmes implemented by a variety of partners including Government institutions, NGOs and international organisations. I am satisfied that there is a high degree of accountability and that we are seeing clear results for the poorest and most vulnerable people. Irish Aid funding is protected by rigorous external and internal monitoring, accounting and audit controls, which are in place in all countries where we provide

development assistance. These measures ensure that funding is directed effectively to those areas most in need and is used for the purposes intended.

I believe we can be satisfied that Ireland's assistance is making a strong contribution to the attainment of positive development results. During my visit, I saw that our support of the Malawi Farm Input Subsidy Programme, for example, has provided subsidised seeds and fertiliser to 1.4 million poor farmers. This has resulted in the production of a significant national maize surplus in recent years and a dramatic reduction in the number of families who do not have enough food. I also saw how Irish Aid's partnership with the NGO, Concern Universal, has helped 135,000 people in two districts to access nutritious food, reduce malaria and improve access to anti-retroviral treatment for HIV infection. I was pleased to see that this effective programme is now being successfully rolled out across other districts.

Ireland's aid programme has been highly praised by international bodies such as the OECD for its effectiveness and its impact on the lives of the poorest communities. However, I was particularly impressed by the reactions I encountered among the people and the authorities I met with during my visit to Malawi. Their views on the effectiveness of our assistance and on the spirit of partnership with which it is being delivered left me with a strong appreciation of the importance of maintaining Ireland's programme of overseas aid, even in times of economic difficulty.

During my visit, I also discussed the human rights situation in Malawi with the Foreign Minister, other Government representatives and civil society groups. Our Embassy in Lilongwe monitors the situation in Malawi closely and maintains an open dialogue on human rights issues with Government and civil society, in cooperation with our EU partners. We have clear differences of view with the Government of Malawi on some issues, including the pressure which has been put on civil society organisations in the country in recent times. In my discussions with the Government, I emphasised our commitment to cooperating closely with Malawi but also emphasised our concern, and that of our EU partners, about human rights issues. We have told the Government frankly that they need to demonstrate clearly their respect for human rights and for the principles of democratic accountability.

Human Rights Issues

47. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the extent to which he and his EU colleagues continue to exert pressure to bring about an improvement in the human rights situation in the horn of Africa; and if he will make a statement on the matter. [17525/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The need to address effectively and comprehensively the problems in the Horn of Africa remains a high priority for the Government, together with our EU partners, and is the subject of regular discussion by EU Foreign Ministers and Development Ministers and in the United Nations. The challenges faced in the region are immense, given the context of international and ethnic conflict, the issues of terrorism and piracy, the displacement of hundreds of thousands of people, and the plight of an estimated 13 million people in need of emergency assistance. We are particularly focused on the ongoing crisis in southern Somalia, where famine was declared last year in six areas of the country and where access for humanitarian aid agencies remains a major challenge, most especially in areas controlled by the Islamist group, Al-Shabaab.

The overall EU approach to the region is guided by the Strategic Framework on the Horn of Africa, which was adopted in November 2011. This comprehensive commitment to the Horn of Africa recognises the importance of a stable peace and respect for human rights, and the longer term need for economic and social development across the region. The EU and its

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Member States recognise that instability in the region poses a growing challenge not only to the security of its peoples but also to the rest of the world.

The EU is continuing to play a major role in support of the strengthening of the African Union Peacekeeping Mission in Somalia, increased regional and international efforts on the political transition process, and the combating of piracy and terrorism. The EU has appointed a Special Representative who, in close consultation with the EU Special Representative for Sudan and South Sudan, will help ensure coherence, impact and visibility for the Union's regional approach to the interrelated challenges facing the people of the Horn of Africa. Ireland recognises that a military and security approach can only have limited success in addressing the crisis in Somalia and the wider region, and we are strongly supportive of a comprehensive regional approach by the EU and the wider international community.

Ireland is also continuing to make a direct and practical contribution to the response to the humanitarian crisis in the Horn of Africa. We have recently announced a further €2 million in funding for humanitarian agencies responding to the situation in Somalia, through the UN Common Humanitarian Fund. Ireland is also contributing personnel to the EU Training Mission working with the Transitional Federal Government for Somalia, including the Mission's Commander, who is an Irish Army Officer.

48. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the extent to which specific attention has been given to the various locations on the continent of Africa that have heretofore been the subject of violations of human rights abuses, genocide and war crimes; the degree to which on-going persuasion continues to address such issues; and if he will make a statement on the matter. [17526/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The Government, along with our EU partners, attach high importance to the development of relations with the countries of Africa. Our national approach is guided by the Africa Strategy of the Department of Foreign Affairs and Trade, which I launched in September 2011. It sets out a framework for our policies in the political, development and economic areas in order to ensure that our engagement is as coherent and effective as possible. A fundamental principle of our approach is an emphasis on the promotion of political progress including the resolution of conflict, the strengthening of democracy, and respect for human rights and the rule of law. Ireland, together with our EU partners, will continue to work with African Governments, African regional organisations, communities in the priority countries for our aid programme, the UN, and humanitarian organisations to address the causes of conflict and instability in Africa. We are also active in responding to the consequences of such instability, including the displacement of civilians and the humanitarian needs of affected people.

The EU has recently adopted comprehensive strategies to address the complex problems in the Horn of Africa and Sahel regions. The EU and its Member States are also playing a significant role in addressing fragility, post-conflict rehabilitation, support for electoral processes, peacekeeping, counter-terrorism, capacity-strengthening in the areas of justice and human rights, humanitarian response, and economic and social development, including through support for civil society, in a wide range of African countries.

Africa is the geographic focus for Ireland's development aid programme, with 80% of the aid budget devoted to the objective of ending extreme poverty and hunger, especially in the poorest countries of sub-Saharan Africa. Our missions in Africa monitor developments, report to the Government, and manage our political and economic relations and humanitarian and development programmes. Ireland is also contributing personnel to EU and UN missions in

Africa including the Training Mission for the Transitional Federal Government in Somalia. We also regularly support and contribute personnel for EU Election Observer Missions, including recent missions in the Democratic Republic of the Congo and Senegal.

Ireland also strongly supports international human rights institutions focusing on Africa, including the International Criminal Court, the Office of the High Commissioner for Human Rights and the UN Human Rights Council.

Question No. 49 answered with Question No. 28.

Overseas Development Aid

50. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the extent to which the international community monitors the aid programme with the on-going responsibility to ensure that international aid reaches its original targets in terms of the extent and the need to ensure that funds go directly to the persons for whom they were intended; and if he will make a statement on the matter. [17528/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): As Minister with responsibility for Ireland's Official Development Assistance, I am very conscious of the need to ensure that development aid reaches its intended beneficiaries and that it makes a real difference in the lives of the poorest people. The overarching objective of the aid programme is to contribute to the eradication of extreme poverty and hunger in the world. To ensure that our assistance is effectively delivered to those most in need in developing countries, we work in partnership with Governments, local communities, NGOs, and key multilateral partners such as the United Nations and European Union. Our aid programme is strongly concentrated on some of the poorest countries and communities in sub-Saharan Africa.

Of Ireland's total Official Development Assistance, about 70% is delivered bilaterally through partnerships with Governments, Non-Governmental Organisations, and global funds and programmes. The remaining 30% is delivered through multilateral systems. The multilateral system, in particular the UN, has a number of key strengths, not least its global mandate and global representation. It is uniquely positioned to provide rapid response to emergencies, such as conflict and natural disasters, and operates in some 150 countries. Channelling assistance through a multilateral organisation such as the UN can also help to avoid duplication of effort by donors and to avoid overwhelming already stretched national systems.

Where we have a bilateral programme such as in our nine Programme Countries, we have a strong long term, strategic relationship with the host country and are in a position to engage directly with the Government and local communities. This allows us to have a much greater impact in a more focused area, such as agriculture, health or education.

All proposals for funding, whether through multilateral or bilateral channels, are rigorously appraised by Irish Aid staff using clear criteria, including quality of intended impact, sustainability, cost effectiveness and efficiency in the use of resources. An independent external Programme Appraisal and Evaluation Group is tasked to evaluate all major funding proposals for the bilateral aid programme. Programmes in receipt of funding are subject to regular internal and external monitoring to ensure that the intended objectives and goals are being accomplished. Irish Aid programmes are evaluated and audited by independent experts as well as by the Evaluation and Audit Unit of the Department of Foreign Affairs and Trade. The Unit's work is regularly reviewed by the independent Audit Committee of the Department.

The quality of our aid programme has been recognised in many independent international reports. The OECD has found that "improvements in the quality and accountability of public financial management together with rigorous oversight ensure that Irish funds are correctly

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used”. A recent international report on development assistance, the 2010 Survey of the Paris Declaration on Aid Effectiveness, which was published last September, ranked Ireland highest among EU Member States for the delivery of our commitments on aid quality.

I believe that this focus on appraisal, regular monitoring, independent evaluations and audit provides assurance that all Irish Aid funds are very closely monitored and used for the purposes intended.

Question No. 51 answered with Question No. 28.

Foreign Conflicts

52. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the extent to which he and his EU colleagues continue to give positive encouragement to the various communities throughout the western Balkans with particular reference to the need to ensure that the stabilisation and monitoring of peace structures put in place in the aftermath of the war in Bosnia; if due regard has been given to the various opinions expressed by the EU and international observers in the area; and if he will make a statement on the matter. [17530/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The Thessaloniki European Council of June 2003 reaffirmed the European perspective of the Western Balkan countries. The overarching policy of the European Union in the Western Balkans is to see all the countries of the region become EU member states. Recent activity by the EU confirms the ongoing commitment to the region. Croatia has come the furthest on that path since 2003 and is due to become an EU member state in 2013. The March European Council confirmed Serbia as an official candidate for EU accession. It joins Montenegro and Macedonia in that regard. I was pleased to see the attendance by the Foreign Ministers of all three countries at a dinner with EU Foreign Ministers on the margins of the Foreign Affairs Council last week.

Albania has submitted an application for EU membership. The government is currently working on addressing a number of key issues in the hopes of securing candidate status in the near future.

While Bosnia-Herzegovina has yet to apply for membership, the recent formation of a State-level government, and its rapid moves to implement reforms required to ratify the Stabilisation and Association Agreement are encouraging. I gave details of the recent progress in my response to PQ 44 on 21 March 2012. Most recently Bakir Izetbegovic, the Chairman of the Presidency of Bosnia-Herzegovina, met with Herman Van Rompuy and High Representative Ashton in Brussels last week. At those meetings he underlined that despite a number of divisions within the country, Bosnia-Herzegovina is fully united behind its European future. He also confirmed that the Bosnian government is aiming to present a membership application to the EU by the end of June 2012, after implementing the Sejdic-Finci ruling.

The EU perspective of Bosnia-Herzegovina is the most powerful tool at the disposal of the international community to help build and maintain stability in the country. The EU Special Representative to Bosnia-Herzegovina was in Dublin this week and, among others, met with Minister of State Creighton to brief her on role being played by the EU Delegation in ensuring that Bosnia-Herzegovina can continue to make progress on its European path.

While Kosovo, at the present time, has a lot of catching-up to do with its neighbours, the EU also remains committed to its European future. The EU-facilitated Belgrade-Pristina Dialogue saw agreement in February on a number of issues that should lead to improvements in

the everyday lives of people from both countries. Commissioner Stefan Fule is in Kosovo this week to launch a feasibility study for a Stabilisation and Association Agreement. The feasibility study will provide a comprehensive exploration of Kosovo's further integration into the EU's policy framework for the Western Balkans.

The EU's enlargement policy remains the EU's most effective tool in supporting reform and transformation in the region. The adoption by the Western Balkans countries of the EU's values ensures stability and irreversible political reform. Ultimately the policy contributes to both our security and our prosperity. My Department closely follows developments in the region including opinions by EU and international observers there.

Diplomatic Representation

53. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the extent to which all the necessary facilities required are made available to Irish embassies, consuls and or trade delegations involved in the pursuit of trade and commercial activity worldwide having particular regard to the current economic situation and the need to maximise all such opportunities; and if he will make a statement on the matter. [17531/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): As a small open economy, export-led growth has been crucial for Ireland's economic development, and will continue to be an essential element in ensuring Ireland's return to growth and economic prosperity. Our Ambassadors and the staff in the Embassy network are in no doubt about the priority which the Government attaches to the active promotion of Ireland's economic interests abroad. They work closely with the State Agencies and other relevant Departments in assisting Irish companies to overcome barriers to export and to identify new opportunities for selling their products and services. In this context, overseas Missions would regularly offer support to a range of business-related visits.

The Deputy will be aware that I established the Export Trade Council last year to oversee the progressive implementation of the Strategy and Action Plan for Irish Trade, Tourism and Investment to 2015. The Ministers, State Agencies and Departments with responsibility for these areas participate in the Council, as do representatives of the private sector. As Chairman, I see the Council as an important mechanism for cooperation and coordination with a view to ensuring that the relevant bodies work in the most joined up way possible, at home and in the field, so that the resources deployed by the State achieve the maximum impact. In priority markets, local market teams led by Ambassadors and including State Agency representatives have an important role to play in this.

The Diplomatic Network is also very active in promoting Ireland's economic profile abroad. By virtue of their status, Missions overseas can gain access to high levels within Government, media and business circles. To ensure the best use is made of this access, a dedicated unit in my Department works with other Government Departments and State Agencies to ensure our Embassies and Consulates have at their disposal, comprehensive and up to date information on economic developments in Ireland.

In relation to trade delegations, the Deputy may be aware that Minister for Trade and Development Joe Costello is currently leading an Enterprise Ireland trade mission to Turkey, and that the Taoiseach and Minister Bruton are on the way home from a major visit to China. Several other Enterprise Ireland trade missions are scheduled to take place this year to a variety of locations. Each one will be fully supported by Departments and State Agencies at home, and by Embassies and representatives of State Agencies working abroad.

Question No. 54 answered with Question No. 9.

Question No. 55 answered with Question No. 16.

Question No. 56 answered with Question No. 38.

Human Rights Issues

57. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the extent to which the international community has expressed concern at alleged and or reported human rights abuses in Iran; the number of such documented incidents reported internationally; and if he will make a statement on the matter. [17535/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): As I have previously stated, the human rights situation in Iran is profoundly disturbing, and the period since the Presidential election of 2009 has been characterised by an intensification of human rights abuses on many fronts. Although it is difficult to gain reliable statistics and information on human rights abuses in Iran, there are a number of reputable and thorough sources and reports such as the reports of the UN Rapporteur on Human Rights in Iran through which governments can monitor the human rights situation in Iran.

I am particularly concerned by the overall high level of executions and the widespread practice of executions after unfair trials, without the right of appeal, and for offences which according to international standards should not result in capital punishment. I am also concerned about the continuing imposition of the death penalty against minors in violation of Iran's obligations under the Convention on the Rights of the Child and the practice of secret executions in Iran which has been highlighted by the UN Special Rapporteur on the situation of human rights in Iran.

In addition, the Iranian authorities continue to deny civil and political rights in Iran, including in relation to freedom of expression and assembly, arbitrary arrest and torture in detention. This highly targeted repression has been particularly stringent against not only academics but also members of Iran's religious and ethnic minorities, political activists, journalists and bloggers, human rights defenders and members of the legal profession in Iran who represent clients detained by the authorities. These actions are in clear violation of Iran's international obligations under the International Covenant for Civil and Political Rights, of which Iran is a signatory.

The international community continues to speak out against such abuses. EU High Representative Ashton, in a statement issued on 5 January, expressed her concern regarding the worrying increase in executions in Iran last year contrary to the worldwide trend towards the abolition of the death penalty. I fully support her call on Iran to halt the execution of Sakineh Ashtiani and Pastor Yousef Nadarkhani and all pending executions and introduce a moratorium on the death penalty.

The EU has also repeatedly raised human rights issues in contacts with the Iranian authorities and adopted a travel ban and asset freeze against those responsible for grave human rights violations in April last year, further extended to additional persons last October. This sends an important political signal to those in the judicial system and elsewhere in the Iranian regime who perpetrate human rights abuses. I fully support the strong Conclusions on human rights in Iran issued by the Foreign Affairs Council on 10 October last year. Ireland will continue to be active at EU level in pressing for stronger EU action in relation to the human rights situation in Iran.

At UN level, Ireland co-sponsored a General Assembly resolution in October last year expressing the international community's deep concern at the human rights situation in Iran, and calling upon the Government of Iran to take a number of specific and urgent steps to

improve the situation, including providing unfettered access to the Special Rapporteur appointed last year to examine Iran's human rights situation. On March 22, Ireland co-sponsored the UN Human Rights Council's Resolution on Iran which welcomed the report and recommendations of the Special Rapporteur on the situation of human rights in Iran and expressed serious concern at the developments noted in that report as well as the lack of access permitted to the Special Rapporteur. The Council extended the mandate of the Special Rapporteur for one year and called upon Iran to cooperate fully and permit access to the country.

At a bilateral level, my Department engages in ongoing dialogue with the Iranian Ambassador and his Embassy on these issues. My officials regularly hold meetings with the Ambassador to convey our grave concerns at the human rights situation in Iran. Ireland will continue to raise human rights in Iran, bilaterally and at the EU and UN, at all appropriate occasions.

Question No. 58 answered with Question No. 30.

Strategic Investment Fund

59. **Deputy Michael McGrath** asked the Minister for Finance if he will provide an update on the work of the strategic investment fund established by him last year; the amount of funding currently in the fund; the investments that have been made by the fund to date; and if he will make a statement on the matter. [17473/12]

Minister for Finance (Deputy Michael Noonan): The establishment of the Strategic Investment Fund (SIF) was announced by the Government in September 2011. The SIF will channel commercial investment from the National Pensions Reserve Fund (NPRF) towards productive investment in the Irish economy. As well as money from the NPRF, the SIF will seek matching commercial investment from private investors and target investment in areas of strategic significance to the future of the Irish economy. It will comprise a series of sub-funds targeted at commercial investment in critical areas of the Irish economy, including infrastructure, venture capital and provision of long-term capital for SMEs. The NPRF will take a lead role in the development and implementation of each sub-fund.

I am informed by the National Treasury Management Agency, as Manager of the National Pensions Reserve Fund, that the NPRF announced in November 2011 a commitment of €250 million to a new Irish infrastructure investment fund which is seeking up to €1 billion from institutional investors in Ireland and overseas and which will invest in infrastructure assets in Ireland, including assets designated for disposal by the Government and commercial State enterprises and also new infrastructure projects. The NPRF has also committed €450 million to finance the national roll out of domestic water meters. In addition, the NPRF is actively supporting the development of the market for venture capital in Ireland through its continued participation in Innovation Fund Ireland in conjunction with Enterprise Ireland. On 15 March 2012, the Minister for Enterprise, Jobs and Innovation announced the commencement of the second call for expressions of interest from appropriately qualified international venture capital managers. The further involvement of the NPRF in the SIF is expected to require the amendment of the investment policy of the NPRF, which is set out in the National Pensions Reserve Fund Act 2000. Officials of my Department are liaising with the National Treasury Management Agency, which is the Manager of the NPRF, in identifying and drafting the necessary amendments to the legislation and I expect to bring forward proposals for amending legislation as soon as possible once that work is completed. In preparation for this, the NPRF is currently working on assembling a pipeline of commercial opportunities for the SIF. This exercise includes developing new initiatives in relation to long-term SME financing.

Tax Code

60. **Deputy Dessie Ellis** asked the Minister for Finance his plans to exempt those with up to date tax clearance certificates receiving back dated bills for VAT on taxi base fees [16859/12]

Minister for Finance (Deputy Michael Noonan): I am informed by the Revenue Commissioners that a tax clearance certificate will normally be issued to a person if he/she has made all of the required tax returns to Revenue and has paid all tax known to be due or agreed a payment schedule in respect of such tax debts. If and when a further tax liability is identified or arises, there is no provision to exempt taxpayers from such liabilities and collection proceeds in the normal way.

Ministerial Travel

61. **Deputy Sandra McLellan** asked the Minister for Finance the cost incurred by his Department, for this year's overseas travel programme for St Patrick's Day, which saw the Taoiseach and eight Ministers heading abroad for the holiday; and if he will make a statement on the matter. [17327/12]

Minister for Finance (Deputy Michael Noonan): The only cost incurred by my Department in respect of the visit to Paris was the cost of the flights for myself and the official who accompanied me, which amounted to €978 including taxes and charges. In order to reduce the costs of the visit the official and I stayed in the Ambassador's residence in Paris. The costs arising in Paris in relation to the trip were met from the existing budget of the Irish Embassy in Paris.

Tax Clearance Certificates

62. **Deputy Terence Flanagan** asked the Minister for Finance the position regarding a delay in the processing of a tax return in respect of a person (details supplied) in Dublin 13; and if he will make a statement on the matter. [17336/12]

Minister for Finance (Deputy Michael Noonan): I am informed by the Revenue Commissioners that there has been ongoing correspondence with the tax agent representing the person concerned about this matter. The position is that credit for foreign tax paid is granted at the end of the relevant tax year, following receipt of the appropriate documentation from the foreign tax authority. However, as the person in question is suffering financial hardship due to being taxed in Ireland and Denmark on the same income, it has been agreed, on a concessional basis, that a mutually agreed tax credit will be granted in the current tax year in an effort to alleviate this hardship. This will also facilitate her in filing Tax Returns for the years 2010 and 2011.

In order to resolve this matter without further delay, Revenue will contact the person in question directly to arrange a meeting for her with the officer dealing with the case.

Tax Yield

63. **Deputy Brendan Ryan** asked the Minister for Finance the amount that has been collected from charging the universal social charge to Deeds of Covenants in relation to permanently incapacitated minors; if he will break the figures down on an annual basis; and if he will make a statement on the matter. [17343/12]

Minister for Finance (Deputy Michael Noonan): The position is that both income tax and Universal Social Charge (USC) are chargeable where a permanently incapacitated minor child is in receipt of income by virtue of a deed of covenant from a person who is not his or her

parent. The income is chargeable to tax and USC in the hands of the recipient. I am informed by the Revenue Commissioners that information on the yield of USC from the income source mentioned in the question is not separately identified in Revenue statistics. There is, therefore, no statistical basis on which the information requested by the Deputy could be provided.

Sectoral Incomes

64. **Deputy Anne Ferris** asked the Minister for Finance if he will provide overall gross income figures for the restaurant industry sector here in 2008, 2009, 2010 in tabular form as well as figures for the number of persons employed in the restaurant industry sector in 2008, 2009, 2010 in tabular form; and if he will make a statement on the matter. [17347/12]

Minister for Finance (Deputy Michael Noonan): I am informed by the Revenue Commissioners that the relevant information available on the amount of gross income earned by the restaurant sector is based on personal income tax returns filed by non-PAYE taxpayers and information on profits derived from corporation tax returns for the years 2008 and 2009. The tax year 2009 is the latest year for which the necessary detailed information is available. The gross income from all sources returned by self-employed individuals engaged in restaurant activity for these years was as follows:

Tax Year	Gross Income of Restaurant Sector
2008	€98m
2009	€95m

Figures are rounded to the nearest million.

The corresponding trading income returned by companies engaged in restaurant activity for these years was as follows:

Tax Year	Trading Income of Restaurant Sector
2008	€96m
2009	€89m

Figures are rounded to the nearest million.

The latest relevant information available in relation to the number of persons employed in the restaurant sector and taxed under the PAYE system is derived from income tax returns filed for the income tax years 2008 and 2009. These represent about 96 per cent of all returns expected at the time the data were compiled for analytical purposes. The figures include PAYE taxpayers who are required to return an income tax return Form 11 where non-PAYE income is greater than €3,174, and do not segregate earnings from the restaurant sector from any earnings they may have from any other source. The number of taxpayers on the relevant tax records for the tax years 2008 and 2009 was as follows:

Tax Year	Number of Employees In the Restaurant Sector
2008	50,800
2009	47,000

Numbers are rounded to the nearest hundred.

The sector identifier used on the tax records is based on the 4 digit “NACE code (Rev. 1)” which is an internationally recognised economic activity code system. The NACE codes are

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not essential for the assessment and collection of taxes and duties and the correct allocation and maintenance of these codes is subject to the limit of available resources. NACE code classifications on tax records are compiled by reference to the primary area of economic activity reported by individual and corporate taxpayers on their own behalf and the taxes collected are allocated to those codes without reference to the precise economic activity which generated them.

While the accuracy of the NACE codes on tax records is sufficient to underpin broad sector-based analyses there will undoubtedly be some inaccuracies at individual level. This should be borne in mind when considering the information provided. The sectors identified for this reply represent the closest equivalents in the NACE code system to the sectors mentioned in the question.

Banking Sector Regulation

65. **Deputy Eoghan Murphy** asked the Minister for Finance if his attention has been drawn to the fact that Bank of Ireland does not allow customers to make international payments in Chinese Yuan; and if he believes this to be a hindrance to competition. [17369/12]

Minister for Finance (Deputy Michael Noonan): Notwithstanding the State's shareholding in the bank, Bank of Ireland operates in an arm's length capacity from the State in relation to commercial issues. It is a matter for the board and management to determine and implement operational policy in their organisation. Therefore, commercial decisions in relation to Bank of Ireland are solely a decision for the bank.

State Banking Sector

66. **Deputy Sean Fleming** asked the Minister for Finance in relation to Allied Irish Bank, in view of the large number of job losses announced, the amount being spent on their renovation programme of the bank's headquarters in Ballsbridge, Dublin; and if he will make a statement on the matter. [17389/12]

Minister for Finance (Deputy Michael Noonan): The Bank has informed me that AIB is relocating operations from across Dublin to its Bankcentre in Ballsbridge in order to reduce costs. In anticipation of becoming a smaller organisation, in August 2011 AIB commenced a programme to withdraw from five leased locations and is currently adapting its Bankcentre in Ballsbridge to cater for the centralised functions.

The bank has adopted a tighter space management policy to optimise the use of its headoffices. This, too, will contribute to a more efficient and less expensive operation.

As a result of this programme, there will be an approximately 20% reduction in the space occupied by the head office functions and a consequent reduction in costs. The forecast reduction in the cost of operating premises is €60m in the 2012-2016 period and €18m per annum thereafter (2011 values).

The adaptation of the Bankcentre premises does require investment and the construction required has been procured on a competitive basis and carried out by Irish construction firms. The value of the contracts is commercially sensitive and privy to the Contractors and the Bank.

Tax Clearance Certificate

67. **Deputy Jack Wall** asked the Minister for Finance the reason a person (details supplied)

in County Kildare is deducted PAYE on their pension; and if he will make a statement on the matter. [17393/12]

Minister for Finance (Deputy Michael Noonan): I have been advised by the Revenue Commissioners that based on the details supplied the person is not liable to tax on her pensions. An amended tax credit certificate will issue to the person concerned and to their spouse's former employer over the next few days. All tax paid to date in 2012 will be refunded on the next pay date after receipt of the revised certificate.

Tax Code

68. **Deputy Martin Heydon** asked the Minister for Finance if he will consider the position of a person (details supplied) in County Kildare who is over 65 years but had DIRT deducted from 2003-2006 when they were in fact exempt from this tax; and if he will make a statement on the matter. [17450/12]

Minister for Finance (Deputy Michael Noonan): I have been advised by the Revenue Commissioners that Deposit Interest Retention Tax (DIRT) deducted for the years 2003 to 2006 inclusive has already been refunded to the person concerned during the years 2006, 2007 and 2008. The Revenue Commissioners will write to the person concerned shortly with full details.

Government Bonds

69. **Deputy Finian McGrath** asked the Minister for Finance the interest rate that would apply if a Government bond was issued in lieu of the payment due in respect of the 31 March IBRC promissory note payment; and if he will make a statement on the matter. [17380/12]

Minister for Finance (Deputy Michael Noonan): As the Deputy is aware the Government is committed to reviewing the approach to the Promissory Notes with a view to reducing the overall cost to the State. The Troika have agreed to engage in a process with Irish Officials to produce a common paper which will consider all options for restructuring the notes in terms of the source of funding, the duration of the notes, the interest rate etc. In tandem with this review, the European authorities have opened a discussion on how best the Irish banking system and the Irish State can benefit from having further improvements to certain elements of the banking sector. The overall purpose would be to improve the position of the banks in which the State has a major investment.

Under the terms of the Promissory Note the State to make cash payments of €3.06 billion each year to IBRC. The discussions with the European authorities on the general issue continue but we are now negotiating with the EU authorities on the basis that the €3.06 billion cash instalment due from the Minister to IBRC on 31 March 2012 could be settled by the delivery of a long term Irish Government Bond.

Current yields on Irish bonds are under 7%.

70. **Deputy Martin Heydon** asked the Minister for Finance in view of current negotiations with the Troika on the promissory note due to IBRC, if he will consider the issue of a recovery bond as a replacement bond, the repayment of which could be dependent on recovery and growth and linked to Ireland's successful turnaround in the coming years; and if he will make a statement on the matter. [17461/12]

Minister for Finance (Deputy Michael Noonan): As the Deputy is aware the Government is committed to reviewing the approach to the Promissory Notes with a view to reducing the overall cost to the State. The Troika have agreed to engage in a process with Irish Officials to

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produce a common paper which will consider all options for restructuring the notes in terms of the source of funding, the duration of the notes, the interest, rate etc. In tandem with this review, the European authorities have opened a discussion on how best the Irish banking system and the Irish State can benefit from having further improvements to certain elements of the banking sector. The overall purpose would be to improve the position of the banks in which the State has a major investment.

Under the terms of the Promissory Note the State to make cash payments of €3.06 billion each year to IBRC. The discussions with the European authorities on the general issue continue but we are now negotiating with the EU authorities, and principally with the ECB, on the basis that the €3.06 billion cash instalment due from the Minister to IBRC on 31 March 2012 could be settled by the delivery of a long term Irish Government Bond. The current long term Irish Government bond yields are just under 7%. The Deputy will appreciate that the details of the arrangement have still to be worked out.

In terms of a recovery bond, there has been no indication in any of our discussions with our Troika partners that a bond the repayment of which is dependent on recovery and growth would be acceptable to them. While the objective in restructuring the promissory notes is to defer a repayment schedule until the economy is better placed in terms of growth and employment the obligation on and commitment of the State to meet a defined repayment schedule is an essential element of any restructured arrangement. This essential element not only provides comfort to our external partners but also acts as a focus for ourselves as a nation in our commitment to regaining economic independence.

Departmental Reports

71. **Deputy Michael McGrath** asked the Minister for Finance the status of the internal report requested by the Secretary General of his Department of Finance into the €3.6 billion accounting error in the reported figure for Ireland's general Government debt for end-2010; the person who is preparing this report; when it is expected to be completed and given to him; if he will provide a progress report into the external review of the systems in his Department, the National Treasury Management Agency and the Central Statistics Office which was promised by him when the mistake came to light on 1 November 2011; if he will confirm the person who is conducting this external review and when it is expected to be completed; if he will further confirm if he intends to publish in full the internal report and the external review; and if he will make a statement on the matter. [17465/12]

Minister for Finance (Deputy Michael Noonan): In regard to the Internal Report, this is being prepared by management in my Department with the professional support of the Department's Internal Audit Unit. It is my understanding that this work is near completion following its circulation to relevant parties involved, who were given sufficient time to provide their final comments on it. Deloitte Consultants have been appointed to undertake the External Review. At this stage, this work is well underway and I understand that the consultants are likely to complete their work in the course of next week.

Following consideration by the Government, it is my intention, subject to legal advice and in a timely manner, to send the Internal Report and the External Review to the Committee of Public Accounts. It is also my intention to publish them.

As previously highlighted in questions on this matter, it has to be recognised that, while this matter was most regrettable, it was a statistical reporting discrepancy where our debt level was mistakenly stated as being higher than it actually was. This discrepancy had no impact on the 2011 budgetary deficit and the State is no better or worse off as a result of it.

Banking Sector Regulation

72. **Deputy Michael McGrath** asked the Minister for Finance his views on the fact that EBS, as a wholly owned subsidiary of AIB, is charging a standard variable rate of interest on residential mortgages significantly in excess of AIB; if he intends to take any action in this matter; and if he will make a statement on the matter. [17466/12]

Minister for Finance (Deputy Michael Noonan): Notwithstanding the State's significant shareholding in the bank, AIB operates at arm's length from the State in relation to commercial issues. It is a matter for the individual board and management to determine and implement operational policy in their organisation. Therefore, such commercial matters are solely a decision for the bank. However, I would note that the merger of AIB and EBS was formally completed on 1 July 2011. Prior to the completion of the merger, each of the banks set their variable mortgage rates according to the levels, calculated by the respective management teams and boards, that was required for each of the institutions to operate as a commercially viable entity in light of the challenging market conditions, the expected cost of funds, future impairments and on-going operational costs.

Irrespective of the merger of the two banks, EBS continues to operate as a wholly owned subsidiary of AIB with its own individual banking license, brand and cost structure. This arrangement has been determined by the Board of AIB as being the most effective method of integrating the EBS business whilst retaining the core strengths of each individual entity which should return the greatest value to the State over time as shareholder. While this operational position exists it is likely that AIB and EBS will continue to offer different products to customers and as such, the banks can be expected, in the short to medium term, to price their mortgages and deposits differently from each other in the marketplace. I would also point out that EBS have reduced their SVR mortgage rates by 0.60% since the beginning of November 2011 while AIB have decreased their SVR rates by 0.25% in the same time period.

Banking Sector Remuneration

73. **Deputy Michael McGrath** asked the Minister for Finance further to Parliamentary Question No 81 of 19 January 2012 his plans to publish the findings to date of the review; when he expects the review to be completed; if he intends to publish the review once it has been completed; and if he will make a statement on the matter. [17467/12]

Minister for Finance (Deputy Michael Noonan): I provided the answers to the questions raised by the Deputy in my replies to Parliamentary Questions (refs: 7364/12 and 9897/12) of 9 and 22 February 2012 respectively. I would not consider it appropriate to publish incomplete interim data at this stage.

I am not in a position to specify when the review will be completed. However, as I have stated previously, I fully recognise that there is a real public interest in the levels of remuneration at the covered institutions and have committed to placing the details underpinning the review into the public domain.

EU Funding

74. **Deputy Michael McGrath** asked the Minister for Finance when the reduction in the interest rate being charged to Ireland from funds paid out of the EFSF and EFSM took effect; if he will provide a schedule of the current interest rates being charged to Ireland on all sources of funding under the EU IMF Programme of Assistance, including bilateral loans. [17468/12]

Minister for Finance (Deputy Michael Noonan): The Euro Area Heads of State or Government (HoSG) agreed on 21 July 2011 to reduce the cost of the European Financial Stability Facility (EFSF) to lending rates equivalent to those of the Balance of Payments facility close to, without going below, the EFSF funding cost.

In addition, further amendments to the EFSF framework have removed the interest rate margin on EFSF funds and were incorporated into a new legal agreement on the 27th of October in which the interest rate margin is now defined as zero. This reduction applies from the date of the HoSG decision i.e 21 July 2011. The agreement incorporates a guarantee commitment fee of 0.1% per annum and a service fee to cover the cost of operations of the EFSF. It should be noted that the EFSF's cost of funds depends on the interest rate it pays for its market issuance when raising funds for programme countries.

In October 2011, the EU Council of Ministers approved an EU Commission proposal to eliminate the margin of 2.925% on the EFSM facility. This change was incorporated into an amendment to the existing legal agreement on 28th October 2011 and the margin is now defined as zero. This now applies to EFSM borrowings back to the date upon which they were issued. For both the EFSF and the EFSM as for the programme loans, the actual cost of funding depends on the prevailing market rates at the time of each drawdown. The structure of the interest rates on the UK bilateral loan will change when it is incorporated into the loan agreement and will be fully retrospective.

In relation to the schedule of the current interest rate being charged to Ireland on all forms of funding under the EU/IMF Programme of financial support, the following table supplied by the NTMA, provides the information for all amounts outstanding as at 28 March 2012.

EFSF

Drawdown Date	Maturity Date	Interest Rate	Currency Code	Currency Principal Billion
01/02/2011	18/07/2016	2.750%	EUR	4.194
14/11/2011	04/02/2022	3.600%	EUR	3.000
12/01/2012	04/02/2015	1.725%	EUR	1.270
19/01/2012	19/07/2012	0.366%	EUR	0.480
15/03/2012	23/08/2012	0.291%	EUR	0.995
Total European Financial Stability Facility				9.939
<i>EFSM</i>				
12/01/2011	04/12/2015	2.500%	EUR	5.000
24/03/2011	04/04/2018	3.250%	EUR	3.400
31/05/2011	04/06/2021	3.500%	EUR	3.000
29/09/2011	04/09/2026	3.000%	EUR	2.000
06/10/2011	04/10/2018	2.375%	EUR	0.500
16/01/2012	04/04/2042	3.750%	EUR	1.500
05/03/2012	04/04/2032	3.375%	EUR	3.000
Total European Financial Stabilisation Mechanism				18.400
<i>IMF</i>				
18/01/2011	Amortising: 18 Jul 2015-18 Jan 2021	Floating SDR + Surcharges	XDR	5.012

Drawdown Date	Maturity Date	Interest Rate	Currency Code	Currency Principal Billion
18/05/2011	Amortising: 18 Nov 2015-18 May 2021	Floating SDR + Surcharges	XDR	1.410
07/09/2011	Amortising: 07 Mar 2016-07 Sep 2021	Floating SDR + Surcharges	XDR	1.319
16/12/2011	Amortising: 16 Jun 2016-16 Dec 2021	Floating SDR + Surcharges	XDR	3.309
29/02/2012	Amortising: 31 Aug 2016-28 Feb 2022	Floating SDR + Surcharges	XDR	2.786
Total International Monetary Fund				13.836
<i>UK</i>				
14/10/2011	15/04/2019	4.72%	GBP	0.403
30/01/2012	30/07/2019	4.29%	GBP	0.403
28/03/2012	30/09/2019	4.44%	GBP	0.403
Total UK Bilateral Loan				1.209

Notes

XDR is the currency code used to denote the IMF's Special Drawing Rights (SDRs), an international reserve asset which is composed of a basket of currencies consisting of the euro, Japanese yen, pound sterling, and U.S. dollar. The interest rate on IMF loans is variable. It is composed of a weekly setting of the IMF SDR interest rate and surcharges which are volume and time dependent. As of 26 March 2012 the SDR interest rate accruing on Ireland's IMF loans is 0.15% and the surcharges are 2.45% making a total of 2.60%.

The interest rate for the UK bilateral facility is an annualised rate.

Pension Provisions

75. **Deputy Michael McGrath** asked the Minister for Finance if he will provide a detailed update on the Revenue's initiative launched in January 2012 to target a compliance campaign at persons in receipt of a State pension and a private occupational pension; the number of such persons that are now estimated to have an additional tax liability; the estimate of the amount of money expected to be raised in 2012 from this initiative; and if he will make a statement on the matter. [17469/12]

Minister for Finance (Deputy Michael Noonan): I am advised by the Revenue Commissioners that deductions of income tax for 2012 continue to be made by relevant employers/pension providers in accordance with instructions issued to them in late December 2011 which would have taken account of up-to-date DSP pensions information supplied to the Commissioners by the DSP. In addition, the Commissioners advise that they have issued tax exemption certificates to the employers/pension providers of some 16,000 taxpayers who they believe will be exempt from tax for 2012 even with the full DSP pension taken into account and more work is going on in that regard to identify any other DSP recipients who may be exempt from tax in 2012. Furthermore, the Commissioners state that where they have the full information for 2011 required to enable them review the tax affairs of as many of the 20,000 taxpayers that they specifically wrote to on 30 December 2011, who it appeared had been over-deducted tax, they will do so shortly and will refund any monies due.

The Commissioners further advise that in the past number of weeks they have published additional "Frequently Asked Questions" material on their website which provides further clarity on the DSP pensions issue. Also, very recently published on their website and soon to be available in paper form, is a shortened version of the annual return of income form for 2011

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that is completed by PAYE employees and pensioners, known as the Form 12S. This re-designed form should make it easier for PAYE taxpayers to comply with their tax obligations.

In addition, at the meeting of the Joint Committee on Finance, Public Expenditure and Reform on 11 January 2012, the Chairman of the Revenue Commissioners indicated that additional analysis had to be carried out on those cases where it appeared the risk of tax loss was greatest. This work is still ongoing and will continue during April 2012. The Commissioners, therefore, are not yet in a position to state the number of persons who will have additional liabilities.

Lastly, regarding the question of the amount of money to be raised in 2012 from the DSP pensions initiative, I am further advised by the Revenue Commissioners that they are satisfied that the published Budget day estimate of €45 million will be met.

Banks Recapitalisation

76. **Deputy Michael McGrath** asked the Minister for Finance the gross cost to date of the bank recapitalisations, the breakdown of this between cash injections from the Exchequer and the National Pensions Reserve Fund to date and the outstanding balance on the promissory notes; the amount received to date by the Exchequer under the financial support scheme and the eligible institutions guarantee; and if he will make a statement on the matter. [17470/12]

Minister for Finance (Deputy Michael Noonan): The bank recapitalisation commitments made by the State to date are set out in the following table:

€bn	AIB/EBS	BoI	IL&P	IBRC (Anglo/INBS)	Total
Government preference Shares (2009) — NPRF	3.5	3.5*	—	—	7.0
Capital contributions (with Promissory Notes as consideration) /Special Investment Shares (2010) — Exchequer **	0.9	—	—	30.7	31.6
Ordinary Share Capital (2009) — Exchequer	—	—	—	4.0	4.0
Ordinary Share Capital (2010) — NPRF	3.7	—	—	—	3.7
Total pre-PCAR 2011 (A)	8.1	3.5	0	34.7	46.3
PCAR 2011:					
Capital from Exchequer***	3.9	—	2.7	—	6.5
NPRF Capital	8.8	1.2	—	—	10.0
Total PCAR (B)	12.7	1.2	2.7	—	16.5
Total Cost of Recap for State (A) + (B)	20.7	4.7	2.7	34.7	62.8

* €1.7bn of BoI's government preference shares were converted to equity in May/June 2010 (€1.8bn still left in existence). The government also received €0.5bn from the warrants relating to BoI's preference shares (excluded from table above).

** The IBRC amount is made up of a total capital contribution for Anglo / INBS of €30.6bn and a special investment share of €0.1bn (INBS). The Anglo / INBS capital contribution impacted in full on the GGB in 2010. The consideration for the Anglo / INBS capital contribution was €30.6bn of promissory notes. These Promissory Notes are an amount due from the State to IBRC. Each year, on 31 March, €3.06bn is paid by the Exchequer to Anglo / INBS as part of the scheduled repayments of the promissory notes. The first such repayment was made on 31 March 2010.

*** The Exchequer cost of the 2011 BoI recap is shown net of share sale to private investors (Completed in October, 2011).

Please note that these figures only represent the capital committed to recapitalising these institutions and they do not take account of revenues received directly or indirectly from the banks.

It should also be noted that the total cost of the recapitalisations would have been significantly higher were it not for the burden sharing achieved with holders of subordinated debt in each of the institutions.

The outstanding balance on the Promissory Notes as of today, 29 March 2012, is €28,093,970,591 of which €4,851,774,452 relates to the former INBS.

A total of €2,855.9 million has been received into the Exchequer to date in fees and interest accrued from the covered banks. This is made up of €763.7 million in respect of the Credit Institutions Financial Support Scheme (CIFS) which operated from 30 September 2008 to 29 September 2010, and €2,092.2 million in respect of the Eligible Liabilities Guarantee Scheme (ELG) which covers the period the participating institutions signed up to the scheme typically since February 2010 to end December 2011.

Bank Guarantee Scheme

77. **Deputy Michael McGrath** asked the Minister for Finance if he will provide details of the total amount of income received by the State from the covered institutions in respect of the various bank guarantees in place since 2008; and the amount expected to be received during the remainder of 2012. [17471/12]

Minister for Finance (Deputy Michael Noonan): The bank guarantee schemes to which the Deputy refers that have been in place since 2008 are the Credit Institutions Financial Support Scheme 2008 (CIFS Scheme), which was in operation between 30 September, 2008, and 29 September, 2010, and the Eligible Liabilities Guarantee Scheme (ELG Scheme) which came into operation on 9 December, 2009, and has a current issuance end date of 30 June, 2012, subject to review by the EU Commission. The total amount of income received to date from the banks covered by both schemes amounts to €2,861.04m.

This amount breaks down as follows:

Fees and interest accrued paid into the Exchequer

Bank Guarantee Scheme	Amount €m
CIFS	763.7
ELG	2092.2
Total	2855.9

Recoupment of Administrative and Legal Costs

Covered Institutions have signed up to agreements under both Schemes involving an undertaking to pay my Department on demand all legal and administrative costs from time to time incurred in any way in connection with the making of the Schemes and the giving of the guarantees. A total of €5.14m. has been received to date for recoupment of administrative and legal costs in support of both the CIFS and ELG Schemes.

Budget Profiles for 2012

The Deputy will be aware of this year's budget forecast for income from fees under the ELG Scheme which is estimated to be €800m.

A further €150,000 is expected in receipts for recoupment of administrative and legal costs for support of the ELG Scheme in 2012.

Banking Sector Regulation

78. **Deputy Michael McGrath** asked the Minister for Finance if he will provide an update on the application of the Central Bank's fitness and probity regime to current executives working in the banking industry; the number and employment details of those currently being assessed under the new standards; and if he will make a statement on the matter. [17474/12]

Minister for Finance (Deputy Michael Noonan): The Central Bank advise me that there has been no further developments of significance since this question was last responded to on 21st February, 2012. The Central Bank Reform Act 2010 provides for new powers to be exercised by the Bank to ensure the fitness and probity of nominees to key positions within financial service providers and of key office-holders within those providers. The new fitness and probity regime is being rolled out by the Central Bank through a code and regulations that were published on 1 September 2011. The regulations apply to Pre-Approval Controlled Functions and Controlled Functions.

The Central Bank regulations identify 41 senior positions as Pre-Approval Controlled Functions such as Chief Executive Officer, Director or Heads of Compliance, Risk, and Internal Audit. The regulations also prescribe specific categories as Controlled Functions and persons performing these functions include the staff who exercise a significant influence on conduct of the affairs of the financial service provider, monitor compliance or perform functions in a customer-facing role. The Central Bank have informed me that they are reviewing the position of executive and non-executive directors of covered institutions that received state support and who are remaining in director posts after 1 January 2012 to decide whether or not an investigation into any of those persons might be appropriate. This process provides opportunities for persons to make representations to independent decision makers appointed by the Central Bank. The Central Bank does not comment on individual cases.

Credit Availability

79. **Deputy Michael McGrath** asked the Minister for Finance in respect of the two pillar banks, the amount of new lending actually extended, as opposed to approved, to small and medium enterprises in 2011; and if he will make a statement on the matter. [17475/12]

Minister for Finance (Deputy Michael Noonan): As the Deputy is aware, the Government has imposed lending targets on the two domestic pillar banks for the three calendar years, 2011 to 2013. Both banks were required to sanction lending of at least €3 billion in 2011, €3.5 billion this year and €4 billion in 2013 for new or increased credit facilities to SMEs. I can confirm to the Deputy that both banks have achieved their 2011 targets. I should stress that the targets are for approvals of credit. Targets have not been imposed for drawdowns and I have no plans to introduce such targets at this time. I would point out that the drawdown of funding is at the discretion of the borrower. There are many factors affecting whether or not funding is drawn down, such as changes in market conditions or company restructuring. The recent Mazars Survey of SME Lending, conducted on behalf of my Department, found that the most frequently cited reason for not availing of approved credit was 'not needed at present time'.

The two pillar banks have provided me with the relevant data on drawdowns but as this material is commercially sensitive I cannot share it with the Deputy. However, the Deputy may wish to note that the Central Bank gathers and collates statistics on a wide range of Financial Services Sector activities on an on-going basis. As a general rule, my Department does not engage in a separate exercise to collect such statistics, but has access to and relies on statistics provided and published by the Central Bank.

Data provided by the Central Bank indicates that the drawdown of new lending by non-financial SMEs from credit institutions in Ireland was €3.1 billion in 2011. Figures for the equivalent period in 2010 show drawdowns of €3 billion. Excluding SMEs in the property related sectors these figures show drawdowns of new lending of €2.2 billion in 2011, roughly equal to amounts drawn down in 2010. For the Deputy's information, the relevant statistics for credit made available to small business are accessible at: <http://www.centralbank.ie/polstats/stats/cmab/Documents/ie—table—a.14.1—credit—advanced—to—irish—resident—small—and—medium—sized—enterprises.xls>

Mortgage Arrears

80. **Deputy Michael McGrath** asked the Minister for Finance the total value of the buy-to-let mortgage book here; the percentage that are estimated to be in arrears of 90 days or more; the percentage that are on interest only; and if he will make a statement on the matter. [17476/12]

Minister for Finance (Deputy Michael Noonan): I am advised by the Central Bank that the total outstanding balance of buy-to-let mortgages advanced to Irish resident private households (including securitised loans serviced by Irish resident institutions) at end December 2011 was €28.8bn (€31.5bn at end December 2010). While the Central Bank publishes a detailed data series on the arrears position of primary residential mortgages, it does not publish comparable data on buy to let mortgages. However, the Bank has published some data on this subject. In a conference the Bank hosted in October 2011 on the Irish mortgage market, it estimated that, at end December 2010, 10.9% of buy-to let mortgage balances were in arrears of 90 days or more (the comparable statistic for residential mortgages at that time was 7.4%). Separately, in a presentation to the Joint Oireachtas Committee on Finance, Public Expenditure and Reform in October 2011, the Central Bank indicated that, at end December 2010, 57% of buy to let loans of the four banks included in the 2011 Central Bank Financial Measures Programme Report were interest only.

European Stability Programmes

81. **Deputy Michael McGrath** asked the Minister for Finance when the 2012 stability programme update will be published; and if he will make a statement on the matter. [17479/12]

Minister for Finance (Deputy Michael Noonan): As part of the European Semester, Member States are required to submit updated Stability Programmes in April of each year. My Department is currently working on the 2012 update for Ireland, which will be published at the end of April.

Banks Recapitalisation

82. **Deputy Michael McGrath** asked the Minister for Finance if the transfer of loss making tracker mortgages in State owned financial institutions to IBRC could give rise to a need for additional capital for IBRC in the future; and if he will make a statement on the matter. [17480/12]

Minister for Finance (Deputy Michael Noonan): As the Deputy is aware the Government is committed to reviewing the approach to the Promissory Notes with a view to reducing the overall cost to the State. The Troika have agreed to engage in a process with Irish Officials to produce a common paper which will consider all options for restructuring the notes in terms of the source of funding, the duration of the notes, the interest rate etc. In tandem with this review, the European authorities have opened a discussion on how best the Irish banking

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system and the Irish State can benefit from having further improvements to certain elements of the banking sector. The overall purpose would be to improve the position of the banks in which the State has a major investment. We must therefore consider the recent developments as an initial step in a project where, if we are successful, it will be in the medium term rather than immediately. As a result the Deputy will appreciate that it would not be appropriate at this stage in the process to comment on any specific implications, including any capital implications, for the institutions involved.

Fiscal Policy

83. **Deputy Michael McGrath** asked the Minister for Finance the implications, if any, of the decline in GDP and GNP recorded in the fourth quarter of 2011 on his budgetary projections for 2012; and if he will make a statement on the matter. [17481/12]

Minister for Finance (Deputy Michael Noonan): The forthcoming Stability Programme Update will contain updated economic and budgetary forecasts for this year and for the period 2013-15. Officials from my Department are currently assessing the implications of the quarterly national accounts data, published last week by the CSO, for the 2012 budgetary projections. This, along with other information that has become available since Budget time and the economic and fiscal data to be published in the next few weeks, will inform the Department's forecasts. The Stability Programme Update will be published at the end of April.

Local Authority Charges

84. **Deputy Michael McGrath** asked the Minister for Finance if he has discussed with the Department for the Environment, Community and Local Government the current low rate of payment of the household charge and the impact of any potential shortfall in the revenue raised on his budgetary projections for 2012; and if he will make a statement on the matter. [17482/12]

Minister for Finance (Deputy Michael Noonan): The latest available information as at 4 p.m. yesterday Wednesday March 28th indicates that €42,659,900 has been paid under the household charge so far. A further €5.5m in postal applications were on hand to be processed. The Budget Day arithmetic allowed for €160 million to be collected under this charge. As has been stated several times, any persons who are liable for the charge and have not registered will incur fines and penalties and payment of the charge will continue to be sought. As we approach the payment deadline I am confident that the numbers paying the charge will rise.

The Revised Estimates for Public Services, published by my colleague, the Minister for Public Expenditure and Reform, last month shows that the revenues from the charge are to be paid directly into the Local Government Fund and used to fund Local Government services. With revenues going directly to the Local Government Fund, this means the Exchequer is no longer required to make a subvention to the fund. There will be no additional Exchequer funding available for the Local Government sector should there be a shortfall in revenues.

Our budgetary targets are challenging and Government's primary objective is to ensure that Ireland meets the 8.6% General Government Deficit target set for 2012. Ireland has greatly enhanced its reputation by consistently meeting all targets and commitments agreed under the Programme of External Assistance and this has been reflected in positive media commentary and improved financial market sentiment. It is vital that this continues.

Bank Debt Restructuring

85. **Deputy Michael McGrath** asked the Minister for Finance the progress that has been

made recently in relation to restructuring the banking debt; and if he will make a statement on the matter. [17483/12]

Minister for Finance (Deputy Michael Noonan): As the Deputy is aware the Government is committed to reviewing the approach to the Promissory Notes with a view to reducing the overall cost to the State. The Troika have agreed to engage in a process with Irish Officials to produce a common paper which will consider all options for restructuring the notes in terms of the source of funding, the duration of the notes, the interest rate etc. In tandem with this review, the European authorities have opened a discussion on how best the Irish banking system and the Irish State can benefit from having further improvements to certain elements of the banking sector. The overall purpose would be to improve the position of the banks in which the State has a major investment.

Under the terms of the Promissory Note the State to make cash payments of €3.06 billion each year to IBRC. The discussions with the European authorities on the general issue continue but we are now negotiating with the EU authorities on the basis that the €3.06 billion cash instalment due from the Minister to IBRC on 31 March 2012 could be settled by the delivery of a long term Irish Government Bond. The details of the arrangements are still being worked on.

National Treasury Management Agency

86. **Deputy Michael McGrath** asked the Minister for Finance further to Parliamentary Question No. 73 of 1 March 2012, if this information is yet available; and if he will make a statement on the matter. [17490/12]

Minister for Finance (Deputy Michael Noonan): I have been informed by the National Treasury Management Agency (NTMA) that all members of the NTMA senior management team — ten people including the Chief Executives of the NTMA, NDFA and NAMA — have agreed to my request that NTMA employees whose salaries exceed €200,000 waive 15% of salary or such amount of salary as exceeds €200,000 if application of the full 15% reduction would bring their salary to below €200,000. Four of the five other specialist staff whose salaries exceed €200,000 have also agreed to the reduction. I would like to acknowledge the positive response to my request of those NTMA staff who waived part of their salary.

I have also been informed by the NTMA that the members of the NTMA senior management team also waived any consideration for performance-related pay in respect of 2011 (as they did previously in respect of 2010). The NTMA made performance-related payments to five key staff in respect of 2011. These payments in aggregate totalled €62,610. This compares with payments totalling €1,981,760 to 258 staff members in respect of 2010.

Banking Sector Regulation

87. **Deputy Billy Timmins** asked the Minister for Finance the position regarding the future of a bank (details supplied); and if he will make a statement on the matter. [17492/12]

Minister for Finance (Deputy Michael Noonan): The Deputy will be aware that AIB, as part of its announcement of 8th March 2012 of a voluntary severance programme, stated “as required under the bank’s partnership principles with IBOA, a consultation process will begin immediately with trade union representatives.” It went on to state that “AIB will not be making any further public comment until the consultation process with staff representatives is concluded.” Accordingly, the Deputy will appreciate that it would not be appropriate for me to comment directly on some of the issues raised by him in his question.

[Deputy Michael Noonan.]

It is deeply regrettable, for all concerned, that the proposed action of shedding some 2,500 jobs has had to be taken but it is an inevitable consequence of the necessary restructuring of the banking system to render it fit to better serve personal and business customers throughout the economy. I have been at pains to point out, in any public pronouncements on the issue, that all parties involved in this most sensitive of issues for individuals need to be treated with utmost consideration and respect and this most certainly includes the State.

As for any group of workers whose positions are being made redundant, the services of the State will be available to assist them across a range of issues including employment support services, education and training interventions and income maintenance and money advice. Any such supports will supplement the facilities being put in place by the employer. The exact nature of the supports will be determined by the particular circumstances.

Tax Collection

88. **Deputy Joanna Tuffy** asked the Minister for Finance if any tax has been collected under the windfall tax provisions of the National Assets Management Agency Act 2009; the potential tax take that can be estimated for this provision; if he is satisfied that the definites in this provision are clear as to what is taxable under these provisions; and if he will make a statement on the matter. [17505/12]

Minister for Finance (Deputy Michael Noonan): The windfall tax rate of 80% applies to the portion of the profit or gain on a disposal of land which is attributable to a “relevant planning decision”: that is, a rezoning, where both the rezoning and the disposal of land giving rise to the windfall happen after 30 October 2009; or a “material contravention” decision by a local authority, where both the decision and the disposal happen after 4 February 2010. I am also informed by the Revenue Commissioners that on the basis of the available 2009 data, the latest year for which the necessary detailed information is to hand, there is no record of any such profits or gains having been returned.

As respects the tax year 2010, while tax returns have been received, the relevant data has not yet been processed to the extent to allow for the full identification of any profits or gains to which this measure applies. However, I understand from indications to date that the level of such profits or gains received in 2010 was extremely small. The legal provisions underpinning this measure accurately reflect Government policy at the time of its enactment and I have no reason to doubt that the provision is, or will be, effective in taxing any such profits or gains which might arise.

Schools Building Projects

89. **Deputy Charlie McConalogue** asked the Minister for Education and Skills the status of the building project of a school (details supplied) in County Donegal; and if he will make a statement on the matter. [17307/12]

Minister for Education and Skills (Deputy Ruairí Quinn): In view of the need to ensure that every child has access to a school place, the delivery of major school projects to meet the demographic demands nationally will be the main focus for capital investment in schools in the coming years. The five year programme announced earlier this month is focused on meeting those demographic needs. In that context, it was not possible to advance all applications for capital funding concurrently. School building projects currently in or commencing architectural planning, including the project for the school referred to by the Deputy, will continue to be advanced incrementally over time within the context of the funding available.

The Department is currently in the process of acquiring a new site for this school. This acquisition is subject to the appropriate planning permission being obtained and a planning application has been submitted to the Local Authority. The Local Authority has submitted a request to the Department for further information and a response is being prepared. However, in light of current competing demands on the Department's capital budget, it is not possible, at this time, to give an indicative timeframe for the progression to tender and construction of the project at this school.

Bullying in Schools

90. **Deputy Seán Crowe** asked the Minister for Education and Skills if he will provide an update on the implementation of a forum to help address bullying in schools; if he will give details of a timetable for when this initiative will be implemented; the plans his senior Department officials have to meet with their counterparts in the North to progress this initiative; his views on developing an all-Ireland anti-bullying strategy that incorporates and builds upon the best practises currently operating in both jurisdictions. [17312/12]

Minister for Education and Skills (Deputy Ruairí Quinn): My Department is at the early stages of planning an Anti-Bullying Forum. It is envisaged at this stage that it will be held in May 2012. If possible, it will be held on 17 May which is the International Day Against Homophobia and Transphobia. The objective of the Forum will be to explore with all the relevant stakeholders how best to tackle all aspects of bullying in schools and to consider what changes or updating of existing practices and procedures are required to achieve this having regard to what is feasible to implement in the current financial climate. As part of this process my Department's officials can engage with their counterparts in the North in order to share experience and perspectives on how to improve how schools can respond to bullying.

Special Educational Needs

91. **Deputy Michael McGrath** asked the Minister for Education and Skills if the home tuition programme will continue in July 2012, and if not, if he will specify the way in which it will be replaced; and if he will make a statement on the matter. [17315/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The Deputy will be aware that the Home Tuition Scheme provides funding to parents to provide for education at home for children who, for a number of reasons such as chronic illness, are unable to attend school. The scheme was extended in recent years to facilitate tuition for children awaiting a suitable educational placement including eligible pre-school children with an autistic spectrum disorder. Separately my Department provides for the July Education Programme that is available to all special schools and mainstream primary schools with special classes catering for children with autism that choose to extend their education services through the month of July. My Department also provides for a July Programme for pupils with a severe/profound general learning disability.

Children in receipt of home tuition who are eligible for an extended school year have their allocation extended for four weeks in July. This cohort includes eligible pre-school children with an autism spectrum disorder. Letters extending home tuition for July 2012 issued to parents of eligible children earlier this week.

Ministerial Travel

92. **Deputy Sandra McLellan** asked the Minister for Education and Skills the cost incurred by his Department, for this year's overseas travel programme for St Patrick's Day, which saw

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the Taoiseach and eight Ministers heading abroad for the holiday; and if he will make a statement on the matter. [17325/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The Minister of State at my Department, Mr Ciaran Cannon TD, represented the Government in China for the St. Patrick's Day period and led an education mission, organised by Enterprise Ireland, which comprised senior representatives of Irish universities, institutes of technology and other higher education institutions. The cost to date to my Department is €11,449.50, which represents the flight costs and official gifts. Further costs, which have not yet been charged to my Department, will include hotel costs, travel & subsistence, internal flights and car hire.

School Accommodation

93. **Deputy Brendan Ryan** asked the Minister for Education and Skills if there has been any analysis conducted to ascertain the long term demand for secondary school education in Balbriggan, County Dublin, once the promised Gaelcholaiste is built as part of the five year building programme; and if he will make a statement on the matter. [17342/12]

Minister for Education and Skills (Deputy Ruairí Quinn): As the Deputy is aware, in June of last year I announced that 20 new post-primary schools are to be established up to 2017 across a number of locations to cater for increasing demographics. This announcement included a proposal to establish a new post-primary school in the area referred to by the Deputy. Forward Planning Section of my Department will continue its analysis of enrolments and demographics in the area concerned to ensure that there is sufficient school accommodation to meet any projected future demands.

Higher Education Grants

94. **Deputy Paschal Donohoe** asked the Minister for Education and Skills the position regarding plans to implement changes made following Budget 2012 in respect of fee-supports for post-graduate applicants; and if he will make a statement on the matter. [17377/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The Deputy will be aware that, in the context of the necessary but difficult expenditure reduction measures announced in Budget 2012, new students entering postgraduate courses from the 2012/13 academic year onwards will not be entitled to maintenance payments under the Student Grant Scheme. However, those students who meet the qualifying conditions for the special rate of grant will be eligible to have their post-graduate tuition fees paid up to the maximum fee limit under the Student Grant Scheme.

Existing postgraduate students will not be affected. In addition, a further limited number of students who would previously have qualified under the standard grant thresholds will qualify to have a €2,000 contribution made towards the costs of their fees. My Department estimates that this will help an additional 4,000 postgraduate students. There will be a new income threshold for this payment which will be lower than the standard grant threshold. The income threshold for this level of grant is currently being determined in the context of the formulation of the student grant scheme for the 2012/13 academic year.

School Staffing

95. **Deputy Michael McGrath** asked the Minister for Education and Skills if he will review the staffing allocation to a DEIS 2 school (details supplied) in County Cork for the school year 2012/2013; and if he will make a statement on the matter. [17415/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The staffing arrangements for the 2012/13 school year are set out in Primary Circular 0007/2012 which is available on my Department's website. This includes details of the reform of the allocation process which is designed to bring a more equitable distribution of existing posts between schools. Applying the new staffing schedule for Band 1 DEIS schools to this school and the Government's decision to retain posts from previous disadvantage schemes, there is no change to the number of mainstream class teachers for the 2012/13 school year over 2011/12 school year. 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 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 in a particularly adverse manner on a school's overall allocation. The closing date for submission of appeal was 23 March, 2012. The school to which the Deputy refers has submitted an appeal.

Residential Institutions Redress Scheme

96. **Deputy Brendan Smith** asked the Minister for Education and Skills if he will ensure that further consideration will be given to the views of a number of groups who are concerned about the provision of services and assistance under the proposed statutory trust fund; and if he will make a statement on the matter. [17419/12]

97. **Deputy Brendan Smith** asked the Minister for Education and Skills if he will ensure that further consideration will be given to the views of representative groups who are concerned that victims who did not receive assistance or support under the redress scheme will be denied access to the proposed statutory trust fund; and if he will make a statement on the matter. [17420/12]

98. **Deputy Brendan Smith** asked the Minister for Education and Skills the date on which he proposes to publish the legislation in respect of the establishment of the statutory trust fund; the proposed timescale he has for the establishment of the fund; and if he will make a statement on the matter. [17421/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 96 to 98, inclusive, together.

Work on the drafting of the Residential Institutions Statutory Fund Bill which will provide for the establishment of the Statutory Fund, is currently being finalised and I expect to be in a position to publish it very shortly.

As set out in the General Scheme of the Bill, the Statutory Fund will focus solely on victims of residential institutional abuse, with eligibility being confined to those who received an award from the Redress Board or an award or settlement in court proceedings and who would otherwise have received an award from the Redress Board. While I am aware of concerns regarding the proposed eligibility provisions for the Fund, it is likely that in the region of 15,000 former residents will successfully complete the redress process. If eligibility were significantly widened to include, for example, all former residents of scheduled institutions, then the amounts avail-

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able to fund services for individuals could be greatly reduced and the effectiveness of the Statutory Fund could be put at risk. Having considered this matter carefully I am satisfied that it is the correct approach, at this stage, to focus the Statutory Fund on those former residents who have successfully completed the redress process. Recipients of redress awards have been through a fair but thorough process. Provision is included in the General Scheme to allow Redress Board advise the Statutory Fund of the name, address and date of birth of award recipients. Such a provision will allow the Fund to confirm applicants' eligibility and minimise the administration associated with the Fund. Some former residents may, as was their right, have chosen not to make an application to the Redress Board but every encouragement was given to them to apply: there was extensive advertising of the Redress Scheme which has operated for some nine years. Of course, those former residents who will not eligible for assistance from the Fund can continue to avail of the National Counselling Service and the Family Tracing Service.

I would suggest that the issue of who is eligible to apply for assistance could be reviewed following the establishment of the Statutory Fund in the event of the applications to the Fund not resulting in a significant expenditure of the Fund. I am aware that some former residents advocated a simple distribution of the available money rather than the establishment of the Statutory Fund. However, as I outlined when I published the legislative proposals, I believe that the Fund should target resources at services to support former residents' needs. The General Scheme provides for a wide range of services to be approved for the Fund including counselling, psychological support services and mental health services, health and personal social services, educational services and housing services.

State Examinations

99. **Deputy Michael McGrath** asked the Minister for Education and Skills the position regarding an appeal of a student (details supplied) in County Cork for a scribe to be provided for their leaving certificate examinations. [17422/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations including organising the holding of examinations and determining procedures in places where examinations are conducted including the supervision of examinations. I can inform the Deputy that the Commission operates a scheme of Reasonable Accommodations in the Certificate examinations. Applications for such accommodations are submitted by schools on behalf of their students. In view of this I have forwarded your query to the State Examinations Commission for direct reply to you.

Teaching Contracts

100. **Deputy Noel Harrington** asked the Minister for Education and Skills the number of primary, post primary and third level teachers who were on fixed term contracts and contracts of indefinite duration in May 2011; if he will provide in tabular form a breakdown of the numbers in each category of contract that were employed in schools under the control of his Department and the numbers in each category of contract employed in each vocational education committee; and if he will make a statement on the matter. [17425/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The information sought by the Deputy in respect of primary and post primary teachers is not readily available. A reply will issue direct to the Deputy. The recruitment and appointment of teachers to fill vacancies in an

individual school is a matter for the management authority of the school concerned. The number of fixed-term contract and contract of indefinite duration teaching posts in individual schools is therefore a matter for the school authorities subject to remaining within their approved teacher allocation. The information sought in respect of each vocational education committee and in respect of lecturers employed in the higher education sector is not available in the Department.

School Enrolments

101. **Deputy Martin Heydon** asked the Minister for Education and Skills if a re-assessment can be carried out in respect of a person (details supplied) in County Kildare who cannot secure a place in a school; and if he will make a statement on the matter. [17441/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I wish to advise the Deputy that the enrolment of a child in a school is a matter in the first instance for the parents of the child and the Board of Management of a school. My Department has no role in relation to processing applications for enrolment to schools.

The policy of my Department is to secure the maximum possible level of inclusion of students with special educational needs in mainstream primary and post-primary schools, in order to ensure that as many children as possible can be educated with their peers within their own community. My Department therefore provides for a range of placement options and supports for schools which have enrolled pupils with special educational needs in order to ensure that, wherever a child is enrolled, s/he will have access to an appropriate education.

Children with special educational needs may be enrolled in a mainstream school and attend all mainstream classes and receive additional teaching support through the learning support and/or resource teacher. Or they may enrol in a mainstream school and attend a special class, or they may enrol in a special school.

The National Educational Welfare Board (NEWB) is the statutory agency which can assist parents who are experiencing difficulty in securing a school place for their child. The NEWB will try to help parents to find a school placement if their child has been unable to secure a school placement to date. The NEWB can be contacted at National Educational Welfare Board, National Headquarters, 16-22 Green Street, Dublin 7 or by telephone at 01-8738700.

In addition, the National Council for Special Education (NCSE) Special Education Needs Organisers (SENOs) can assist parents to identify appropriate educational placements for children with special educational needs. Parents may contact their local SENO directly to discuss their child's special educational needs and to seek assistance in identifying placement options, using the contact details available on www.ncse.ie.

Where a school refuses to enrol a pupil, the school is obliged to inform parents of their right under Section 29 of the Education Act 1998 to appeal that decision to the Secretary General of my Department. Only where an appeal under Section 29 is upheld may the Secretary General of my Department direct a school to enrol a pupil.

School Staffing

102. **Deputy Brendan Smith** asked the Minister for Education and Skills if any primary school in County Cavan will lose staff next September as a result of the staffing schedule changes; and if he will make a statement on the matter. [17444/12]

103. **Deputy Brendan Smith** asked the Minister for Education and Skills if any primary school in County Monaghan will lose staff next September as a result of the staffing schedule changes; and if he will make a statement on the matter. [17445/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 102 and 103 together.

Teacher allocations are approved annually in accordance with established rules based on recognised pupil enrolment. My Department has published the staffing arrangements at primary level for the coming school year, 2012/13. The relevant circular, 0007/2012 is available on my Department's website. The allocation process at primary level also includes 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 has 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 Board operate independently of the Department and its decision is 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 Board will have been considered.

Special Educational Needs

104. **Deputy Brendan Smith** asked the Minister for Education and Skills if he will address the concerns regarding the special class provision and special needs assistant staffing at a school (details supplied) in County Tipperary [17484/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I wish to advise the Deputy that the National Council for Special Education (NCSE), through its network of local Special Educational Needs Organisers (SENOs), is responsible for processing applications from schools for special educational needs supports. The NCSE operates within my Department's criteria in allocating such support, which now includes a requirement for them to have regard to an overall cap on the number of posts available.

The NCSE is responsible for the allocation of resource teaching hours and Special Needs Assistants (SNAs) to schools to support children with special educational needs, as well as the establishment of special classes in various geographical areas, as required, and the discontinuation of such classes where the need no longer exists.

I have therefore arranged for the Deputy's question in relation to the special class provision at a particular school to be forwarded to the NCSE for their attention and direct reply.

In relation to the allocation of SNAs, I wish to clarify for the Deputy that SNAs are recruited specifically to assist in the care of pupils with disabilities in an educational context. SNA allocations are not permanent as the level of SNA support allocated to a school may be increased or decreased as pupils who qualify for SNA support enrol or leave a school or where a child's care needs may have diminished over time. The allocation of SNAs in each school can therefore alter from year to year.

Schools have been invited to make applications to the NCSE for SNA support for the 2012/13 school year by 16 March, 2012. Schools will subsequently be advised by the NCSE of their allocation for the next school year, based on the number of valid applications received and the extent of the care needs of qualifying children.

School Accommodation

105. **Deputy John McGuinness** asked the Minister for Education and Skills his plans to respond to the need for increased accommodation at a school (details supplied) in Dublin 24; and if he will make a statement on the matter. [17486/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I can confirm to the Deputy that an application for capital funding for additional accommodation is currently awaited from the school to which he refers. The completed application when received will be assessed and a decision on the matter conveyed to the school authority.

Third Level Fees

106. **Deputy Billy Timmins** asked the Minister for Education and Skills the position regarding the possible increase in third level fees (details supplied); and if he will make a statement on the matter. [17491/12]

Minister for Education and Skills (Deputy Ruairí Quinn): In order for this country to adhere to its agreed economic recovery programme and to reduce the budget deficit to 3% of GDP by 2015 it is necessary to seek to reduce expenditure across all areas of my Department.

Unfortunately this involves difficult decisions including the decision in Budget 2012 to increase the Student Contribution to €2,250 for the 2012/13 academic year. While the Government considered a range of saving options for the 2012-2015 period as part of the budget process last year, final decisions have not been made in respect of student contribution increases for 2013 and beyond.

It should be noted that the student contribution is paid by the Exchequer in respect of students who qualify under my Department's third level grant schemes. Tax relief is also available for second and subsequent siblings to help alleviate the cost for families.

Schools Enrolments

107. **Deputy Brendan Smith** asked the Minister for Education and Skills the position regarding a school placement in respect of a child (details supplied) [17495/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I wish to advise the Deputy that the enrolment of a child in a school is a matter in the first instance for the parents of the child and the Board of Management of a school. My Department has no role in relation to processing applications for enrolment to schools.

The policy of my Department is to secure the maximum possible level of inclusion of students with special educational needs in mainstream primary and post-primary schools, in order to ensure that as many children as possible can be educated with their peers within their own community.

My Department therefore provides for a range of placement options and supports for schools which have enrolled pupils with special educational needs in order to ensure that, wherever a child is enrolled, s/he will have access to an appropriate education.

Children with special educational needs may be enrolled in a mainstream school and attend all mainstream classes and receive additional teaching support through the learning support and/or resource teacher. Or they may enrol in a mainstream school and attend a special class, or they may enrol in a special school.

The National Educational Welfare Board (NEWB) is the statutory agency which can assist parents who are experiencing difficulty in securing a school place for their child. The NEWB will try to help parents to find a school placement if their child has been unable to secure a school placement to date. The NEWB can be contacted at National Educational Welfare Board, National Headquarters, 16-22 Green Street, Dublin 7 or by telephone at 01-8738700.

In addition, the National Council for Special Education (NCSE) Special Education Needs Organisers (SENOS) can assist parents to identify appropriate educational placements for children with special educational needs.

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Parents may contact their local SENO directly to discuss their child's special educational needs and to seek assistance in identifying placement options, using the contact details available on *www.ncse.ie*. Where a school refuses to enrol a pupil, the school is obliged to inform parents of their right under section 29 of the Education Act 1998 to appeal that decision to the Secretary General of my Department. Only where an appeal under Section 29 is upheld, may the Secretary General of my Department direct a school to enrol a pupil.

Flood Relief

108. **Deputy Michael McGrath** asked the Minister for Public Expenditure and Reform the position regarding a flood relief project (details supplied); and if he will confirm when a decision on funding is expected. [17366/12]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): On foot of a meeting between the Office of Public Works and Cork County Council on the proposed works at this location, the council have prepared a draft revised application, which they have forwarded to the OPW. This will be reviewed in the near future and OPW will respond to the council with comments before the formal submission of the application.

Any application then received will be assessed in accordance with the scheme eligibility criteria, in conjunction with other applications received and having regard to the overall availability of finances.

National Lottery Funding

109. **Deputy Joanna Tuffy** asked the Minister for Public Expenditure and Reform if steps have been taken to ensure that National Lottery funds are allocated on a fair and transparent basis and that there are no questions arising as to whether or not any political influence was brought to bear on those decisions or any bias towards constituencies with Ministers, in view of studies that have suggested otherwise (details supplied); if he will ensure that the manner in which grants are announced is also on the basis of a fair and transparent system of allocation; and if he will make a statement on the matter. [17506/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The surplus generated by the National Lottery is transferred annually to the Exchequer and is applied to part-fund the Exchequer allocations to a specified range of expenditure subheads across various Votes.

The amount transferred to the Exchequer from the National Lottery surplus, together with details of the total Exchequer allocations to the relevant Lottery supported subheads, are published each year in Appendix 1 of the annual *Revised Estimates for Public Services (REV)* which gives a breakdown of allocations by programme. It is important to note that these programmes are only part-funded by the Lottery and that the remaining expenditure comes from general Exchequer funding. In 2012, for example, total expenditure under subheads that are part-funded by the National Lottery is estimated at 339 million euro. It is estimated that this expenditure will be part-funded by 220 million euro from the National Lottery with the balance coming from the Exchequer.

While as Minister for Public Expenditure and Reform, I have responsibility both for overall public expenditure and for regulating the National Lottery, neither I or my Department has a role in assessing applications for grants that are provided by other Departments and Agencies from subheads part-funded by the surplus from the National Lottery. However, I would stress that expenditure from such subheads is subject to the same controls and procedures that apply to voted expenditure generally, for example the requirements for the sanction of my Department and the availability of accounts for inspection by the Comptroller and Auditor General.

Ministerial Travel

110. **Deputy Sandra McLellan** asked the Minister for Public Expenditure and Reform the cost incurred by his Department, for this year's overseas travel programme for St Patrick's Day, which saw the Taoiseach and eight Ministers heading abroad for the holiday; and if he will make a statement on the matter. [17332/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The only cost incurred by my Department in respect of the visit to Singapore was the cost of the flights for myself and the two officials accompanying me, which amounted to €7,035 including taxes and charges.

In order to reduce the costs of the visit my officials and I stayed in the Ambassador's residence in Singapore. The costs arising in Singapore in relation to the trip were met from the existing budget of the Irish Embassy in Singapore.

State Property

111. **Deputy Thomas P. Broughan** asked the Minister for Public Expenditure and Reform the number of buildings owned by the Office of Public Works that are being rented out; the address of each building; the annual rent being paid for each building; the length of time each lease is for; and if he will make a statement on the matter. [17385/12]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): The Office of Public Works receives rent on both commercial and non-commercial properties. Exclusive of properties which attract an annual rent of less than €200 per annum and those occupied in the course of employment, rents accrue on part or all of thirteen State-owned properties. The following table schedules the buildings involved; the address of each; the total annual rent arising; and the nature of each lease:

Name	Annual Rent	Lease Duration
Crofton House, Crofton Road, Dun Laoire, Co. Dublin	€697,225.00	Annual Tenancy
Castlebar Gov Offices, Michael Davitt Hse, Castlebar, Co Mayo	€40,377.68	Annual Tenancy
Sligo Gov Offices, Cranmore Rd, Sligo	€27,959.64	Annual Tenancy
5 Merrion Sq, Dublin 2	€5,021.80	Annual Tenancy
Dunsink Observatory, Dunsink Lane, Finglas, Dublin 11	€330.12	Annual Tenancy
10 Burlington Rd, Ballsbridge, Dublin 4	€50,167.36	Annual Tenancy
31 Fitzwilliam Place, Dublin 2	€58,090.52	Annual Tenancy
Waterford Gov Office, The Glen, Waterford	€3,719.08	Annual Tenancy
Tallaght Social Welfare Office, The Square, Tallaght	€54,102.00	Annual Tenancy
7 Merrion Square, Dublin 2	€350,000.00	Annual Tenancy
Inch Howth Sandpit	€400.00	Annual Tenancy
14 Upper O Connell St	€1,650.66	Annual Tenancy
14 Upper O Connell St	€1,650.64	Annual Tenancy

State Bodies

112. **Deputy Michael McGrath** asked the Minister for Public Expenditure and Reform the amount of money which will be saved from current expenditure in 2012 from the announced closure and or amalgamation of certain State bodies; if he will specify the quangos that have been abolished to date and those which he intends to abolish; and if he will make a statement on the matter. [17472/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The radical streamlining of State Bodies is a key deliverable of the Public Service Reform Plan, which was published in November 2011. This streamlining includes the rationalisation of 48 bodies by the end of 2012, as well as the critical review of a further 46 bodies to take place by end June 2012. Details of the bodies involved are set out in Appendices IIa and IIb of the Plan which can be found at: <http://reformplan.per.gov.ie/files/2012/01/Public-Service-Reform-28112011.pdf>.

While these rationalisations will deliver savings to the taxpayer, the real benefits lie in the simplification of the administrative landscape, thereby ensuring greater democratic accountability, less duplication of effort and more transparent lines of responsibility of public servants. As outlined in the Public Service Reform Plan, savings of 20 million euro in enhanced service efficiencies and value-for-money are envisaged from the rationalisation programme.

With regard to the progress made to date, I refer the Deputy to my answer to Deputy Shane Ross (PQ Ref No: 7802/12) on 14 February 2012. The associated administrative savings from these measures have been taken into consideration in the context of the Revised Estimates for 2012.

Redundancy Payments

113. **Deputy Olivia Mitchell** asked the Minister for Jobs, Enterprise and Innovation the pressure he can bring to bear, to ensure the Labour Court recommendation that a company (details supplied) pay an ex-gratia payment of four week's per year to the former workers is actually implemented in view of the fact that they apparently have declined to observe it; and if he will make a statement on the matter. [17314/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I understand that the Deputy's question concerns a dispute between the company and twenty employees in relation to a claim for enhanced redundancy terms in excess of the employees' statutory redundancy entitlement.

The Labour Court conducts hearings on trade disputes and issues recommendations setting out its opinion on the dispute and the terms on which it should be settled. The Labour Court is a court of last resort in the industrial relations process, and it is expected that the parties come to the process in good faith and consequently are prepared to give serious consideration to the Court's recommendation.

However, the system of industrial relations in Ireland is essentially voluntary in nature and recommendations of the Labour Court are not legally binding. Neither the Labour Court, nor I, can compel a company to comply with such recommendations. Ultimately, responsibility for the settlement of a trade dispute rests with the parties to the dispute.

Ministerial Travel

114. **Deputy Sandra McLellan** asked the Minister for Jobs, Enterprise and Innovation the cost incurred by his Department, for this year's overseas travel programme for St Patrick's Day, which saw the Taoiseach and eight Ministers heading abroad for the holiday; and if he will make a statement on the matter. [17330/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The following is the information requested by the Deputy.

(1) Minister Richard Bruton T.D., Minister for Jobs, Enterprise and Innovation represented Ireland at EI and IDA engagements in San Francisco, USA, 13 to 15 March 2012.

Costs incurred by the Department in respect of economy class flights to San Francisco for Minister Bruton and Private Secretary are as follows:

€1,108.26 x 2 = €2,216.52.

Other related costs including accommodation for the period 13 to 15 March 2012 were borne directly by the organising agencies, Enterprise Ireland and IDA.

The cost of accommodation for Minister Bruton and his Private Secretary in San Francisco on 16 March 2012 was paid for by the Department of Foreign Affairs and will fall due to be reimbursed by this Department in due course.

Subsistence for the Minister and Private Secretary is claimed and paid by the Department in arrears. Subsistence is paid in accordance with Department of Finance rates and regulations and once claimed, will be reimbursed in due course.

(2) Minister John Perry T.D., Minister for Small Business represented Ireland on an EI Trade Mission to Finland and Sweden 14 to 16 March 2012.

The Minister and Private Secretary were accommodated overnight in the Ambassador's residence in Stockholm on the 15th March 2012 so no hotel costs were incurred in respect of this element of the trip. Other related costs including travel and accommodation for the Minister and Private Secretary were borne by the organising agency, Enterprise Ireland.

Subsistence for the Minister and Private Secretary is claimed and paid by the Department in arrears. Subsistence is paid in accordance with Department of Finance rates and regulations and once claimed, will be reimbursed in due course.

(3) The Minister for Research and Innovation, Mr Sean Sherlock T.D., did not travel abroad for St Patrick's Day events.

Proposed Legislation

115. **Deputy Patrick Nulty** asked the Minister for Jobs, Enterprise and Innovation if he will provide an update on the Copyright Review Committee review of Ireland's copyright legislation; if he will outline the terms of reference of the review and how citizens can contribute to the review; if the review will ensure that internet freedom is protected; and if he will make a statement on the matter. [17374/12]

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Sean Sherlock): The Minister for Jobs, Enterprise and Innovation Richard Bruton T.D established the Copyright Review Committee on 9th May, 2011 to examine the current Copyright legislative framework to identify any areas of the legislation that might be deemed to create barriers to innovation and to make recommendations to resolve any problems identified. The Review will ultimately present a Report with a set of recommendations for legislative change.

The Copyright Review Committee was established with the following terms of reference:

1. Examine the present national Copyright legislation and identify any areas that are perceived to create barriers to innovation.
2. Identify solutions for removing these barriers and make recommendations as to how these solutions might be implemented through changes to national legislation.

[Deputy Sean Sherlock.]

3. Examine the US style ‘fair use’ doctrine to see if it would be appropriate in an Irish/EU context.

4. If it transpires that national copyright legislation requires to be amended but cannot be amended, (bearing in mind that Irish copyright legislation is bound by the European Communities Directives on Copyright and Related Rights and other international obligations) make recommendations for changes to the EU Directives that will eliminate the barriers to innovation and optimise the balance between protecting creativity and promoting and facilitating innovation.

The membership of the independent Committee is *Dr. Eoin O’Dell* (Trinity College Dublin), (Chair), *Patricia McGovern* (DFMG Solicitors, Dublin) and *Prof. Steve Hedley* (University College, Cork).

The Committee conducted an initial consultation process during the summer of 2011 and received over 100 submissions from interested parties. The Committee held a well-attended and particularly fruitful public meeting on 4th July 2011 in Trinity College Dublin.

The Committee issued a Consultation Paper on 29th February, 2012 which sets out the issues and concerns which were expressed to the Committee in the aforementioned submissions from a broad spectrum of interested parties. The Committee explores various options to address these concerns in the light of the Terms of Reference and the Paper also poses questions on these matters.

The Committee has established a further consultation process based on the issues and concerns addressed in the Consultation Paper and are inviting further submissions from all affected or concerned by the issues raised in the Paper including information providers and ISPs, innovators, rightsholders, consumers and end-users. The Committee also held a further public meeting on 24th March, 2012 for the purpose of facilitating discussion in relation to the issues raised in the Consultation Paper. The closing date for the receipt of submissions is 5.00 pm on Thursday 31st May 2012. The Committee will then evaluate the further submissions and prepare a Final Report.

The Committee now has a dedicated website at <http://www.djei.ie/science/ipr/crc.htm> and it will be directly linked from the Department of Jobs, Enterprise and Innovation’s homepage until the Review process is complete. The Committee’s site provides information regarding the various ways to participate in the consultation process. As well as by post and email, the Committee has prepared an online questionnaire [<https://www.surveymonkey.com/s/CRC12>] to reply to the questions they pose in the Consultation Paper. It is available from the Committee’s website.

The Irish Internet Association have also provided a mechanism for online submissions to collate its members’ views and to gather the views of others on the Paper, using a structured mechanism for feedback. All stakeholders are welcome to complete the questionnaire and responses will be sent directly to the department upon closing of the survey. The questionnaire is available on the Irish Internet Association website at [<http://www.iaa.ie/feedback/>].

The Minister wishes to inform the Deputy that the Copyright Review Committee are an independent body and therefore, it would not be appropriate for him to comment at this juncture on any issues which are being considered by the Committee in the context of their ongoing review of the legislation.

However, the Minister would like to call on all interested parties to engage fully with the ongoing work of the Copyright Review Committee and strongly encourages all those interested

in these matters to give careful study to the Consultation Paper and to put forward their views to the Copyright Review Committee.

Employment Rights

116. **Deputy Thomas P. Broughan** asked the Minister for Jobs, Enterprise and Innovation his views on reports that a company (details supplied) will no longer be employing any staff in the Republic of Ireland to provide services for their Irish customer base; and if he will make a statement on the matter. [17387/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The position is that Vodafone tendered for its Mobile Customer Service work in 2012. Rigney Dolphin was the incumbent provider with 290 full-time-equivalent positions at Vodafone's offices in Dundalk and Dublin. A French company, Teleperformance (also Vodafone's UK provider) won the new tender. Teleperformance has operations in Newry, Co Down. I understand that this change has arisen out of Vodafone's on-going review of customer care and the necessity for the company to provide services as cost effectively as possible. As I'm sure you can appreciate the market for these types of contract is extremely competitive.

Vodafone Ireland has advised that it envisages that all of Rigney Dolphin staff based in Vodafone will transfer as employees to Teleperformance and that the transfer will observe the Transfer of Undertakings — Protection of Employees (European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003) Regulations.

The Regulations require that in a transfer situation, both the original employer and the new employer inform employee representatives of the reasons for the transfer and the date on which it will take effect. There is also a requirement to advise employees of the legal, economic and social implications for them of the transfer. This information is required to be given no later than 30 days in advance of the intended date of the transfer.

I understand that Vodafone Ireland and Rigney Dolphin are entering a six-week consultation process with employee representatives, prior to the new arrangements taking effect and therefore, it would be inappropriate for me to comment further at this point.

As always, the State's industrial relations machinery, including the Labour Relations Commission, is available to assist in this process, if requested and it goes without saying that the State enterprise agencies, Enterprise Ireland and IDA Ireland, and Louth County Enterprise Board will continue to make every effort that they can to develop new employment opportunities for Dundalk.

Recent developments such as the announcement last month by PayPal to create 1,000 jobs in Dundalk, which is being supported by the Government through IDA Ireland, demonstrates that Dundalk provides the key skills and business infrastructure required by global leaders such as PayPal and is an encouraging sign for the future.

Social Welfare Appeals

117. **Deputy John O'Mahony** asked the Minister for Social Protection when a person (details supplied) in County Mayo will receive a decision in respect of their carer's allowance appeal; and if she will make a statement on the matter. [17305/12]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 15 February 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought.

[Deputy Joan Burton.]

When received, the appeal in question will be referred in due course to an Appeals Officer for consideration. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Code

118. **Deputy Denis Naughten** asked the Minister for Social Protection when the report on family and child income supports by the Advisory Group on Tax and Social Welfare will be published; if she will provide an update on the work of the group; and if she will make a statement on the matter. [17306/12]

Minister for Social Protection (Deputy Joan Burton): Creating jobs and tackling poverty are two of the key challenges that we face. It is essential that our tax and social protection systems play their part in addressing these issues and ensuring work is worthwhile. To this end, last year I established an Advisory Group on Tax and Social Welfare with the aim of harnessing expert opinion and experience in order to address a number of specific issues. These include making cost-effective proposals for improving employment incentives and achieving better poverty outcomes, particularly child poverty outcomes. The Group has been asked to examine a number of specific issues and make recommendations on them, including child and family income supports, working age income supports, the appropriate unit of assessment in both the tax and social welfare codes, the interaction of the tax and social welfare codes and issues concerning social insurance for self-employed people. Following Budget 2012, the terms of reference of the Advisory Group were extended with the group being asked to examine and report on the policy objectives underpinning the Budget 2012 proposals regarding changes in the eligibility criteria and rates of payment for Disability Allowance and the increase in the age threshold for payment of Domiciliary Care Allowance.

The group's overall method of working is based on producing modular reports on the priority areas identified in the terms of reference. Where possible, the aim is to provide recommendations that can be acted upon in time for the annual budget, Estimates and legislative cycle and to allow the Government to best address its commitments under the EU-IMF Programme of Financial Support. Decisions in respect of publishing reports of the Group will be made at the appropriate time. The Group has recently concluded its examination of child and family income support and the Group's report has been submitted to me. I am considering the report in some detail and following this will be reverting to the group seeking clarification on any relevant issues. It is my intention to publish the report in due course. I understand the Group will now progress to addressing the other issues provided for in its work programme.

Social Welfare Appeals

119. **Deputy Noel Coonan** asked the Minister for Social Protection when an application for a carer's allowance appeal will be finalised in respect of a person (details supplied) in County Tipperary; and if she will make a statement on the matter. [17308/12]

Minister for Social Protection (Deputy Joan Burton): I am advised by the Social Welfare Appeals Office that an Appeals Officer, having fully considered all the evidence, disallowed the appeal of the person concerned by way of summary decision. Under Social Welfare legislation, the decision of the Appeals Officer is final and conclusive and may only be reviewed by the Appeals Officer in the light of new evidence or new facts. Following the submission of additional evidence the Appeals Officer has agreed to review the case. The person concerned

will be contacted when the review of her appeal has been finalised. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Benefits

120. **Deputy Jack Wall** asked the Minister for Social Protection the reasons a person (details supplied) in County Kildare has not received their entitlements; and if she will make a statement on the matter. [17309/12]

Minister for Social Protection (Deputy Joan Burton): There are two claims in respect of this individual. A redundancy lump sum claim was awarded and payment issued directly to the person concerned in November 2011. An insolvency claim in respect of this individual was received on 13 October 2011 and this will be processed in due course.

Ministerial Travel

121. **Deputy Sandra McLellan** asked the Minister for Social Protection the cost incurred by her Department, for this year's overseas travel programme for St Patrick's Day, which saw the Taoiseach and eight Ministers heading abroad for the holiday; and if she will make a statement on the matter. [17333/12]

Minister for Social Protection (Deputy Joan Burton): The cost to my Department for airfares for the official visit to New York for St Patricks Day 2012 was €1,623.64. This includes the airfare costs for one official from the Department who accompanied the Minister. Details of other expenditure such as accommodation and ancillary costs are not yet available.

Departmental Reports

122. **Deputy Pearse Doherty** asked the Minister for Social Protection the date on which she expects the community employment review to be completed; and when she expects to publish its findings and recommendations. [17340/12]

Minister for Social Protection (Deputy Joan Burton): The financial review of Community Employment Schemes has proved to be a valuable exercise for both the schemes themselves and for my Department. The examination that is being carried out has yielded details of expenditure which at this early stage suggest that savings can be made in the administrative costs of schemes.

Given the volume and breath of the data being returned, the financial review of CE schemes will take longer than originally envisaged to complete. This will allow more time for schemes to engage with local officials in the finalisation of their respective budgets and for my Department to bring forward improvements to the overall operation of Community Employment which will improve the budgetary situation for schemes. The existing commitment in relation to the financial support of schemes will continue to apply.

Social Welfare Code

123. **Deputy Maureen O'Sullivan** asked the Minister for Social Protection if she will publish a list of levels of attainment for children between four and 16 years diagnosed within the autism spectrum and applying for carer's allowance; if she will review the procedures currently being used to evaluate eligibility for carer's allowance in relation to children with autism diagnosis; the reason those diagnosed within the autism spectrum are listed as less likely to require substantial care and attention as part of the application procedure for carer's allowance and if she

[Deputy Maureen O’Sullivan.]

will address the incremental differences between children with autism and healthy children between the ages of four and 16; and if she will make a statement on the matter. [17349/12]

Minister for Social Protection (Deputy Joan Burton): I understand this question is intended to refer to domiciliary care allowance and not carer’s allowance.

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.

Autism spectrum disorders are included in the International Classification of Diseases (ICD-10) as: autism F84 — F84.9 as classified by the World Health Organisation. The Department recognises autism spectrum disorders as disabilities.

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 for children up to 4 years are provided 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 provided by the Department, 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

124. **Deputy Sandra McLellan** asked the Minister for Social Protection the way a person who is having an operation on their knee on 17 April is considered suitable for work and not entitled to Illness benefit when months of physiotherapy will be required after the surgery; and if she will make a statement on the matter. [17355/12]

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 19th January

2012. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments on or on behalf of the Deciding Officer on the grounds of appeal be sought. When received, the appeal in question will be referred in due course to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Benefits

125. **Deputy Paschal Donohoe** asked the Minister for Social Protection if he will provide an update on the current number of applications for carers' allowance awaiting processing; the measures being taken to reduce the backlog; and if she will make a statement on the matter. [17378/12]

Minister for Social Protection (Deputy Joan Burton): The Department is committed to delivering the best possible service to its customers. In the interests of fairness applications are processed, as far as possible, in order of the date on which they were received.

There were c 53,000 people in receipt of carer's payments as at the end of February 2012 this represents an increase of c 60% over the past five years. In addition there are, at present, c. 7,800 applications registered and awaiting a decision. I acknowledge that this is unsatisfactory but I am satisfied that the department is taking all steps available to it to resolve the issue.

A major service delivery modernisation project is underway to address the large increase in the claim-load and to improve the efficiency of administration of the carer's allowance scheme. This involves the development of information technology functions and associated business process re-organisation. It is anticipated that the new system will introduce significant processing efficiencies and a quicker and more responsive service to the customer. Accordingly, the project is being given high priority and involves a significant level of time and commitment from the relevant staff in the Department. This has had a short-term negative impact on claim processing times. This essential focus of certain staff resources will continue until the completion of the modernisation project in June of this year when all existing carer's allowance claims will be transferred onto the new processing system.

In addition to the deployment of new systems which should address service levels in the medium term the Department is allocating additional resources in the form of overtime working to help reduce backlogs that have built up.

In the meantime, if a person's means are insufficient to meet their needs while awaiting a decision on an application, they may apply for a means-tested supplementary welfare allowance payment from their local community welfare officer.

126. **Deputy Michael Healy-Rae** asked the Minister for Social Protection the position regarding an application for back to school allowance and also for funding through the drug repayment scheme in respect of a person (details supplied) in County Kerry. [17398/12]

Minister for Social Protection (Deputy Joan Burton): The Back to School Clothing and Footwear Allowance (BSCFA) scheme operates from the beginning of June until the end of September each year. The spouse of the person concerned was awarded this allowance for two children and a payment of €505 was made into her bank account in September, 2011.

My Department has no responsibility in the area of the drug repayment scheme. The person concerned should pursue this matter through the Health Service Executive.

Question No. 127 withdrawn.

Rural Social Scheme

128. **Deputy Éamon Ó Cuív** asked the Minister for Social Protection when she intends to increase the numbers on the rural social scheme in view of the benefits this scheme has had on rural communities around the country; and if she will make a statement on the matter. [17405/12]

Minister for Social Protection (Deputy Joan Burton): The purpose of the rural social scheme is to provide income support for farmers and fisherpersons who have an entitlement to specified social welfare payments. Persons are engaged for 19½ hours per week to provide certain services of benefit to rural communities. The scheme currently provides work opportunities for around 2,600 participants and 130 supervisory staff. I have no plans to increase the number of places available on this scheme. The funds allocated for 2012 amount to €45.66m, which should enable the scheme to continue as in previous years but does not allow for the recruitment of additional participants above the numbers stated above. These funds meet the pay costs of participants and supervisors, provision of materials, insurance, health and safety, training and related operational costs.

Social Welfare Appeals

129. **Deputy Pat Breen** asked the Minister for Social Protection when a person (details supplied) in County Clare will be facilitated with an alternative date; and if she will make a statement on the matter. [17406/12]

Minister for Social Protection (Deputy Joan Burton): I am advised by the Social Welfare Appeals Office that the Appeals Officer has decided to re-schedule a further oral hearing. However, it is not possible to give a date when this hearing will be heard, but the person concerned will be informed when the new 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.

Question No. 130 withdrawn.

Social Welfare Benefits

131. **Deputy Ann Phelan** asked the Minister for Social Protection if she will review an application in respect of a person (details supplied) in County Kilkenny who has been refused domiciliary care allowance; if she would be prepared to review legislation in respect of this payment to allow parents of children with a physical disability to claim until the child reaches an age that may be deemed applicable to living an independent life; and if she will make a statement on the matter. [17426/12]

Minister for Social Protection (Deputy Joan Burton): An application for domiciliary care allowance (DCA) was received on 24th February 2010. This application was referred to one of the Department's Medical Assessors who found that the child was not medically eligible for DCA. A letter issued on 22nd April 2010 refusing the allowance. The person concerned subsequently lodged an appeal against this decision.

She was informed by the Social Welfare Appeals Office on 8th November 2010 that the appeal had been disallowed. The decision/appeal process for this application is now complete. If the person concerned has additional information which was not made available to the decid-

ing officer and appeals officer when they made their decisions, it is open to her to re-apply for the payment.

DCA is a monthly payment to the parent or guardian of a child under the age of 16 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.

Live Register

132. **Deputy Sandra McLellan** asked the Minister for Social Protection the number of persons currently signing on for credits and if these persons are included in unemployment figures; and if she will make a statement on the matter. [17437/12]

Minister for Social Protection (Deputy Joan Burton): At the end of February 2012 there were 31,485 persons signing for credits. This group are included in the live register and represented approximately 7% of the total number of persons on the register at that date.

Community Employment Schemes

133. **Deputy Willie Penrose** asked the Minister for Social Protection the alternative scheme being devised, to accommodate persons who are on community employment schemes at present and which are shortly coming to a conclusion, are in receipt of disability allowance and if she will further indicate the type of scheme that is going to be devised to facilitate these persons whose terms on community employment schemes are now about to end in the next few months; and if she will make a statement on the matter. [17449/12]

Minister for Social Protection (Deputy Joan Burton): There are no plans for devising an alternative scheme for disability clients who have completed their maximum time on Community Employment (CE). Persons in receipt of any of the four CE-qualifying disability payments (disability allowance, illness benefit, invalidity pension or blind pension) can currently avail of one additional year on CE compared to other qualifying clients, i.e. the cumulative lifetime participation limits are normally 3 years on the programme for those under 55 years of age and 6 years for those between 55 and 65 years of age. The named disability categories above have 4 year and 7 year limits respectively.

Persons who are near the end of their CE participation period avail of an exit planning process with their Supervisor whereby all their progression options are identified and supports and information are provided.

Social Welfare Benefits

134. **Deputy Joanna Tuffy** asked the Minister for Social Protection if her attention has been drawn to the fact that some families have their family income payment stopped pending annual review of the payment and that this review can take several weeks leaving those families in financial hardship pending their being put back on the payment with any arrears paid; and if she will make a statement on the matter. [17462/12]

Minister for Social Protection (Deputy Joan Burton): The Department is committed to providing a quality service to all its customers. This includes ensuring that applications are processed and that decisions on entitlement are made as quickly as possible.

An integral part of the family income supplement (FIS) scheme is that once the level of payment is determined, it continues to be payable at that rate for a period of 52 weeks, provided that the person remains in full time employment. The rate of payment may be increased if an additional child is born in the course of the 52 weeks. On the other hand, the rate of payment

[Deputy Joan Burton.]

will not change if there is an increase or decrease in the recipient's earnings. A key advantage of this approach, which is unique to the FIS scheme, is that claimants can be certain that they will receive a guaranteed level of income support throughout the period. This certainty is important to the success of the scheme in providing a real incentive to workers with families to avail of employment opportunities. For these reasons, rather than for reasons of administrative convenience, this measure is specifically provided for in legislation.

Claimants must apply to have their payment renewed if they wish to receive payment for a further 52 weeks. At present, application forms for renewal of the payment of FIS for a further 52 weeks are issued one month in advance of the expiry of the current payment and are processed in order of the date of expiry of the current payment and not by the date of receipt of a completed renewal form. This is designed to facilitate the collection of the most up-to-date customer information to ensure the fairest calculation of entitlement for the next 52 week payment period of FIS.

The waiting time for renewal FIS claims is currently between 8-9 weeks. The delays in processing are a consequence of continued strong claim intake.

The Department has introduced a number of measures to address the efficiency of claim processing for FIS in light of the current waiting times:

- Existing processes and procedures are reviewed on an ongoing basis with the explicit objective of reducing delays in claim processing;
- Priority is being given to renewal claims to preserve continuity of payment;
- The ongoing staffing requirement is being kept under review in light of the continued strong claim intake;
- Additional temporary staff have been recruited to help reduce the backlog;
- Overtime working is being applied where feasible;

These measures are aimed at reducing the number of claims on hand and the average waiting time for a decision. The position is being closely monitored and kept under review by the Department.

Pension Provisions

135. **Deputy Michael McGrath** asked the Minister for Social Protection her views on reports that up to €1 billion in private sector pension assets are effectively unclaimed; her plans to simplify the pensions system to ensure that beneficiaries receive their full entitlement; and if she will make a statement on the matter. [17477/12]

Minister for Social Protection (Deputy Joan Burton): Traditional employment practices where an employee works with the same organisation for their entire career through to retirement are no longer the norm and employees are more likely to accrue pension rights through a number of different employments during their working life.

The introduction of the personal retirement savings account (PRSA) in the Pensions Act 2002 was designed to enable people, especially those with no pension provision, to save for retirement in a long-term personal account that supports flexible employment. Employers who do not provide an occupational pension scheme for their employees are obliged to provide access to at least one standard PRSA.

Pension schemes are obliged to make every effort to trace all members of a scheme when their entitlements become due. My Department supports this by providing a mail hosting service for pension schemes that are unable to locate scheme members. This service operates by sending a letter to a person's last known address asking them to make contact with their pension company.

A group chaired by my Department and comprising of representatives from the Pensions Board and the Revenue Commissioners has considered ways of facilitating a more enhanced pension tracing facility and as a result my Department is working closely with the Revenue Commissioners to put in place an automated solution to capture the required data which will facilitate a person to trace his or her accrued pension rights in former employment.

There is no data available to support the claims that there are substantial unclaimed pension funds. However, the establishment of a dormant accounts type fund into which the accrued benefits of untraceable scheme members would be lodged will also be considered.

136. **Deputy Michael McGrath** asked the Minister for Social Protection if she will introduce a requirement for all pension holders to receive a single annual consolidated statement of their accrued benefits; and if she will make a statement on the matter. [17478/12]

Minister for Social Protection (Deputy Joan Burton): The trustees of a defined benefit (DB) or a defined contribution (DC) scheme are required to issue an annual benefits statement to each member of the scheme.

The Pensions Act 1990 sets out the terms under which the trustees of occupational pension schemes must give information to schemes members and others about their personal entitlements. Information about the running of the scheme and about its financial situation must also be made available. Employers are also required to provide certain information.

The information in the annual benefits statement includes the amount of contributions paid to date including any pensions rights transferred to the scheme. The trustees are also required to issue a statement of reasonable projection for members of DC schemes and in respect of any DC element of a DB scheme. The statement specifies the level of benefit which could be reasonably be expected as a specified date or dates to be payable by the scheme and advises the member of the importance of making adequate financial provisions for retirement. The benefit statement also includes a statement as to whether the scheme takes account of the State pension or whether the State pension is payable in addition (subject to qualifying).

Holders of Personal Retirement Savings Accounts (PRSAs) also receive a statement of reasonable projection annually. In addition, a statement of account and an investment report is issued every six months.

I understand that these requirements do not apply to personal pension schemes under the remit of the Central Bank.

Social Welfare Appeals

137. **Deputy Sandra McLellan** asked the Minister for Social Protection when a decision will be made on an appeal for mortgage interest supplement in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [17497/12]

Minister for Social Protection (Deputy Joan Burton): I am advised by the Social Welfare Appeals Office that an Appeals Officer having fully considered all the available evidence disallowed the appeal of the person concerned by way of summary decision. The person concerned was notified of the Appeals Officer decision on 27th March 2012.

[Deputy Joan Burton.]

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

138. **Deputy John McGuinness** asked the Minister for Social Protection if disability allowance will be paid to a person (details supplied) in County Kilkenny following an oral hearing on 21 March 2012; if carer's payment will be made to a person at the same address; if she will confirm the positive decision reached on 20 April 2011 regarding the habitual residency condition relative to both cases. [17502/12]

Minister for Social Protection (Deputy Joan Burton): I am advised by the Social Welfare Appeals Office that in reference to the oral hearing of the disability allowance appeal of the person concerned which took place on 21 March 2012, the Appeals Officer is now considering the appeal in the light of all the evidence submitted, including that adduced at the hearing. The person has been deemed to habitually resident for social welfare purposes since March 2011. The only issue, therefore, to be decided with regard to the disability allowance appeal, is whether she satisfies the medical conditions for the scheme. The person concerned will be notified of the Appeals Officer decision when the appeal has been determined.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

A carer's allowance was awarded to a care provider at the address of the person concerned, with effect from 23 June 2011, the first payment of which reached his bank account on Thursday, 22nd March 2012. Any arrears due for the intervening period will be paid in due course.

Social Welfare Benefits

139. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if she will review the decision to refuse basic supplementary welfare allowance in the case of a person (details supplied) in County Kildare on the grounds that they were not absent from the country in the period in 2009 which can be verified by their doctor; and if she will make a statement on the matter. [17508/12]

Minister for Social Protection (Deputy Joan Burton): A review of the decision to disallow basic supplementary welfare allowance to the person concerned will be carried out.

140. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the entitlement to old age pension or other payment in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [17510/12]

Minister for Social Protection (Deputy Joan Burton): A State pension (contributory) is payable to applicants, aged 66 years or over, who satisfy certain social insurance contribution conditions.

A person aged 65 years who has retired from insurable employment, and who satisfies certain qualifying conditions, may be eligible for a State pension (transition), where the person concerned:

- has entered into insurable employment before reaching age 55,

- has at least 260 weeks full-rate contributions paid (520 contributions minimum after 6th April 2012), and
- has a yearly average of at least 48 paid and/or credited full-rate contributions from 1979 to the end of the tax year preceding their 65th birthday, or
- has a yearly average of at least 24 paid/credited full-rate contributions from the date of their entry into insurable employment to the end of the tax year preceding their 65th birthday (to qualify for the maximum rate pension, a yearly average of 48 is required).

The person concerned has reached the age of eligibility for State pension (transition). A claim form has been sent to him. If he has retired from insurable employment, he should complete and return the form to the Department. On receipt of the completed claim form, his entitlement to pension will be fully examined and he will be notified of the outcome without delay.

141. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the on-going entitlement to disability allowance in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [17512/12]

Minister for Social Protection (Deputy Joan Burton): The person concerned applied for disability allowance on 24 January 2011. The medical evidence supplied was referred to a medical assessor who was of the opinion that the person was not deemed to be medically suitable for disability allowance. The deciding officer accepted this opinion and refused the claim and the person was notified in writing of this decision on 13 April 2011.

If the person's circumstances have changed since his last application it is open to him to make a new application for disability allowance and his entitlement will be examined.

142. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the basis on which it is proposed to discontinue basic social welfare entitlement in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [17513/12]

Minister for Social Protection (Deputy Joan Burton): The person concerned has been asked to submit documentation as part of a review of his entitlement to basic supplementary welfare allowance. He has been advised that payment will discontinue if he fails to submit the documentation requested.

143. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the basis on which it is deemed overpayment has occurred in respect of jobseeker's allowance and back to education allowance in the case of persons (details supplied) in County Kildare, when they acted in compliance with the requests from her Department to separate their claims; and if she will make a statement on the matter. [17514/12]

Minister for Social Protection (Deputy Joan Burton): No overpayment has been assessed on the jobseeker's allowance or the back to education allowance claims of the persons concerned.

144. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the correct amount of rent support payable in the case of persons (details supplied) in County Kildare; and if she will make a statement on the matter. [17515/12]

Minister for Social Protection (Deputy Joan Burton): Following a review, the rent allowance payable to the persons concerned has been reduced to €255.79 per calendar month to take account of an increase in their household income.

145. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when one parent family allowance will issue in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [17516/12]

Minister for Social Protection (Deputy Joan Burton): An application for a one-parent family payment from the person concerned has been disallowed as she failed to show that her means do not exceed the statutory limit. She has lodged an appeal against the decision and her file has been referred to an inspector for review as part of the appeal process.

Question No. 146 withdrawn.

147. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the current and expected position in respect of eligibility for disability allowance in the case of a person (details supplied) in County Kildare who has serious health problems having particular regard to the medical evidence submitted; and if she will make a statement on the matter. [17518/12]

Minister for Social Protection (Deputy Joan Burton): We have no record of an application for disability allowance having been received from the person concerned. An application form and information booklet for disability allowance has been issued directly to him today. He should complete and return this from in the freepost envelope provided and his entitlement will be examined.

148. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the current position in respect of an application for jobseeker's allowance in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [17519/12]

Minister for Social Protection (Deputy Joan Burton): The jobseeker's allowance application from the person concerned has been awarded for payment.

149. **Deputy Bernard J. Durkan** asked the Minister for Social Protection having regard to previous Parliamentary Questions and the necessity to clarify entitlement to rent support in cases such as that outlined in respect of a person (details supplied), if he will accept this reference as an appeal for oral hearing; and if she will make a statement on the matter. [17520/12]

Minister for Social Protection (Deputy Joan Burton): The person concerned made an application for rent supplement on the 25th of January 2012. He has submitted information to the Department stating that he is a joint guardian to one of his children. However, this order also states that the mother is the sole custodian and primary carer of the relevant child. Hence, the person concerned is only entitled to the single limit as the needs of the child have already been accommodated for. The Department has received no information to date in relation to access in respect of his second child. No decision has been made by the Deciding Officer in relation to the payment of the person concerned. If the person concerned is unhappy with a Deciding Officer's decision, they should appeal within 21 days of receiving it to the Chief Appeals Officer, D'Olier House, D'Olier St, Dublin 2.

150. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when mortgage interest relief will be offered in the case of persons (details supplied) in County Kildare; and if she will make a statement on the matter. [17537/12]

Minister for Social Protection (Deputy Joan Burton): The Department does not have a current pending application for mortgage interest supplement in respect of the persons concerned.

151. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when jobseeker's allowance will be awarded in the case of a person (details supplied) in Dublin 18; and if she will make a statement on the matter. [17538/12]

Minister for Social Protection (Deputy Joan Burton): An application for jobseeker's benefit dated 23 March 2012 from the person concerned is currently being processed. As a non-EU national he has been requested to provide details of his current immigration status in this country.

152. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if disability allowance was payable in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [17547/12]

Minister for Social Protection (Deputy Joan Burton): The person concerned was paid disability allowance from 17 March 1999 to 21 February 2012. His last payment was on 15 February 2012 the date of his death. There are no arrears of disability allowance due. As the person was not receiving a dependent allowance in respect of a qualified adult at the time of his death the question of whether entitlement exists to the six weeks after death payment will have to be examined and the Deputy will be informed of the outcome.

153. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when payment of one parent family allowance will issue in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [17548/12]

Minister for Social Protection (Deputy Joan Burton): The person concerned applied for one-parent family payment in January 2012 and her application was closed as she failed to make herself available for interview. She re-applied with effect from the 15 March 2012 and an inspector will contact her as soon as possible regarding an assessment of her means.

154. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when carer's allowance will issue in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [17549/12]

Minister for Social Protection (Deputy Joan Burton): The person concerned was refused carer's allowance on grounds that the Department's medical assessor expressed the opinion that the care recipient is not so disabled as to require full-time care and attention as prescribed in regulations. He was notified of this decision, the reason for it and of his right of review/appeal within 21 days. Additional medical evidence was received and forwarded to the Department's Medical Assessor for consideration.

However, this information did not alter the opinion of the Medical Assessor and the decision remained unchanged. Accordingly, on the 9 February 2012, the person in question was notified of the outcome of the review and of his right of appeal within 21 days.

Ministerial Travel

155. **Deputy Sandra McLellan** asked the Minister for Arts, Heritage and the Gaeltacht the cost incurred by his Department, for this year's overseas travel programme for St Patrick's

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Day, which saw the Taoiseach and eight Ministers heading abroad for the holiday; and if he will make a statement on the matter. [17321/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): I travelled to New Orleans and Atlanta on behalf of the Government for a schedule for events around St. Patrick's Day, arriving on 13 March 2012 and departing on 18 March 2012. The Minister of State at my Department attended events in Glasgow and Edinburgh from 14 March 2012 to 18 March 2012. The full cost of these trips is not yet available in my Department.

Special Protection Areas

156. **Deputy Charlie McConalogue** asked the Minister for Arts, Heritage and the Gaeltacht the position regarding the success rate over the past two years of appeals to designation of lands as special protection areas; and if he will make a statement on the matter. [17446/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): I am advised that some 11% of appeals decided in 2011 were either successful or partly successful, compared to 12% in 2010.

157. **Deputy Charlie McConalogue** asked the Minister for Arts, Heritage and the Gaeltacht the grant assistance available to assist landowners who wish to appeal an special protection area designation (details supplied) to allow them to employ environmental professionals in order to put together the scientific evidence necessary to support their appeal; and if he will make a statement on the matter. [17447/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): Ordinarily, a contribution by my Department, up to a maximum of €1,350, is available towards an appellant's costs for the expert engaged in the production of his/her scientific report and to comment on the focused scientific report which is produced by the National Parks and Wildlife Service. This would apply irrespective of the size of the site.

For the purposes of efficiency and the prudent use of public funds, the Designated Areas Appeals Advisory Board often considers a number of appeals together, where they relate to land that is in close proximity, such as in the case referred to by the Deputy. In those circumstances, it is not necessary for appellants to commission separate ecological reports where a single one covering the entire area of the land under appeal would suffice. My Department does not provide funding for separate reports when one would be sufficient to meet the needs of all appellants.

158. **Deputy Seán Kyne** asked the Minister for Arts, Heritage and the Gaeltacht further to Parliamentary Question No. 315 of 6 March 2012, if a copy of the survey notes created in relation to the designation of the Moycullen bog complex as a natural heritage area can be supplied. [17464/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): I have made arrangements to supply copies of the material requested to the Deputy within the next week.

Ministerial Travel

159. **Deputy Sandra McLellan** asked the Minister for Communications, Energy and Natural Resources the cost incurred by his Department, for this year's overseas travel programme for

St Patrick's Day, which saw the Taoiseach and eight Ministers heading abroad for the holiday; and if he will make a statement on the matter. [17323/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I was abroad on official business in Italy over the period 14th of March to 18th of March. I was accompanied by my Private Secretary and my Special Adviser. The Programme was an intensive one aimed primarily at promoting Ireland as a location for investment.

The cost incurred by my Department to date amounts to €1,390.

Energy Prices

160. **Deputy Maureen O'Sullivan** asked the Minister for Communications, Energy and Natural Resources the legal price by which a landlord can sell electricity to a tenant per watt; and if he will make a statement on the matter. [17350/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I do not have a statutory function in the setting of energy prices, whether in the regulated or unregulated market. Responsibility for the regulation of the electricity and gas markets is a matter for the Commission for Energy Regulation (CER), which is an independent statutory body. Prices in the retail electricity market are now fully deregulated from 4th April 2011 and are wholly a commercial and operational matter for suppliers.

The CER has the statutory function to licence the supply of electricity pursuant to Section 14 of the Electricity Regulation Act 1999. Supply is defined in the Electricity Regulation Act 1999 as “supply, in relation to electricity means supply through electric lines to final customers for consumption”. Supply is further defined in Regulation 2 of European Communities (Internal Market in Electricity) Regulations 2005 as “the sale, including resale, of electricity to consumers.”

Where a supplier of electricity does not hold a supply licence, the European Communities (Internal Market in Electricity) Regulations 2000 provides that it is an offence to supply electricity without being duly authorised to do so. This provision provides that the supply of electricity without a licence is a summary offence summary proceedings for which may be brought and prosecuted by the Commission for Energy Regulation. The penalty is a fine up to €1,500 and/or imprisonment for up to 12 months.

Electricity customers can choose to pay their bills for electricity supplied to them and they consume in a number of ways. In most cases the electricity customer enters into a supply contract directly with a licensed supplier. In a landlord and tenant relationship, various contractual arrangements exist to practically manage the supply of electricity to the tenant and payment for same.

While it is impossible to cover every private arrangement between landlords and tenants, the CER has considered the legal implications, if any, of different situations brought to its attention to date. Each case brought to the Commission's attention will be considered on its own merits. The most common arrangements are set out as follows.

The Commission recognises that in some cases it may be agreed between the landlord and the tenant that the rental charged by the landlord will be inclusive of electricity bills. In this case, it is between the landlord and the tenant as to the inclusive figure agreed. The Commission does not view “all inclusive” rental agreements of this nature to constitute the supply of electricity.

Where the rent paid by the tenant is exclusive of utility bills but the landlord agrees that he or she will pay the bills on behalf of the tenant for convenience (for example in situations

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where it is a relatively short term let in order to avoid over-payment or under-payment by the tenant) then the landlord can re-charge the amount attributable to the tenant's stay to the tenant. In this instance the landlord is merely acting as an agent for the tenant for the purchase of electricity rather than as a supplier of electricity.

Another arrangement can be where the electricity is supplied by the landlord. In this situation, where the tenant obtains electricity from the landlord either through a payment meter installed by the landlord (such as a pre-payment meter or a meter which is not an official ESB Networks meter (Distribution Systems Operator) or by the imposition of charges that are unrelated to the charges paid by the landlord to the electricity company then the Commission is of the view this constitutes the sale of electricity, which is a licensed activity under the Electricity Regulation Act 1999. As highlighted above, the European Communities (Internal Market in Electricity) Regulations 2000 provides that it is an offence to supply electricity without being duly authorised to do so.

In this context it is also important to note the provisions of the Energy (Miscellaneous Provisions) Act 2012. The 2012 Act amends the provisions of the Energy (Miscellaneous Provisions) Act 1995 regarding the theft of electricity and gas to reflect the current structure and regulation of the energy sector.

Section 5 of the Energy (Miscellaneous Provisions) Act 2012 creates the offence of manufacturing, importing, selling, offering for sale, supplying, installing or causing to be installed or having in possession any thing designed or adapted, without lawful excuse, inter alia, for the purpose of imposing charges on persons for the use of electricity or gas in the absence of a contract of supply or a deemed contract being in place which allows for such charges. A person who commits an offence is liable on summary conviction to a Class A fine or for imprisonment for a term not exceeding 6 months or to both, or on conviction on indictment to a fine not exceeding €150,000 or to imprisonment for a term not exceeding 5 years or both.

This section has yet to come into operation, subject to finalisation of a Commencement Order by the Office of the Attorney General. I expect to be in a position to bring the provision into operation in the coming weeks. The distribution or transmission system operators are empowered to take summary proceedings for such an offence.

Energy Conservation

161. **Deputy Paudie Coffey** asked the Minister for Communications, Energy and Natural Resources the number of persons who have qualified for Sustainable Energy Authority of Ireland grants to improve their home insulation in the years 2009, 2010 and 2011; and if he will make a statement on the matter. [17413/12]

162. **Deputy Paudie Coffey** asked the Minister for Communications, Energy and Natural Resources the amount of money in Sustainable Energy Authority of Ireland grants that has been awarded to persons to improve their home insulation in the years 2009, 2010 and 2011; and if he will make a statement on the matter. [17414/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I propose to take Questions Nos. 161 and 162 together.

The Sustainable Energy Authority of Ireland (SEAI) administers the Better Energy Programme. I am informed by SEAI that almost 118,200 homes have received energy efficiency upgrades since the scheme was launched in May 2009.

The total number of applications for home insulation measures only are as follows:

Year	Number of homes who have applied for insulation grants	Number of homes who have subsequently carried out insulation measures	Value of grants paid out for insulation measures €m
2009	28,974	13,575	11.464
2010	53,657	37,169	33.936
2011	45,972	40,507	44.539
Total	128,603	91,251	89.939

Insulation measures installed in these homes comprises attic insulation and/or one of three wall insulation options (internal dry lining, external or cavity wall insulation).

Local Authority Charges

163. **Deputy Mattie McGrath** asked the Minister for the Environment, Community and Local Government his views on the fact that charging the €100 household charge on self-catering accommodation is giving an unfair competitive advantage to other businesses in the hospitality sector specifically the loss making hotels owned by the National Assets Management Agency; his further views that this charge on top if the non principal private residence charge is going against his policy to support tourism specifically the self catering tourism model; his further views that owners of self catering accommodation should be exempt from this charge in an effort to continue to promote tourism; the steps he will take to support the self catering industry who are struggling to compete as a result of these charges; and if he will make a statement on the matter. [17418/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Local Government (Household Charge) Act 2011 and the Local Government (Household Charge) Regulations 2012 provide the legislative basis for the household charge.

The Act places the household charge under the care and management of the local authorities, and application in particular circumstances is a matter for the relevant local authority. Interpretation of the legislation is a matter for legal advice in individual cases and ultimately a matter for the Courts.

Under the legislation, an owner of a residential property on the liability date of 1 January 2012 is liable to pay the household charge by 31 March 2012, unless otherwise exempted or entitled to claim a waiver.

Section 2 of the Act sets out the meaning of “residential property” for the purposes of the Act. In particular, section 2(2)(d) of the Act provides that a building that is wholly used as a dwelling (other than a dwelling that forms part of a mixed hereditament within the meaning of the Local Government (Financial Provisions) Act 1978), and in respect of which local authority rates are payable, is not a residential property for the purposes of the household charge.

Social and Affordable Housing

164. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government if he intends to permit those in voluntary housing to purchase their homes; if he has had discussions in relation to this with the Irish Council for Social Housing or other associations; and if he will make a statement on the matter. [17457/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): There is no provision at present in the voluntary housing schemes

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for the purchase of individual houses by tenants. My Department is currently in consultation with the voluntary housing sector, through the Irish Council for Social Housing, with regard to the development of an enabling regulatory framework that will support the expanded role for the sector foreseen in the Government’s housing policy statement of June 2011.

In developing this framework, my Department will, *inter alia*, examine a range of issues around making best use of the significant equity inherent in the voluntary housing stock, including how some of this equity might be released to leverage additional new supply, including through the sale of voluntary houses to tenants.

Local Authority Charges

165. **Deputy Michael Creed** asked the Minister for the Environment, Community and Local Government the reason a portion of an estate (details supplied) in County Cork deemed to be eligible for a waiver under the household charge, is excluded from the waiver; and if he will make a statement on the matter. [17303/12]

170. **Deputy Maureen O’Sullivan** asked the Minister for the Environment, Community and Local Government if waivers for the household charge will be considered not only for listed unfinished housing estates, but also for private streets with housing (details supplied) which are surrounded by unfinished buildings now in the National Asset Management Agency receivership, due to the fact that private residents in the area are undergoing environmental, health and safety and anti-social behaviour problems associated with the abandoned buildings; and if he will make a statement on the matter. [17351/12]

174. **Deputy Denis Naughten** asked the Minister for the Environment, Community and Local Government if he will furnish a reply to correspondence (details supplied) regarding the misnaming of a housing estate which is exempted from the household charge; if he will confirm that the residents of the estate are not liable to pay the household charge; and if he will make a statement on the matter. [17375/12]

180. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government the position regarding payment of the household charge for houses in housing estates not taken over by the local authority because they are unfinished; and if he will make a statement on the matter. [17442/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 165, 170, 174 and 180 together.

As part of the process of preparing the National Housing Development Survey 2011, published by my Department in October 2011, local authorities provided details of all unfinished housing developments in their areas. Unfinished housing developments were divided into four categories as follows:

- Category one, where the development is still being actively completed by the developer, or where no serious public safety issues exist;
- Category two, where a receiver has been appointed;
- Category three, where a receiver has not been appointed and the developer is still in place but effectively inactive; and

- Category four, where the development has been effectively abandoned and is posing serious problems for residents.

Other relevant factors for the purposes of the categorisation process include, *inter alia*:

- the state of completion of roads, footpaths, public lighting, piped water and sewerage facilities and open spaces or similar amenities within the development;
- the extent to which the development complies with the terms of applicable planning permission;
- the extent to which it complies with the provisions of the Building Control Acts 1990 and 2007;
- the provisions of the Local Government (Sanitary Services) Act 1964 as they pertain to dangerous places and dangerous structures within the meaning of the Act;
- the extent to which facilities within the development have been taken in charge by the local authority concerned; and
- where there is an agreement regarding the maintenance of such facilities, the extent to which this agreement has been complied with.

This categorisation formed the basis for the list of those unfinished developments eligible for a waiver on the annual household charge. Only households in developments in categories three and four are eligible for the waiver from payment of the household charge. The list of developments in which households are eligible for the waiver in 2012 is set out under the Local Government (Household Charge) Regulations 2012. The prescribed list of estates to which the waiver applies is the final and complete list for 2012. A revised list of estates will be prescribed for 2013 after which time the waiver for unfinished housing developments will end.

Throughout this period it is anticipated that the numbers of categories 3 and 4 developments will decrease significantly as my Department continues to work with local authorities and other stakeholders to resolve outstanding issues, including through the Public Safety Initiative. In some cases a local authority may have found that conditions in respect of a certain phase of a development were relatively good and that, for example, no serious public safety issues could be identified. This phase of the development may have been categorised under category 1 or 2. Conversely, safety issues may have been identified in another phase of the same overall development, or development in that second phase may have been abandoned altogether, implying a category 3 or 4 identification for that phase.

I am arranging for a reply to issue to the recent correspondence referred to.

166. **Deputy Peter Mathews** asked the Minister for the Environment, Community and Local Government his views on a matter (details supplied) regarding the household charge; and if he will make a statement on the matter. [17304/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): 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 of 1 January, 2012 to determine if he/she has a liability and, if so, that person is required to declare that liability and pay the household charge by 31 March, 2012. Significant efforts are being made to ensure that property owners are aware of the household charge and the requirements to make a declaration of liability and to pay the charge by 31 March, 2012.

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There is a range of options available for persons to pay the household charge. An online system *www.householdcharge.ie* is in place in the Local Government Management Agency (LGMA) to enable homeowners to pay the household charge by credit/debit card. In addition, homeowners can make payment by cheque, postal order or by credit/debit card by completing the relevant payment details on the declaration form and posting it to Household Charge, PO Box 12168, Dublin 1. Instalment payments were available by direct debit only and persons opting to pay in this way had to register their details before 1 March, 2012. A bureau is in place in the LGMA to administer the charge on a shared service/agency basis for all local authorities. In addition, all county/city councils have been requested to have arrangements in place for persons to attend their principal offices to facilitate payment of the household charge up to 31 March, 2012.

I am satisfied that there is a comprehensive suite of payment options available to persons to pay the household charge.

167. **Deputy Michael McGrath** asked the Minister for the Environment, Community and Local Government the position regarding the application of the household charge to properties that are not deemed to be habitable; if he will provide details of the assessment of whether a property is habitable or not; and if he will make a statement on the matter. [17310/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Local Government (Household Charge) Act 2011 and the Local Government (Household Charge) Regulations 2012 provide the legislative basis for the household charge. The household charge is on a self assessment basis and interpretation of the legislation is a matter for legal advice in individual cases and ultimately a matter for the Courts.

The definition of “residential property” in section 2(1) of the Act is relevant when considering whether a property that is not used or lived in is liable to the charge. Under the Act “residential property” is defined as a “...building that is situated in the State and that is occupied, or suitable for occupation, as a separate dwelling...”.

There are a number of indicators as to what makes a property suitable for occupation for the purposes of determining a liability to the household charge. The indicators include the structure of the property, whether or not it has a roof, whether or not it is so affected by dampness as to render it unsuitable for habitation, and whether or not it has sanitary facilities, including a water closet and water supply. A property that is not suitable for occupation should not be regarded as a residential property within the meaning of the Act.

Water Services

168. **Deputy Nicky McFadden** asked the Minister for the Environment, Community and Local Government if a programme management office has been established for the Irish water initiative in his Department as per the recommendations of the November 2011 PWC Phase 1 report on Irish Water; when he expects the Phase 2 report from PWC to be submitted; when he expects this report to be published; and if he will make a statement on the matter. [17317/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Fergus O’Dowd): Phase I of the independent assessment proposed an initial transition strategy based on a staged approach involving:

- Appointment of an interim board and Project Management Office in 2012 pending the establishment of Irish Water under its own statute by mid 2013;

- Irish Water would acquire statutory responsibility for water services in mid 2013, with ownership of assets transferring from local authorities from that date;
- Local authorities would be agents of Irish Water for a period with Irish Water taking over their operations on a phased basis from January 2015;
- The full transfer of operations would be completed by end 2017.

Phase 1 of the independent assessment on the establishment of a water utility and a paper setting out the proposed reforms in the water sector were published by my Department at the initiation of a public consultation in January 2012. Phase II of the assessment involves the development of an implementation plan which will address transformation planning in more detail. It is anticipated that this stage will be completed over the next month or so. Following the development and finalisation of a detailed implementation plan, the necessary programme management and governance arrangements will be established to drive the various activities required to set up the public water utility.

Ministerial Travel

169. **Deputy Sandra McLellan** asked the Minister for the Environment, Community and Local Government the cost incurred by his Department, for this year's overseas travel programme for St Patrick's Day, which saw the Taoiseach and eight Ministers heading abroad for the holiday; and if he will make a statement on the matter. [17326/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): My Department did not incur any costs associated with overseas travel for St Patrick's Day this year as neither I nor any Minister of State in my Department were part of the Ministerial travel programme organised for this occasion.

Question No. 170 answered with Question No. 165.

Local Authority Charges

171. **Deputy Sandra McLellan** asked the Minister for the Environment, Community and Local Government of those who have registered for the household charge, the number that are exempt from paying the tax; and if he will make a statement on the matter. [17356/12]

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, unless otherwise exempted or entitled to claim a waiver.

The Local Government (Household Charge) Act 2011 provides for a number of exemptions and waivers from payment of the household charge. The exemptions from payment of the household charge are—

- Residential properties that are part of the trading stock of a business and have not been sold or been the source of any income since construction,

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- 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.

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 noon on 28 March, 2012, a total of 428,299 property declarations had been processed by the household charge bureau. 418,708 have registered for payment of the charge equating to some €41.8m. 9,591 residential property owners have registered for a waiver from payment of the charge. In addition, a further 55,000 postal applications have been received in the household charge bureau which are yet to be processed which equates to a further €5.5m.

172. **Deputy Sandra McLellan** asked the Minister for the Environment, Community and Local Government the reason some households are exempt from paying the household charge but not the non principal private residence charge; and if he will make a statement on the matter. [17357/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Local Government (Household Charge) Act 2011 and the Local Government (Charges) Act 2009, as amended, set out the legislation underpinning the household charge and the charge on non-principal private residences respectively. Application of the legislation in particular circumstances is a matter for the relevant local authority. Interpretation of the legislation is a matter for legal advice in individual cases and ultimately a matter for the Courts.

The Local Government (Household Charge) Act 2011 provides for a number of exemptions from payment of the household charge. The exemptions from payment of the household charge are—

- Residential properties that are part of the trading stock of a business and have not been sold or been the source of any income since construction,
- Residential property owned by a Minister of the Government, a housing authority or the Health Service Executive,
- Voluntary and co-operative housing,
- Residential property subject to commercial rates and wholly used as a dwelling,
- Residential property owned by certain charities or discretionary trusts, and

- Residential property which an owner has vacated due to long-term mental or physical infirmity (e.g. elderly person that has moved into a nursing home).

The other exemptions provided in the Local Government (Charges) Act 2009 are particular to circumstances where ownership of a property in which the owner does not reside is unavoidable and were made in the interest of fairness. Such exemptions include circumstances where a property is temporarily in a person's ownership because of moving house, where parties to a separation or divorce reside separately, where a property is occupied rent-free by a relative of the owner and is within two kilometres of the owner's home, and properties with aesthetic, heritage or artistic merit approved as such by the Revenue Commissioners under the Taxes Consolidation Act 1997.

Local Authority Staff

173. **Deputy Terence Flanagan** asked the Minister for the Environment, Community and Local Government the qualifications and experience necessary to be appointed an assistant chief fire officer in the fire services; the person who makes these appointments; and if he will make a statement on the matter. [17371/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Under the qualifications declared for the post of Assistant Chief Fire Officer each candidate must:

(a) Hold a degree at Level 8 in the National Framework of Qualifications in:

(i) engineering, architecture, or other building construction related discipline, or

(ii) a degree at the same level in a science or technology related discipline including, physics, chemistry, environmental or computer science, information communications technology,

or

(iii) a professional qualification equivalent to any of the foregoing.

(b) Have a satisfactory knowledge of one or more of the following:

— principles of fire safety,

— fire service operations,

— major emergency management,

— technological and industrial processes,

— telecommunications and information technology.

(c) Have at least five years satisfactory relevant experience, including adequate experience in at least one of the areas specified at (b) above.

(d) Have a high standard of training in one or more of the areas specified in (b) above.

(e) Be competent to perform efficiently the duties of the office.

[Deputy Phil Hogan.]

Recruitment to senior posts in local authorities, including Assistant Chief Fire Officer is carried out by the Public Appointments Service in accordance with the provisions of the Public Service (Recruitment and Appointments) Act 2004.

Question No. 174 answered with Question No. 165.

Building Regulations

175. **Deputy Terence Flanagan** asked the Minister for the Environment, Community and Local Government when he expects to publish draft proposals regarding proposed changes to the building regulations and in particular part B — fire safety; and if he will make a statement on the matter. [17390/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): My Department, in conjunction with the Building Regulations Advisory Body (BRAB), has commenced a full review of Part B (Fire Safety) of the Building Regulations and the accompanying Technical Guidance Document B — Fire Safety (2006). An initial public consultation process, which commenced in November 2011 and closed in February 2012, gave rise to a total of 44 submissions from a wide variety of stakeholders. A workshop for stakeholders was also held last January. Officials from my Department are currently examining the comments received from both of these pre-consultation processes to ensure that all relevant matters are addressed in the full review.

It is anticipated that a full public consultation will be announced before the end of this year to seek comments on draft regulations and the associated draft technical guidance document. The draft proposals will be accompanied by a regulatory impact assessment. In addition, my Department is currently finalising new draft Building Control Regulations which will require the provision of mandatory certification and the submission of drawings by builders and the developers of buildings. These measures will have the capacity to improve the quality of buildings and will lead to a further strengthening of the building control system. The draft Building Control (Amendment) Regulations will be the subject of a public consultation to be announced in mid-April 2012.

Local Authority Charges

176. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government if he will explain to the public what exactly they are getting in return for the payment of the household charge; and if he will make a statement on the matter. [17402/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Local Government (Household Charge) Act 2011 and the Local Government (Household Charge) Regulations 2012 provide the legislative basis for the household charge. Under the legislation, an owner of a residential property on the liability date of 1 January 2012 is liable to pay the household charge by 31 March 2012, unless otherwise exempted or entitled to claim a waiver.

Revenues from the household charge are supporting the provision of essential local services. Internationally, local services are administered by local authorities and financed by local service charges. In Ireland, local authorities are responsible for, among other services, public parks; libraries; open spaces and leisure amenities; planning and development; fire and emergency services; roads; maintenance and cleaning of streets and street lighting. These facilities benefit everyone.

Departmental Funding

177. **Deputy Pat Breen** asked the Minister for the Environment, Community and Local Government when funding will be allocated for a scheme (details supplied); and if he will make a statement on the matter. [17404/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The group in question has been fully paid in respect of all applications received by my Department.

Planning Issues

178. **Deputy Patrick Nulty** asked the Minister for the Environment, Community and Local Government if he will review his decision to cancel the independent planning inquiries set up by the previous Minister for the Environment, John Gormley, TD, into alleged planning irregularities in six local authorities, namely Dublin and Cork city councils and Carlow, Cork, Galway and Meath County councils; if he will reinstate the six independent planning consultants who were appointed in January 2011 to carry out these inquiries; if he will take into account the concerns raised by An Taisce and others in this regard; and if he will make a statement on the matter. [17433/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): t no stage did I cancel or stand down the investigations concerned. My predecessor as Minister for Housing and Planning decided that, instead of incurring significant costs to the Exchequer by securing outsourced expertise, the Department would carry out an examination of the cases involved in the first instance. This examination would then inform the public statement which I will be making in the coming weeks, setting out the results and the appropriate next steps in each case. While I do not want to prejudge the outcome of the process, if it is warranted I will be prepared to instigate further investigation of any matters requiring this. While a panel of prospective consultants was prepared by the then Minister for the Environment, Heritage and Local Government no contract was awarded in respect of any of the areas concerned.

Social and Affordable Housing

179. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government if he intends to permit those on affordable council mortgages to switch to annuity loans; and if he will make a statement on the matter. [17440/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): There are two types of local authority mortgages. Home Choice Loan, which is available to credit worthy households earning in excess of €35,000 as a single applicant and over €45,000 combined income as joint applicants, and a standard annuity mortgage. This is the only loan type made available to prospective purchasers under any of the affordable housing schemes and any other paths to home ownership by social housing tenants.

Question No. 180 answered with Question No. 165.

Illegal Dumping

181. **Deputy Joe Higgins** asked the Minister for the Environment, Community and Local Government if he will report on his decision announced on RTÉ news in November 2011 that he will meet the costs of remediating illegal dumps in County Wicklow; the funds he has committed to this; if any have already been deployed; and if he will make a statement on the matter. [17451/12]

182. **Deputy Joe Higgins** asked the Minister for the Environment, Community and Local Government if he will respond to a claim in the High Court that his intervention in the matter of the payment for remediation of illegal dumps in County Wicklow would mean the abandonment of court proceedings related to responsibility for the remediation; and if he will make a statement on the matter. [17452/12]

183. **Deputy Joe Higgins** asked the Minister for the Environment, Community and Local Government if he intends to recoup the costs of remediation of illegal dumps in County Wicklow when the companies which might be liable are gone out of business.; and if he will make a statement on the matter. [17453/12]

184. **Deputy Joe Higgins** asked the Minister for the Environment, Community and Local Government if he has received correspondence from the Department of Social Protection in the past number of years requesting an investigation into the council's handling of illegal dumping in County Wicklow and the way the remediation process was handled by the county council and for a full investigation into the matter; and the action he has taken regarding same; and if he will make a statement on the matter. [17454/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 181 to 184, inclusive, together.

The Whitestown site was cited in the European Court of Justice judgment in Case C 494/01 as an example of Ireland's failure to comply with the 1975 Waste Framework Directive. My Department, on behalf of the State, has been liaising with the European Commission to ensure that the requirements of the judgment are fully met. The Commission is concerned, as I am, to secure the urgent remediation of the site, a concern underlined by an additional letter of formal notice issued on 30 September 2010, which indicated that the Commission might refer the case back to the Court of Justice for financial penalties to be imposed against the Irish State for failure to comply with the judgement.

It is in these circumstances that my Department, in June 2011, requested Wicklow County Council to remediate the site, pursuant to its powers under section 56 of the Waste Management Act 1996. On foot of this, the Council, working with the EPA, has established a technical working group to oversee a programme of detailed investigation of the areas of illegal waste at the site. The purpose of this programme, which I understand is now complete, is to gain a greater understanding of the nature, character and distribution of the waste, and to assist in determining the requirements for the site's remediation. I understand that a procurement process for the remediation will be initiated by the Council later this year, with a view to work commencing in the Autumn. The cost of remediation will be dependent on the technical approach taken to remediation and on the outcome of the tendering process. The costs involved will be funded by the State, with Wicklow County Council seeking cost recovery through the Courts. As the matter is the subject of ongoing legal proceedings, I do not propose to comment further.

As regards correspondence from the Department of Social Protection in the past number of years, I have asked my Department to examine the relevant files for such a request from that Department, and will revert to the Deputy with the results of this examination.

Social and Affordable Housing

185. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government in view of the number of local authority mortgages that are in arrears, if there are any planned changes for the way in which the rent subsidy side of the affordable

mortgage is dealt with; the number of local authorities that strictly apply the rule that it can only be based on the previous year's income; the flexibility there is in the current system; when any changes might be forthcoming; and if he will make a statement on the matter. [17463/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): The review of Part V of the Planning and Development Acts, announced in the context of the standing down of affordable housing schemes as part of the Government's housing policy statement, will include an examination of the operational aspects of the shared ownership scheme. Any future changes to legislation governing affordable housing schemes will be informed by that review which will shortly commence.

Circular HPS4/2009 gave local authorities flexibility in applying the mortgage subsidy and states "where a purchaser suffers a reduction in income during the year the appropriate subsidy calculated on the reduced income may be applied, *pro rata*, from a current date and the mortgage payment reduced accordingly."

Local Authority Funding

186. **Deputy Joan Collins** asked the Minister for the Environment, Community and Local Government if it has been brought to his attention that Sligo County Council has had the highest overall deficit balance of all county and city councils as outlined in their respective annual financial statements (details supplied); if it has been brought to his attention that the members of Sligo County Council were informed at their monthly meeting on 5 March 2012 that the council's overall revenue account debt at the end of 2011 increased to €12.9 million and that the capital debt is now €73 million; if it has been brought to his attention that a majority of the members of the council approved an increase in the council's overdraft facility from €11 million to €14 million for the period April 2012 to September 2012; if he intends to sanction the increased overdraft; and if he will make a statement on the matter. [17494/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): It is a matter for each local authority, including Sligo County Council, to manage its own day-to-day finances in a prudent and sustainable manner. At the request of Sligo County Council, I met with a delegation from the Council on 31 January 2012 to discuss its financial position, including its adopted 2012 budget. My Department continues to be in ongoing consultation with the Council in relation to these matters.

A request from Sligo County Council for an overdraft sanction of €14 million was received on 26 March 2012 and is currently being considered by my Department.

Ministerial Travel

187. **Deputy Sandra McLellan** asked the Minister for Justice and Equality the cost incurred by his Department, for this year's overseas travel programme for St Patrick's Day, which saw the Taoiseach and eight Ministers heading abroad for the holiday; and if he will make a statement on the matter. [17331/12]

Minister for Justice and Equality (Deputy Alan Shatter): As the Deputy will be aware, I recently travelled to Australia and New Zealand with my Private Secretary as part of the Government's St. Patrick's Day Travel Programme from Tuesday, 13 March 2012 to Saturday, 24 March 2012. Over the course of this Programme, I travelled over 40,000 kilometres, engaged in 40 separate events which focused on:

- Promoting trade and investment in Ireland;

[Deputy Alan Shatter.]

- Reaching out to the Irish communities and diaspora across Australia and New Zealand;
- Strengthening high-level political links; and
- Highlighting the Government's message that now is the time to invest in Ireland's recovery.

I met with both the Prime Minister of Australia, Julia Gillard and the Prime Minister of New Zealand, John Key. In addition, I also availed of this unique opportunity to meet with my Government counterparts in both countries to engage in discussions regarding a wide range of issues relevant to the work of both my Departments including meetings with:

- Mr. Greg Smith, New South Wales Minister for Justice and Attorney General;
- Dr. Jonathan Coleman, Minister for Defence (New Zealand);
- Mr. Andrew Phelan, Chief Executive and Principal Registrar of the Australian High Court (equivalent of the Supreme Court);
- Mr. Chris Bowen, Minister for Immigration Australia;
- Mr. Bob Carr, Minister for Foreign Affairs Australia;
- Commissioner Andrew Scipione, New South Wales Police Commissioner;
- Mr. Steve Mark, Legal Services Commissioner of New South Wales and I visited both a large and small size multi-disciplinary practice; and
- Justice Stuart Fowler, Co Chair of the Family Court of Australia.

Every possible attempt was made to keep costs to a minimum. To this end, flights to and from Australia were booked early in the planning stage. I travelled between engagements by the Ambassador's and Honorary Consulate's car, which were provided at no cost. When these cars were unavailable I travelled by taxi or, where possible, by foot instead of incurring a further cost by hiring a car on a daily basis. The total cost of the trip to my Department was €11,367.60, a breakdown of which is set out in the tables below.

I am sure the Deputy will agree that the importance of these visits, which are aimed at promoting Ireland and enhancing the existing relationships between our countries, cannot be underestimated given the current economic climate.

Flights (Minister & Private Secretary)

Flights	Class	Cost
Dublin — Sydney — Dublin	Business	€5,274.56
Sydney — Auckland — Sydney	Economy	€1,194.78
Sydney — Melbourne — Canberra — Sydney (single flights each)	Economy	€1,258.56
	Total	7,727.90

Accommodation (Minister & Private Secretary)

Date	Hotel	Cost
Thursday 15 March, Sunday 18 March, Tuesday 20 March, Wednesday 21 March, Thursday 22 March	Four Seasons, Sydney	€2,504.87
Friday 16 March, Saturday 17 March	Pullman, Auckland	€683.18
Monday 19 March	Ambassador's Residence	n/a
	Total	€3,188.05

Transport

Taxis	Total	€451.65

Garda Deployment

188. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality the number of Garda juvenile liaison officers stationed at each Garda station in the Dublin region; the number of JLO's that retired in 2011 and to date in 2012; and if he will make a statement on the matter. [17379/12]

Minister for Justice and Equality (Deputy Alan Shatter): I have requested the information sought by the Deputy for the Garda Commissioner. I will be in touch with the Deputy directly when this information is to hand.

Garda Operations

189. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality the budget allocated to the Garda witness protection programme for the years 2008, 2009, 2010, 2011 and to date in 2012; and if he will make a statement on the matter. [17381/12]

Minister for Justice and Equality (Deputy Alan Shatter): The budget allocated to the Witness Security Programme as reflected in the Appropriation Accounts for the years in question is set out in the table below:

Year	Estimate Provision
2008	€0.900 million
2009	€0.498 million
2010	€0.700 million
2011	€0.700 million
2012	€1.198 million

The Deputy will be aware that the Witness Security Programme is a vital part of the Garda response to tackling gangland crime and terrorism and has been important in securing convictions in a number of cases. For obvious reasons, it is not the practice to comment on the detail of its operation.

Closed Circuit Television Systems

190. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality if he will

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increase the number of Garda CCTV cameras in Dublin city centre and in the north central electoral areas; and if he will make a statement on the matter. [17382/12]

Minister for Justice and Equality (Deputy Alan Shatter): Garda CCTV systems are planned and implemented on the basis of operational needs identified by An Garda Síochána and any proposals for the extension of the current Garda CCTV Programme would be a matter for the Garda Commissioner in the first instance.

I am advised by the Garda authorities that there are 44 Garda CCTV cameras in the DMR North Central Division and 33 Garda cameras in the DMR South Central Division. In addition I understand that, while there are currently no plans to increase the number of Garda cameras in operation in these Divisions, the situation is being kept under ongoing review in the light of overall policing requirements.

Residency Permits

191. **Deputy Denis Naughten** asked the Minister for Justice and Equality the number of applications he has received seeking leave to remain as a result of the Zambrano ruling; the number of decisions that have issued in such cases; the number of those that were granted leave to remain; the progress he is making on processing such applications; and if he will make a statement on the matter. [17391/12]

Minister for Justice and Equality (Deputy Alan Shatter): To date 1,680 persons have applied to the Immigration Service of my Department (INIS) to have their case to remain in the State examined in accordance with the principles set out in the Zambrano Judgment. All of these cases require careful consideration in advance of any decision being made on whether they are comprehended by this judgment. To date, decisions have been made in 925 cases with permission to remain in the State having been granted in respect of 791 of these cases. The majority of the remaining outstanding applications are cases where all of the required documentation and information has not yet been submitted and where this is the case, the persons involved have been advised in writing as to what further documentation or information is required to be submitted.

A number of other third country nationals who already have been given permission to remain in the State, for example as students or as dependents, have also sought to have the terms of the Zambrano Judgment applied to them on the basis of being a parent of an Irish citizen child. Persons in this category are being advised to attend at their local Garda Registration Office, with certain items of documentation such as birth certificates, proof of residency etc., at which point, all other things being equal, their immigration status adjusted accordingly. These cases do not require substantive processing in my Department (primarily because the question of the person's immigration status in the State is not an issue) and, as such, they are not being recorded in a manner to calculate how many such cases are involved.

In addition there were a further body of some 193 cases subject to judicial review proceedings where a link to the Zambrano Judgment had been identified. To date 148 of these cases have been granted permission to remain in the State under the terms of the Zambrano Judgment.

Citizenship Applications

192. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the progress to date in the case of a request for permission to change nationality in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [17539/12]

Minister for Justice and Equality (Deputy Alan Shatter): In the absence of more specific information I can only give the general position with regard to naturalisation.

Officials in the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) inform me that there is no record of an application for a certificate of naturalisation from the person referred to in the Deputy's question. It is open to any individual to lodge an application for citizenship if and when they are in a position to meet the statutory requirements as prescribed in the Irish Nationality and Citizenship Act 1956 as amended.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

Asylum Applications

193. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the progress made to date in the determination of entitlement to update of stamp 4 in the case of a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [17540/12]

Minister for Justice and Equality (Deputy Alan Shatter): Arising from the refusal of his asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 30 April 2007, that the then Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against him. In addition, he was notified of his entitlement to apply for Subsidiary Protection in accordance with the European Communities (Eligibility for Protection) Regulations 2006.

The person concerned submitted an application for Subsidiary Protection. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome. In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted, including those relating to the possible relevance of the Zambrano Judgement to the case, will be considered before a final decision is made. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

194. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the progress made in the matter of the updating of stamp 4 status in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [17541/12]

Minister for Justice and Equality (Deputy Alan Shatter): I refer the Deputy to Parliamentary Question No. 458 of Tuesday, 27th March 2012 and the written Reply to that Question below. The position is unchanged since then.

The person concerned has been granted Leave to Remain in the State for a two year period to 29 March 2012. This decision was conveyed in writing to the person concerned by letter dated 29 March 2010. They were also informed that they are required to apply in writing one month before the end of the expiry period for the renewal of this permission.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

195. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if and when stamp 4 will be updated or naturalisation progressed in the case of a person (details supplied) in Dublin 18; and if he will make a statement on the matter. [17542/12]

Minister for Justice and Equality (Deputy Alan Shatter): Arising from the refusal of his asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 18th February, 2002, that the then Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against him. Representations have been received from and on behalf of the person concerned.

The person concerned applied for permission to remain in the State on the basis of being a parent of an Irish born citizen child, born before 1st January, 2005, in accordance with the revised arrangements announced by the then Minister on 15th January, 2005, commonly referred to as the IBC/05 scheme. His application was refused as he did not meet the Scheme's good character requirements. He was notified of this decision by letter dated 8th September, 2005.

By letter dated 26th January, 2010, the person concerned was notified of his entitlement to apply for Subsidiary Protection in accordance with the provisions of the European Communities (Eligibility for Protection) Regulations 2006. The person concerned submitted an application for Subsidiary Protection. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the Subsidiary Protection application is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before a final decision is made. In advance of a final decision being made, the case of the person concerned will be examined to determine what, if any, impact the European Court of Justice Judgment in the Zambrano case may have on his case. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for

this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

Citizenship Applications

196. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the progress made to date in the determination of residency or naturalisation entitlement in the case of a person (details supplied); when it is expected to finalise the issue; and if he will make a statement on the matter. [17543/12]

Minister for Justice and Equality (Deputy Alan Shatter): The person concerned is a failed asylum applicant. Arising from the refusal of her asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 30th March, 2010, that the then Minister proposed to make a Deportation Order in respect of her. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the then Minister setting out the reasons why a Deportation Order should not be made against her. In addition, she was notified of her entitlement to apply for Subsidiary Protection in accordance with the provisions of the European Communities (Eligibility for Protection) Regulations 2006.

The person concerned submitted an application for Subsidiary Protection. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome. In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before a final decision is made. In advance of a final decision being made, the case of the person concerned will be examined to determine what, if any, impact the European Court of Justice Judgment in the Zambrano case may have on her case. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

Asylum Applications

197. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the progress made to date in respect of the issue of stamp 4 update in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [17544/12]

Minister for Justice and Equality (Deputy Alan Shatter): I refer the Deputy to my reply to Parliamentary Question No. 386 of 22 November, 2011 which is set out below. The position in respect of the issue of the stamp 4 is unchanged since then. However, I am advised that her permission to remain has expired since 22nd December, 2011 and in the circumstances, she

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should write to the IBC Unit of the Irish Naturalisation and Immigration Service as soon as possible to regularise her status in the State.

I am advised by the Irish Naturalisation and Immigration Service (INIS) that the person referred to by the Deputy is a dependant of non-EEA national parents of a child born in Ireland before 1 January, 2005 who were granted permission to remain in the State under the provisions of the IBC/05 Scheme. I am further advised that she was registered by the Garda National Immigration Bureau on stamp 2A conditions on 22 June, 2011 for a 6 month period. I should add that it is open to dependants at age 16 to seek permission to remain in the State on Stamp 4 conditions in line with that granted to their parents. In the circumstances, I would advise that the person concerned write to the IBC Unit of the INIS at PO Box 10003 to seek such permission.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up-to-date information on such cases to be obtained without the need to seek this information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

Citizenship Applications

198. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality when it is expected to conclude the naturalisation process in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [17545/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that an application for a certificate of naturalisation was received from the person referred to by the Deputy in April, 2011. The application is currently being processed with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation and will be submitted to me for decision as expeditiously as possible.

The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

199. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the progress made to date in the determination of naturalisation in the case of a person (details supplied) in Dublin 20; and if he will make a statement on the matter. [17550/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that an application for a certificate of naturalisation was received from the person referred to by the Deputy in August, 2011. The application is currently being processed with a view to establishing whether the

applicant meets the statutory conditions for the granting of naturalisation and will be submitted to me for decision as expeditiously as possible.

The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

Asylum Applications

200. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the progress made to date in the determination of residency or naturalisation in the case of a person (details supplied) in Dublin 20; and if he will make a statement on the matter. [17551/12]

Minister for Justice and Equality (Deputy Alan Shatter): I refer the Deputy to my reply below to Parliamentary Question No. 19438 of 7th July, 2011. The position is unchanged since then.

I am informed by the Irish Naturalisation and Immigration Service (INIS) that the person (69/316/06) referred to by the Deputy has no application pending for residency or naturalisation. The person concerned is the subject of a Deportation Order, signed on 20 April 2010, following a comprehensive and thorough examination of his asylum claim and his application for subsidiary protection, and a detailed examination of the representations he submitted for consideration under Section 3 of the Immigration Act 1999 (as amended).

However, if new information or circumstances have come to light, which have a direct bearing on their case and which have arisen since the original Deportation Order was made, there remains the option of applying to me for revocation of the Deportation Order pursuant to the provisions of Section 3 (11) of the Immigration Act, 1999, as amended. However I wish to make clear that such an application would require substantial grounds to be successful.

The Deportation Order against the individual concerned requires him to remove himself from the State and remain outside the State thereafter. His continuing presence in the State is in breach of the Deportation Order against him.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

Garda Investigations

201. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the protection that can be offered to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [17552/12]

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.

Ministerial Travel

202. **Deputy Sandra McLellan** asked the Minister for Defence the cost incurred by his Department, for this year's overseas travel programme for St Patrick's Day, which saw the Taoiseach and eight Ministers heading abroad for the holiday; and if he will make a statement on the matter. [17324/12]

Minister for Defence (Deputy Alan Shatter): As I did not travel abroad for St. Patrick's Day in my capacity as Minister for Defence no costs were incurred by the Department of Defence. The Government Chief Whip and Minister of State at the Department of the Taoiseach and the Department of Defence, Paul Kehoe T.D., visited Irish troops serving with the United Nations Interim Force in Lebanon from 15 March — 19 March. He was accompanied by two officials from my Department. The final costs cannot be confirmed until the final invoices are received in respect of this visit. The costs incurred to date are set out in the table below:

Nature of Expense	Amount
Flights & Luggage Charges	€2,609
Accommodation: Lebanon	€361
Accommodation: Beirut	€392
Entertainment	€383

The Taoiseach availed of the Ministerial Air Transport Service provided by the Air Corps for his trip to the U.S.A. for St Patrick's Day as follows:

Date	Return Date	Aircraft	Time on board
15/03/2012	21/03/2012	Gulfstream IV	17 hours 30 minutes

My Department follows the normal practice in the aviation business of costing aircraft by reference to the cost per flying hour under either of two headings:

- The direct cost which includes costs which are additional to those associated with having the aircraft and which only arise when the aircraft is flown including maintenance, fuel and support services such as catering costs, cleaning services and airport handling charges.
- The total cost which is the direct cost plus the costs associated with having the aircraft and includes depreciation and personnel costs.

The average direct cost per hour for the Gulfstream is €3,270. The average total cost per hour for the Gulfstream is €3,790. These are average costs which take a number of variables into account. It is not possible to assign an exact cost to any particular mission

203. **Deputy Sandra McLellan** asked the Minister for Agriculture, Food and the Marine the cost incurred by his Department, for this year's overseas travel programme for St Patrick's Day, which saw the Taoiseach and eight Ministers heading abroad for the holiday; and if he will make a statement on the matter. [17320/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I participated in St Patrick's Day activities in Luxembourg and The Netherlands before travelling on to Brussels. I was accompanied by my Private Secretary. The 3 day itinerary included 15 separate engagements across a broad spectrum of activities including State agency related events, media briefings, Irish Community engagements and a bilateral engagement with an EU counterpart. Total costs of €2,070 were incurred in respect of flights and hotel accommodation. This amount does not include any subsistence costs which have not yet been processed. All local transport was provided by the respective embassies using embassy vehicles.

Grant Payments

204. **Deputy Jim Daly** asked the Minister for Agriculture, Food and the Marine the position regarding an application for a single farm payment for 2011 in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [17335/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The application for 2011 Single Farm Payment Scheme was not submitted by the person named by the deadline of 17 May 2011. In fact, a completed application form was received from the person named in February 2012. The application form was accompanied by a letter of explanation and a medical certificate to support his appeal. Further medical evidence was sought and was received recently. Having considered the position it has been agreed to accept the position on the grounds of force majeure/exceptional circumstances. Payment will issue to the person named shortly.

Food Labelling

205. **Deputy Ann Phelan** asked the Minister for Agriculture, Food and the Marine if he will introduce legislation that would provide a legal definition in relation to the system of grass fed beef here; and if he will make a statement on the matter. [17354/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Food labelling, for which the Department of Health has lead responsibility, is governed by EU legislation. Beef labelling in particular is subject to comprehensive regulations concerning the identification of bovines and the labelling of their meat. These provisions were introduced in the wake of the BSE crisis to improve traceability and food security throughout the sector. In addition to establishing a cattle identification and registration system, EU meat labelling rules provide for compulsory and voluntary labelling systems which collectively cover labelling indications on origin, production methods and characteristics.

The compulsory labelling system imposes a legal obligation on food business operators (FBOs) to label beef with specific information at all stages of marketing up to and including the point of sale to the consumer, in order to support effective traceability back to the point of origin. These rules are intended to provide consumers with clear, reliable information about the provenance of fresh, chilled and frozen beef (including veal) sold in the EU. FBOs engaged in marketing beef may also include on their labels additional information complementary to that required under the compulsory labelling system. To this end, Irish FBOs must first submit a specification to my Department for approval. All such applications are examined to ensure that the FBO's traceability control system is capable of verifying the accuracy of the information on the label. Labelling indications approved by my Department include those for beef produced from grass-fed animals.

[Deputy Simon Coveney.]

Given that current legislation permits FBOs to highlight labelling claims related to product characteristics and productions methods, I have no plans to bring forward new statutory rules in this area pending the development of further proposals at EU level.

Grant Payments

206. **Deputy Denis Naughten** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) will receive their suckler cow welfare payment; the reason for the delay in same; and if he will make a statement on the matter. [17362/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person named joined the Suckler Welfare Scheme in 2008. He registered twelve animals in the Scheme that year and payment amounting to €880 was made for eleven of these animals during November and December 2008. Nine animals were registered in 2009 and payment issued for two of the animals in January 2010. A further six animals were registered in 2010 and eight in 2011 for which no payment has issued.

Payment has not issued in respect of the animals due to a combination of errors, which were identified during the payment validation process in respect of some of the animals. In addition, the participant has not submitted the required information for the remainder of the registered animals. A letter regarding the errors issued to the person named on 7 June 2011 but no response has been received by my Department to date. A further letter has been issued by my Department in recent days seeking to resolve the situation. However payment cannot issue on the animals in question until all of the information has been received and errors resolved.

207. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine the position regarding the outstanding agri environment options scheme payment due to a person (details supplied) in County Cork; and if he will make a statement on the matter. [17365/12]

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. This is being dealt with by my Department at present and once the digitisation process is completed, the application will be processed with a view to making payment in respect of 2010 at the earliest opportunity.

Disadvantaged Areas Scheme

208. **Deputy Denis Naughten** asked the Minister for Agriculture, Food and the Marine if he will review the retrospective stocking rate threshold for the area based compensation scheme for farmers on small holdings who are restricted to seasonal stocking due to poor land quality; and if he will make a statement on the matter. [17368/12]

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 proposals as submitted to the Commission regarding changes to the minimum stocking density require applicants in 2012 to have met a minimum stocking density of 0.3 livestock units per forage hectare in 2011. Where applicants do not meet this requirement, it is intended that provision will be made for exceptional circumstances, including recognised Force Majeure. Provision will also be made for those restricted by Environmental Plans.

It should be noted that the proposed criteria may be subject to some changes following the conclusion of the discussions with the EU Commission.

Grant Payments

209. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine when a decision will issue to a person (details supplied) in County Kerry regarding their single farm payment; and if he will make a statement on the matter. [17394/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the Single Payment Scheme /Disadvantaged Areas Scheme was received from the person named on the 27th April 2011.

This application was selected for a ground eligibility/cross compliance inspection. During the course of this inspection discrepancies were found that resulted in a claimed area of 15.14ha being reduced to 7.4ha. If the total area found is not sufficient to support the number of entitlements held penalties will be applied per the Terms and Conditions of the scheme. In this case the number of entitlements held by the person named is 15.45. As the difference between the area declared and the area found was more than 50%, under EU Regulations no payment was due in respect of the for 2011 scheme and an administrative fine was also applied.

The person named was informed of this decision and of his right to seek a review. He was also informed of his right to appeal the outcome of any such review to the Independent Agriculture Appeals Office. Following the submission of a previous Parliamentary Question a review was initiated. This review is now at an advanced stage and a decision will be forwarded to the person named shortly.

Harbours and Piers

210. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine when the allocations will be made to local authorities for pier and other marine works for 2012; the total amount of the allocation to be made nationally; the criteria that will be used to select projects; and if he will make a statement on the matter. [17396/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): My Department administers the Fishery Harbour and Coastal Infrastructure Development Programme. In addition to funding for Department owned harbours the programme provides funding for Local Authority owned piers and harbours subject to available funding.

My Department is currently assessing all applications received from Coastal Local Authorities for funding under the 2012 Fishery Harbour and Coastal Infrastructure Development Programme. Individual applications are being assessed in the context of the available exchequer funding, the priority ranking assigned by the relevant Local Authority and national priorities.

I expect to be in a position to announce the detail of the programme in the near future.

Grant Payments

211. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine when an agri environment options scheme payment for 2010 and 2011 will issue to persons (details supplied) in County Kerry; and if he will make a statement on the matter. [17416/12]

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 queries arose in respect of land parcels declared which required digitisation. The person named submitted amendment forms to rectify this but discrepancies remained. The person named has again submitted an amendment form requesting digitisation and this request is being dealt with by my Department at present. As soon as the digitisation process is completed, the application will be processed with a view to making payment in respect of 2010 at the earliest opportunity.

Harbours and Piers

212. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine when a decision will be made on applications for funding towards works on piers in County Galway in 2012; and if he will make a statement on the matter. [17417/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): My Department administers the Fishery Harbour and Coastal Infrastructure Development Programme.

Applications for funding under the 2012 Fishery Harbour and Coastal Infrastructure Development Programme are currently under consideration. I can confirm that my Department received detailed applications from Galway County Council in respect of 5 projects. These applications from Galway County Council will be considered in the context of available Exchequer funding and overall national priorities.

I expect to be in a position to announce details of the 2012 Fishery Harbour and Coastal Infrastructure Development Programme in the near future.

Stocking Densities

213. **Deputy Tom Fleming** asked the Minister for Agriculture, Food and the Marine if he will allow some flexibility in the implementation of the new commonage framework plan in order that farmers who are allowed to increase numbers are given enough time to meet the new minimum stocking levels; and if he will make a statement on the matter. [17424/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The Commonage Framework Plans which were drawn up between 2000 and 2004, are currently under review and it is expected that this review will be completed by June of 2012. The review is being carried out by the National Parks and Wildlife Service and my Department is co-operating with the process. The review will determine the minimum and maximum number of sheep each farmer will be allowed to have in relation to share(s) of commonage farmed. Discussions are ongoing as to how this review is to be implemented including consideration of the need for a lead in time.

Genetically Modified Organisms

214. **Deputy Patrick Nulty** asked the Minister for Agriculture, Food and the Marine if he will review the decision to allow Teagasc to carry out the planning of genetically modified potato crops in County Carlow; if he will take into account the very serious concerns raised about these trials; if he will consider having the crop trials suspended pending a full public and political debate; and if he will make a statement on the matter. [17434/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Teagasc operates as a separate non-commercial semi state body under the aegis of the Department of Agriculture, Food and the Marine with their own management structure and governing Authority. The Act establishing Teagasc confers on it principal functions in relation to the provision of education, advisory and research services to the agriculture sector. It is a matter for Teagasc to prioritise activities in the delivery of these services and to allocate its resources in accordance with these priorities. Ministerial responsibility is confined to matters of policy in accordance with the Act and I have no function with regard to the day-to-day operations of Teagasc.

Responsibility for issues relating to the cultivation of genetically modified crops, including GM trials, in Ireland rests with my colleague, the Minister for the Environment, Community and Local Government, Deputy Phil Hogan.

Grant Payments

215. **Deputy Denis Naughten** asked the Minister for Agriculture, Food and the Marine the position regarding payment in respect of a person (details supplied) in County Roscommon; the reason for the delay in same; and if he will make a statement on the matter. [17443/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person named commenced REPS 4 in June 2008 and received payments for the first two years of their contract.

REPS 4 is a measure under the current 2007-13 Rural Development Programme and is subject to EU Regulations which require detailed administrative checks on all applications to be completed before any payment can issue. Following an inspection in July 2010 deficiencies were found in the Agri-environmental Plan which necessitated the preparation of an adjusted plan. The adjusted plan was received in November 2011 and my officials felt that the deficiencies identified at the July inspection were not addressed adequately in the adjusted plan. A letter dated 12 January 2012 has issued to the person named outlining this situation and seeking a further adjusted plan. Payment cannot proceed until an adjusted plan is received and the deficiencies adequately addressed.

Import Costs

216. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the extent to which steps can be taken to alleviate the effect of higher import costs such as fuel costs in the agricultural and fishing sectors; and if he will make a statement on the matter. [17546/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I am aware of the continued high cost of inputs for several farming sectors. Feed prices and fuel costs have been high for well over a year, although feed costs are now lower than in early 2011. The Government is seeking to alleviate the burden on farmers through applying an additional allowance for farmers in relation to green diesel, as announced in the budget in December.

[Deputy Simon Coveney.]

High Commodity prices are a worldwide phenomenon. This is due to a number of factors, such as increased demand in developing countries, severe drought in some cereal growing regions, increased biofuel production and increased speculation in commodity markets. I am hopeful that measures implemented as a result of proposals from the G20 group of countries, such as the Agriculture Markets Information System, will provide more accurate information as to the causes of continued high prices. This in turn will facilitate more effective interventions to counter market volatility and stabilise commodity prices in the future.

Foreign Adoptions

217. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs the position regarding Irish citizens adopting children from Florida in the USA; and if she will make a statement on the matter. [17313/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Adoption Authority of Ireland inform me that discussions regarding administrative arrangements under the Hague Convention are ongoing. A delegation from the Authority is travelling to the US on 29-30 March 2012 with a view to progressing matters. Further updates following this visit will be posted on the Authority website.

Ministerial Travel

218. **Deputy Sandra McLellan** asked the Minister for Children and Youth Affairs the cost incurred by her Department, for this year's overseas travel programme for St Patrick's Day, which saw the Taoiseach and eight Ministers heading abroad for the holiday; and if she will make a statement on the matter. [17322/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The costs incurred by my Department for flights to Boston for St. Patrick's Day celebrations was €1,415.12. At this point in time no other expenses have been paid by my Department. A final figure will not be available until all invoices have been received and processed.

Adoption Legislation

219. **Deputy Clare Daly** asked the Minister for Children and Youth Affairs further to Parliamentary Question No. 104 of 14 February 2012 and Priority Question No. 3 of 22 March 2012, in which she commented on the pre-1952 records of fostering and de facto adoptions and her written response regarding the post 1952 records of adoptions, if she will list the former adoption societies holding records which have not sought registration under the Adoption Act 2010; the request that has been made by the Adoption Authority of Ireland to each such former adoption society to transfer records to an accredited body or the Health Service Executive in order to provide for their safeguarding; the reply that has been received and the number of such records that have been so transferred. [17553/12]

220. **Deputy Clare Daly** asked the Minister for Children and Youth Affairs further to Parliamentary Question No. 104 of 14 February 2012 and Priority Question No. 3 of 22 March 2012, in which she commented on the pre-1952 records of fostering and de facto adoptions and her written response re the post 1952 records of adoptions (details supplied); the number of illegal birth registrations of which the Adoption Authority is aware; the number post 1952; the years and counties in which the illegal birth registrations were recorded and the action that has been taken in each case regarding the contravention of the laws of the State. [17554/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I propose to take Questions Nos. 219 and 220 together.

I wish to thank the Deputy for her questions. I have asked the Adoption Authority of Ireland for a response to the issues raised and I will make this response available to the Deputy when it is received.

221. **Deputy Clare Daly** asked the Minister for Children and Youth Affairs further to Parliamentary Question No. 104 of 14 February 2012 and Priority Question No. 3 of 22 March 2012, in which her written response regarding information and tracing noted that work is underway in relation to the preparation of the Bill, in consultation with the Adoption Authority to provide for a structured and regulated providing of access to information and contact for those affected by adoption, if she will, in the preparation of the Bill, meet with and take note of the views of the Natural Parents Network of Ireland and other such organisations representing persons searching for their natural parents and natural parents searching for their children. [17555/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): My Department and I have had meeting with numerous organisations regarding the issues to be addressed in the Adoption (Information and Tracing) Bill and will continue to do so.

Primary Care Strategy

222. **Deputy Charles Flanagan** asked the Minister for Health if he will publish an update in respect of primary care centre proposals for the Laois/Offaly area; and if he will make a statement on the matter. [17316/12]

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.

Ministerial Travel

223. **Deputy Sandra McLellan** asked the Minister for Health the cost incurred by his Department, for this year's overseas travel programme for St Patrick's Day, which saw the Taoiseach and eight Ministers heading abroad for the holiday; and if he will make a statement on the matter. [17329/12]

Minister for Health (Deputy James Reilly): None of the Ministers in my Department travelled overseas for St Patrick's Day.

Health Service Staff

224. **Deputy Billy Kelleher** asked the Minister for Health if and when the Health Service Executive will issue a new tender for recruitment services for the provision of short term or temporary medical agency placements in order to replace existing contracts with employment agencies in order to bring them into line with the new Temporary Agency Workers Bill; and if he will make a statement on the matter. [17337/12]

225. **Deputy Billy Kelleher** asked the Minister for Health if the new tender process for the provision of short term or temporary medical agency placements will be open to any agency to tender for; and if he will make a statement on the matter. [17338/12]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 224 and 225 together.

[Deputy James Reilly.]

As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

Grant Payments

226. **Deputy Patrick Nulty** asked the Minister for Health the reason a mobility allowance application was refused in respect of a person (details supplied) in Dublin 15; if the decision will be urgently reviewed and the claim put into payment; if they will be eligible for any other similar payment if not this one; and if he will make a statement on the matter. [17344/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

Hospital Services

227. **Deputy Brendan Smith** asked the Minister for Health the progress made to date in relation to the proposal to establish a medical assessment unit at Monaghan General Hospital; and if he will make a statement on the matter. [17352/12]

Minister for Health (Deputy James Reilly): The HSE established a representative group to undertake a feasibility study on the development of a Medical Assessment Unit (MAU) in Monaghan and that this report was submitted to the Cavan and Monaghan Hospital group manager in February 2012. I have seen the report prepared by the group and I have asked Dr. Barry White, National Director for Clinical Strategy and Programmes to review the report. My concern is, of course, to ensure that patients in the Monaghan area have a safe, high quality and effective service. In order to meet these criteria, the review of the National Director against Clinical Strategy and Programmes requirements and the determination of the resources which may be required are key considerations which will determine what additional services may be introduced to the Monaghan Hospital site.

Monaghan Hospital will continue to play a key role in the delivery of health services in that area.

Medical Cards

228. **Deputy Pádraig Mac Lochlainn** asked the Minister for Health the numbers of medical card holders across the State on a county basis. [17358/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): The figures are representative of the number of eligible persons that hold medical cards as of 1st March 2012, broken down by each Local Health Office area.

TABLE

DUBLIN SOUTH	24,969
DUBLIN SOUTH EAST	20,331
DUBLIN SOUTH CITY	34,040
DUBLIN SOUTH WEST	62,185
DUBLIN WEST	55,423
NORTH WEST DUBLIN	67,662
DUBLIN NORTH CENTRAL	43,138

TABLE

NORTH DUBLIN	76,906
KILDARE/WEST WICKLOW	68,851
WICKLOW	42,385
LAOIS/OFFALY	64,662
LONGFORD/WESTMEATH	52,209
CAVAN/MONAGHAN	56,821
LOUTH	58,237
MEATH	63,619
GALWAY	98,696
MAYO	65,199
ROSCOMMON	30,078
DONEGAL	88,810
SLIGO/LEITRIM	41,935
CLARE	48,751
NORTH TIPPERARY/EAST LIMERICK	30,382
LIMERICK	75,438
CORK-SOUTH LEE	58,039
CORK-NORTH LEE	75,332
WEST CORK	22,043
KERRY	56,903
NORTH CORK	37,153
CARLOW/KILKENNY	56,376
WATERFORD	54,918
SOUTH TIPPERARY	40,001
WEXFORD	65,466
NATIONAL TOTAL	1,736,958

Hospital Services

229. **Deputy Pádraig Mac Lochlainn** asked the Minister for Health the numbers of throughput and the level of acute funding to each hospital across the State. [17359/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

230. **Deputy Pádraig Mac Lochlainn** asked the Minister for Health if he is satisfied that the budget provided to each hospital in the State reflects the level of health problems in the communities those hospitals serve and if he is satisfied that the comparative data he holds demonstrates a fair and equitable allocation to each hospital. [17360/12]

Minister for Health (Deputy James Reilly): Hospital budgets are based on the historical development of services. Some services were developed as ‘national specialties’ because it would not be appropriate to develop them throughout the country — an example is the Neurological service at Beaumont hospital in Dublin.

In the latter years of the former health boards, there was a drive towards regional development of services, however, in the circumstance of cancer services, the deputy will be aware that such an approach was not appropriate and cancer centres of excellence have now been designated.

[Deputy James Reilly.]

Accordingly, hospital services and associated budgets are not explicitly intended to support the health needs of each specific community where they are located. Instead, a broad range of services are available locally, and where necessary, more complex and specialised care is delivered through larger regional hospitals, centres of excellence and national specialty services.

The HSE does not have comparative data as requested by the deputy. However the deputy may be aware that the HSE operates a National Casemix System of resource distribution. In this model, the cost of hospital cases is compared using relative indices for case-complexity and resources are diverted away from the least efficient hospitals to the more efficient hospitals. This system does attempt to address any inequitable resource allocation.

It is also the case that the planned move to Universal Health Insurance will drive efficiency in the delivery of hospital services and assist in the ‘money follows the patient’ approach.

231. **Deputy Pádraig Mac Lochlainn** asked the Minister for Health if he is satisfied that the budget provided for medical equipment replacement such as x-rays, cat scan machines, MRI scanners, ultra sound machines is satisfactory and if he has carried out an audit of what need to be replaced across the State. [17361/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Services for People with Disabilities

232. **Deputy Denis Naughten** asked the Minister for Health if his attention has been drawn to the funding crisis currently facing St. Christopher’s services for persons with an intellectual disability in County Longford; the steps he intends to take to address the threat to front line services; and if he will make a statement on the matter. [17367/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As the Deputy is aware the disability budget nationally was cut by 3.7% in 2012. The Health Service Executive (HSE) National Service Plan states that at least 2% of this should not impact on services and needs to be generated from other savings and increased efficiencies. The HSE is in discussions with the National Consultative Forum on Disability, which includes representative organisations and agencies from the Disability Sector to identify and agree a framework to address the 2% savings required, with minimal impact on frontline services.

The HSE has assured me that it will endeavour to ensure that residential, day, respite and personal assistant services are protected where possible from reductions in front line services. However, some reductions in services will be unavoidable even with such efficiencies. The aim will be to tailor such reductions in a way which minimises the impact on service users and their families as much as possible.

Initiatives under consideration to generate savings include shared services, transport amalgamation, restructuring of agencies, measures to address absenteeism and the promotion of innovative models of service delivery. As a first step, the HSE has indicated a general reduction of 3.7% from the budget of disability agencies, pending the outcome of its discussions at a local level with individual agencies.

The HSE recognises the valuable contribution St. Christopher’s Services makes to the provision of services to people with intellectual disabilities in the Longford area. The HSE is very much aware of the challenges service providers including St. Christopher’s Services are experiencing, and the particular difficulties facing all health services in 2012.

My Department has been advised by the HSE that it will work with St. Christopher's Services to agree where these savings will be made.

Departmental Reports

233. **Deputy Anne Ferris** asked the Minister for Health when the Health Behaviour in School Aged Children report 2010 which, for the first time, is to include data on young person's sexual health, will be launched; and if he will make a statement on the matter. [17372/12]

Minister for Health (Deputy James Reilly): I anticipate that the survey concerned will be launched next month.

Hospital Services

234. **Deputy Thomas P. Broughan** asked the Minister for Health the number of patients treated in the accidents and emergency department at Beaumont hospital for the years 2008, 2009, 2010, 2011 and to date in 2012; and if he will make a statement on the matter. [17383/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Health Service Staff

235. **Deputy Thomas P. Broughan** asked the Minister for Health the number of consultant cardiologists in the public health service here; the hospitals in which they work; his view that this is an adequate number per capita; his plans to deal with this shortfall and a timeline for same; and if he will make a statement on the matter. [17384/12]

Minister for Health (Deputy James Reilly): The latest figures available from the HSE's health service personnel census (29 February 2012) show that there are 45.32 WTE consultant cardiologists working in the public health service. I have asked the Executive to address the other matters raised by the Deputy and reply to him directly.

Departmental Funding

236. **Deputy Jack Wall** asked the Minister for Health under his Health Promotion/Health Protection portfolio, if consideration will be given to the provision of funding for a group (details supplied) in County Kildare; and if he will make a statement on the matter. [17392/12]

Minister for Health (Deputy James Reilly): My Department administers a National Lottery Discretionary Fund from which once-off grants are paid to community and voluntary organisations, providing a range of health related services. If an organisation wishes to make an application for National Lottery Funding they should send in a formal application. Detailed procedures, along with the application form are set out on the Department's website — www.doh.ie.

Mental Health Services

237. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health if he will ensure that a psychiatric appointment is secured as a matter of urgency in respect of a person (details supplied) in County Waterford [17395/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As this is a service matter the question has been referred to the HSE for direct reply.

Medical Cards

238. **Deputy Mattie McGrath** asked the Minister for Health the reason a medical card will not be renewed in respect of a person (details supplied) in County Tipperary; if she is satisfied with the stress that is being unduly caused to this patient who is unable to provide further documentary evidence; if she will ensure that this card is renewed as a matter of urgency; and if he will make a statement on the matter. [17407/12]

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.

Services for People with Disabilities

239. **Deputy Brian Walsh** asked the Minister for Health if he will provide an update on the consideration of the report of the Expert Reference Group on Disability Policy; when proposals arising from the report pertaining to the future of disability services will be brought to Government; and if he will make a statement on the matter. [17410/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): The Value for Money and Policy Review (VFM&PR) of the Efficiency and Effectiveness of Disability Services in Ireland is being undertaken in the context of the Government's Value for Money & Policy Review Initiative 2009-2011. The Review is well advanced and it is anticipated that it will be published in the first half of 2012 if accepted by Government.

The review is made up of two strands:

1. A examination of the effectiveness and efficiency of the current disability services programme; and
2. A review of current policy in relation to HSE-funded disability services The Expert Reference Group on Disability Policy was established to look specifically at existing disability policy and whether it needs to be changed to better meet the expectations and objectives of people with disabilities. The Group's final report has been the subject of internal consultation within the Department of Health and with other Government Departments. During November 2011 it was released for public consultation and submissions received on foot of this are now being considered.

The Steering Group is currently drafting its final report, taking into consideration the recommendations made by the Policy Review Group and the results of the public consultation. On completion, it is my intention to look at both reports together and in conjunction with Minister Reilly to ensure that proposals for the future of our disability services are brought to Government for its consideration and publication in due course.

Pension Provisions

240. **Deputy John Browne** asked the Minister for Health the amount of superannuation contributions, pensions levy, PRSI contributions paid by serving nurses of all disciplines in 2010 and 2011; and if he will make a statement on the matter. [17423/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

Health Services

241. **Deputy Patrick Nulty** asked the Minister for Health in view of the March 2012 decision of the Committee of Ministers of the Council of Europe in relation to the execution of the judgement in the case of A, B and C versus Ireland, which noted that, given the current status of execution of the judgement, the question is raised of how whilst waiting for measures to execute the judgement to be adopted, the situation of women who find themselves in a similar position to the third applicant is addressed and which expressed concern regarding the situation of such women: the interim measures that are in place to ensure that women in circumstances similar to those experienced by Applicant C have access to the services to which they are entitled under the Irish constitution; and if he will make a statement on the matter. [17435/12]

Minister for Health (Deputy James Reilly): If a case similar to Ms C were to arise, it would be the responsibility of her doctor to determine whether there is a real and substantial risk to her life, as distinct from her health, and if such risk can only be avoided by terminating the pregnancy, i.e. the X case criteria. A termination can lawfully occur if these criteria are met. If the patient does not agree with her doctor's assessment, she is free to seek a second or subsequent medical opinion under Medical Council Guidelines, or could apply to the High Court for orders directing the necessary treatment to be provided.

If a doctor refuses to give necessary life-saving treatment, the applicant could in the first instance seek a second opinion for immediate management of her concerns and as follow up bring a complaint against that doctor to the Medical Council.

The law of tort also exists to vindicate the rights of any person who is given negligent or substandard medical advice. I would also point out that the European Convention on Human Rights Act 2003 would apply and be of relevance. First, in general terms, the legislation imposes obligations on organs of the State to perform their functions in a manner compatible with the State's obligations under the Convention. Secondly, it requires that judicial notice shall be taken of, *inter alia*, any judgment of the European Court of Human Rights (ECtHR). While the Government understands that the scenarios described above were not deemed satisfactory or appropriate by the ECtHR, they do provide an interim process until the Expert Group on the *A, B and C v Ireland* judgment of the ECtHR issues its recommendations.

242. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health if his attention has been drawn to the case of a person (details supplied) in County Meath; and if he will intervene immediately to secure appropriate care for this patient in the County Meath or surrounding area. [17455/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

Hospital Services

243. **Deputy David Stanton** asked the Minister for Health if he will provide the number of patients by county treated for stroke, each year from 2005 to 2010 respectively; the number of those patients who had diabetes; and if he will make a statement on the matter. [17458/12]

244. **Deputy David Stanton** asked the Minister for Health if he will provide the number of patients by county treated for kidney failure each year from 2005 to 2010 respectively; the number of those patients who had diabetes; and if he will make a statement on the matter. [17459/12]

245. **Deputy David Stanton** asked the Minister for Health if he will provide the number of patients by county diagnosed with gestational diabetes each year from 2005 to 2010 respectively; and if he will make a statement on the matter. [17460/12]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 243 to 245, inclusive, together.

The information requested by the Deputy is set out in the following tables:

County of Residence	Number of discharges with diagnosis of stroke (ICD-10-AM I60 — I64)											
	2005		2006		2007		2008		2009		2010	
	Total Discharges With Stroke	Number of These Discharges with Diabetes	Total Discharges With Stroke	Number of These Discharges with Diabetes	Total Discharges With Stroke	Number of These Discharges with Diabetes	Total Discharges With Stroke	Number of These Discharges with Diabetes	Total Discharges With Stroke	Number of These Discharges with Diabetes	Total Discharges With Stroke	Number of These Discharges with Diabetes
Carlow	123	26	95	10	114	15	90	10	111	24	103	20
Cavan	140	9	180	20	169	22	155	15	168	12	150	10
Clare	241	30	221	32	219	25	223	18	204	26	178	28
Cork	770	96	898	112	993	114	1,027	112	866	134	899	98
Donegal	384	44	363	38	321	40	340	42	320	40	342	48
Dublin	1,945	217	2,062	229	2,016	248	2,115	263	2,298	318	2,174	295
Galway	514	53	422	48	410	53	469	36	443	43	464	52
Kerry	220	14	253	25	254	34	262	27	322	43	292	39
Kildare	214	18	279	27	228	22	281	35	307	40	299	32
Kilkenny	181	28	168	30	158	23	146	24	176	31	173	25
Laois	101	13	151	16	129	13	140	22	142	24	110	22
Leitrim	73	10	134	13	64	10	63	8	77	16	69	9
Limerick	309	36	315	48	316	48	306	47	345	47	311	47
Longford	66	8	63	9	78	7	83	11	78	11	91	16
Louth	239	32	208	16	249	27	230	32	232	33	249	43
Mayo	253	30	233	31	289	34	273	28	250	31	253	27
Meath	226	28	236	20	261	26	293	49	295	48	284	44
Monaghan	103	6	116	11	121	14	120	11	129	21	105	11
Offaly	137	23	129	14	130	16	129	17	168	20	195	30
Roscommon	169	22	139	15	126	20	148	24	148	24	103	15
Sligo	139	17	139	16	145	20	147	19	182	30	151	21
Tipperary North	143	15	126	15	156	18	126	19	161	14	133	20
Tipperary South	186	24	178	30	156	35	186	31	183	34	174	29
Waterford	201	33	228	45	196	30	215	41	212	38	201	26

County of Residence	Number of discharges with diagnosis of stroke (ICD-10-AM I60 — I64)											
	2005		2006		2007		2008		2009		2010	
	Total Discharges With Stroke	Number of These Discharges with Diabetes	Total Discharges With Stroke	Number of These Discharges with Diabetes	Total Discharges With Stroke	Number of These Discharges with Diabetes	Total Discharges With Stroke	Number of These Discharges with Diabetes	Total Discharges With Stroke	Number of These Discharges with Diabetes	Total Discharges With Stroke	Number of These Discharges with Diabetes
Westmeath	146	17	137	20	178	26	191	33	196	26	191	35
Wexford	269	43	267	38	235	38	251	47	239	35	269	53
Wicklow	227	18	208	23	234	23	196	25	212	37	291	31
Non-resident	70	11	77	9	74	17	82	10	76	11	73	8
No fixed abode	<5	0	<5	0	<5	<5	<5	<5	<5	0	0	0
Total for All Counties	7,791	921	8,027	960	8,021	1,019	8,290	1,057	8,544	1,211	8,327	1,134

Source: Hospital Inpatient Enquiry (HIPE)

Notes:

Data refer to discharges from publicly funded acute hospitals

For reasons of confidentiality, cells with between 1 and 4 cases are displayed as <5

Data refer to discharges with any diagnosis (principal or secondary) of the following ICD-10-AM codes:

Stroke: I60 (Subarachnoid haemorrhage), I61 (Intracerebral haemorrhage), I62 (Other nontraumatic intracranial haemorrhage), I63 (Cerebral infarction), I64 (Stroke, not specified as haemorrhage or infarction)

Diabetes: E10 (Type 1 diabetes mellitus), E11 (Type 2 diabetes mellitus), E13 (Other specified diabetes mellitus), E14 (Unspecified diabetes mellitus)

County of Residence	Number of discharges with diagnosis of kidney failure (ICD-10-AM N17 — N19)											
	2005*		2006		2007		2008		2009		2010	
	Total Discharges With Kidney Failure	Number of These Discharges with Diabetes	Total Discharges With Kidney Failure	Number of These Discharges with Diabetes	Total Discharges With Kidney Failure	Number of These Discharges with Diabetes	Total Discharges With Kidney Failure	Number of These Discharges with Diabetes	Total Discharges With Kidney Failure	Number of These Discharges with Diabetes	Total Discharges With Kidney Failure	Number of These Discharges with Diabetes
Carlow	338	81	1,159	230	926	277	768	282	848	313	895	202
Cavan	207	31	2,015	335	2,295	411	2,734	301	4,309	90	4,312	103
Clare	285	42	2,678	410	2,270	323	2,633	325	778	308	663	216
Cork	1455	164	19,110	480	22,587	1244	23,552	2,066	23,996	5,087	24,967	6,181
Donegal	523	74	8,997	1,390	8,636	1,379	9,347	1,251	10,467	481	10,460	419
Dublin	3,848	686	20,350	3,927	22,568	4,684	22,589	4,282	26,403	3,723	27,565	4,351
Galway	1,024	146	4,789	1,357	7,842	2,931	9,459	2,790	11,580	3,057	11,905	2,941
Kerry	302	28	5,020	370	5,001	472	5,096	372	5,035	736	4,543	783
Kildare	524	47	2,854	703	3,335	747	3,216	549	3,789	511	3,598	536
Kilkenny	544	166	774	206	731	248	603	201	699	275	771	302
Laois	224	35	1,856	286	2,205	844	2,610	857	2,351	646	3,022	1,038
Leitrim	125	18	1,900	615	1,792	458	1,887	266	1,990	394	1,702	477
Limerick	450	67	5,158	948	4,756	997	5,581	575	1,581	505	1,578	546
Longford	162	30	498	52	920	189	1,166	212	2,009	349	1,880	480
Louth	370	49	914	169	1,095	194	1,134	310	1,190	194	1,239	222
Mayo	482	63	1,410	277	1,178	302	1,094	296	1,664	500	1,694	494
Meath	607	79	960	277	1,322	468	1,508	326	2221	252	2,373	516
Monaghan	172	28	557	154	774	52	1,760	225	2,389	73	2,395	77
Offaly	263	32	2,450	146	3,302	620	3,920	736	5,208	973	5,693	1,522
Roscommon	190	35	1,250	297	2,011	456	1,993	711	1,884	526	1,918	748
Sligo	314	59	3,476	700	3,607	855	3,811	1,167	3,931	971	4,231	1,060
Tipperary North	324	39	3,248	827	2,736	753	2,841	175	503	206	1,015	294
Tipperary South	587	131	891	320	986	336	1,320	300	1090	378	963	353
Waterford	705	184	1,038	315	1,009	301	1,079	328	1,290	331	1,203	334

County of Residence	Number of discharges with diagnosis of kidney failure (ICD-10-AM N17 — N19)											
	2005*		2006		2007		2008		2009		2010	
	Total Discharges With Kidney Failure	Number of These Discharges with Diabetes	Total Discharges With Kidney Failure	Number of These Discharges with Diabetes	Total Discharges With Kidney Failure	Number of These Discharges with Diabetes	Total Discharges With Kidney Failure	Number of These Discharges with Diabetes	Total Discharges With Kidney Failure	Number of These Discharges with Diabetes	Total Discharges With Kidney Failure	Number of These Discharges with Diabetes
Westmeath	294	60	2,120	799	3,344	1,076	3,614	1,281	4,650	1,464	5,312	1,726
Wexford	758	186	1,311	285	1,561	565	1,632	489	1,279	371	1,450	375
Wicklow	337	68	2,863	750	3,275	483	3,967	330	5,127	732	4,228	793
No fixed abode	<5	0	5	<5	5	<5	7	<5	5	<5	<5	<5
Non-resident	54	12	256	26	235	32	111	27	109	18	139	44
Total for All Counties	15,470	2,640	99,907	16,652	112,304	21,698	121,032	21,032	128,375	23,465	131,716	27,134

Source: Hospital Inpatient Enquiry (HIPE)

Notes:

Data refer to discharges from publicly funded acute hospitals.

For reasons of confidentiality, cells with between 1 and 4 cases are displayed as <5

Data refer to discharges with any diagnosis (principal or secondary) of the following ICD-10-AM codes:

Kidney Failure: N17 (Acute kidney failure), N18 (Chronic kidney disease), N19 (Unspecified kidney failure)

Diabetes: E10 (Type 1 diabetes mellitus), E11 (Type 2 diabetes mellitus), E13 (Other specified diabetes mellitus), E14 (Unspecified diabetes mellitus)

* Note that since 2006, daycase admissions for dialysis have been included in HIPE. This activity was previously excluded from HIPE. As the data above are based on both inpatient and daycase discharges with any diagnosis (principal or secondary diagnosis) of kidney failure, the figures from 2006 to 2010 include dialysis episodes. Therefore the data for 2005 are not directly comparable with the data from 2006-2010.

County of Residence	Number of discharges with diagnosis of gestational diabetes (ICD-10-AM O24.4)					
	2005	2006	2007	2008	2009	2010
	Total Discharges With Gestational Diabetes	Total Discharges With Gestational Diabetes	Total Discharges With Gestational Diabetes	Total Discharges With Gestational Diabetes	Total Discharges With Gestational Diabetes	Total Discharges With Gestational Diabetes
Carlow	11	14	22	10	35	34
Cavan	15	12	19	17	31	13
Clare	<5	30	38	27	42	41
Cork	44	64	110	170	231	270
Donegal	8	12	29	42	26	48
Dublin	869	943	839	1,012	1,159	1,350
Galway	71	54	119	198	234	189
Kerry	20	13	19	28	27	43
Kildare	124	146	110	140	136	187
Kilkenny	14	17	6	13	26	24
Laois	14	28	14	7	33	44
Leitrim	5	5	6	6	14	10
Limerick	<5	32	50	46	79	95
Longford	<5	7	11	13	11	12
Louth	76	75	45	43	60	70
Mayo	15	38	32	53	36	27
Meath	119	104	128	108	96	151
Monaghan	18	6	8	12	12	6
Offaly	16	14	33	29	17	45
Roscommon	<5	<5	9	14	17	6
Sligo	<5	6	15	17	34	38
Tipperary North	5	5	15	16	17	25
Tipperary South	8	15	20	29	52	39
Waterford	18	10	25	54	42	50
Westmeath	26	18	41	46	24	66
Wexford	16	16	28	23	49	99
Wicklow	60	53	48	49	78	78
No fixed abode	0	<5	0	<5	0	0
Non-resident	0	<5	<5	0	0	<5
Total for All Counties	1,589	1,740	1,842	2,223	2,618	3,061

Source: Hospital Inpatient Enquiry (HIPE)

Notes:

Data refer to discharges from publicly funded acute hospitals.

For reasons of confidentiality, cells with between 1 and 4 cases are displayed as <5

Data refer to discharges with any diagnosis (principal or secondary) of the following ICD-10-AM code:

Gestational Diabetes: O24.4 [Diabetes mellitus arising during pregnancy (Gestational diabetes mellitus Not Otherwise Specified)]

Hospitals Building Programme

246. **Deputy Colm Keaveney** asked the Minister for Health following the rejection of planning permission for the Children's Hospital on the Mater Site, Dublin, and the setting up of a review group to examine all options and to produce recommendations, if he will clarify that

[Deputy Colm Keaveney.]

the issues of accessibility will be given due weight in the considerations of the review group; if any member of the review group have expertise in the area of spatial planning, and geographic and logistical matters; if due regard be given to the accommodation needs of parents staying with their child and of the challenges facing the second parent who may have to travel frequently to the site, in view of the fact that the presence of parents can be critical to the quality of care of the child. [17493/12]

Minister for Health (Deputy James Reilly): I am committed to ensuring the delivery of a world class hospital for the children of Ireland providing the highest quality treatment they deserve. This project is one of the main priorities for the Government and is a commitment under the *Programme for Government*.

I recently announced the establishment of a Review Group to consider the decision of An Bord Pleanála to refuse planning permission for the National Paediatric Hospital. The Government has agreed the Terms of Reference for the Review Group. The Terms of Reference are as follows:—

“To inform itself about the planning considerations and processes affecting this project.

To consider the different options which now exist for progressing the construction of a national children’s hospital having regard to:

- Government policy on the delivery of health services, including accessibility and paediatric services in particular and best clinical practice considerations,
- the cost and value for money considerations of the different options,
- the likely timelines associated with the different options,
- the implementation risks associated with the different options.

To advise him, in the light of these considerations, on the appropriate next steps to take with a view to ensuring that a national paediatric hospital can be constructed with minimal delay.

To report to the Minister within 56 days of the first meeting of the group.”

I can confirm that the plans for the hospital at the Mater site provided for parental accommodation to be available within the hospital for parents of children in the neonatal intensive care unit and children admitted to the other critical care units. This accommodation was to be provided within a family overnight unit which would provide en-suite bedrooms with suitable support accommodation. This feature will no doubt be an important part of any children’s hospital, wherever sited.

The aim of this Review is to consider all the possible options for the earliest possible delivery of a new children’s hospital. The Review Group will present their findings on each of the possible options for my consideration. The Group will not be undertaking a site selection process.

I have appointed Dr Frank Dolphin to Chair the Review Group. There is a wealth of expertise on the group. The membership is composed of senior planners, an architect, the CEO of a major UK Paediatric hospital and senior clinicians in the field of paediatrics. Dr Dolphin is currently in contact with the other Group members and expects to hold the first meeting of

the Group within days. I will await the completion of the work of the Review Group and do not wish to make any further comment on the matter at this time.

Health Service Executive Funding

247. **Deputy Sean Fleming** asked the Minister for Health if he will arrange to reconcile the difference between the figures shown in the Health Service Executive annual accounts for 2009 and 2010 and the Teach Tearmainn, Newbridge, County Kildare accounts; and if he will make a statement on the matter. [17496/12]

Minister for Health (Deputy James Reilly): As this is a service matter it has been referred to the HSE for direct reply.

Hospital Waiting Lists

248. **Deputy John McGuinness** asked the Minister for Health if an early appointment will be arranged at Waterford Regional Hospital in respect of a person (details supplied) in County Kilkenny; and if he will expedite the matter [17500/12]

Minister for Health (Deputy James Reilly): I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by dramatically improving the flow of patients through the system, and by streamlining waiting lists, including referrals from GPs. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

As a priority, public hospitals were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or daycase surgery.

As this is a service matter, it has been referred to the HSE for direct reply. Should the patient's general practitioner consider that the patient's condition warrants an earlier appointment, he/she would be in the best position to take the matter up with the consultant and facility involved.

Nursing Homes Support Scheme

249. **Deputy John McGuinness** asked the Minister for Health if the fair deal scheme will be approved in respect of a person (details supplied) in County Tipperary [17504/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Medical Cards

250. **Deputy Bernard J. Durkan** asked the Minister for Health the procedure to be followed in respect of restoration of a medical card stolen or mislaid in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [17521/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Health Services

251. **Deputy Bernard J. Durkan** asked the Minister for Health if further nurse training opportunities can be offered in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [17522/12]

Minister for Health (Deputy James Reilly): I am not in a position to comment on individual applicants for nurse training. The individual would be best advised to pursue the matter with the education provider.

Medical Cards

252. **Deputy Bernard J. Durkan** asked the Minister for Health if and when a medical card will issue in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [17523/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Hospital Services

253. **Deputy Bernard J. Durkan** asked the Minister for Health if and when a respite care bed will be offered to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [17524/12]

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.

Road Safety

254. **Deputy Michael Healy-Rae** asked the Minister for Transport, Tourism and Sport if he will explore the possibility of making it a legal requirement for persons driving motorcycles to use their lights on a continuous basis during daylight hours; and if he will make a statement on the matter. [17400/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): Draft Regulations regarding improved motorcycle standards are currently under discussion in the EU. The Road Safety Authority (RSA) represents my Department at these discussions and I am informed that the proposals relate only to manufacturing standards and specify the standards to be applied to new motorcycles from a future date, which remains to be decided. The proposals envisage a legal framework for the type approval and increased market surveillance of mopeds, motorcycles and quads, which will replace and simplify the existing Framework Directive 2002/24/EC.

Among the elements of the proposed Regulations is the automatic activation of Daytime Running Lights (DRL) as well as mandatory anti-lock braking systems and prevention of tampering with the powertrain.

The RSA encourages all motorcyclists to use DRL in daylight hours and have launched an awareness campaign with a view to increasing the use of DRL on a voluntary basis. Any decision to introduce national regulations to make DRL mandatory for motorcyclists will await the outcome of the discussions at EU level.

255. **Deputy Michael Healy-Rae** asked the Minister for Transport, Tourism and Sport if he will explore the possibility and viability of making it compulsory for persons cycling bicycles to wear high visibility vests; and if he will make a statement on the matter. [17401/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): Observation studies conducted by the Road Safety Authority have, in the past, reported high levels of wearing of visibility clothing of approximately 47% by cyclists in Ireland and this is considered to be higher now. One of the actions of the Road Safety Strategy 2007-2012 requires the RSA to implement specific educational and awareness initiatives aimed at vulnerable road users and in particular recommends the use of high visibility clothing for cyclists. The RSA has distributed, free of charge, thousands of high visibility vests to cyclists, motorcyclists and pedestrians.

The mandatory wearing of high visibility vests for cyclists is not currently under consideration.

Ministerial Travel

256. **Deputy Sandra McLellan** asked the Minister for Transport, Tourism and Sport the cost incurred by his Department, for this year's overseas travel programme for St Patrick's Day, which saw the Taoiseach and eight Ministers heading abroad for the holiday; and if he will make a statement on the matter. [17334/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The total cost of flights, travel and subsistence incurred by this Department for the overseas travel programme for the St. Patrick's Day period was €1,396.

Taxi Regulations

257. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport his views on a matter (details supplied) regarding the entry test for the taxi regulator directorate; and if he will make a statement on the matter. [17373/12]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly): The National Transport Authority (NTA) is the statutory body responsible for the regulation of the taxi sector in Ireland, including licensing requirements and the skills development test, in accordance with the Taxi Regulation Act, 2003.

I have referred the Deputy's question to the Authority for direct reply. He should inform my private office if he does not receive a reply within ten working days.

Road Network

258. **Deputy Thomas P. Broughan** asked the Minister for Transport, Tourism and Sport if he expect construction works to commence on the N5 Scramoge to Ballaghderren, N13 Stranorlar to Derry, N17 Tuam to Claremorris and the N61 Athlone to Boyle; and if he will make a statement on the matter. [17386/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): As Minister for Transport, Tourism & Sport, I have responsibility for overall policy and funding in relation to the national roads programme. The planning, design and implementation of individual road pro-

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jects is a matter for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned.

Noting the above position, I have referred the Deputy's question to the NRA for direct reply. He should inform my private office if he does not receive a reply within ten working days.

259. **Deputy Éamon Ó Cuív** asked the Minister for Transport, Tourism and Sport the reason for the decision not to allocate any money under the local improvement scheme in 2012 and the reason that the provision of funding to upgrade roads that are not in local authority charge is not a priority; and if he will make a statement on the matter. [17397/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The current expenditure for regional and local roads will be reduced significantly over the next few years. Cuts of the magnitude proposed necessitated that some very good and worthwhile projects be curtailed.

In making adjustments to the regional and local roads budget the primary aim has been, as far as is possible, to protect previous investment in the road network and use the available funding to maintain and restore public roads, including those in rural areas. Given that priority, it is not possible to assist with any works on non-public roads. As you are aware, the maintenance and improvement of these roads is, in the first instance a matter for the relevant landowner.

However, the scheme has been suspended and not abolished. If and when the financial position of the State improves, it will be possible to re-open this scheme. In the interim, it is open to local authorities to continue to operate the scheme or a similar scheme from their own resources and I am sure they will do if they consider it to be a good use of limited resources.

Public Transport

260. **Deputy Willie Penrose** asked the Minister for Transport, Tourism and Sport the reason under the terms and conditions of grants available under the smarter travel funding scheme, that local authorities are compelled to contract out the work involved, and are not allowed to charge any labour costs of the scheme, notwithstanding, that the type of works involved would be entirely appropriate for local authority staff particularly in the context where this type of work and the funding would be important to the local authorities when they are struggling to keep their outdoor staff employed; and if same can be reviewed in this context; and if he will make a statement on the matter. [17448/12]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly): In 2011 funding of €10 million was allocated by my Department for projects by County Councils outside the Greater Dublin Area under the Smarter Travel Jobs Initiative Scheme which was intended to support a switch to sustainable and active travel through the delivery of infrastructure projects and to provide employment in doing so.

The funding, available in 2011 only, was used to support labour intensive projects which aimed to address one or more objectives identified in the Smarter Travel policy. A key criterion for projects selected under this initiative was that the prospective employment generation content of the projects submitted was identified.

In framing the terms of the scheme, my Department was very keen to ensure that job creation and maintenance was given the highest possible priority and concluded that funding might be

most usefully directed towards projects delivered by the private sector, which had particular exposure to job losses. The intention was that whatever work arose or services might be required would be procured under the normal rules from third parties / outside contractors (and managed in the usual manner by the local authority). This is common practice for project delivery in the local authority sector and was seen as the most robust way of either creating or maintaining jobs in the shortest possible time span.

There is no specific funding support available under a Smarter Travel Jobs Initiative Scheme in 2012. However, I am also pleased that strong levels of investment in smarter travel have been secured under the multi-annual capital funding framework to 2016 which will be invested in smarter travel infrastructure under a range of new programmes to be established this year. It is not currently envisaged that there will be specific criteria in regard to employment generation under these programmes.

Road Signage

261. **Deputy Michael Healy-Rae** asked the Minister for Transport, Tourism and Sport the reason that the National Roads Authority is spending money on road signs at present; persons living on local roads pulling out onto national primary routes are now seeing signs directing them to their nearest town or village, which they are perfectly capable of finding without having the NRA putting up signs to direct them as to where they are to go; and if he will make a statement on the matter. [17488/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): As Minister for Transport, Tourism and Sport, I have responsibility for overall policy and funding in relation to the national roads programme. The planning, design and implementation of individual road projects is a matter for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned.

Noting the above position, I have referred the Deputy's question to the NRA for direct reply. He should inform my private office if he does not receive a reply within ten working days.

I would however make the point that signposting is not primarily for locals, who as the Deputy acknowledges, know where they are going. Rather they exist to serve visitors to an area, who would not have such knowledge. In particular, in areas such as Kerry they are an important aid to tourists, and adequate and appropriate signposting allows them to travel independently without the stress of getting lost.

Public Transport

262. **Deputy Peadar Tóibín** asked the Minister for Transport, Tourism and Sport if he will meet with a bus transport business in County Meath that is suffering due to a number of issues such as falling demand, fuel costs, lack of rebates, inability to claim back VAT and also competing with individuals who are in full time employment and are tendering for CIE contracts; and if he will address these issues [17507/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The responsibility for the licensing of Public Bus Passenger Services was transferred under Statutory Instrument No. 566 of 2010 from my Department to the National Transport Authority (NTA) with effect from 1 December 2010.

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In the circumstance, I have forwarded your correspondence to the NTA for its attention and direct reply, and to arrange a meeting if it deems necessary. He should inform my private office if he does not receive a reply within ten working days.

I would note that the information provided to my office did not include the name of the company, but my private office has not received any such meeting request from a company as described.