



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Dé Máirt, 8 Bealtaine 2012.

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DÁIL ÉIREANN

Dé Máirt, 8 Bealtaine 2012.
Tuesday, 8 May 2012.

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

Paidir.

Prayer.

Ceisteanna — Questions

Priority Questions

Crime Levels

70. **Deputy Dara Calleary** asked the Minister for Justice and Equality his plans to tackle the issue of aggravated burglaries which increased by 7.9% from 2010 to 2011 and to tackle burglaries which increased by 7.7% in the same period; the resources that are being made available to Operation Fiacla; if there are any specific proposals to tackle higher than average increases in burglaries in commuter counties; and if he will make a statement on the matter. [22785/12]

Minister for Justice and Equality (Deputy Alan Shatter): I would like to clarify the statistics for burglaries and aggravated burglary. The most up-to-date figures from the Central Statistics Office, which has the statutory responsibility for the production of crime statistics, are for 2011. The published figures indicate that recorded burglary and related offences increased by 7.9% last year. However, the figure for aggravated burglary, which is a subset of the overall burglary figure, shows no increase during that 12-month period. It is important to acknowledge that the latest crime statistics show a decrease in most types of crime during 2011, including homicide, assault, criminal damage and drug and public order offences. Taken together, this overall decrease represents a substantial achievement for law enforcement and crime prevention in Ireland.

I share the Deputy's concern at the incidence of burglaries and other property crimes. Nevertheless, I am encouraged by the fact that An Garda Síochána is responding effectively. The Deputy will be aware, in particular, of the recent announcement by the Garda Commissioner of a range of measures aimed at tackling gangs involved in burglaries. These measures are encompassed in Operation Fiacla, which is particularly focused on identifying and targeting mobile gangs involved in burglaries around the country so as to disrupt their activities and bring them before the courts. Specific burglary-related initiatives are being implemented in each Garda region in support of Operation Fiacla.

In respect of the situation in commuter counties, the available statistics indicate that the incidence of burglary is greatest in the Dublin metropolitan region and that commuter counties

[Deputy Alan Shatter.]

in the east and midlands generally have a higher incidence than other counties. This type of information is available to gardaí on a real-time basis and feeds into Operation Fiacla and other targeted policing operations, including the identification of crime trends, hot spots and the design of appropriate responses and deployment.

In addition to the concerted law enforcement efforts being pursued by An Garda Síochána, crime prevention is a key component in tackling burglary. In this regard, the Garda national crime prevention unit and crime prevention officers at divisional level provide advice, information and support to organisations, businesses and individuals aimed at reducing burglary and property crime.

Additional information not given on the floor of the House.

I am conscious of the deep distress which burglary can cause to householders, and the broader impact it can have in terms of fear of crime in our communities, and, therefore, I welcome the fact that the Garda Commissioner is deploying the substantial resources available to him in a targeted and strategic approach to confronting those who are engaging in this form of criminality.

Deputy Dara Calleary: I refer to Operation Fiacla, which the Minister says concentrates on mobile gangs. Are resources or particular attention being directed towards local criminals? I am particularly concerned at the increase in the commuter belt. In Meath, there were 112 burglaries in 2011, an increase of 40% on 2010, while in Kildare there were 1,687, an increase of 26%. Burglaries increased in 20 of the 28 Garda divisions in 2011. Mobile gangs are playing a part and perhaps the Minister can give me an idea of the kind of resources being invested in Operation Fiacla. Are specific initiatives been taken to deal with locally-based criminals responsible for a significant part of these figures?

Deputy Alan Shatter: I assure the Deputy that adequate resources are available to the Garda Síochána. What is happening is a targeted operation identifying criminal gangs engaged in burglary, who are using our very good road network to gain access to other parts of the country from Dublin. Deputy Calleary is correct in making reference to the increases in Meath and Kildare, the commuter areas to which I was referring. The Garda Síochána has identified certain individuals engaged in this activity. A recent operation resulted in a substantial number of arrests. I am sure Deputy Calleary understands if I do not go into further detail about the operation or make references to the individuals arrested but, arising from the operation, I expect prosecutions. At the end of the year, the targeted approach adopted by the Garda Síochána in Operation Fiacla will prove to be effective.

The Garda Commissioner is very aware of this problem but it is for him to make operational decisions as to where resources should be directed. I am aware that he believes this targeted operation aimed at identifiable individuals can be very successful and I have the greatest confidence that it will be. However, this does not mean the Garda Síochána is not keeping a watchful eye on local individuals engaged in criminality in the counties referred to by the Deputy.

Deputy Dara Calleary: On the issue of aggravated burglaries I join with the Minister in paying tribute to the Garda Síochána for the general decrease in levels of most crimes last year as shown in the statistics. However, the number of aggravated burglaries is exactly the same in 2011 as it was in 2010, at 333 instances, approximately six a week. We all agree this is too many and people are suffering. Will Operation Fiacla include any focus on aggravated burglaries? Is it proposed to provide any extra resources in an effort to reduce this figure, in line with many of the other crime statistics?

Deputy Alan Shatter: The Deputy is correct in saying that aggravated burglaries in 2011 amounted to 333, the same figure as in 2010. The number was higher in 2009 at 368. The crime of burglary, whether ordinary or aggravated, forms part of the focus of this operation. Like Deputy Calleary, I am aware that for any individual whose home is burglarised it is an extremely traumatic event. One burglary is one burglary too many. There is no ideal number. The current Garda operation is directed at focusing on individuals known to be engaged in gangs and who concentrate on different parts of the country. On occasions a series of burglaries are committed within a particular area by one group of individuals. I hope that by the end of this year — I am conscious I am making myself a hostage to fortune in this regard — the success of this operation in 2012 will result in 2013 in a reduction in the number of burglaries. I join with the Deputy in congratulating the Garda Síochána on its outstanding success in 2011 in reducing crime across a broad range of areas.

Prisoner Releases

71. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he plans to expand the functions of and adequately resource the Probation Service in view of proposed early release schemes in the Irish Prison Service strategic plan. [22993/12]

Deputy Alan Shatter: The Irish Prison Service strategic plan contains a number of key objectives for the next three years, one of which includes the expansion of a pilot community return project which commenced last October in line with the recommendations of the Thornton Hall project review group. This community return programme is an incentivised scheme run in conjunction with the probation service which provides for earned temporary release under which offenders who pose no threat to the community are offered early temporary release in return for supervised community service. I can assure the Deputy that the probation service has sufficient resources available to support the scheme at present. It has been able to manage and resource the scheme since its commencement last October and I am fully committed to ensuring this will continue. As it is, the probation service has responsibility for the supervision and management of community service orders in accordance with the Criminal Justice (Community Service) Act 1983, as amended by the Criminal Justice (Community Service) (Amendment) (No. 2) Act 2011. This work, *inter alia*, involves providing assessment reports to the courts and managing the completion of the orders by offenders.

A value for money audit of the community service scheme which was carried out in 2007 to 2008 and published in October 2009, found that there was capacity from within existing resources to provide supervision services to three times as many offenders as were under their supervision at the time of the audit. I might also add that the service has been working to prioritise its workload and has been allocating resources to maximise its efficiency and effectiveness in the delivery of services including community sanctions, as an effective alternative to custody. This also includes working with high risk sex offenders and young people and those for whom the service has a legislative mandate.

I am pleased to say that sanction was recently obtained to fill the vacant director post in the probation service which will be advertised in the coming weeks. The service will continue to have my full support in making greater use of community service to the benefit of prisoners and communities as an alternative to imprisonment.

Deputy Jonathan O'Brien: I thank the Minister for his reply and welcome the scheme which, as he said, comes on foot of the pilot project. I think only four individuals ended up returning to prison under the pilot project, yet some of the commentary surrounding the recent announcement was unfortunate. I do not know if it was something that fell through the cracks

[Deputy Jonathan O'Brien.]

but some hysteria was created around it, which was completely unwarranted. The clarification provided during the Topical Issues debate allayed many of the fears people had.

When I asked the Minister last year about the probation services, he said he had secured sanction from the Department of Finance to hire eight additional probation officers. Are those additional staff now in place and, if not, when does the Minister expect them to be in place?

The Minister said he is satisfied the probation service has the resources and staffing to deal with the scheme, but will he continue to review it? If so, how often will those reviews take place?

Deputy Alan Shatter: I can personally assure the Deputy that we will keep the staffing position under continual review. I do not have an immediate answer as to whether the ten posts have been filled. I will be happy to communicate with the Deputy in that regard.

I thank the Deputy for his comments on the business strategy we have put in place. It will be very important as we go forward over the next three years. This particular proposal was one half of the strategy. The House has previously discussed the pilot programme that was taking place and while we will have a full report following the review, the programme has proved to be successful. We have now exceeded 85 on the programme and I am advised that more than 130 have been assessed as appropriate for it. Some have completed the programme in the intervening period, so the figure is not 130 at the one time.

The programme is continuing. As was stated when we announced it, it was anticipated that at any one time there would be no more than 150 on the programme, and in any one year there would be no more than 400. Whether there are 400 participants does not simply depend on the capacity of the probation service to supervise the numbers, which I am advised should not be a difficulty, but also on whether appropriate prisoners are available to participate in the programme.

There was a lot of hysteria attached to the announcement. It was portrayed in some tabloid papers as if we were about to release 1,200 prisoners into the community, as opposed to approximately 1,200 over a three-year period. All of them would have to have served a minimum of 50% of their sentences before qualifying to be assessed for the purpose of the programme.

I see the programme going forward and as I told Deputy Calleary last week, when the formal review of the pilot is complete I will happily share that information with the Deputies.

Deputy Jonathan O'Brien: One of the criteria within the strategy for earning temporary release concerned education and training. What type of resources will be needed to ensure that prisoners can avail of additional education and training in order to earn temporary release? Will the Department be examining that matter over a three-year period or will it be done annually?

Deputy Alan Shatter: The strategy was only announced last week and we are now in the implementation phase. The pilot projects are such that in the context of community release additional conditions can be attached. For example, they may involve an individual having to attend meetings of Alcoholics Anonymous or some other group dealing with drug issues.

As the strategy details, we hope to expand and improve the overall educational facilities within our prison service. That is now part of the work that is being put in place with regard to implementing the strategy over the three-year period.

Citizenship Applications

72. **Deputy John Halligan** asked the Minister for Justice and Equality if he will clarify the

way the series of measures announced in June 2011, which were aimed at providing for the speedier processing of citizenship applications by bringing about a reduction in the average processing timescale and also by dealing with the backlog of applications that had accumulated have actually impacted on the current processing timescales of these applications; the amount of this backlog that has been cleared; the number of intern positions that were made available under the internship programme; the current average processing timescale; and if he will make a statement on the matter. [22783/12]

Deputy Alan Shatter: When I first came into office just over a year ago one of my first objectives was to address the length of time taken to process applications for naturalisation and to significantly reduce the number of cases on hand. At that time there were over 22,000 applications on hand and applications were taking an average time of over two years to process, and many were waiting three to four years. I regarded this as unacceptable. In June 2011, I announced a series of measures to address this issue including improved application forms, which are currently available online with an associated online residence checker, re-engineering of processes that were a barrier to achieving maximum efficiency plus streamlined and accelerated procedures for certain types of application.

Through these and other measures enormous progress has been made, notwithstanding a substantial increase in the volume of valid applications received in 2011, during which a total of 18,500 valid applications were received compared to 12,500 in 2010. In the period 9 March 2011 to 8 March this year, a total of 17,500 valid applications were determined. By contrast, in the whole of 2010, decisions were reached in just under 7,800 cases. So far this year I have made decisions on some 9,200 applications and I expect to have made a decision on a further 3,500 applications by the end of May and on approximately 12,000 applications between June and the year end. Thus, this year will see approximately 24,000 applications for citizenship dealt with, which would represent a more than threefold increase in the number of applications dealt with over 2010 levels. I think the House would agree that by any standards of reasonable measurement this represents a major achievement.

I also undertook to get to the stage by the second quarter of this year that, in the generality of cases — that is, around 70% — persons applying for a certificate of naturalisation will be given a decision on their application within six months. In this regard, a major effort has and continues to be made in reducing the time taken to process applications. It is expected that the six month timeframe for the generality of new applications received from this month onwards will be achieved.

Additional information not given on the floor of the House.

Under the new JobBridge programme announced by the Government a total of 16 individuals have been engaged by the citizenship division of my Department to date. The primary purpose of the scheme is to provide work experience for those involved and to improve their prospects of getting back into the workforce. I am advised that the scheme is extremely successful and mutually beneficial in addressing the backlog and enabling the individuals in question to gain good experience in the workplace.

Last summer, I also decided to introduce citizenship ceremonies for the first time since the foundation of the State. This allows candidates for citizenship make their declaration of fidelity to the Irish nation and loyalty to the State and receive their certificate of naturalisation in a meaningful and dignified manner which befits the importance and solemnity of the occasion. To date, 47 such ceremonies have been held at which almost 11,000 candidates have become Irish citizens under the new procedures. These ceremonies are an unqualified success.

[Deputy Alan Shatter.]

The nature of the naturalisation process is such that for a broad range of reasons some cases will take longer than others to process. It is a statutory requirement that, *inter alia*, applicants for naturalisation be of good character. In some instances that can be established relatively quickly and in other cases completing the necessary checks can take a considerable period of time. The primary aim over the past year has been to reduce the large volume of cases on hand as swiftly as possible and this has been achieved in the generality of cases. I am also confident that significant inroads will also be made with the remaining cases by year end. In such a fast moving environment where large volumes of cases are processed quickly, the calculation of averages for processing times has little meaning and the priority of the immigration service has been to deal with the cases on hand rather than divert resources to other activities.

Deputy John Halligan: I welcome the initiative the Minister has put in place. Like many other Deputies and councillors to whom I have spoken, I can sometimes be inundated with representations in this respect from people who have been on the waiting list for one, two or three years. It is a traumatic time for many people who have to leave their country of origin for reasons that, in some cases, are a matter of life and death, or because of political or religious persecution and for economic reasons where, because of the severity of quality of the life, they need to leave. I have always felt that——

An Leas-Cheann Comhairle: A question, please, Deputy.

Deputy John Halligan: Yes, I am just coming to it. I accept that citizenship is a serious issue but having dealt with the local police force from where the person concerned has come, Interpol, if necessary, local communities and so on, I have often wondered why it took such a long time to process an application for citizenship. I wish to ask the Minister two questions which I do not believe he answered. Has the backlog of applications been dealt with? I accept the Minister's stance, that increasingly more people are coming into this country and submitting applications for citizenship. How many people have been employed to deal with the backlog and with the current number of applications?

Deputy Alan Shatter: We are still addressing some parts of the backlog. The nature of the naturalisation process is such that for a broad range of reasons some cases take longer than others to process. A substantial number of cases that had accumulated have now been dealt with. There are some cases that give rise to particular security issues that have to be addressed and because of the nature of those cases or the countries of origin of individuals, it can take longer to have those applications processed than I wish were the case.

I know there are some cases on which the Deputy made representations and in which he expressed interest. I believe I am right in saying that, from having a look at them, most of them are applications that were made from September 2011 onwards. The position is that a substantial amount of the backlog has been dealt with and we are shortly going to be in an position where in the average case that gives rise to no particular major issues of security it will be determined within six months of the application being made. Some applications made some years ago had not been processed or dealt with when I came in to office. It is likely it could well take another three to four months to resolve and make decisions on this special group of cases. By the time we get to the end of this year unless something exceptionally unusual or difficult occurs the vast majority of applicants will find if they apply and properly fill in the forms a decision will be made within six months of receipt of the application.

Deputy John Halligan: I am reasonably happy with the answer the Minister has given and I look forward to a review of it in six months. Once again I compliment the Minister on introducing this initiative.

Proposed Legislation

73. **Deputy Dara Calleary** asked the Minister for Justice and Equality if he will consider the introduction of specific legislative provisions to ensure that the manslaughter of a member of An Garda Síochána, or any member of the security forces or emergency personnel, whilst in the course of duty attracts a specific mandatory sentence; the work he has done on this matter since taking up office; and if he will make a statement on the matter. [22786/12]

Deputy Alan Shatter: The Deputy is rightly concerned about attacks on the members of the Garda Síochána, the Defence Forces and emergency personnel in the course of their work. I share that concern and I want to make it clear that I utterly condemn any such attacks. I will have no hesitation of any nature in taking whatever action, including legislative reform, that might be necessary to protect gardaí, Defence Force personnel and other emergency workers against criminal attack.

There are a number of important provisions already in law which seek to ensure that gardaí and other relevant personnel are protected.

Where a person is convicted of the murder of a member of an Garda Síochána acting in the course of his or her duty under section 3 of the Criminal Justice Act 1990 the court is required by section 4 of that Act to specify 40 years as the minimum period of imprisonment to be served by the convicted person. Where the offence is one of attempted murder under section 3 the minimum term of imprisonment to be served is 20 years.

Section 19 of the Criminal Justice (Public Order) Act 1994 provides for the offence of assault of a member of an Garda Síochána, a prison officer, a member of the Defence Forces or certain emergency and medical personnel. The penalty for the offence is a maximum of seven years imprisonment.

The maximum penalty for manslaughter is life imprisonment in accordance with section 5 of the Offences against the Person Act 1861.

The position on mandatory sentences is that the Law Reform Commission was asked by the previous Attorney General to look at the issue of such sentencing. This was done at the instigation of the then Minister for Justice, Equality and Law Reform. The commission recently published a consultation document on mandatory sentences and invited submissions from interested parties. One of the preliminary recommendations of the consultation paper is against the extension of the presumptive minimum mandatory sentence regime that currently applies to certain offences such as drug trafficking. Obviously the commission will have to consider any submissions made to it on this subject before making a final recommendation. I would not like to prejudge the outcome of its deliberations. I look forward to receiving and examining the recommendations of the commission in its final report on this subject.

Deputy Dara Calleary: Since we last had Question Time the incident with regard to the transfer of the killer of Garda Gary McLoughlin occurred and I compliment the Minister on how he responded to it very quickly and commissioned a report. Mr. Michael Donnellan of the Irish Prison Service came before the committee. However, it brings into focus the issue of the original sentence in the case and in the case of the killer of the late Garda Robbie McCallion. These gardaí were killed on duty while protecting their communities but because of the charges brought in one case the judge had to direct the jury it could not take into account the fact it involved a serving garda. It is a huge problem and disappointment for their families and colleagues that although the gardaí were doing their job protecting communities, and would otherwise not have been in the position they were on those evenings, no special focus was given to the individuals who killed them.

[Deputy Dara Calleary.]

I am conscious of the work of the Law Reform Commission and the Minister's personal commitment about this but we must send out a message. The Minister stated the sentence for the murder of a garda is 40 years. I might be young but I can remember a time when it was a capital offence. These two guys are perceived as having got away relatively lightly and we also had the issue of the transfer of Martin McDermott. This is very difficult for the families of the gardaí, both of which I have spoken to, and for their colleagues. I am sure the Minister agrees the Oireachtas must send out a very strong statement about protecting not only gardaí but security forces and emergency personnel. I hope the Minister acts on the recommendations of the Law Reform Commission.

Deputy Alan Shatter: I share the Deputy's concern. It is important that we provide maximum protection to members of the force. Should a member of the force die or be seriously injured in the course of carrying out their duties there should be appropriate legal mechanisms to bring people before the courts and sentence them. On the issue of manslaughter, it is open to the courts to impose a life sentence. As the Deputy is aware, the courts must independently determine what is the appropriate sentence in an individual case, based on the background circumstances.

I await with interest the recommendations from the Law Reform Commission. I assume the final report will address issues relating to members of An Garda Síochána, the Defence Forces and other emergency personnel who suffer injury during the course of their duties in circumstances in which individuals are engaged in criminality, but I do not wish to prejudge its outcome. It is worth noting that at the recent Garda Representative Association, GRA, conference there was a call for the imposition of a five year sentence on those individuals who might injure a garda in the course of carrying out their duties. It appears the fact that the law already provides for the possibility of a seven year sentence to be imposed by the courts if a garda is injured in the course of their duty was missed by those who made that call. There is an already existing offence of assault on a member of An Garda Síochána which, in appropriate circumstances, can result in the courts imposing a seven year sentence.

Sexual Offences

74. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to ensure there are dedicated specialised officers for complainants in sexual violence and abuse cases in view of the recent rise in sexual offences. [22994/12]

Deputy Alan Shatter: The Deputy may have in mind the Central Statistics Office, CSO, figures for 2010 which recorded a substantial increase. However, the CSO has cautioned that care should be taken in the interpretation of these statistics as the increase in that year was largely due to a review of all cases involving sexual offences reported to the Garda. The CSO indicates that the number of sexual offences recorded fell by 13.5% during 2011. The review of cases was undertaken in the context of the introduction of the Garda Síochána policy on the investigation of sexual crime, crimes against children and child welfare, which was introduced in April 2010.

While the management of investigations and police resources is a matter for the Garda authorities, I can inform the Deputy that the aim of this comprehensive policy is to combine professionalism with sensitivity and compassion in the investigation of sexual crimes. The policy results from a review of Garda work practices and methodologies for the investigation of sexual abuse cases and sets out detailed standards, procedures and practices to be followed in all such cases. I am informed by the Garda authorities that as part of initial training all members of An Garda Síochána receive sufficient training to prepare them for the investigation of complaints

of sexual violence, with appropriate training in interview techniques being provided to all members. In addition, a sexual crime management unit has been established, which assists gardaí in the investigation of such crime, promotes best investigative practice and monitors a sample of investigations to ensure they are receiving appropriate attention.

In the specific context of crimes against children the Garda Commissioner has established a strategic committee within An Garda Síochána, chaired by the assistant commissioner in charge of national support services, to liaise with the Health Service Executive, HSE's, national director of children and family services. Furthermore, a countrywide network of interview suites has been put in place for use when interviewing children under 14 years of age against whom a sexual and-or violent offence is alleged to have been committed. The interview process is a joint Garda-HSE one. Gardaí and social workers have undergone joint training, organised by the Garda authorities, in the specialised interviewing skills necessary for interviewing such victims and there is an ongoing close working relationship between the Garda authorities and the HSE on child protection matters.

Deputy Jonathan O'Brien: I am aware that the figures for 2010 are skewed somewhat because of the historical cases being investigated by the Garda. However, in 2006 there were approximately 1,400 reports of sexual assault. That figure rose to just under 2,500 in 2010. There was a decrease last year of approximately 13%, but given that the figure was particularly high in 2010, that decrease must be considered with some caution. I tabled this question because of the ongoing closure of some Garda stations. There there will be further such closures this year. My concern is that people in rural areas who are the victims of sexual assault will find it more difficult to report such cases. For instance, if they are obliged to travel further, will provision be made to ensure a female Garda will be on duty at all times within the Garda station to which they will travel? I acknowledge this will be difficult to do, given the breakdown of the force but this must be considered in light of the closures that are taking place.

Deputy Alan Shatter: In response to the Deputy, it might be of interest to note the sexual crime management unit, which operates within the National Bureau of Criminal Investigation, is the unit with national responsibility for the monitoring of the implementation of Garda policies in respect of sexual crimes. This management unit is responsible for reviewing selected sexual crime investigations to ensure a consistent high standard of investigation throughout the State. The unit, which comprises 23 personnel, is headed by a detective superintendent and includes a detective inspector, four detective sergeants, 14 detective gardaí and three support staff. Additionally, in each Garda division, a Garda inspector has been appointed to monitor the implementation of the Garda Síochána policy to ensure the proper investigation of such crimes and uniform implementation of policy at district and divisional level. Further monitoring mechanisms are in place for local and senior Garda management to ensure such investigations are conducted professionally and expeditiously, with weekly reports produced by the PULSE IT system on the status of all investigations of sexual crime and child welfare incidents coming to the attention of the Garda Síochána, which assists the Garda management in ensuring the investigation of such crimes is conducted professionally and in a timely manner.

That said, the system now in place also ensures that in no part of the country are there any gaps in the context of necessary expertise required to investigate such crimes or in dealings with the victims of such crimes. Moreover, no recent changes that have been made, the Deputy made reference to the closure of stations, in any way substantially have an impact on the system that has been put in place in the context of implementing the Garda policy in this regard.

An Leas-Cheann Comhairle: Deputy O'Brien, briefly.

Deputy Jonathan O'Brien: I will be brief. The Minister stated earlier that all members now have been trained in the interview and investigative processes. Does such training include providing the additional information on the available supports for victims? Such information is just as important as being trained in how to investigate and deal with victims.

Deputy Alan Shatter: The correct answer is that it does, in the context of putting victims in contact with victim support groups, where necessary. In addition, there now is close liaison between the Garda Síochána and the HSE in dealing with crimes of sexual violence. It would be fair to state a far more sophisticated and sensitive approach now has been adopted than may have been the case a number of years ago, when people did not have today's insight as to the impact on victims of such appalling crimes.

Other Questions

Garda Deployment

75. **Deputy Billy Kelleher** asked the Minister for Justice and Equality if he will outline, in tabular form on a county basis, the number of crime prevention officers that have retired in 2010 and 2011; the number that have been replaced; the arrangements in place for those who have not been replaced; and if he will make a statement on the matter. [22622/12]

Deputy Alan Shatter: I am informed by the Garda Commissioner that seven crime prevention officers retired between 2010 and today's date. To crime prevention officers have been appointed by the Commissioner in the same period. The location of those who have retired and who have been appointed are set out in a table I will circulate with this reply.

Where the crime prevention function of the Garda Síochána is not provided at a district level, crime prevention and personal security advice is provided by appropriate divisional resources, including where necessary the services of the divisional crime prevention officer from neighbouring Garda divisions. It also is of course the case that all gardaí have a role in crime prevention.

I have no function in the internal allocation of Garda resources, including personnel but I am aware that Garda management keeps under review distributional Garda personnel in the light of available resources, crime trends and policing priorities at district, divisional and regional level. I have no doubt the position of crime prevention officers will be considered as part of this ongoing process.

Additional information not given on the floor of the House

Location	Retired 2010	Replaced	Retired 2011	Replaced	Retired 2012	Replaced
Limerick	1	Yes				
Kildare	1	Yes				
Tipperary	1	No				
Kilkenny	1	No				
National Crime Prevention Unit	1	No				
Kerry					1	No
DMR East					1	No

Deputy Dara Calleary: I thank the Minister. If I may raise an issue for the Leas-Cheann Comhairle and the Ceann Comhairle, given the manner in which replies are given in this format, I note Members do not have access to the aforementioned table. Perhaps, with his Dáil reform hat on, the Leas-Cheann Comhairle might look into this matter. However, the key message is five people have not been replaced since 2010. I will give the Minister an example of the impact this is having. One of those not replaced is in Tipperary. I have been contacted by a group in Tipperary and by Councillor Siobhán Ambrose on this matter. When the assistance of a crime prevention officer is needed in Tipperary the appointed officer in Waterford is called in. This situation has been ongoing since December 2010.

Given the Minister's earlier response in regard to burglary statistics, it is a matter of priority that there be a crime prevention officer in every county to drive home the message of burglary prevention. I am not sure what extra salary or allowances a crime prevention officer receives. However, five counties have been without a crime prevention officer since December 2010. While I understand every garda is involved in crime prevention work and that all gardaí are currently under huge pressure, the crime prevention officer has a specific role and mandate with which people and communities can identify. I ask that the Minister strongly suggest to Garda management that these vacancies be filled as a matter of urgency.

Deputy Alan Shatter: We all have a role to play in crime prevention and in making considered decisions in this area. It is not for me to second guess operational decisions made by the Garda Commissioner. The Deputy is correct that no crime prevention officer has been formally appointed in Tipperary following a retirement in December 2010. Deployment of members of the force is ultimately a matter for the Garda Commissioner. I am happy to bring the concerns expressed by the Deputy on this issue to his attention.

Garda Stations

76. **Deputy Barry Cowen** asked the Minister for Justice and Equality further to his comments at the AGSI conference, when he intends to publish the list of garda stations he intends to propose for closure in 2013; the number of stations the Garda Commissioner proposed for closure in 2012 versus the amount that have actually been closed; the projected savings in 2012 from the stations that have been closed; if the new garda roster changes will impact on the proposed number of station closures; and if he will make a statement on the matter. [22619/12]

Deputy Alan Shatter: Under the Garda Síochána Act 2005, the Garda Commissioner must, before November each year, submit a policing plan for the following year to the Minister. The Commissioner must include in that plan any proposal to either open or close a Garda station. It will, therefore, be towards the end of this year before the Policing Plan for 2013 is received, approved and published.

Members will be aware that the Garda Commissioner proposed the closure of 39 Garda stations in his Policing Plan 2012, many of which were only open for limited periods, eight of which were non-operational, some for many years, and one of which had been non-operational since 1985. Almost all of the closures have taken place and the process will be completed by end June this year. In commenting on these proposals in the policing plan the Garda Commissioner said, "These decisions were only made after careful analysis and research and I am confident that this action will result in a more efficient delivery of policing services".

It is not practical to give a precise figure for the savings resulting from the closure of Garda stations. Savings on heating and lighting bills would be minor and would vary from station to station and savings resulting from avoidance of repair bills would vary depending on the condition of stations and would be difficult to calculate. The key point is that the closures are not

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about minor savings but the more effective deployment of gardaí on operational duties. The issue is whether for any given Garda force strength we want more gardaí in stations or more gardaí on operational duties.

Critics of these closures are in effect arguing that we should not close even one of the 703 garda stations that have been, more or less, in place since the foundation of the State, despite the revolution that has taken place in transport, communications and technology since then. Not only do they not accept these realities or the professional judgment of the Garda Commissioner about how best to deploy gardaí but they ignore the international evidence. For example, Scotland, with a population of 5.2 million people — a directly comparable jurisdiction in many ways — has only 306 stations, which is less than half the 703 garda stations we had at the beginning of this year.

Additional Information not given on the floor of the House.

I fully support the Garda Commissioner in his efforts to deploy gardaí more effectively so as to enhance the policing service. In that context, it is worth noting that new garda rosters were introduced last week on a pilot basis. These new rosters, which are separate and distinct from the issue of rationalising the station network, have been developed following detailed consultations between Garda management and the Garda representative associations under the Croke Park agreement. They are designed to maximise the deployment of gardaí at times of peak demand, while at the same time improving the work-life balance of members. This is another example of improved efficiency and effectiveness in the Garda Síochána which we should all support.

Deputy Dara Calleary: I have no difficulty with non-operational stations being officially closed. However, while two of the four stations closed in my county were non-operational two others were operational in busy communities, one of which the Government and previous Administration invested in by way of a major tourism initiative and which is drawing in 50,000 people.

Last week the Garda Commissioner said Garda station closures will affect rural areas but they also affect metropolitan areas. Two stations have been closed on the north side of this city and people will be affected. We are all for more gardaí on the street but we will not be able to measure that until the end of this year. The reason we keep asking the Minister is that it was not the Garda Commissioner who went to the AGSI conference and announced more closures; it was the Minister. He is becoming a bit of a cheerleader for closing these stations but when the political heat is turned on, it is a matter for the Garda Commissioner. Will the Minister clarify that the Garda Commissioner presents him with the list and that he makes the call on it?

Deputy Alan Shatter: The Deputy is, of course, right in saying the Garda Commissioner presents me with a policing plan and that it is for me to approve it. I rely on the Garda Commissioner's expertise in making operational judgments in these matters. To come back to what I said earlier, we had 703 Garda stations at the beginning of this year. A comparable jurisdiction, Scotland, with a higher population, has 360 police stations. In 2000, there were in the region of 160 police stations in Northern Ireland but today, it has 80 and it is reviewing the numbers there with a projected possible number of stations by 2014-2015 of somewhere between 45 to 50.

It is not in the interests of the community for members of the Garda force to sit in stations; it about them being engaged in front line policing for which they are trained. If the Garda Commissioner judges that members of the force can better fulfil the public obligations and

duties of the force by being engaged in front line policing rather than sitting behind desks in buildings, I will fully support him in those decisions.

The Deputy is right that I said at the GRA conference that I anticipated there would be further station closures. Based on the implementation of all the closures taking place, we will be left with 664 stations which is practically double the current number in Scotland. I anticipate it is likely in the policing plan we will receive at the end of the year that there will be a proposal for more stations closures to ensure resources are used more effectively and to ensure the skills of front line, well-trained police officers are used to protect the community rather than have them simply sitting in stations which have no recognised operational value in the context of the Garda Commissioner's view. When it comes to how many may be closed or what the position will be in 2013, I will substantially rely on the Commissioner's expertise in that context.

Deputy Dara Calleary: The other part of the question was about the new Garda rosters. There is a later question on that but we may not get to it. How will that impact on stations and on operational issues?

Deputy Jonathan O'Brien: In light of what the Minister said about having more gardaí on the street and not being stuck behind desks, how is the civilianisation process progressing?

Deputy Alan Shatter: I think everyone forgets that currently we have approximately 2,000 civilians working within the Garda force. We also have 935 members of the Garda Reserve, which did not exist some years ago. As Deputy O'Brien knows, because of current economic circumstances, we are not in a position to expand employment in these areas. However, they are backups which the gardaí would not have had available to them a decade ago at those levels and it is easy to ignore them.

In regard to the Garda rosters, I very much welcome the fact the new rosters have come into force. I thank the representative organisations for their co-operation in the discussions that have taken place to bring the Garda rosters into force. It is early days but I am advised that the roster system is working extremely well and that it is having the benefit that members of the force are now available on days of the week when the most need arises and that there is a new focus in the manner in which policing can take place.

I think they are also more user-friendly for members of the force. I was fortunate this week to have had conversations with a couple of members of the force who told me how beneficial they found the rosters. I did not go looking for the conversations, but the members spoke to me about the new hours and how those impact on their lives. It has been a successful start to the new rostering system. The roster is to the benefit of the community, ensures that we use our resources more wisely and in a more targeted way and will provide for a better work-life experience for members of An Garda Síochána.

Garda Equipment

77. **Deputy Patrick Nulty** asked the Minister for Justice and Equality the guidelines covering the use of pepper spray by An Garda Síochána; if he is satisfied that An Garda Síochána are using these guidelines correctly; and if he will make a statement on the matter. [22605/12]

Deputy Alan Shatter: A detailed manual on Garda policy and procedures in respect of the use of incapacitant spray has been developed by the Garda Commissioner and is published on the Garda website. The manual sets out the detailed considerations that must always be taken into account by a member of the Garda Síochána before using incapacitant spray. Any use of such a spray, as with any use of force in general, must be in accordance with law, in particular

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the law on the use of force set out in the Non-Fatal Offences Against the Person Act 1997. In effect, the use of such sprays must be necessary and must be reasonable in the circumstances.

Garda members are trained in the lawful use of incapacitant spray and, as the manual makes clear, are individually responsible and answerable for their actions in its use. It is also the case that every incident where incapacitant spray is deployed is notified to the Garda Síochána Ombudsman Commission, which can investigate any question of misuse. Comprehensive policy and procedures in respect of the use of incapacitant spray and appropriate safeguards to ensure compliance with those standards have been put in place.

Deputy Patrick Nulty: I thank the Minister for his response. I recognise the fact that we must ensure that the Garda Síochána can conduct its work in as safe a manner as possible, but the use of this spray was only sanctioned by one of the Minister's predecessors in 2008, prior to which gardaí were able to conduct their work adequately. Is access to this type of facility adding to good policing? I have concerns. According to a response to my colleague, Deputy Seán Kenny, rolling out this facility has cost approximately €350,000.

We must remember that gardaí have a duty of care towards citizens who are engaging in legitimate political demonstrations and activities. I am sceptical about whether the access to or use of pepper spray, as it is colloquially known, assists good policing and community relations. One of our great strengths is that the Garda is a civilian police force. Facilities such as this need to be used with extreme caution, particularly given the fact that political activity will hopefully increase in the months and years ahead.

Deputy Alan Shatter: I agree with the Deputy that such sprays must be used only in appropriate circumstances, as prescribed by the guidelines. I do not see why any increase in, as the Deputy described it, political activity should result in the use of such sprays. I am conscious that some of those who purport to be engaging in political activity resort to violence and abuse and disregard requests from the Garda Síochána to conduct themselves in a peaceful manner. There are individuals engaged in protest who seek to intimidate innocent persons going about their business. It is the job of the Garda Síochána to maintain law and order. I would be the first to defend any individual's right in this State to engage in peaceful protest on any issue, but I will not defend individuals who resort to violence or attack members of the Garda or the general community.

Members of the Garda Síochána have received appropriate training in the use of this spray. The Garda website outlines the details of the procedures applicable to its use. If it is used, a report is made to the Garda Síochána Ombudsman Commission, even in the absence of an individual making a complaint. If it is ever suggested that the spray is used in circumstances that are inappropriate, the Garda Síochána Ombudsman Commission is in existence to investigate any complaint that may be received.

Deputy Patrick Nulty: I thank the Minister. Good policing is about taking the heat out of potentially tense situations. This forms part of the Garda's training process. However, I would question whether having access to pepper spray assists that process. I hope it will be kept under ongoing review. Gardaí did not have access to pepper spray until 2008, yet I am sure the Minister would agree that the Garda Síochána was policing situations well prior to that time, including large events.

I draw the Minister's attention to cases of people being unhappy with policing, for example, at Rosspoint in County Mayo where citizens were engaging in political activity. Issues needed to be investigated. It is in the interests of good policing to monitor these situations closely. The

less that facilities such as this spray are used, the better. Pepper spray has an effect on the person on whom it is used. The Minister must be vigilant in this regard.

Deputy Alan Shatter: Of course, the Deputy is ignoring the fact that, for many years, members of the Garda Síochána had the use of batons to protect themselves. Some people would be of the view that the use of pepper spray by a member of the force under attack is better than using a baton, in that the spray does not do any permanent damage or serious injury to a member of the community who is attacking a garda. Pepper spray is an alternative mechanism available to a member of the Garda Síochána.

If individuals are engaged in peaceful protest, they do not attack members of the Garda. If individuals do not attack members of the general community who are not engaged in whatever protest is taking place, there is no particular reason that batons or pepper spray would ever be used. However, it is important that members of the force have at their disposal the means to protect themselves when under attack. We have in this country some individuals who engage in protests, intend to incite violence and are themselves violent and have no sense of the fundamental rights of ordinary individuals going about their business. It is important that the Garda have available to it whatever is necessary to protect its members in those circumstances.

There are some individuals who would like to see anarchy on our streets. It is the job of the Garda Síochána to maintain law and order and to protect the wider community. I will support it in that context.

Deputy Jonathan O'Brien: I seek clarification. Is it for each garda to decide when it is appropriate to use pepper spray? If a garda is on patrol by himself or herself, there is no one else from whom direction can be taken. Where there is a political protest and a superior officer is present, is it for the superior or each garda to decide on when to deploy the spray?

Deputy Alan Shatter: That is an operational matter and depends on the circumstances that arise.

Prisoner Releases

78. **Deputy Robert Troy** asked the Minister for Justice and Equality if victims of the released prisoners will be informed of their early release; and if he will make a statement on the matter. [22641/12]

Deputy Alan Shatter: The Deputy can be assured that the Irish Prison Service is conscious of the harmful, potentially devastating, consequences of crime on victims. The service acknowledges that the impact of crime on victims varies in nature and force and the service seeks to take account of their experiences and needs. Where victims make their views known to the service, they are always taken into consideration when making sentence management decisions, such as granting temporary release. While it is, of course, appropriate that the sensitivities and concerns of victims of crime should be carefully considered, a balance must also be struck with other sometimes conflicting factors, such as the rehabilitation of offenders and their reintegration into the community.

When victims of crime request it, the Prison Service victim liaison officer will enter into direct contact with them to inform them of any significant development in the management of the perpetrator's sentence as well as any impending release. Such significant developments could include temporary releases, parole board hearings, prison transfers and expected release dates. The victim liaison officer will also provide victims with general information on the prison system, such as the prison regime, remission on sentences and our system of parole, including the operation of the Parole Board. This is, however, a voluntary service and it is for the victim

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or an immediate family member in the case of a person who has died as a result of a crime to choose if he or she wishes to obtain information about a prisoner. I should also say that, for very understandable reasons, many victims do not want any further contact after the court process is finished.

Details of the victim liaison service are available on the Irish Prison Service website.

Victims or immediate family members may register for the service by writing to the victim liaison officer at Prison Service headquarters in Longford. As part of the redevelopment of the Irish Prison Service website, a facility to allow victims to register online is also being developed and will be available in the coming weeks.

Finally, there is a commitment in the programme for Government regarding the introduction of a Bill to detail in law the protections available to victims of crime. Developments in the European Union may result in a victims of crime measure that will apply across all member states. If such a measure is directly applicable we will not be obliged to publish our own legislation. It is likely that legislation to go hand in hand with this measure will be produced and that it will address issues relating to victims in the context of prescribing their rights and entitlements in respect of the information which should be made available to them.

Deputy Dara Calleary: When Michael Donnellan appeared before the Joint Committee on Justice, Defence and Equality on the Loughan House issue, he also spoke about the process whereby victims can opt in to be kept informed about developments. We suggested that the process should involve an opt-out facility because, first, not many people are aware of the service and, second, victims may not want to pursue this route in the aftermath of a crime or court case and as time goes on they will forget about it or it will not remain a priority. If they are required to opt out from being kept informed, however, they would have to think about it.

I am thinking in particular of the new pilot scheme. Were victims' families informed that the 130 prisoners on the pilot scheme were in a community or providing a service?

Deputy Alan Shatter: The Deputy can take it for granted that I will make it a priority. He may be aware that I published the Victims' Rights Bill 2002, which the then Fianna Fáil Government voted down. When I published an updated version of the Bill in 2008 to take account of legal developments in the intervening period, the former Minister for Justice, Equality and Law Reform, Dermot Ahern, went to war with it on the basis that it reflected successful provisions that were already in existence in New Zealand, even though I had previously briefed him that it did reflect some provisions that were already successfully operating in New Zealand.

I have for many years been committed to the enactment of victims' rights legislation. The Department had begun work on this issue when the European Union proposal was published. We are waiting to see how that proposal develops. It is likely to be discussed at a meeting of European Ministers for Justice, if not in June then certainly next September, as progress is made. It is not yet clear whether domestic legislation will be needed if it is enacted across Europe or if it will simply be directly applicable. It may be the case that we will want domestic add-ons that Europe does not require but which would be to the benefit of victims. That is an issue we will address if need be. It will be a priority during the Irish Presidency.

Deputy Dara Calleary: I will not get involved in the Minister's spats with the former Minister, Dermot Ahern. Can the Minister comment on the opt-out or opt-in facility and whether victims' families were kept informed during the pilot programme for temporary release?

Deputy Alan Shatter: They would only have been kept informed during the pilot project if they opted in and, I assume, the convicted person was engaged in community service in their local community. I can seek further information for the Deputy in so far as it is available.

On the question of opt-in or opt-out, the balance of convenience suggests an opt-in provision for a range of reasons. A substantial amount of the crime that goes through the District Court is of a minor nature. Individuals would not necessarily want to receive phone calls a few months afterwards to give them minor pieces of information about the offenders. They want to get on with their lives. Such a provision would also become very resource intensive if, in the context of every conviction of every individual, it was assumed that victims who did not even look for information or did not want it should be given minor pieces of information. There is an advantage in having an opt-in provision.

However, for certain crimes, such as the one which gave rise to the tragic death of Garda McLoughlin, we are looking at putting in place a provision whereby the survivors of any person who lost his or her life in similar circumstances would automatically be informed when an event occurs which could result in someone being released, for example, to perform community service in a local community or go to an open prison near where the family concerned resides. The balance of advantage in a broad range of crimes supports an opt-in provision but it is important that victims are made aware of the fact that they can opt in and that the facility is available. We are investigating what steps may be taken to ensure there is sufficiently wide knowledge of this. I have some concern that not all victims are aware of the capacity to opt in to receive information.

Liquor Licensing Laws

79. **Deputy Éamon Ó Cuív** asked the Minister for Justice and Equality the outcome of the consultation process on the sale of alcohol from retail outlets undertaken by his Department; if he has made any decision on this issue; and if he will make a statement on the matter.
[22646/12]

Deputy Alan Shatter: I presume this question was not tabled from a European perspective. The public consultation process elicited a broad range of views on the display and sale of alcohol in supermarkets, convenience stores and similar mixed trading outlets. Looking to the future, there appear to be three main options.

The first option is continuation of the existing voluntary code of practice. The current voluntary code of practice was agreed by the previous Government. A new body, Responsible Retailing of Alcohol in Ireland Limited or RRAI, was established by the mixed trading sector to oversee its implementation and Mr. Padraic White was appointed as its independent chairperson. Mr. White's compliance report for 2011 shows levels of compliance which are broadly similar to those in previous years, with 95% for supermarkets and 79% for convenience stores. While the RRAI code has improved conditions for the display and sale of alcohol products in many mixed trading outlets, public health bodies and other licensed trade bodies have called in their submissions for commencement of section 9 of the Intoxicating Liquor Act 2008.

The second option is to commence section 9 of the 2008 Act. Section 9 requires that the display and sale of alcohol is confined to an area that is separated from the rest of the premises by a wall or similar barrier; access to this part can only be gained from the rest of the premises through a door, gate, turnstile or similar means of access; and the only place that customers can pay for alcohol is at a counter or point of sale within this separated part of the premises. The only permitted alternative is to confine the display and sale of alcohol other than wine to a part of the premises to which the public does not have access, such as an area behind a counter. Implementation of section 9 would require alterations in the design and layout of

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premises. While large supermarkets could undoubtedly accommodate themselves to the new requirements without undue difficulty, small and medium sized outlets would inevitably encounter practical difficulties and face higher adaptation costs.

The third alternative is a statutory code of practice under section 17 of the Civil Law (Miscellaneous) Provisions Act 2011, which we enacted last summer. Section 17 of the 2011 Act provides for statutory codes of practice. A breach of such a code will not of itself render a licensee liable to any civil or criminal proceedings but it provides a ground on which an objection may be lodged in the District Court to renewal of the licensee's licence. Where an objection is lodged, the licensee will be faced with the inconvenience and cost of District Court proceedings prior to renewal of the licence.

Additional information not given on the floor of the House.

In conclusion, I can state that I am not in favour of retaining the current RRAI voluntary Code. The choice therefore lies between section 9 of the 2008 Act or a statutory code under section 17 of the 2011 Act. I expect to be in a position to seek Government approval for proposals regarding future arrangements in the coming weeks.

Deputy Dara Calleary: I commend Mr. White on the detailed report he has produced for RRAI. I agree with the Minister regarding section 9 of the 2008 Act and its impact on small and medium enterprises. However, certain companies can afford the changes required under the section and these companies are probably the cause of problems in this area. Has consideration been given to the segregation of section 9 according to size of retail premises?

Has the Minister entered discussions with the Minister for Health or the Chair of the Joint Committee on Health and Children in regard to the work that the committee and the Minister of State at the Department of Health, Deputy Shortall, have been doing in the area of alcohol?

Deputy Alan Shatter: The Minister of State, Deputy Shortall, and I have held discussions on how we should proceed with regard to this area. While I join the Deputy in praising Mr. White for the work he is doing, I am not in favour of retaining the current voluntary code. We need to do better than that. The choice therefore lies between section 9 or some variant of it, as the Deputy is suggesting, or the statutory code under section 17 of the 2011 Act. I expect to be in a position to seek Government approval for proposals regarding future arrangements in the coming weeks. They are the subject of internal discussions as to how best to proceed.

I am aware of two particular issues we must address. We must try to ensure that we do what is necessary to "de-normalise", if I could put it that way, the purchase of alcohol by young people. We must bring to an end some of the commercial inducements in place that encourage people to purchase and perhaps drink more alcohol than is wise. For example, there are offers to pay for six cans of beer and get another six for free and other inducements. On the other side of the coin, I am also aware that in what is currently a difficult business environment for SMEs, some mixed stores are dependent on alcohol sales and other sales to maintain a reasonable livelihood. Alcohol is purchased as a normal item by many individuals in the community. Many of those stores would not have the financial capacity to restructure in a manner that section 9 envisages. If they had to obtain loans for such restructuring, it would put them under some difficulty. There are balances we need to maintain and we are giving consideration to that in the current deliberations.

Deputy Dara Calleary: Is there any timeframe on the considerations? We are approaching the summer and also a sporting event which tends to inspire many of the so-called offers to which the Minister referred. Will those proposals be in place for that event? I hardly think so.

Deputy Alan Shatter: Many different sporting events seem to inspire many of us to drink alcohol, but not everyone does it excessively. The sporting event to which the Deputy refers may be the European Football Championship, which is taking place in June. I wish the Irish team and its manager Mr. Trapattoni well. I hope we will be able to open a bottle of something — be it alcoholic or non-alcoholic — to celebrate a very successful adventure in Poland and Ukraine. I congratulate the members of the squad, which was announced yesterday.

Mental Health in Prisons

80. **Deputy David Stanton** asked the Minister for Justice and Equality further to Parliamentary Question No. 14 of 1 December 2011, the progress that has been made by the inter-departmental group examining the issue of persons with mental illness entering the criminal justice system; and if he will make a statement on the matter. [22665/12]

Minister of State at the Department of Justice and Equality (Deputy Kathleen Lynch): The Department of Health and I announced the establishment of an interdepartmental group charged with examining issues relating to people with mental illness or a mental disorder interacting with the criminal justice system and its agencies. The interdepartmental group includes representatives from the Department of Justice and Equality, the Department of Health, and relevant services including the Health Service Executive with separate representation from the National Forensic Mental Health Service, the Garda Síochána and the Irish Prison Service. It is jointly chaired by both Departments.

While work is ongoing, I understand that a list of issues that have given rise to concerns have been identified by the group. These issues relate to when a person with a mental health issue comes into contact with the criminal justice system. A number of subgroups have been established to examine these specific issues in more detail and they are to report back to the main group.

Submissions were also sought to assist the group identify the key issues and make recommendations on the interaction between the mentally ill and the criminal justice system. To date, ten submissions have been received and are currently being considered. The group is to report back by the middle of this year.

Deputy David Stanton: I thank the Minister of State for the progress made in the matter. How many prisoners are still on waiting lists to be moved to the Central Mental Hospital? If the Minister of State does not have the information to hand she might get it to me later.

Deputy Kathleen Lynch: I do not have that specific information but will ensure the Deputy gets it. I am aware he has a particular interest in the area. A new central mental hospital, which is being designed at present, will be of enormous benefit. As he will know, the Central Mental Hospital performs a unique service regarding the mental health of people who come before the courts. We cannot continue to have people, who have difficulty with their mental health, being detained in our jails rather than in a more appropriate setting.

Leaders' Questions

Deputy Micheál Martin: Before the referendum date was set, I said we would favour it not being held in the immediate aftermath of the French presidential election because it had the potential to cause uncertainty. This has happened to a certain degree and needs to be addressed. I ask the Taoiseach to give the House some clarity on the situation. It is fair to say that Mr. Hollande favours balanced budgets and fiscal rules but also wants to see a growth agenda. That is a welcome opinion and we in Ireland should welcome a stronger growth agenda across Europe. We have consistently called for that over the past 15 months. I believe the

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Taoiseach will agree that it need not have any implications for the stability treaty. However, it requires countries such as Ireland to speak up and back him on a far more ambitious agenda than we have had to date from the European leadership.

A special meeting of EU leaders is scheduled in two weeks' time. Between now and then I ask the Taoiseach to indicate to the House whether he will be lobbying for specific new growth measures in addition to the fiscal treaty. In particular will he support the call for a broadening of the mandate of the European Central Bank, the creation of infrastructure bonds via the European Investment Bank and the creation of euro bonds themselves? Are there specific issues relating to the growth agenda on which he will engage with other European leaders? Can the Taoiseach confirm that Mr. Hollande favours fiscal rules and balanced budgets? He is very clear that he does not want to change the key element of the establishment of a permanent funding mechanism for countries in need of support — the European Stability Mechanism. It has been suggested this morning that negotiations might begin to add to the treaty some specifics on the concept of growth.

The Taoiseach: The decision to be made on 31 May is a decision by the Irish people for Ireland and its future. The people are being asked for their permission to ratify the treaty signed on 2 March. I congratulate Mr. François Hollande on his election as President of France. I have noted his comments on growth, balanced budgets, the need for an ESM and also the need for a more concentrated focus on a growth agenda for Europe, which is in everybody's interest. I welcome his statement from the point of view that Ireland and other countries have been talking about this agenda for some months.

I spoke to President Van Rompuy on Sunday and urged him to hold a summit meeting on a growth agenda. On 23 May, after the French President has been ratified, the meeting will take place and the Heads of Government will look at the areas for growth and investment as part of that agenda and, I would assume, come back at the June meeting with specific proposals, including some of those the Deputy mentioned. This is clearly in Ireland's interest. In saying that we support a growth agenda, we do so in principle but there are issues that are clearly not in Ireland's interests, including changes to corporation tax rates.

For the period ahead, the campaign here will focus on the positive reasons that Ireland should vote for this treaty, including continued access to investors' decisions to invest in Ireland and the lists of job announcements. The access to the permanent mechanism of the ESM is the insurance policy or the back-stop that countries will look for and this will also put good house-keeping rules in order here so our country does not end up in serious difficulties again.

I have congratulated François Hollande. I expect to speak to him this week and clearly as far as his comments have been made to date about additional measures in terms of growth and investment, these are to be supported. The more that European economies can grow and prosper, the better it is for our country. Clearly, it should be said that we must appreciate the difficulties and the challenges that people have faced up to in this country and that is paying dividends in the recognition that Ireland has moved considerably from where it was, having been linked with other countries just a short time ago.

Over the next week, I assume the question of the agenda of the meeting of 23 May will be clarified. I will be happy to share that with the House and take proposals from Members in respect of their views about issues that should be discussed for investment and for a growth agenda.

Deputy Micheál Martin: We would appreciate some specifics on the growth agenda. It is all well to talk about it but we need specific proposals on it and Ireland should be tabling some

measures because an opportunity exists now, particularly in terms of something over and above the fiscal treaty. We have consistently argued the fiscal treaty is an essential step for Ireland's recovery but that it needs much more, particularly from the European Central Bank and other measures. The Tánaiste is in Paris and if he gets to meet Mr. Hollande, he might convey to him that reality does not necessarily change after elections, as we know here and elsewhere. The French may get to realise that sooner rather than later. It is important that Europe holds its nerve and keeps on a credible pathway out of this crisis.

In that context, the Greek elections, if anything, are more serious in terms of their potential implications for the euro itself. Has there been any contact across Europe following those elections on the Greek bailout programme and the serious situation it faces in terms of funding requirements? It will need a major tranche of funding shortly and the implications of a potential default would be widespread for the entire eurozone area. As a Government and a country, we must keep a watchful eye on that. I ask the Taoiseach to ensure that across Europe, the full implications of what may happen in Greece in the coming months are fully taken on board and the necessary contingency plans are made.

The Taoiseach: The Greek situation shows what happens where there is a complete failure of confidence for investment in an economy like Greece. The process must take place; Mr Samaras was unable to form a government, and it has now passed to the next largest party and, beyond that, a judge might be appointed to run the country for a period while the possibility of further elections looms. The question of the Greek bailout that has been approved and voted for will come into focus depending on how that process goes.

As far as the agenda for growth items, the Deputy mentioned euro bonds, a sufficiently high firewall, the future role of the ECB, the capacity of the European Investment Bank to fund projects that are sustainable and worthwhile and the issue of Structural Funds that remain unspent in some countries. In Greece, €16 billion was allocated but it cannot be spent because there is no back-up from the Greek economy. Other countries, however, including this country, have plenty of projects that are sustainable and that could ahead. These issues must be examined.

I noted an interesting speech by the German Minister for Finance, Mr. Wolfgang Schäuble, where he talked about increasing rates of pay for German workers, an indication of a country in surplus that wants to spend and therefore stimulate the country while other countries are trying to deal with deficits. These are indications of attitudes emerging. I look forward to the meeting on 23 May, where we can have a strong discussion about a European summit on growth and investment. I will be happy to inform other Deputies that the Government will consider a list of potential issues we will see as providing a stimulus and an opportunity for Europe and for Ireland. Our question is to be answered on 31 May, the question of Ireland's future. A "Yes" vote will guarantee confidence and a future while a "No" vote will create confusion and uncertainty and an instinct this is not the right thing to do.

Deputy Gerry Adams: Would the Ceann Comhairle agree with me that it is surreal to listen to the dialogue between an Teachta Martin and the Taoiseach? It is like dialogue in an echo chamber.

An Ceann Comhairle: The Ceann Comhairle does not comment on contributions.

Deputy Micheál Martin: It took Deputy Adams long enough to discover dialogue.

Deputy Gerry Adams: Especially with section 31.

An Ceann Comhairle: Sometimes I would like to be able to comment.

Deputy Gerry Adams: I would also like to congratulate Francois Hollande. The message is not who was elected but that citizens spoke and in France and Greece, and in local elections in Italy, Germany and Britain, they rejected austerity. This referendum on 31 May allows Irish citizens — the Taoiseach did not want a referendum — an opportunity to join the growing Europe-wide movement to see investment in jobs and growth. A strong “No” vote will see this goes beyond rhetoric. Austerity is not working. We have had five austerity budgets under Fianna Fáil and the current Government, with the social consequences for citizens becoming worse and worse, with half a million unemployed and tens of thousands emigrating, families unable to pay bills and poverty increasing.

The Taoiseach will recall that before every EU summit, Sinn Féin urged him to ensure growth and jobs were at the heart of any agreement. The Taoiseach rejected this sensible approach and repeatedly refused to seek a write-down of the private banking debt. Now with the tide of popular opinion demanding jobs and growth across the EU, this Government has suddenly discovered a rhetorical sense of these policies. Citizens will not be fooled by this or by lip-service to it. Will the Taoiseach take this opportunity to set the record straight and admit austerity does not work and that we need to get people back to work?

The Taoiseach: I certainly will set the record straight. Deputy Adams and his people have put forward a proposition that the Irish people should vote against this treaty. The Deputy's cohort at the back, absent today, stated this will require €10 billion extra in taxes.

Deputy Mattie McGrath: It is all cannibalism.

The Taoiseach: Deputy Adams thinks——

Deputy Peadar Táibín: First is the €6 billion in cuts.

The Taoiseach: ——he can come in here the day before Europe Day, with his fantasy economics and ask the people to close the deficit in one fell swoop of €10 billion when that would give a lethal injection to the economy.

Deputy Peadar Táibín: We have not suggested that. That is a straw.

The Taoiseach: The people will not wear that. The Deputy has not answered any question as to where he would raise the moneys to run the services in this country, including for gardaí, teachers, nurses, doctors and everybody else who provides the public services he mentioned.

Deputy Peadar Táibín: If the Taoiseach opens his ears he will hear.

The Taoiseach: I stated on many occasions that austerity is not the answer for dealing with prosperity for the future. This treaty is both preventive and corrective and is one element of what we have to do. Since last March the Government has been talking about investment, growth and opportunities. That is what a “Yes” vote will give: certainty to the bailout of the ESM, were such ever required as an insurance policy; certainty to the continued line of investment in this country; and legislation to ensure that no future Government will never create difficulties for the people with these issues. If the Deputy's proposition were to be put forward as policy, the €10 billion charge in taxes——

Deputy Sandra McLellan: That is not Sinn Féin policy.

The Taoiseach: ——that would result from a “No” vote would deliver a lethal injection to the economy. The Deputy knows that and his heart is not in this argument.

Deputies: Hear, hear.

Deputy Gerry Adams: I thank the Taoiseach for that rather disingenuous answer. As he knows, we do not have a cohort at the back. We have a duly mandated team of Seanadóirí and Teachtaí Dála anseo. With a mind to the awful social consequences, unlike the Government, we have put forward thoughtful costed propositions as to how we can grow our way out of the difficulties and get our people back to work.

Last week, Mario Draghi spelled out his vision for the austerity treaty, describing it as “a fiscal union in which the national Governments will have to accept a delegation of fiscal authority and sovereignty to a central authority”. Tá sé soléir go n-aontaíonn an Taoiseach leis an méid seo. Cén fáth? An gcuimhníonn sé an sean-dán? “Mór mo ghlóir/Mé a rug Cú Chulainn cróga/Mór mo náire/Mo chlann féin a dhíol a máthair.” What will this mean? The Taoiseach clearly agrees with the delegation, as Mr. Draghi calls it, of fiscal sovereignty to a central authority. This will mean a delegation of fiscal authority, putting in place the setting of taxes over sovereign states in the EU.

Why should Irish citizens vote for a treaty that means handing over what is left of our economic decision-making? The Taoiseach rightly criticised the Fianna Fáil Government when it handed over sovereignty to the EU and the IMF. Indeed, the Minister for Finance, Deputy Noonan, described the 2011 budget as a “puppet budget from a puppet Government”. Cad í an difríocht anois? Why does the Taoiseach support the abandonment of economic sovereignty? Why does he believe that tax measures, public spending targets or welfare rates should be set in Brussels or Berlin rather than here in the Oireachtas?

The Taoiseach: It seems the Deputy is suffering from some kind of a complex in this regard. I understand he has called in the reinforcements from the group, Europe of Freedom and Democracy, which is led by UKIP. I thought the Sinn Féin campaign was sufficiently robust to make the case on its own.

Deputy Gerry Adams: Is that a blue shirt party?

Deputy Peadar Táibín: From the Tory party of Ireland.

The Taoiseach: The Deputy's absent colleague was screeching about austerity, with which the Deputy agrees, given that he stated that €10 billion will be required in extra taxes if the people vote against this treaty.

Deputy Pádraig Mac Lochlainn: Misleading the Dáil.

The Taoiseach: As he knows, that would completely destroy inward investment.

Deputy Peadar Táibín: Was that not the Lisbon argument? Some 70,000 jobs were lost there.

The Taoiseach: The reasons the people should vote for this treaty are, first, to continue the very strong line of investment into the country, as evidenced by announcements made by a whole series of multinationals.

Deputy Gerry Adams: Answer the question, Taoiseach.

The Taoiseach: As I pointed out, the value of that in deficit reduction is enormous. Second, there is the guarantee of having an insurance policy in the ESM, which has been voted for by the European countries, if people vote “Yes”, on the assumption it may never be required but that if it was, it would be there.

Deputy Peadar Táibín: It is there.

The Taoiseach: The third reason is good housekeeping rules. As I have said to the Deputy on many occasions——

Deputy Gerry Adams: Answer the question, Taoiseach.

The Taoiseach: ——it is necessary for this country to put its own house in order.

Deputy Peadar Táibín: You cannot do that by yourself. Berlin has to do it first.

The Taoiseach: Given that the people have risen to the challenge in this regard, Ireland is in a very different position than it was only 12 months ago. International economic, business and political commentary now sees this country as heading in the right direction. The consumer confidence index has been up for the past four months and growth has reappeared, albeit on a small scale, for the first time in many years.

Deputy Finian McGrath: What about the gross figures?

The Taoiseach: Employment has stabilised and decisions are being taken that will continue to open the doors for business, jobs and investment in this country.

I welcome the decision by President Van Rompuy, to whom I spoke over the weekend, to hold a European summit on growth on 23 May. I reiterate, for the past number of months it has been a requirement for European states to focus on this and it is of direct impact on our people. A “Yes” vote guarantees confidence and continued investment. A “No” vote casts us into the mire of uncertainty and confusion——

Deputy Peadar Táibín: The big bad wolf.

The Taoiseach: ——where Deputy Adams and his party would love the country to be.

Deputy Thomas Pringle: It would appear that indigenous home-grown job creation plans are being relegated to the subs’ bench in favour of high-optic photo-calls of international announcements. Although all Members welcome the recent jobs announcements by SAP, Apple and other foreign direct investors, I have concerns as to the backbone of the job creation portfolio of this Government because it seems, in part, to be selective and it does not put the shoulder to the wheel when it comes to supporting ground-up solutions. The focus is entirely on foreign direct investment, ignoring the potential of the domestic economy and the urgency for same to be supported.

Speaking in a Dáil debate last month, the Minister for Jobs, Enterprise and Innovation, Deputy Bruton, stated: “Supporting balanced regional development and creating jobs in rural locations is a priority.” However, to take one case in point, the Western Development Commission has published a report, Creative Sector in the Western Region — Future Growth Trajectories. This reports warrants real attention in an economy that is looking for answers as it outlines the possibility of creating 20,000 jobs over the coming ten years within the creative industries area.

Has a single Department read the report? Has any Department spoken to the statutory agency that wrote it? The answer is a clear “No”. Across the seven counties, Donegal, Mayo, Galway, Leitrim, Roscommon, Clare and Sligo, this sector reported total sales in 2010 of €206 million, with exports close to €57 million annually. The potential 20,000 jobs are not getting there fast enough to stop the tide of emigration. Seeing the destruction of families and com-

munities in my county, Donegal, is very painful. The very fabric of our social capital is being torn apart. Emigration is keeping the live register figures for County Donegal——

An Ceann Comhairle: A question, please.

Deputy Thomas Pringle: ——down at 21,000. It seems this is the only answer the Government has for reducing unemployment in the north west.

An Ceann Comhairle: Do you have a question, Deputy?

Deputy Thomas Pringle: What are the Government's rural job creation priorities? Why has a report of such potential, issued from the Western Development Commission, been completely ignored?

The Taoiseach: The line of investment into the country from outside is a signal of confidence in our people and in our country on the part of decision-makers abroad. I am sure the Deputy heard the chief executive of the Industrial Development Authority talking this morning about the great clusters of world leaders in industry now in the country, be they in software, IT or whatever. The reason they are here is their belief and confidence in our workforce, the ease of doing business here, the productivity, the targets set and the capacity of the Irish workforce to measure up to whatever the challenge may be. That is evident throughout the country. The next wave of investment will come from small and medium enterprises in order to deal with the demands and requirements of many of these companies. That is why the focus of the Government has been to strengthen the business model for small and medium-sized enterprises and micro-enterprises. It is why the jobs action plan was published in February, with 270 proposals. The first quarterly report showed a significant fulfilment of the proposals. It is why the Government published legislation dealing with the partial loan credit guarantee scheme so that small companies can access credit from the banks, each of which has guaranteed over €3 billion of new lending this year. It is why the Government wants to move on with the micro-finance agency, which can leverage €100 million for very small operators. Following the decisions on VAT and PRSI, particularly in the hospitality sector, 11,000 new jobs have been created in the food and agriculture sector. There was no increase in income tax and taxes on jobs so that we can unleash the potential of small business operators. That will apply in Donegal as well as Wexford and County Louth as well as County Cork.

I do not accept the premise of Deputy Pringle that the Government is not focusing on the sector. It is, which is why JobBridge and Pathways to Work have brought about significant improvements in well-qualified people taking up employment through JobBridge. The Pathways to Work scheme is proving exceptionally beneficial for those who unfortunately found themselves out of work. The change is coming in the Department of Social Protection, where people who lose a job will be offered opportunities for retraining, upskilling and a change of direction in their career. I recently visited the Google headquarters and spoke to some of the 1,000 engineers there. The average length of time people have a job in a company like that is four years following which they change direction. We must deal with the future which is being created. The emphasis of Government will be to continue to roll out its jobs action programme for those companies so that the news can be, from Dunlewey to Bundoran, that new places are being opened and that two or three new people are being recruited on a regular basis. I understand the scale of emigration and what it means but it is important not to lose hope and confidence. Government decisions in this area help the environment. From my perspective, I want to be able to prove by 2016 that we are the best small country in the world in which to do business.

Deputy Thomas Pringle: Those are fine words but they do not mean much on the ground when over 1,200 small businesses across the country have failed in the past two years. We should be building our indigenous sector to stand up and service itself and the country rather than serving the foreign direct investors already here. The report from the Western Development Commission clearly sets out how it can be done. I call on the Taoiseach not to tie himself to the rhetoric but to support industries and allow them to develop jobs. Jobs in small businesses across the country will keep things going. The rhetoric of the Taoiseach is very different to the experience of most people across the country who comprise the economy on which people depend day-to-day for their survival and to stem the tide of emigration. I ask the Taoiseach to look at the Western Development Commission report, see its value and ensure that its recommendations are implemented so that we can have a domestic industry that can stand on its own, not just to service foreign direct investment.

The Taoiseach: The Western Development Commission has produced some fine reports. I read the reports and I meet the commission on a reasonably regular basis to hear its views and about its capacity to co-ordinate the effort between agencies, Departments and businesses. I had the privilege of visiting China recently to meet elements of the political process and the business world. Some 90 companies from Ireland were there and each of them signed contracts, which are collectively worth €35 million. Some of them are spread across the west and in niche areas. Enormous potential exists in that area. Companies from Ireland employ over 100,000 people across 50 states in the US. These are not phantom companies, they involve men and women producing goods that are exported and employ people in other countries. That is why the confidence of the fiscal stability treaty will mean that where Europe focuses on the growth agenda, it will help many small companies, including those in County Donegal, to export to larger markets where the products will be bought.

The Western Development Commission report is valuable, as are all the reports, but the focus and the emphasis of the Government is to open the doors for small businesses to have access to credit so that they can make cashflow projections. In the past, if a company sought extra money from the bank, money was thrown at the company if it had property. That is no longer the case and cashflow projections are required now. There must be compatibility in that the business must be sustainable in its potential. I do not accept the premise of Deputy Pringle and, while I would like more people to be employed today, the emphasis of the Government and the Cabinet, through the action plan for jobs, is to stimulate the economy and prove that we can create an environment and a sense of confidence where employers and those with initiative will take on new people and rise to the challenge of the potential for producing goods that can be sold on the export market. This will generate income for the country.

Ceisteanna — Questions (resumed)

Official Engagements

1. **Deputy Micheál Martin** asked the Taoiseach if he discussed an inquiry into the Finucane murder with Prime Minister Cameron at his meeting on 15 March 2012; and if he will make a statement on the matter. [10582/12]

2. **Deputy Micheál Martin** asked the Taoiseach if he will provide an update on his call for an inquiry into the murder of Pat Finucane; if any actions have been taken since his visit to Northern Ireland and London; and if he will make a statement on the matter. [12194/12]

3. **Deputy Gerry Adams** asked the Taoiseach if he will report on his plans to meet the British Prime Minister David Cameron. [13658/12]

4. **Deputy Gerry Adams** asked the Taoiseach if he intends to raise the issue of the Finucane inquiry when he next meets the British Prime Minister. [13659/12]

5. **Deputy Gerry Adams** asked the Taoiseach if he intends to raise the issue of the Dublin and Monaghan bombings when he next meets the British Prime Minister. [13660/12]

6. **Deputy Gerry Adams** asked the Taoiseach if he intends to raise the issue of the Ballymurphy massacre when he next meets the British Prime Minister. [13661/12]

7. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on his recent meeting with British Prime Minister David Cameron; and if he will make a statement on the matter. [15097/12]

8. **Deputy Richard Boyd Barrett** asked the Taoiseach if he discussed the issue of the financial transaction tax with David Cameron during their recent meeting; and if he will make a statement on the matter. [15098/12]

9. **Deputy Richard Boyd Barrett** asked the Taoiseach if he discussed the Anglo Irish Promissory note and Ireland's debt burden with David Cameron at their recent meeting; and if he will make a statement on the matter. [15099/12]

10. **Deputy Gerry Adams** asked the Taoiseach if he will report on his meeting with the British Prime Minister David Cameron on Monday 12 March 2012. [15181/12]

11. **Deputy Gerry Adams** asked the Taoiseach if he will report on the issues he raised with the British Prime Minister David Cameron during their meeting on the 12 March 2012. [15182/12]

12. **Deputy Micheál Martin** asked the Taoiseach if he discussed the possibility of a UK Finance Commissioner being appointed with Prime Minister Cameron; and if he will make a statement on the matter. [15194/12]

13. **Deputy Micheál Martin** asked the Taoiseach the areas of common interest in relation to the financial sector that were discussed with Prime Minister Cameron at their recent meeting; and if he will make a statement on the matter. [15195/12]

14. **Deputy Micheál Martin** asked the Taoiseach if he discussed the EU Fiscal Treaty at his recent meeting with Prime Minister Cameron; and if he will make a statement on the matter. [15196/12]

15. **Deputy Micheál Martin** asked the Taoiseach the particular trade areas of mutual interest that he discussed with Prime Minister Cameron; and if he will make a statement on the matter. [15197/12]

16. **Deputy Micheál Martin** asked the Taoiseach the cross border issues he discussed with Prime Minister Cameron; and if he will make a statement on the matter. [15198/12]

17. **Deputy Micheál Martin** asked the Taoiseach the details of the discussions he had with Prime Minister Cameron regarding a financial transaction tax; the actions they will be taking together; and if he will make a statement on the matter. [16224/12]

18. **Deputy Micheál Martin** asked the Taoiseach the discussions he had with Prime Minister Cameron about the corporation tax level in Northern Ireland; when it is expected to be lowered; and if he will make a statement on the matter. [16225/12]

19. **Deputy Joe Higgins** asked the Taoiseach if he will report back on his recent meeting with British Prime Minister David Cameron on the 15 March 2012. [22691/12]

The Taoiseach: I propose to take Questions Nos. 1 to 19, inclusive, together.

I met Prime Minister Cameron in London on 12 March, which was the first time in many years a Taoiseach visited Britain during St. Patrick's week. The key purpose of our meeting was to discuss the development of British-Irish relations. Following the meeting, we signed and published a joint statement setting out our aims and plans for the next decade. The statement recognises that the relationship between Ireland and Britain is now at a uniquely high level of co-operation. It covers a range of areas of proposed co-operation including on energy policy, trade and business, and boosting competitiveness and productivity in order to accelerate our respective recoveries and lead to growth and job creation. While business and official level links between Britain and Ireland are already strong, the Prime Minister and I also agreed on the merit of a joint study and evaluation of the economic relationship. I intend that the next decade will see an intensive programme of work aimed at reinforcing the British-Irish relationship.

Our joint statement reaffirms the support of both Governments for the full implementation of the Good Friday and related agreements and to seeing Northern Ireland move from peace to reconciliation and prosperity. We are determined to ensure that the people of Northern Ireland are never again blighted by violent conflict. We remain committed co-guarantors of the peace process.

In addition to our joint statement, we discussed a range of other issues over the course of our meeting, including the economy and Europe. On Europe, we are both firm supporters of the Single Market and will continue to consult each other on key EU policy issues. We discussed the most recent European Council and we strongly agree that growth and jobs should remain at the centre of the EU's agenda. We briefly discussed the financial transaction tax idea and I repeated my view that it could only work if introduced on an across-the-board basis internationally. Otherwise, it would create serious competitive distortions.

I updated the Prime Minister on the stability treaty and on the forthcoming referendum. I explained our position regarding our efforts to reduce the costs to the State as a result of promissory notes. I was pleased by his comments in support of our continuing efforts in pursuit of our economic recovery.

During our meeting, I raised the Pat Finucane case again, as I had also done at our previous meeting. We have a different opinion to that of the British Government and I support the Finucane family's quest for a full inquiry. The Finucane family has been granted leave for a judicial review by the High Court in Belfast, which is due to take place this month. We will see what emerges from that.

In addition to a discussion on the Finucane case, I also raised the sensitive and difficult cases of the Ballymurphy families and the Dublin and Monaghan bombings with the Prime Minister.

Deputy Micheál Martin: It seems to have become a consistent pattern of the past year that the Taoiseach tends to group questions on Northern Ireland with entirely unrelated questions. For example, I suggest that questions on the investigation into the murder of Pat Finucane should not be grouped for reply with questions about United Kingdom policies on the stability treaty. Even though parties in this House are committed to the holding of an inquiry into the

murder of Pat Finucane, there does not seem to be any movement whatsoever on the part of the Prime Minister, Mr. Cameron.

The Taoiseach in his reply stated there was a difference of opinion between our Government and the British Government. I would suggest it is not a matter of opinion but rather a matter of an international agreement solemnly signed and agreed to by both Governments. Will the Taoiseach agree that no one government has the right to unilaterally resile from an international agreement of that kind and that to do so is a serious matter?

How does the Taoiseach propose to resolve the stalemate separate from judicial reviews as this is an international agreement which both sides signed? Does he envisage any movement on the implementation of that agreement and of people honouring their word?

As regards European matters, the position of the British Government has been to oppose important reforms. It is argued it has moved from an old policy of opting out which characterised the approach of successive British Governments to European issues, towards a policy which is attempting to block issues. I do not believe Europe can work if this sort of approach is maintained. Did the Taoiseach address this issue with the British Prime Minister as regards the evolution of European policy and the role of the British Government, its contribution to the evolution of that policy and the best approach to be adopted?

The UK Independence Party has been attempting again to interfere in Ireland's affairs in its support of the "No" side, as is to be expected. The party also circulated leaflets to every house in the country during the second Lisbon treaty campaign. On this occasion the party has been claiming that a financial transaction tax will be imposed on us. I ask for the Taoiseach's views. The factual position, as I understand, is that there is still a significant and resolute bloc in the Union which is opposed to a financial transaction tax and I would appreciate if the Taoiseach could confirm this.

The Taoiseach referred in his reply to a brief discussion with the British Prime Minister and I am anxious to hear the views of the British Prime Minister on his Government's position on the financial transaction tax.

The Taoiseach: I assure Deputy Martin I do not object to a change in how we deal with questions to the Taoiseach. The questions asked whether the Finucane murder was raised with the British Prime Minister in meetings with him. It is difficult to separate those questions from questions on the meetings, which is where the matter was raised. If Deputy Martin considers it is more appropriate to raise this matter as a single Northern Ireland issue, I do not object, except to say that——

Deputy Micheál Martin: They should be dealt with separately from questions on Europe.

The Taoiseach: ——this matter was raised at meetings with the Prime Minister and this is the reason the questions were grouped.

I answered this question at the press conference in Downing Street. It is a difference of opinion about the fact that an international agreement exists. The British Government has taken the view that a Queen's Counsel should be appointed to review the Finucane papers. For my part and on behalf of the Irish Government, my view is the same as that held by my predecessors, that a full inquiry should be held and this was recommended by Mr. Justice Cory. The agreement was that Mr. Justice Cory's recommendations would be adopted. This is the reason the Smithwick tribunal was established in this jurisdiction. It is a cause of regret to me that the British Government has not followed through in this regard and I believe it should do so. I made that specific point with regard to the Finucane case because it was a specific recommendation of the Cory report. There have been so many other claims landing on my

[The Taoiseach.]

desk about inquiries in other areas but this was part of an international agreement and Mr. Justice Cory made a specific recommendation. The British Government took the decision to appoint a Queen's Counsel who will report later this month. I have explained this to Geraldine Finucane and I have made the same point to political interests in the United States when I had the opportunity to raise it there.

Deputy Martin is correct that the United Kingdom Independence Party, UKIP, should stay out of Ireland's affairs. The referendum on 31 May is for the Irish people to decide and the Irish people are well able to make up their minds without any interference from UKIP. As to whether it is associated with the "No" campaign in a formal or informal way, I do not know. However, I can inform the Deputy that there is a significant bloc at the level of European Heads of Government about a financial transaction tax and there will be complete opposition to such a tax from quite a number of countries. I can confirm that this matter was raised in very trenchant terms at the last Council meeting.

I look forward to the meeting on 23 May which will be one of two European summits which will deal with the subjects of growth and investment. When the parameters are discussed at the first meeting, the Heads of Government should then return with an agenda list of propositions which can be dealt with at the June meeting. As President Barroso recently indicated, it will take some time to sort it out and there could be a significant movement by the end of the year which will be followed through. The political will is there to drive it.

I refer to matters such as the Single Market or the digital market which is supposed to be introduced by 2014. That is not long away but there needs to be a major lift in the political driving of these agendas which will have such a significant impact on the economies.

Deputy Micheál Martin: I refer to the Taoiseach's discussions with the British Prime Minister. He referred to a joint study on the economic relationship and on helping Northern Ireland to return to prosperity. Did the Taoiseach and the Prime Minister discuss a recent alarming and depressing report which indicated that one in every two children born and reared in west Belfast will experience poverty? There seems to be a sense that the dividend from the peace process has not reached vulnerable communities in Northern Ireland on both sides of the political divide. This is an issue of concern which should demand the attention of both Governments. It was a shocking statistic published in a recent report on the economic and employment situation and the general poverty in west Belfast and its results are very bleak for children born and reared in west Belfast. I await the Taoiseach's comments and I ask if the two Governments have any agenda to deal with this issue which is experienced by a number of communities across the North.

4 o'clock

I refer to the issue of the promissory notes. The Taoiseach stated that he had a brief discussion with the Prime Minister about them. Did the Taoiseach attempt to enlist the support of the Prime Minister for a write-down or a restructuring of them? Did the Taoiseach seek his support for Ireland's position on this important issue? I remind the Taoiseach of the famous commitment of not another red cent to the banks and burning bondholders. That position was moved rather adroitly by the Minister for Finance, Deputy Noonan, on the very day the bonds were to be paid when the issue became one of promissory notes. By the time of the Fine Gael Ard-Fheis, the issue was again dealt with in another manner or rather, the can has been kicked down the road and the matter has been postponed.

In his replies to the House on these issues for the past nine to 12 months, the Taoiseach has kept this issue at a technical level and this has been his stock reply. There has been no sense that a fundamental issue to do with the promissory notes has been dealt with at a senior

political level between the Government and other Heads of Government. I ask the Taoiseach to outline the nature of his conversation with the British Prime Minister on that issue.

The Taoiseach: Officials on both sides have been working on the joint studies programme. The question of poverty, unemployment and the future of Northern Ireland's economy was discussed.

One of the conclusions was that the Prime Minister and I agreed there should be a series of visits to various locations in Northern Ireland, both by the Prime Minister and myself as Taoiseach, in regard to community development. The latter is so important given that the political peace is very stable but clearly there are threats there from some dissident groups.

I made the point that work is ongoing in regard to the proposal to reduce the corporate tax rate in Northern Ireland, and the implications of that. I discussed the question of elements of a shared economy which were raised at the British-Irish Council and the Cross-Border Parliamentary Council. In addition, the question of investment into Northern Ireland arose. When I was in China, I mentioned to the Chinese leaders that a visit would follow from the First Minister and Deputy First Minister with a view to making a case for investment in Northern Ireland.

When I was in the United States I also raised the question of continued investment in community development. In particular, where difficulties arise for young people — particularly young men — they should be encouraged and supported with employment opportunities.

The promissory note question was raised in this House on so many occasions that it became important to inform the Prime Minister of what the Government's strategy was. As Deputy Martin is aware, a payment in excess of €3 billion was dealt with by the Minister for Finance, Deputy Noonan. I explained to the Prime Minister the strategy involved of a re-engineering of the moneys that were borrowed for recapitalisation of the banks which, when added on to the national debt, created difficulties for us. He fully understood that. Britain was first out of the blocks when Ireland had a problem in respect of its loan.

It might be preferable to keep this thing at a leaders' level in respect of the facility that might be extended to Ireland and the beneficial consequences of that for us. However, Deputies on all sides of the House have a right to ask questions about these matters and as the date was coming up shortly after the Ard-Fheis it had to be dealt with, and it was. Clearly, the bigger portion of that problem is still under negotiation and will be the subject of considerable discussion in the time ahead.

Deputy Gerry Adams: I have six questions here and with your indulgence, a Cheann Comhairle, I would like to tease them out in some detail.

An Ceann Comhairle: Deputy Adams may have noticed that I have allowed two supplementaries. I will do the same for him and for Deputy Boyd Barrett, and will then come back again.

Deputy Gerry Adams: Go raibh maith agat, a Cheann Comhairle. I welcome the fact the Taoiseach has raised some of these high-profile cases of injustice in a very public way, including the Pat Finucane case, the Ballymurphy case, and the Dublin and Monaghan bombings. I believe, however, that the Taoiseach's meeting with the British Prime Minister on 12 March was a missed opportunity to fundamentally rebalance the relationship between Ireland and Britain, and between the British and Irish Governments.

For a long time, the British Government has been able to dictate the pace on relationships between this island and Britain, but that needs to change. I accept it when the Taoiseach says he is disappointed by the British attitude, for example, on the Pat Finucane case. At the meeting

[Deputy Gerry Adams.]

he attended, however, both Governments recommitted to the Good Friday Agreement and related agreements, yet the British Government is in complete and total breach of one of those agreements. What are our diplomatic services doing about this? What are we doing through the Department of Foreign Affairs? What work is going on behind the scenes to try to show the British Government that this is not just a matter of the Taoiseach releasing a press statement or going public about his feelings?

As regards the Ballymurphy case, the Taoiseach will know that those people have been fighting a campaign for the last 40 years. He met them and had his photograph taken with them at an awards ceremony in Belfast, but there was not time for a meeting. When I asked him if he would have a meeting with them he said he would, but that he would wait until he went to Belfast.

The British Secretary of State and the British Government have been most unco-operative with these families. I have accompanied these families to meetings with successive British Secretaries of State and, by the way, it is an open and shut case. These were innocent civilians who were neighbours of mine. Some of them were friends of mine. They were shot by members of the parachute regiment who then went on to do what they did on Bloody Sunday. They then came back to Belfast and did the same in Springhill, on the Shankill Road and in Ardoyne.

These families are willing to travel to Dublin if the Taoiseach can give them an hour of his time. It would be a good act of solidarity and an important part of bringing a renewed focus to their campaign. I can tell the Taoiseach categorically that the British Government has no intention, at this time, of doing what those families are asking.

It is almost a year since there was a big focus on the Dublin and Monaghan bombings, yet no progress has been made. I have consistently raised the issue of funding for the Justice for the Forgotten organisation. The campaign group survived on funding it used to get from the Remembrance Commission because its funding from the Department of Justice was withdrawn in July 2009. The Oireachtas Joint Committee on the Good Friday Agreement made representations to the Taoiseach's office to have that funding restored, but it was not. We are talking about approximately €17,000 at a maximum to keep this campaign group going. It has had to move out of its offices and is currently working out of a portakabin. How seriously is the Government taking this unresolved issue, if that is the case?

I have met with that group probably more than anybody else here, but certainly as often. The British Government — whether it is Tory or Labour — is consistent in promoting the Union, although Labour may have a more benign view of all of this. However, we need to have an Irish Government which just as strongly, diplomatically and positively promotes the whole issue of Irish unity and the people of this island getting rid of partition, though having a cordial union between the people of the island.

I am proud to have represented West Belfast for a long time. People are suffering from the legacy of partition, which will take a long time to undo under the current configuration despite the good work being done by the Executive.

I therefore look to the Taoiseach to give the lead. When he goes to the North, he has seen that he is very welcome in Unionist as well as Nationalist neighbourhoods. People are glad to see him and they were glad to see other taoisigh. A time of change is coming and the Government needs to set the pace of that change, as opposed to letting mandarins in Whitehall do it.

The Taoiseach: I thank Deputy Adams for that. On the last occasion I had to visit Belfast, I met communities on either side of the divide. I was appreciative of the valiant efforts they are

making in respect of young people — young boys and girls — to give them an understanding that they have a life to live and that differences can all be accommodated.

As I said to Deputy Martin, I have a clear view of support for an inquiry in the Finucane case because of the decision of Judge Cory. I met with the Ballymurphy families at the presentation of awards in the Europa Hotel. I spoke to Geraldine Finucane there. I understand that the Ballymurphy families have been seeking an independent, international investigation into the Ballymurphy situation. I also understand that the Secretary of State, Owen Paterson, has recently advised them that the British Government does not intend to hold an inquiry into this case.

In regard to meeting the Ballymurphy families, I do not have any difficulty with this. My preference would be to meet them in Belfast and perhaps the next time I can get a chance to go up there, hopefully in June, I might be able to accommodate that. The Deputy will realise I am somewhat tied up for this month with the referendum issues and matters in respect of Europe but I do not have any difficulty in meeting the Ballymurphy families and I told them that.

The matter of Justice for the Forgotten has been raised by the Oireachtas Joint Committee on the Implementation of the Good Friday Agreement. The Deputy will be aware that Justice for the Forgotten received funding from the State over the years of about €2.3 million, which now operates under the auspices of PEACE III programme out of The Pat Finucane Centre. I also understand the organisation is looking for additional funding to run an office in Dublin. As we are standing here there is not any line of a Vote in my Department that can accommodate this. While it is difficult to see where this can be accommodated, I want the Deputy to know I am exploring it on the basis of the relatively small amount that is involved.

Deputy Gerry Adams: I thank the Taoiseach for that response. Justice for the Forgotten, to whom I spoke this morning, is unable to get EU funding, unless it shifts its office up to the Border, to north Louth or south Armagh, and that is not feasible. I know people from all sides suffered in the course of the conflict but we must remind ourselves that this Oireachtas sought an inquiry and was critical of the lack of co-operation from the British given that there is a very strong belief that this bombing in the town of Monaghan and here in the city of Dublin was conducted with the collusion, support, assistance and direction of agents of the British Government. That is a huge issue to have been allowed to fester as long as it has festered. I asked the Taoiseach what the Government has done on this issue in terms of the diplomatic services of the Department of Foreign Affairs and so on in trying to get the British to change their mind on their position because otherwise the Taoiseach looks as if he is totally impotent. Effectively, he stands up and says “I disagree, I want this to happen” but it does not happen.

Similarly in terms of funding for Justice for the Forgotten, it shows where the Government’s heart is — with such a small amount of money being involved. I welcome what I consider to be a positive statement from the Taoiseach on that.

Again we see where the Government’s heart is on another issue. I know the Taoiseach is extremely busy but why should we quibble over location? If these families are prepared to come from Ballymurphy to Dublin, then he should invite them down — let them see that the Government cares. Of course if the Taoiseach is going to be in Belfast before that can happen, that is a different matter. The fact that meeting has not yet taken place is not helpful to the campaign.

At the nub of what I am trying to say in terms of all of this is that we all know the vexed relationship between these two islands and we know we are all in a far better place thanks to the work of many very good people but we need to keep moving it forward. If the Taoiseach

[Deputy Gerry Adams.]

were to reflect on what I said earlier, it strikes me that we should not let the British Government set the pace of developing a new relationship. I was in the North at the weekend. This is the fifth year of the Executive. This is the first time since the partition of the island that we have had five years of relative governance; I know it is a unique form of governance and we would want to see it go much deeper and to have more authority on this island. I am a united islander, as I hope the Taoiseach is, but we will not get that unless we have a strategy and we press it and part of pressing it is that the people in the North from each persuasion need to know there is an Irish Government that cares about them and that on issues of justice, no matter who the perpetrator is, the Government will stand fair and square. Just because it happens to be a British Government, that should not in any way bring about any hesitation on the Taoiseach's part. It needs a strategy, a programme and a way of persuading. I cannot see how Mr. Cameron could not be persuaded, if he was getting good advice. As I have said here previously in terms of the Saville inquiry, Tony Blair took away a report for a weekend and that changed his mind on Bloody Sunday. He would tell the Taoiseach that if the Taoiseach were talking to him. The Irish Government played a key role with people in Derry in putting together that report. I do not see why the same thing cannot be done in terms of the three outstanding issues. The Irish Government should compile a detailed report, use the expertise that is there, gather up all the evidence and the information that is possible and then present it to the senior people on the British side so that when the Taoiseach engages with the British Prime Minister it is not a matter of a sort of anaemic statement being made to the effect that "we are committed to the Good Friday Agreement and all the related agreements" but that the Taoiseach can put the proof of that into being by that sort of strategic programmatic approach which the Government can take and the Civil Service has the ability to do given the political direction to do it.

The Taoiseach: From my personal perspective, I would prefer to meet the Ballymurphy families on their home ground. While one may take on too many meetings what I would like to do is to go to Belfast in June and, as part of whatever I do in Northern Ireland, arrange a meeting with the Ballymurphy families and hear what it is that they have to say.

I did not rely upon diplomatic services or just correspondence in respect of the Pat Finucane case, I raised it directly where it should be raised, in 10 Downing Street face to face with the British Prime Minister. I said the position from our perspective was the Cory decision and recommendation was that there should be an independent inquiry into the murder of Pat Finucane. That arose out of an international agreement at Weston Park. The Government of the Republic and the Dáil set up the Smithwick inquiry following the same recommendation. While the British Government has set itself and its face on the de Silva inquiry I have no idea what might emerge from that. As I said to the Deputy, my preference, as I said to the Prime Minister face to face, is that a public inquiry should take place as was recommended. I also said that to Geraldine Finucane when I met her both in Belfast and in the United States where I raised the matter of the public inquiry being conducted in respect of the death of her husband when I met her in Washington. It is not just a case as the Deputy said of anaemic statements; this is a case where we speak on behalf of the Government in respect of an international agreement, as Deputy Martin pointed out, and that should be honoured. That is my view and I communicated that directly to the British Prime Minister. I am not sure what advice he has available to him or the nature of the advice that was given to him about the appointment of a queen's counsel to look at the Finucane papers. He extended the courtesy to me of informing me that the announcement would be made. I am not sure whether there was an assumption that would have been acceptable to the Finucane family at the time of his announcement but clearly it was not, which very clearly leads to the understanding that everybody had that these

were two specific instances, two specific recommendations from Judge Cory, and the agreement of both Governments was whatever his recommendation would be it would be followed through and, as I said, I am disappointed that did not happen. For my part, I will continue to raise it where it should be raised with the Prime Minister when I have occasion to meet him.

In respect of the other matter, I would be happy to talk to the Ballymurphy families when I am up there.

Deputy Gerry Adams: May I ask a very short supplementary question?

An Leas-Cheann Comhairle: I will come back to the Deputy. I call Deputy Boyd Barrett.

Deputy Richard Boyd Barrett: I want to ask the Taoiseach about two particular issues. First, on the financial transaction tax, I was not here for the Taoiseach's outburst about what he described as our fantasy economics.

Deputy Pat Rabbitte: You had a hard time last week. It was a bad week.

Deputy Richard Boyd Barrett: I know. We give straight answers.

An Ceann Comhairle: Through the Chair.

Deputy Richard Boyd Barrett: In the Taoiseach's misrepresentation of our position on the €10 billion in taxes, he fails to add on who would pay those taxes and we argue very clearly that the very wealthy in our society and the sectors of our society in possession of considerable amounts of money should be taxed in a progressive and fair way to prevent cuts and austerity being imposed on working people and the more vulnerable sectors of our society. Contrary to what the Taoiseach constantly claims, there are huge amounts of money at the top of our society which if taxed fairly and progressively could offset the need for brutal attacks and austerity being imposed on working people and the less well-off who have borne the brunt of the austerity agenda pursued by the Government and the masters in Europe.

One area we have highlighted is precisely the financial transaction tax. I find absolutely extraordinary the Taoiseach's trenchant opposition to even a small bit of extra taxation being imposed on the financial sector. It shows the quite perverse economics being pursued by the Government that it is okay to cut fuel allowance for pensioners, domiciliary care allowance for families with disability and child benefit, and to attack lone parents, but we cannot touch the enormous wealth in the hands of speculators and bankers. Even a tiny increase in tax is unthinkable as far as the Government is concerned and it is absolutely perverse.

Let me remind the Taoiseach, when he considers the matter of whether we should support the financial transaction tax, that it was the speculators and bankers who caused the current economic crisis in this country and Europe. Surely it would be fair and sensible to support imposing some extra taxation on this sector to offset the need to attack working people and the less well off and to regulate to some extent the casino capitalism that has been at the heart of wrecking our economy and the wider European economy. Will the Taoiseach please tell me what is fair or rational about his position of opposing the financial transaction tax and standing alone with David Cameron in his opposition to it, particularly when there is now a sea change throughout Europe whereby people are demanding a fair way of dealing with the economic crisis stating clearly that continued austerity and cuts being imposed on the least well off sectors of our society is failing disastrously and we need a new direction if we are to get ourselves out of the current economic crisis?

My next question is on the fiscal treaty and the Taoiseach's discussions with David Cameron and his views on this given what has happened. I have very serious differences at almost every

[Deputy Richard Boyd Barrett.]

level with the politics of Prime Minister Cameron, but at least the British Prime Minister had the sense not to sign up to the fiscal treaty. Now he is being joined by forces throughout Europe in France, Holland, Greece, Spain and Portugal with huge movements on the street saying enough and that this is madness. The austerity approach is a disastrous failure and is making the situation worse not better and we must abandon this approach in favour of promoting jobs and growth and not continuing down a disastrous road of institutionalised austerity as proposed in the fiscal treaty.

David Cameron had enough sense to recognise how stupid it was to put this level of control over economic policy into the hands of the EU Commission and the European Central Bank, and how detrimental it could be to the British economy and to British citizens to be locked into this type of policy in perpetuity as the treaty proposes. Now people and political leaders throughout Europe are coming to the realisation that the treaty and the approach contained in it of austerity for years to come is a failure and must be abandoned. Why does the Taoiseach continue down this road? Did he speak to David Cameron and ask him why he chose not to support the fiscal treaty? Will he speak to the political parties which won the day in France and Greece and to the burgeoning movement of opposition to the insane logic of the fiscal treaty throughout Europe and ask them why they have a radically different approach from the one that seems to be favoured by him and Angela Merkel?

The Taoiseach: The Deputy is wrong. He was not here for my remarks about the financial transaction tax when I made it perfectly clear why Ireland would oppose it on the basis of the distortion of competition it would introduce between Dublin, London, Paris and Frankfurt. Unless it applies internationally we will not support it. I spoke to Prime Minister Cameron about the question of support for the fiscal treaty. I sat beside him at the meeting which went on all night. He gave his reasons for not being able to support it, which had nothing to do with what Deputy Boyd Barrett spoke about.

Deputy Richard Boyd Barrett: Would you like to outline them?

An Ceann Comhairle: Would you mind not interrupting please Deputy?

The Taoiseach: The British Prime Minister in charge of his country which uses sterling set out his reasons very clearly.

Deputy Boyd Barrett speaks about winning the day in other countries. What people do in Greece, France or the regional elections in Germany or anywhere else is their business and I do not speak for them and neither does Deputy Boyd Barrett. One can comment on the outcome. The Deputy recognises of course that the problem will not go away and must be dealt with. Deputy Boyd Barrett's proposition, about which he has been speaking for some time, is to tax the wealthy out of existence which means what he wants to do is introduce a measure to close a deficit of €10 billion in one year which, as I stated to Deputy Adams, would give a lethal injection to the Irish economy and kill off any potential investment which would lead to jobs and opportunities throughout the country. I do not accept the Deputy's proposition.

Nor do I say he is a man of straight answers, because in this House I asked him for straight answers about his conduct and that of his colleagues in Galway at the Labour Party convention. Of course he did not see anything, hear anything or know anything, yet he gives straight answers. St. Michael's College did not teach him that I am sure, so I do not know where he is headed in this regard. I reject his proposition completely. If he wants to spell out to the nation during the course of the next three weeks where he proposes to get the €10 billion he speaks about I would like to hear it. Deputy Boyd Barrett's colleague in the corner wants to raise

€400 million from legalising cannabis while he wants to tax everybody out of existence at 75% or 80% on €100,000 which would drive every investor out of the country and prevent anyone else from coming in here. His proposition for a “No” vote based on his proposition and that of his colleagues in UKIP and the Europe of Freedom and Democracy group would be catastrophic for Ireland.

Deputy Bernard J. Durkan: Hear, hear.

Deputy Richard Boyd Barrett: To be honest I will not even dignify the comments about Galway with much of a response except to say——

Deputy Bernard J. Durkan: What about UKIP?

Deputy Paul Kehoe: You might apologise.

Deputy Richard Boyd Barrett: ——I gave a very clear account of what went on and what I saw in Galway——

Deputy James Bannon: You were part of it.

Deputy Richard Boyd Barrett: ——and it did not match at all the hysterical hyperbole of those opposed to the protests.

An Ceann Comhairle: Will the Deputy deal with the questions?

Deputy Richard Boyd Barrett: On the question of a financial transaction tax, the Taoiseach has not given an answer that is in any way credible. He describes it as fantasy economics. He thinks that denouncing as a fantasy alternative ways of financing this society that are fairer and more progressive is an adequate explanation. It is not. People want fairness in how this issue is dealt with. The figures were provided in the United Left Alliance’s pre-budget submission, in which we outlined where we would get €10 billion. Instead of attacking vulnerable sectors of our society and working people who spend their money in the economy and help to keep it going, we clearly set out how we should tax those with obscene amounts of wealth, who are hoarding it in banks and are not spending it in the economy. Taxing them would not do any damage to our economy. What is damaging our economy is attacking low and middle income earners, allowing the decimation of our small and medium enterprise sector through excessive rates and rents and slashing the income of people who buy in the economy.

An Ceann Comhairle: Deputy, this is Question Time.

Deputy Richard Boyd Barrett: That is destroying our economy. Instead of that, why not impose higher taxes on the bankers and speculators who helped wreck this and the European economy? The Taoiseach says we cannot do that. The alibi that nobody can do it until everybody does it is an alibi for never doing it, and the Taoiseach knows that well. Somebody has to have the political courage——

An Ceann Comhairle: Will the Deputy ask his question?

Deputy Richard Boyd Barrett: ——to go first. Why will the Taoiseach not have the political courage to do what is fairer and rational, that is, impose a little extra tax on the bankers and speculators, which could generate hundreds of millions of euro for the State, and show leadership in Europe on this issue by joining with the progressive forces in Europe on a fair way to deal with the crisis, instead of constantly attacking low and middle income earners in a way that is unfair and disastrous?

[Deputy Richard Boyd Barrett.]

On this fiscal treaty, the Taoiseach did not tell us what reasons Prime Minister David Cameron gave for not supporting the treaty. Is the Taoiseach not even remotely interested in the fact that there is a huge political tidal wave sweeping across Europe that says “No” to the logic of the fiscal treaty and the austerity contained within it? Is he not even remotely inquisitive about the thinking behind that huge sea change in viewpoint on austerity across Europe whereby people are rejecting it? Should that not give him pause to reconsider this austerity treaty?

The Taoiseach: I am focused on the decision the Irish people must make on 31 May. That decision is on whether to give their authorisation to ratify the fiscal stability treaty. A “Yes” vote will give confidence and continued investment, and will provide the insurance of the permanent availability of the European Stability Mechanism should it ever be required. It means that opportunity for our young people can be grown by decisive action at Government level here and as part of the European growth agenda. Deputy Boyd Barrett will be aware that President Van Rompuy has called a European growth summit for 23 May. I have dealt with some of the issues Deputy Martin raised which will be central to that agenda and which will have an impact on the European Union, the Single Market and the potential for industries here to create further jobs in the export market. That will be of interest to everybody.

Nobody objects to banks being taxed. However, the Deputy does not expect us to agree to something that would put our economy at a competitive disadvantage in respect of a financial transaction tax that would apply in Dublin but might not apply in London. He cannot expect us to do that. I assume he is not serious.

Deputy Richard Boyd Barrett: I am deadly serious.

The Taoiseach: It would put the Irish economy at an enormous disadvantage if such a situation applied. I can confirm, in response to a question from Deputy Martin, that there are serious objections to a financial transaction tax at European level. They have been voiced by a number of European leaders. From that perspective it is not going to happen.

Deputy Boyd Barrett always preaches doom and gloom. I do not believe I have ever heard him, in his short career in this House, make a positive statement.

Deputy Richard Boyd Barrett: I am very positive about the French and Greek elections.

The Taoiseach: The communities in his constituency who do such good work every day, many of them in a voluntary capacity, are not even worthy of recognition from Deputy Boyd Barrett, whom some of them elected him to this House to speak for them. He does not mention the fact that the consumer index of confidence is up for the fourth month, that growth has returned to the Irish economy, albeit on a small scale, for the first time in a number of years or the fact that employment has stabilised and that there are signs of confidence among businesses that matters will improve. They can only improve if we keep our confidence level high and prove it by decisiveness on the part of the Government.

In this case, there is a decision to be made by the Irish people. It has nothing to do with Greece, France or the regional elections in Germany. This is a decision for the Irish people and we are well able to make that decision. I am asking the people to decide very positively that they know where our future lies, that is, in being a strong partner with Europe and having access to all that goes with that. A “Yes” vote guarantees that confidence and that future. A “No” vote will lead us down the road of lack of confidence, strangling investment and the austerity I am quite sure the Deputy would love to see abound in this country. We will change

that. With the help and support of the people we will set out a platform for growth, opportunity and investment not for anybody here, but for the next generation. That is important. This is about the bigger picture. What Deputy Boyd Barrett is painting is a society of conflict and aggression. That is not what is needed in Ireland. The Irish people will make their decision on 31 May and I expect it to be overwhelmingly positive.

Deputy Micheál Martin: The Irish financial services sector employs approximately 30,000 people in this country, particularly in Dublin. We do not control the world and one of our first priorities must be to protect employment in the financial services sector, but that is dependent on what happens at international level. In the context of the recent strategy that was published and, indeed, some discussions that were held at Farmleigh, a transaction tax that was unilaterally imposed in a number of eurozone countries and not in the rest or that would not be uniformly applied across the globe would put the financial services sector at a disadvantage and could result in the loss of some of the thousands of jobs currently located in the Irish Financial Services Centre, IFSC. Will the Taoiseach confirm that this is the broad approach that has been adopted with regard to a transaction tax?

Second, with regard to the Ballymurphy issue, I met with the Ballymurphy relatives in Ballymurphy when I was Minister for Foreign Affairs. While it is important to meet them, it is important to do more than that. Obviously I believe the Taoiseach should meet with the relatives but some work should be done in advance of such meetings to try to identify the precise nature of an inquiry. One could hold many different types of inquiry. This issue has not really moved forward over a number of years. It is important not to give people false hope, but to define the issues and perhaps get some type of an initial scoping inquiry together. There must be a common approach agreed by all, particularly the relatives, as to what is the first step to take in moving this agenda forward. One meeting after another does not necessarily move it forward, unless we can put some shape or flesh on the bone in terms of how best to proceed given the difficulties that surround us. We have just discussed the logjam with the Finucane case, which I consider unacceptable. The Ballymurphy issue deserves investigation. It was an appalling event and demands a response. Members must try to put on their thinking caps as to the type of response that could be developed to succeed in achieving progress beyond simply meeting people. I share this thought with the Taoiseach and ask him to comment on it.

As for the promissory note issue, I note in his reply that the Taoiseach stated he informed the British Prime Minister and explained to him the Government's proposals on re-engineering the promissory note. It appears that with all the political discourse on this issue and between the various claims and counter-claims, something is missing in this regard. In the current context, an opportunity should be seized to have a serious political discussion with a view to getting a resolution of this issue, rather than having it kicked down the road at each key milestone associated with the promissory note, elements of which are unacceptable. It was agreed in advance of the creation of the European financial stability facility, EFSF, when the previous Government was obliged to agree certain issues with the European Central Bank. While this was agreed in advance of any European facility, I note we have moved a long way from that position in respect of the EFSF and now potentially the European Stability Mechanism, as well as the call of other countries, including France, that bank debt should be dealt with through the European institutions and not necessarily by the taxpayers of member states. I believe Ireland is owed one in respect of resolution of this issue and given present circumstances, there is a need to raise this matter at a political level in a much more substantive way than has been the case to date. More than simply informing and explaining, so doing should entail actually enlisting the support of other Heads of State to move institutions across Europe on this issue.

The Taoiseach: On the last matter, Deputy Martin is aware of the position in so far as Britain is concerned. I thought it important to apprise the Prime Minister of the position in so far as Ireland and its negotiations were concerned. Clearly, the question of the dates that are set for the recurrence of the payments is an issue. Suffice it to say, however, the Government is well aware of the scale of the negotiations that must be carried out regarding the other €27 billion involved in this issue. As I stated to Deputy Martin, I already have made plain the Government seeks a lower interest rate over a longer period, which would allow it to deal with its deficit and would make it easier for the State to pay its debts.

It is true the IFSC is an important element of the economy with more than 30,000 people employed. The report I launched last year, which was prepared by the industry itself, indicated the creation of up to 10,000 jobs within five years, some of which would deal with new financial products, such as green finance or the fast-growing Islamic finance sector and so on. As Deputy Martin has pointed out, one would place significant elements of this industry at serious competitive disadvantage were a transaction tax applicable here and not in London. For this reason, the Government has made clear its position in this regard.

In respect of the Ballymurphy case, I note that 40 years have elapsed and questions have been raised over the years in this regard. There is merit in the Deputy's suggestion that perhaps some preparatory work should be done here. The request from the Ballymurphy families to the British Government was for an independent international inquiry into the circumstances of the Ballymurphy incident. However, the Secretary of State, Mr. Paterson, has informed the families it is not the intention of the British Government to carry out or initiate such an inquiry and I take note of that point. Obviously, I will fix an appropriate time to meet the Ballymurphy families when I next go to Belfast. I thank the Deputy for the suggestion.

Deputy Gerry Adams: I wish to tease out some of this issue again with Taoiseach.

An Ceann Comhairle: We are very short of time. We have just over two minutes.

Deputy Gerry Adams: Tá fhios agam agus deanfaidh mé mo dhícheall. I acknowledge the Taoiseach has raised the issues of Ballymurphy, Pat Finucane and the Dublin-Monaghan bombings with the British Prime Minister, which I appreciate and for which I thank him. However, it has not worked and we are no further on in respect of the aforementioned campaigns. As for the Ballymurphy case, the British Secretary of State did get in touch recently with the relatives regarding Ballymurphy but rejected the notion of an international inquiry. The families do not seek an international inquiry, because they are conscious of the associated costs, but seek an independent international investigation. In the case of Pat Finucane, the British Government concedes there was collusion, with the person who supplied the information, the person who supplied the gun and the person who carried out the shooting all being agents of the British Crown. I will not rehearse the argument again concerning the Dublin and Monaghan bombings. Consequently, the reason I gave the example of the report given to Tony Blair when he was Prime Minister is the Government here has enough information. The Taoiseach might know more about these issues than does Mr. Cameron. He simply may not know and I commend an approach in which the Taoiseach meets Mr. Cameron again on foot of the latter having received from the Government the detailed reports on all these issues that are available. Teachta Martin is correct that he attended Ballymurphy and walked part of the site there. Was that three years ago?

Deputy Micheál Martin: I am told it was.

Deputy Gerry Adams: I was in Ballymurphy yesterday. These are huge issues in the lives of the people there and the Government could move forward these cases. Were the Taoiseach to

adopt the approach of getting from his key civil servants the information in the Government's possession and presenting it to the British Prime Minister, he would have the capacity to persuade him and in so doing bring a huge amount of healing to people who have had a severe injustice perpetrated on them just up the road in west Belfast.

An Ceann Comhairle: A final supplementary for Deputy Boyd Barrett, to whom only 50 seconds remains.

Deputy Richard Boyd Barrett: Why is it always too complicated and why are there always excuses as to the reason one cannot tax the wealthy, the speculators, the bankers and the bondholders, as would a financial transactions tax? Even a rate of 0.1% would raise €500 million, while a rate of 1% would raise €5 billion. The Taoiseach states it is too complex to do that, there are so many excuses for not doing it, every reason under the sun, but it is not too complicated to attack working people and the vulnerable in our society——

An Ceann Comhairle: Thank you.

Deputy Richard Boyd Barrett: ——which is morally unfair and is proving to be economically disastrous. In his response, does the Taoiseach seriously suggest there simply will be no taxes imposed on the bankers, speculators and so on, whose casino and gambling activities caused the crisis in the first place, but they all will be imposed on working people and the least well-off? Is this the point being made by the Taoiseach?

The Taoiseach: On the point made by Deputy Adams, I am unsure whether there is much of a difference between an international investigation and an international inquiry. Once one starts an investigation, it turns into an inquiry. I am unsure of the reasons behind the decision of the Secretary of State to inform the families this was not the case and nor am I aware of the extent of the file that exists on the Ballymurphy circumstances in Departments here. Perhaps there may be some additional information the Deputy may have from personal experience of this over the years. However, I will examine this point.

In response to Deputy Boyd Barrett, I did not state it was too complicated. I stated I did not wish to put the Irish economy at a competitive disadvantage. Were a transaction tax applicable in Dublin but not in London, it would put our financial services centre and our position at a competitive disadvantage and——

Deputy Richard Boyd Barrett: So we will never have one.

The Taoiseach: ——I will not support that. A transaction tax is in operation already in a number of areas in respect of the banks. It is not a question of it being too complicated but that the Government does not wish to place the Irish position at a competitive disadvantage. As I confirmed to Deputy Martin, there are stringent and strong objections to a transaction tax being applied in individual cases.

Deputy Richard Boyd Barrett: So it will never happen.

The Taoiseach: If it does not apply in a global sense, then it would not work were Ireland to have such a disadvantage applied.

I have made this point to the Deputy many times already but the Government did not cut primary social protection rates. It has removed 330,000 people from the universal social charge obligations. Moreover, another 30,000 people benefited from the reversal of the minimum wage rate on foot of negotiations with the troika and a range of exemptions are in place in this regard. However, the answer is employment and this is the reason the Government is focused

[The Taoiseach.]

on the action plan for jobs and on opening up such opportunities, providing retraining, upskilling and a change of direction, as well as on the JobBridge and Pathways to Work programmes and so on, for as many people as possible. As I pointed out earlier, 11,000 additional jobs have resulted in the food and hospitality sector because of the change in the PRSI rate for lower-paid workers, as well as the reduction in the VAT rate in the hospitality sector.

Written Answers follow Adjournment.

Topical Issue Matters

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Robert Dowds — the need for a refund mechanism on returned glass and plastic containers as a means of tackling our litter problem; (2) Deputy Dan Neville — National Dementia Strategy; (3) Deputy Seamus Healy — the provision of a new school in respect of Gael Scoil Cluain Meala, County Tipperary; (4) Deputy Marcella Corcoran Kennedy — the commemoration of the women who campaigned for women's right to vote to be included in the Third Home Rule Bill 1912; (5) Deputy Thomas Pringle — the need to support world Fibromyalgia Awareness Day; (6) Deputy Jerry Buttimer — the sale of NAMA controlled land at Douglas, Cork; (7) Deputy Tom Hayes — the need to allow for the registration of Irish deaths abroad; (8) Deputy Seán Kyne — the need to clarify the rules regarding increases in stocking rates and the operation of the appeals mechanism as it applies to the disadvantaged area scheme; (9) Deputy Sean Fleming — the impact of community employment scheme cut-backs on child care provision services; (10) Deputy Mattie McGrath — the need for greater efficiencies and transparency in the progression of major schemes such as waste water treatment system upgrades; (11) Deputy Mick Wallace — the need to find a resolution to the problems of the residents of Priory Hall, Dublin; (12) Deputy James Bannon — the need to review the cut in funding to St Christopher's Services, Longford; (13) Deputy Richard Boyd Barrett — the postponement of the new school building at Newpark Comprehensive School, Blackrock, Dublin until 2015.

The matters raised by the following Deputies Seán Kyne, Robert Dowds, Marcella Corcoran-Kennedy and Sean Fleming have been selected for discussion

Order of Business

The Taoiseach: It is proposed to take No. 12, motion regarding membership of committee; No. 13, motion regarding proposed approval by Dáil Éireann of the Sustainable Energy Act 2002 (Section 8(2) — Conferral of Additional Functions — Renewable Energy) Order 2012 (back from committee); No. 14, motion regarding referral to Joint Committee of proposed approval by Dáil Éireann of the Council Decision on the conclusion of the Agreement between the United States of America and the European Union on the use and transfer of Passenger Name Records to the United States Department of Homeland Security; No. 5, Residential Institutions Statutory Fund Bill 2012 — Order for Second Stage and Second Stage.

It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 9 p.m. tonight and shall adjourn on the conclusion of No. 55, motion regarding Domiciliary Care Allowance, which shall take place on the conclusion of the opening speeches on No. 5 or at 7.30 p.m., whichever is the later and shall if not previously concluded adjourn after 90 minutes and that Nos. 12, 13 and 14 shall be decided without debate.

An Ceann Comhairle: There are two proposals to put to the House. Is the proposal that the Dáil sit later than 9 p.m. tonight agreed to? Agreed. Is the proposal for dealing with Nos. 12, 13 and 14 agreed? Agreed.

Deputy Micheál Martin: In the context of commitments given in the programme for Government, when will the legislation facilitating the holding of the children's rights referendum be published and brought before the House? The referendum on children's rights is a serious issue, in respect of which legislation has been promised for some time. I would appreciate if the Taoiseach could give an expected legislative timeframe in that regard.

Also, is the legislation dealing with abolition of the Seanad, as per the Taoiseach and Government's commitment in the programme for Government, likely to be introduced in 2012?

The Taoiseach: Our experience last year of holding two referenda on the same day as the Presidential election, raised issues around the availability of information to allow people understand the issues at hand. Like everyone else, I, too, am concerned about child protection. As

5 o'clock Deputy Martin will be aware, the Minister for Children and Youth Affairs, Deputy Frances Fitzgerald, is doing a great deal of work on the mandatory requirement to report, the incorporation into legislation of the children first guidelines and on the proposed referendum on children's rights. My preference would be to hold this referendum in the autumn. However, the Bill is not yet ready owing to the complexity of work involved. I will keep the House updated on this matter. I do not believe it would be possible to hold the referendum on children's rights alongside another referendum. It should be held on its own. There is only room for the holding of one referendum in the autumn and, if one is to be held, it will be the referendum on children's rights.

On the abolition of the Seanad, I have done a great deal of work on this issue and will bring that legislation before the House in due course, at which time a decision will be taken, which will have taken the views of all Members into account, on when that referendum should be held.

Deputy Michael Healy-Rae: Will it remain or be abolished?

The Taoiseach: In my view if a referendum is to be held in the autumn, it should be the referendum on child protection, in respect of which work is ongoing. When that work has been completed, I will update the House on the matter.

Deputy Micheál Martin: The previous Government published legislation on the children's rights referendum. I am not aware of the degree to which this legislation varies from that of the previous Government. This is an urgent issue given all that has happened in more recent times, in particular the past week. We need clarity around what is being proposed. There was an exhaustive process on this issue during the past number of years under the previous Oireachtas. The Taoiseach stated it is hoped to hold that referendum in the autumn. Is that his expected timetable or could it be 2013 before it is held?

The Taoiseach: My preference is to hold that referendum this autumn. I expect the legislation to be dealt with prior to the summer recess. Every time I query the current position I find more complications have arisen. I expect this referendum to be held in the autumn and will keep the House fully updated as progress is made.

Deputy Gerry Adams: When will the Government introduce legislation to deal with the concentration of ownership in the media sector? In this regard, the Taoiseach will have noted the manoeuvrings in the board rooms of independent news and media, including by some

[Deputy Gerry Adams.]

people with links to the Taoiseach's party. This is an important issue. I am interested to hear from the Taoiseach when this legislation will be brought forward.

The Taoiseach: Work on that legislation is proceeding in the Department of Jobs, Enterprise and Innovation. I have noted some comment in regard to the introduction in that legislation of provisions dealing with cross ownership of media. That matter has not been considered by Government. Work on the legislation is receiving priority within the Department of Jobs, Enterprise and Innovation and is expected to be published in the latter part of the summer. Government has not yet considered anything other than completion of that work.

Deputy Michael Healy-Rae: When will the Personal Insolvency Bill 2012, which many struggling families view as a life-line, be introduced? The Wind Turbines Bill, Second Stage of which was introduced in the Seanad on 22 February by Senator John Kelly, was not opposed by Government. Does the Government propose to introduce an alternative wind turbines Bill? What was proposed by Senator Kelly would have had major implications for the future of wind farming in Ireland. I would welcome the Taoiseach's views on that matter.

The Taoiseach: The Personal Insolvency Bill 2012 is expected to be ready by end June. A great deal of time and detailed discussion has been devoted to that issue. The Wind Turbines Bill to which Deputy Healy-Rae referred is a Private Members' Bill, which has not been adopted by Government. The Government does not propose to introduce such a Bill.

Deputy Michael Healy-Rae: There is no alternative proposal by Government?

The Taoiseach: Not to my knowledge.

An Ceann Comhairle: The Deputy might consider tabling a parliamentary question on the matter.

Deputy Michael Healy-Rae: Thank you.

Deputy Timmy Dooley: Is it intended to amend the Broadcasting Act in light of the publication of the Broadcasting Authority of Ireland's report, the discussions which the Minister concerned had with the board of RTE today and Government's subsequent Cabinet meeting today around the issues that have arisen in the past few days?

The Taoiseach: The Minister, Deputy Rabbitte, met with the board this morning for more than two hours. This was an appalling case, one from which the board members did not resile.

The report itself, while short, was very direct and clear about a litany of incompetence and issues that should not have happened. As I understand it, the board will respond to the Minister in seven days in writing in respect of its proposals to deal with the recommendations arising from the report. Deputy Dooley will be aware that significant changes have been made already in that the programme no longer runs and the team dealing with it is no longer *in situ* and that the director general was not in place when this happened. The Government considered the matter this morning and the board will respond to the Minister within seven days in writing and the Government will reflect on that when it comes in.

Deputy Timmy Dooley: Is the Minister happy that a body of legislation is available to him to deal with the event that took place or——

An Ceann Comhairle: That is a separate matter.

Deputy Timmy Dooley: —any subsequent matter.

The Taoiseach: I can confirm to Deputy Dooley that the Minister is reviewing that legislation as well.

Deputy Bernard J. Durkan: While it is recognised that considerable progress has been made on the companies Bill, given the urgency of the situation and the need to modernise company law in line with today's requirements, is continued progress being made to bring the Bill before the House at the earliest opportunity?

The Taoiseach: This Bill contains 1,300 sections. I can confirm that work is proceeding on it. Slow and torturous progress is being made. It is an enormous Bill and it will occupy Deputies from all sides for a considerable period of time when it eventually appears here. They will stagger under the weight of amendments to the Bill.

Deputy Mattie McGrath: I ask the Taoiseach again — this is about the sixth time I have done so along with others, notably Deputy Ó Cuív, who is not here — when will the Minister for the Environment, Community and Local Government, Deputy Hogan, announce the guidelines in regard to the Water Services Act and septic tanks? We have water services and a household tax but this is a slow burner and it will not go away.

An Ceann Comhairle: I think he has an answer for you.

Deputy Mattie McGrath: He has failed to give it in spite of it being promised several times.

The Taoiseach: I note the Minister, Deputy Hogan, wrote to Deputy McGrath on 26 April in regard to the regulations for domestic waste water treatment. He said 165 submissions were received, that these were being assessed by the Department and that when they were assessed, he would finalise regulations which will give legal effect to the standards. He went on to say that he did not want to give the Deputy a specific date and said he expected to be in a position to finalise the regulations shortly and that at that stage, the relevant statutory instrument will be laid before each House of the Oireachtas in accordance with section 18 of the Water Services Act 2007.

Deputy Mattie McGrath: When?

The Taoiseach: I will ask him for Deputy McGrath.

Deputy Mattie McGrath: Has the Taoiseach sent him on holidays? He is missing.

Deputy Mattie McGrath: I know Deputy McGrath is very concerned about this.

Deputy James Bannon: In light of the reduction in the rent allowance administered by the HSE to force landlords to reduce rents, when can we expect the landlord and tenant Bill to be introduced to consolidate and reform the general law on landlords and tenants?

The Taoiseach: At the current state of play, it will be early next year.

Membership of Committee: Motion

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

That Deputy Anne Ferris be discharged from the Committee of Public Accounts and that Deputy Gerald Nash be appointed in substitution for her.

Question put and agreed to.

Sustainable Energy Act 2002: Motion

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

That Dáil Éireann approves the following Order in draft:

Sustainable Energy Act 2002 (Section 8(2)) (Conferral of Additional Functions — Renewable Energy) Order 2012,

a copy of which Order in draft was laid before Dáil Éireann on 30th April, 2012.

Question put and agreed to.

Referral to Joint Committee: Motion

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

That the proposal that Dáil Éireann approves the exercise by the State of the option or discretion under Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, to accept the following measure:

the Council Decision on the conclusion of the Agreement between the United States of America and the European Union on the use and transfer of Passenger Name Records to the United States Department of Homeland Security,

a copy of which was laid before Dáil Éireann on 6th December, 2011, be referred to the Joint Committee on Justice, Defence and Equality, in accordance with Standing Order 82A(4)(j), which, not later than 24th May, 2012, shall send a message to the Dáil in the manner prescribed in Standing Order 87, and Standing Order 86(2) shall accordingly apply.

Question put and agreed to.

Topical Issue Debate

Disadvantaged Areas Scheme

Deputy Seán Kyne: I thank the Ceann Comhairle for selecting this issue for the Topical Issue Debate and welcome the Minister of State, Deputy McEntee, who will take it. Next week is the closing date for the single payment forms and there is a certain amount of anxiety in my area of west Galway, in particular in Connemara, in regard to the changes in the stocking rate eligibility for the disadvantaged areas scheme, that is, the increase from 0.15 to 0.3 livestock units per hectare. I have explained to many people at IFA meetings and elsewhere that there is an appeals mechanism and that for areas of Connemara and for farmers in Connemara who are farming commage land, SAC or other designated land and, indeed, environmentally sensitive land that a lower stocking rate will be allowed, that is, lower than the 0.3 livestock units per hectare. Will the Minister of State provide that reassurance to farmers in Connemara that this appeals mechanism is there?

In terms of a time line, I am concerned that applications from farmers caught between the 0.15 and 0.3 livestock units per hectare will be left and that it will be Christmas before they

receive payments. They need to be fast-tracked in some way over the summer to ensure these delays do not take place in the autumn.

Last Thursday my constituency colleague, Deputy Ó Cuív, made comments that what should have happened to save money was that certain dairy farmers should have been excluded from eligibility for the disadvantaged areas scheme. He said large dairy farmers but he did not specify what he meant by “large”. There are no dairy farmers in Connemara but there are many in east Galway and the eastern part of west Galway in good farming areas such as Athenry, Carnmore, Oranmore, Turloughmore and Claregalway. I am hugely concerned that this is Deputy Ó Cuív’s view. Dairy farmers should be reassured that the Minister, Deputy Coveney, the Minister of State, Deputy McEntee, and this Government will protect those farmers in terms of receiving their disadvantaged areas scheme payments.

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Shane McEntee): I thank the Deputy for raising this issue and if there is any question I cannot answer, I will come back to him. The changes to the rules governing the 2012 disadvantaged areas scheme have recently been published by my Department. I can also confirm that booklets outlining the terms and conditions of the 2012 scheme are being issued to all farmers with DAS-designated land. However, as these proposals have yet to be approved by the EU Commission, they may be subject to change. That said, however, it should be appreciated that should this prove to be the case, the changes will not impose any additional obligations on farmers in 2012.

In so far as the specific issue of the stocking rates and the appeals mechanism, as mentioned by the Deputy, is concerned, I can confirm that the requirements under the 2012 scheme are as follows. In the first instance, an applicant is required to have met a stocking density in 2011, for three consecutive months, of 0.3 livestock units per forage hectare. Thereafter, while the minimum stocking density remains at 0.15 livestock units per forage hectare for 2012, the applicant must meet the minimum stocking requirement for six consecutive months during the scheme year. In addition, the applicant is also required to meet an annual stocking density average of 0.15 livestock units per forage hectare, which will be calculated over the 12 months of the scheme year.

However, specific provision is being made for those farmers who had a stocking density less than 0.3 livestock units per forage hectare in 2011 where that lower stocking density was as a result of adherence to a lower stocking requirement of an agri-environmental measure such as a commonage framework de-stocking plan, the rural environmental protection scheme or the agri-environment options scheme. All applicants whose stocking density was below 0.3 livestock units per forage hectare in 2011 will be written to formally by my Department and given the opportunity to apply for a derogation on the grounds that his or her participation in one of the above measures resulted in the lower stocking density. The principles of *force majeure*-exceptional circumstances will be provided for in the process. Provision will also be made for new entrants to farming. This process will be commenced as soon as the EU Commission makes a formal decision on the proposed changes to Ireland’s rural development programme, including the disadvantaged areas scheme.

An increasing number of applicants under the scheme have discontinued cattle or sheep farming, but have continued to benefit from aid under the scheme by grazing some horses on their land. It is proposed that horses will no longer be eligible for the stocking density calculation on the basis that these applicants’ contribution to the rural economy is minimal. However, equine breeding enterprises will continue to be eligible on the basis of the contribution they make to the local economy. My officials have engaged with horse industry representatives and have agreed on criteria that will mean that those equine breeding enterprises,

[Deputy Shane McEntee.]

irrespective of their size, that are making a valuable contribution to the local economy will continue to receive support.

It is widely recognised that the disadvantaged areas scheme is an important one, as the total area designated as disadvantaged is almost 75% of Ireland's total land area. From an economic perspective, the scheme is particularly significant and contributes to the support of in excess of 100,000 farm families, whose ability to farm is restricted by the physical environment and, in particular, the impact of the prevailing wet, cold climate conditions.

The budgeted expenditure under the 2012 scheme will be reduced from €220 million to €190 million. To achieve this €30 million saving, it is proposed to introduce specified changes to the scheme's eligibility criteria for 2012. The savings will be achieved without the need to reduce the existing rates of aid and, in addition, there will also be no reduction in the maximum area payable, that is, 34 hectares.

The proposed changes are designed to ensure that the payments under the scheme are focused on farmers who farm exclusively in disadvantaged areas, make a significant contribution to the maintenance of a viable rural community and contribute to the enhancement of the environment. My firm intention is that the aid should be focused on those farmers whose farming enterprises are situated exclusively in less favourable areas and who are making a significant contribution to achieving the objectives of the scheme.

Deputy Seán Kyne: I thank the Minister of State for his comments and I welcome the decision not to reduce the rate of payment or the qualifying hectares for the scheme. In 2009, the last Government reduced payments to all farmers under the disadvantaged areas scheme and many farmers in Connemara with large hectarages of poor quality land endured reductions of more than €1,000.

I also welcome the Minister of State's remark that farmers will be written to formally by his Department and given an opportunity to apply for derogations on the grounds that their participation in one of the measures in question resulted in lowering their stocking rates. It is important that this be done as soon as possible. The sooner they are written to and told that they can apply for derogations because of restrictions under commonage framework plans or the rural environment protection scheme, REPS, or because they farm in sensitive areas, the sooner they can submit their responses and the more likely it is that their payments will issue in the autumn without delay and in time with payments to other farmers.

Deputy Shane McEntee: I have little to say in response. The Minister and I are committed to encouraging and paying farmers to farm. The stocking rate will make a difference to the amount of stock that farmers can carry and to the environment itself. That there are few animals in some of the areas to which the Deputy referred has caused problems, for example, forestry and gorse fires. The proposed changes will help. In terms of the CAP proposals, we want to get our way, look after farmers who want to farm and protect those in less advantaged areas.

Litter Pollution

Deputy Robert Dowds: In one of my first contributions in the Dáil, I asked the Minister for the Environment, Community and Local Government to investigate the possibility of banning the sale of drinks in glass containers from off-licences. The Minister, Deputy Hogan, agreed to consider the suggestion. Unfortunately, he discovered that an EU directive prevented him from implementing it. I am now approaching the problem from a different direction.

Would it be possible to introduce a system — in the case of glass, reintroduce a system — of providing refunds? If people bought bottles of beer, they could return them once they were empty and receive refunds. In some countries on the Continent, for example, Germany, the practice is to return plastic bottles. The plastic used there is much stronger than the type we use, making it possible to clean and reuse them without breaking them down. It should be possible to do the same in Ireland. Would it be possible to provide refunds in respect of aluminium cans? Doing so might be more problematic, but I would be interested in the Minister of State's response.

I am not trying to pretend that this would be the entire solution to our litter problem. In these difficult economic times, however, it would encourage people who discard these receptacles in public places not to do so. It would also encourage people to collect receptacles. Perhaps this is just a straw in the wind. I was asked to raise the issue a couple of weeks ago by the local Clondalkin Tidy Towns committee. In Clondalkin and the neighbouring areas of Palmerstown and Lucan, there are growing numbers of groups that are trying to set up tidy district committees with some considerable success. There is a long tradition of this in rural areas and villages, but it is more difficult to organise in a city. A measure along the lines of what I have proposed would help the committees. People would become less likely to discard their rubbish and, if they did, others who collected it would receive payment. I thank everyone who gets involved in tidy district initiatives in such a selfless way.

My suggestion would have a number of advantages for my community and the country generally. It would help to tidy up the country and would constitute a green move, in that glass, plastic and aluminium could be more effectively recycled. It would help to boost tourism, given the fact that litter and dirt are the most persistent causes of complaints among tourists. Life would be much easier for sports people and everyone who uses open public areas.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): I thank Deputy Dowds for raising this issue. The 2010 national litter pollution monitoring system report indicated that glass and plastic containers accounted for 2.86% of the country's national litter composition. Directive 94/62/EC of the European Parliament and the Council on packaging and packaging waste, termed the packaging directive, classifies items such as bottles, drink cans and plastic containers as packaging. The packaging directive is based on the concept of producer responsibility, which effectively requires producers to contribute to the waste management costs of products that they have placed on the market.

Under the directive, Ireland's requirement to achieve a 60% recovery rate for packaging waste in 2011 has already been exceeded and, in 2010, a recovery rate of 74% was achieved. The material-specific recycling targets of 60% for glass, 50% for metals and 22.5% for plastics had also been achieved by 2010, with recycling rates of 78%, 63% and 39%, respectively.

I fully recognise that, despite progress on recycling, we need to continue to improve our performance, which is the Deputy's point. The programme for Government contains a commitment to drive a waste reduction programme as part of the overall policy in the area of sustainable waste management. One of the possible elements of this waste reduction strategy, which is contained in the programme, is the introduction of a levy on packaging. In 2011 my Department commenced a process of consultation with industry, other stakeholders and the public on the possibility of introducing a levy on packaging. The main issues examined in this initial consultation were as follows — the overall views of stakeholders on a packaging levy; how a packaging levy might be operated; international experiences of similar levies; and how a packaging levy might be structured in order to contribute to a reduction in packaging waste.

[Deputy Jan O’Sullivan.]

While submissions acknowledged the achievements Ireland has made in recycling packaging, there is recognition that aspects of the current system need to be reviewed, as is best practice for all long-standing agreements, to ensure that the structure remains as efficient as possible and continues to deliver the best possible results for Ireland in terms of packaging recycling and recovery performance. To this end, the Minister for the Environment, Community and Local Government has determined that the issue should be given further consideration in the context of a review of the producer responsibility initiative model to inform the policy development process which is now under way and is expected to be completed by the end of this year. It may be useful to include the Deputy’s views in the review and I would be happy to pass his comments to the Minister.

Deputy Robert Dowds: I am glad that progress has been made in dealing with packaging waste but problems remain. The angle from which I approach the issue is my concern about waste in public areas such as football pitches, where broken glass can cause problems for players. It is appalling that people who give up their time to train soccer teams must carefully walk the pitch before a match starts to clear it of glass. I would welcome any initiative that tries to put an end to that problem.

I do not dispute the impressive figures on waste reduction but I urge the Minister of State and the Minister to consider a refund system that would encourage people to recycle glass and plastic bottles. It could become an effective means of reusing material. People are more open to this idea than they were during the boom years of the Celtic tiger, when they did not care about small amounts of money. I acknowledge that the Minister of State is prepared to take account of my suggestions in the review and I would like them to be part of the mix.

Deputy Jan O’Sullivan: The concept of a deposit and refund system can certainly be included in the review. Everybody would agree it is dreadful that people have to ensure the grounds used for sporting or community events, or for children’s play, are clear of broken glass bottles and other litter. We want to do all we can in this regard and if a deposit and refund scheme can be shown to be effective in reducing the amount of material thrown away rather than recycled, it would make a positive impact. If the Deputy wishes to submit his views in more detail I am sure they will be considered in the review.

National Commemorations

Deputy Marcella Corcoran Kennedy: There have been numerous discussions around commemoration ceremonies in recent times. I welcome the opportunity to raise the role of women and the contribution they made to Irish society in our turbulent past. I am sad to note there is scant acknowledgement of those brave and patriotic women who, alongside their men, fought for Irish freedom in different ways, some as pacifists and others as militants. Even in a recent supplement on the Home Rule Bill in *The Irish Times*, the 13 contributors and staff writers, all of whom were male, made little reference to the role played by women. None of the articles was dedicated to this subject.

I wish to focus on the events of 1912, when votes for women became entangled with the Irish Home Rule Bill introduced in Westminster. Irish and English feminists came to the issue from differing perspectives. Most women and men in Ireland were Nationalists who wanted home rule. Most Irish feminists wanted votes for women in an Irish Parliament of one kind or another. However, Irish Unionist women and men did not support home rule and both Unionists and English feminists wanted the vote in the UK Parliament.

What outraged feminists here and in England was the attitude taken by the Prime Minister, Herbert Henry Asquith, and the leader of the Irish Parliamentary Party, John Redmond. I do not blame them. In a conversation with Hanna Sheehy-Skeffington, the deputy leader of the Irish Parliamentary Party, John Dillon, stated:

Women's suffrage will, I believe, be the ruin of our Western civilisation. It will destroy the home, challenging the headship of man, laid down by God. It may come in your time — I hope not in mine.

It is no wonder they were cross.

A mass meeting was held in June 1912 at which 19 women's organisations were represented. Patience finally ran out and some of the members of the Irish Women's Franchise League smashed windows at the GPO, Dublin Castle and the Custom House. Hanna Sheehy-Skeffington and Margaret Cousins were sent to jail and Mary Leigh and Gladys Evans, who were members of an English organisation, the Women's Social and Political Union, were sentenced to five years imprisonment for disrupting the Prime Minister and went on hunger strike in Mountjoy Prison. Forcible feeding was practised in England at the time and there was considerable debate on the issue. Augustine Birrell, the Chief Secretary for Ireland, stated:

Personally I am dead against forcible feeding which always ends with the release of the prisoner long before her time. I want to keep these ladies under lock and key for five years and I am quite willing to feed them with Priest's Champagne and Michaelmas Geese all the time if it can be done ... but these wretched hags ... are obstinate to the point of death.

No fewer than 36 women were imprisoned during this campaign and many of them went on hunger strike for political status. We should not forget these wonderful women and what they achieved. Margaret Cousins put it well when she stated:

I am not a criminal but a political prisoner — my motives were neither criminal nor personal — being wholly associated with the agitation to obtain Votes for Women. I shall fight in every way in my power against being branded a criminal.

With these thoughts in mind I call on the Government to dedicate a commemoration ceremony to these women and the role they played as we approach June 2012.

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): I thank Deputy Corcoran Kennedy for raising this subject and commend her academic and professional treatment of it.

The introduction of the third Home Rule Bill to Parliament at Westminster on 11 April 1912 was a pivotal moment in our history. This Bill is the point of departure for the centenary commemorative programme which will take place over the coming decade and which will centre on the proclamation of the Irish Republic at Easter 1916. With the introduction of the Home Rule Bill, a series of events gathered pace that culminated in the establishment of this State. It was a period of profound change for Ireland, Britain, Europe and the wider world. States and societies were transformed and the outcomes have shaped the world we know today.

It is my intention that the commemorative programme will address the key political events and, most important, provide a comprehensive presentation of the economic, social and cultural issues of the period. It is appropriate that we keep these events in mind as their centenaries approach. A centenary anniversary is of special significance. It is perhaps the earliest opportunity for a generation without direct contact with the period to assess the historic events and their consequences. A more balanced and informed understanding can be achieved than is

[Deputy Jimmy Deenihan.]

possible in the aftermath of such profound changes. It can also be expected that a better understanding of the issues and circumstances will be assisted by the release of records and the progress of research over the years. I believe that this may particularly be the case with regard to the roles and contributions of women in the revolutionary period. With some distinguished exceptions, the role of women has not always been fully recognised over this period. I hope that this may be redressed in the commemorative programme. With this in mind, in discussions with colleagues with regard to the composition of the expert advisory group emphasis was placed on the need for particular consideration to be given to women's history, experience and contribution throughout the period.

The initial events of the official commemorative programme this year related to Carson and Redmond and were arranged around the anniversary of the Home Rule Bill. In these presentations, it was noted that the Home Rule debate was not insulated from the other issues of the day. This perception was particularly reflected in the photograph presented in March to the First Minister of Northern Ireland following the Carson lecture in Dublin. The photograph shows Sir Edward Carson being confronted by suffragette protestors at Iveagh House in 1912 while he was campaigning to resist the Home Rule Bill. The suffragettes were very prominent in political demonstrations of the time and were doubtless also involved in the hostile reception given to Winston Churchill in Belfast that year.

It is not unique to Ireland that the pages of history are dominated by the political and military headlines that define a period. The progress of society in the same period in matters of employment, migration, health and education does not often provide the equivalent moments and anniversaries that facilitate commemoration. Nonetheless, these issues are of fundamental importance, essential to an informed understanding of the period.

The transformation of society by the Reform Acts of the 19th century, incrementally extending the franchise for men, brought a consciousness of future possibilities for all. It has been suggested that the Representation of the People Act 1832, which specified that only "male persons" were to vote, was the first explicit statutory bar to women's suffrage and itself a trigger to campaigning for equality.

New Zealand was the first nation in the world to achieve universal suffrage in 1893 and Australia followed in 1902. The campaign for reform in Britain and Ireland reflected this growing consciousness of the times. The Women's Social and Political Union was founded in Manchester in 1903 by six women, including Emmeline and Christabel Pankhurst, who soon emerged as the group's leaders.

The Irish Women's Franchise League was founded in 1908 by Hanna Sheehy-Skeffington. Members pursued their campaign through civil disobedience, demonstration and protest — commonly including, as the Deputy mentioned, window breaking. Arrests and imprisonment resulted in hunger strike, for which the authorities introduced release under the Prisoner's (Temporary Discharge for Ill Health) Act, followed in due course by re-arrest. The campaign for voting rights brought interaction with the other issues of the day and during the 1913 lockout suffragists worked in Liberty Hall, providing food for the families of the strikers.

As with the Home Rule Bill, the progress of the campaign for voting equality was overtaken by the coming of the Great War. However, the experience of the war — both the horrors for men fighting at the front and the experience of the women mobilised to sustain industry and output at home — ensured that the future would be different from the past.

The Representation of the People Act 1918 extended the franchise to men over 21 and women over 30 with certain conditions. With this restriction women accounted for approximately 43% of the electorate and would otherwise have been in the majority owing to the loss

of men in the war. Following the passing of the Representation of the People Act, the Eligibility of Women Act was passed, allowing women to be elected into Parliament. The first election held under the new system was the 1918 general election. Polling took place in December 1918. Several women stood for election. However, only one, Constance Markievicz, was elected for the constituency of Dublin St. Patrick's.

Perhaps the final vindication of the suffragette campaign came with the provision of the 1922 Irish Free State Constitution which, in theory at least, removed the limitations on Irish women's access to the full rights of citizenship. It was to the detriment of our society that this provision of the 1922 Constitution was the last real advancement of the rights of women for the following half century.

Mindful of their campaign sustained to 1918, I am confident that the campaign for women's voting rights and the activities of the suffragettes in Ireland will be a consistent consideration in the commemorative programme. The events planned for later this year focus on the signing of the Ulster Covenant and the associated Declaration which was signed by a 250,000 women. As the commemorative programme continues, I would be very pleased to see initiatives that bring attention to the suffragettes' campaign and the other activities of women in this historic decade.

Deputy Marcella Corcoran Kennedy: I thank the Minister for his response. We need to increase awareness and highlight the role of women in Irish history, including the impact and contribution they made to the political, academic, economic, social and cultural life of the country. From the Minister's response it is clear that this is the year for us to take the opportunity to do that.

I wish to acknowledge the input of my friend, Margaret Hogan, an historian from Birr, County Offaly, who gave me some material on this and enabled me to give an accurate account of what happened at that time. I will be parochial to relate an interesting story. Some of the prisoners were moved from Dublin to take the political heat from them. They were moved to Tullamore, County Offaly. It was reported that in 1913 the Tullamore Urban Council passed a resolution demanding political treatment for Irish suffragette prisoners.

Deputy Jimmy Deenihan: The Deputy will have an ideal opportunity to do something in June to mark that occasion. I am chairman of the decade of commemorations committee and I would be delighted to do something through the committee with the Deputy. If she can suggest an event and a location we can certainly do that following her initiative today in raising the matter in the House. I am sure the committee would be delighted to accommodate her.

Women's rights and the suffragette movement were specifically mentioned when we were appointing the academic advisory group. We added a number of experts to the advisory committee, including one in particular who has a special interest in the area of women's rights and the suffragette movement to cover precisely the issue the Deputy has highlighted. I can talk to the Deputy about organising an event to coincide with the anniversary of what happened in June 1912.

Community Employment Schemes

Deputy Sean Fleming: I welcome the opportunity to raise the impact the cutbacks in community employment schemes will have on child-care provision services, particularly for those in receipt of the one-parent family payment who are working on community employment schemes. There are 1,288 community child-care facilities, many of them heavily subsidised and many operating in very socially and economically disadvantaged areas. Approximately 20% of the 8,200 employees in these facilities are community employment workers. This means that

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approximately 2,000 people who are involved in community child-care facilities are community employment scheme workers. Approximately 70% of those people are lone parents. It is important to consider any change the Government makes in this area because it will have a disproportionate impact on lone parents working on community employment schemes, which have been cut as a result of the recent changes.

In the budget in December, and in the Social Welfare Bill that was then introduced by the Minister for Social Protection, changes to the community employment scheme for lone parents make it less attractive for single parents to stay on community employment schemes. Until recently, lone parents participating in community employment schemes could keep their one parent family payment, as well as receiving the community employment payment of €208 per week. Since January, they must give up one of these payments. Since then, we have seen people whose terms have ended on community employment schemes leaving those schemes and very few lone parents are now applying to start the schemes. As a result, many schemes are now finding it difficult to recruit people to work in child care facilities.

It is the norm for the majority of one parent families to have some part-time work and such a person can earn up to €146 per week and retain the entire allowance or earn up to €450 per week while still keeping a small part of the one parent family payment. A person earning €146 can keep the full payment of €188 per week. I cannot understand why of all employees, the only group to which the rule does not apply is to those on community employment. A person on community employment who earns more than €200 per week loses the entire entitlement to the one parent family payment. If that person was working in a shop next door to the community employment scheme, or even working in a child care facility but employed directly by the facility, she could earn more than €200 per week while keeping most of the one parent family payment. If she happens to be on a community employment scheme, however, she will see her income cut. It is discrimination, singling out the one parent family parent who is participating in the community employment scheme. It is also having a detrimental impact on child care facilities around the country. What has the Minister against one parent families and the community employment schemes? The Minister is singling out those in receipt of the payment and on a community employment scheme for the biggest cut in income that does not apply to any other category of employment.

Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley): Tugaim buíochas don Teachta as an cheist seo a thógáil ag an am seo.

There are currently 23,300 community employment places of which 2,200 places are ring-fenced for the delivery of child care services. Over the years community employment has become a valuable resource in the provision of a range of services to communities, including child care services. The total community employment expenditure on child care amounted to €29.4 million in 2011. There has been no reduction in the number of community employment places dedicated to supporting child care services.

The overall trend in demand for community employment places has not declined in recent months. All participants on community employment receive at least €20 per week in excess of their original social welfare payment. There are a large number of social welfare recipient categories eligible for community employment, for example, persons on jobseeker's allowance, as well as lone parents and community employment participation by lone parents is not restricted to child care projects. Notwithstanding this, the participation of lone parents on community employment make a valuable contribution to child care provision.

The Department is working closely with the Department of Children and Youth Affairs in relation to strengthening child care provision at community level. Child care support provided

under community employment fully supports the Early Childhood Care and Education Framework. While there is some indication that participation rates by lone parents have declined somewhat between January and March on community employment, it is too soon to say if this trend will continue. The Department will be monitoring participation rates of all the cohorts on community employment to identify any impacts of the removal of double payments to lone parents and people with a disability.

The one parent family payment is one of the range of social assistance payments available to people on limited means. In the past in Ireland, income support for people of working age, including the one parent family payment, has been passive in nature, with little systematic engagement by the State with the customer. This passive income support to people of working age is not now considered to be in the best interests of the recipient, of their children or of society.

Lone parent families continue to experience higher rates of consistent poverty in comparison to the population generally. EU-SILC figures published in November 2011 show that in 2010 9.3% of lone parents in Ireland were experiencing consistent poverty, compared to 7% of two-parent households and to 6.2% of the population as a whole. This indicates that the long-term income support that the one parent family payment scheme provided up to 2011, until children were aged 18, or 22 if in full-time education, to lone parents without any requirement for them to engage in employment, education or training was not effective in addressing the poverty and social exclusion experienced by some of these families.

The Department of Social Protection considers that the best route out of poverty and social exclusion is through paid employment. Work, and especially full-time work, may not be an option for parents of young children. However, supporting parents to participate in the labour market, once their children have reached an appropriate age, will improve both their own economic situation and the social well-being of themselves and of their families.

Deputy Sean Fleming: I also wanted to point out the benefits of people participating in this scheme. Until now, they were able to get FETAC qualifications.

I note the Minister of State mentioned there are indications that participation rates by lone parents declined between January and March. The change was introduced in January and it had an immediate effect, which has continued for the subsequent three months for which there are figures. The decline is continuing still. Logic dictates that if we cut the payments of people on these schemes, fewer people will offer to go forward. The Minister of State's script also pointed out that the level of consistent poverty among lone parents is 9.3% compared to 6.2% in the population as a whole. Consistent poverty, in other words, is 50% higher among lone parents. The Minister's response is to help them out of poverty by cutting their payments. I do not understand that logic. Perhaps I am stupid but I do not get how the Minister can say a group has the highest level of consistent poverty and to help that group, she will cut their payments. The Minister of State claimed this will improve their financial independence. It will remove their dependence on the State but the Minister seems to think there is a pot of gold there for them to earn money somewhere else, allowing them to be financially independent.

Two reviews of community employment are under way. Has the Minister considered as part of those reviews the impact of cut-backs on the one parent family payment recipients? Will they cover the impact of the cuts to child care schemes? Will the Minister of State consider the value of the training offered by these schemes until now?

The training and materials allocations have been cut while the reviews are under way. The schemes are now holding back from allowing people to go on training courses because they do not know what the budget will be for the rest of the year. Effectively, at local level within

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many of the schemes, approval to take up a training scheme or training day or week has been suspended because this review is continuing. I ask that it be concluded, the results published and the funding restored to the training and materials budget as urgently as possible.

Deputy Dinny McGinley: I stated in my original reply that there are, nationally, 23,300 community employment schemes of which 2,200 are specifically ring-fenced for the delivery of child care services. I understand that, as of April, there were 1,792 participants in ring-fenced child care places in community employment schemes. That is a significant number. I also stated there was some indication that participation rates for lone parents declined somewhat between January and March. We cannot be more specific than that at present but the situation is being monitored. Within the resources available, the Government places a high premium on the provision of child care places, given that 2,200 are already ring-fenced. The situation will be monitored as the year progresses.

Residential Institutions Statutory Fund Bill 2012: Order for Second Stage

Bill entitled an Act to provide for the establishment of a body to support the needs of former residents to be known as *Bord an Chiste Reachtuil Foras Cónaithe* or in the English language, the Residential Institutions Statutory Fund Board, and to define its functions; to provide for the making of contributions by certain persons; to amend the Residential Institutions Redress Act 2002; to amend the Commission to Inquire into Child Abuse (Amendment) Act 2005; and to provide for related matters.

Minister for Education and Skills (Deputy Ruairí Quinn): I move: “That Second Stage be taken now.”

Question put and agreed to.

Residential Institutions Statutory Fund Bill 2012: Second Stage

Minister for Education and Skills (Deputy Ruairí Quinn): I move: “That the Bill be now read a Second Time.”

Almost three years ago, this House passed a unanimous motion following the publication of the Ryan report, sincerely apologising to the victims of childhood abuse for the failure to intervene, detect their pain and come to their rescue. It accepted all the recommendations of the Ryan report and supported their full implementation, recognising that the victims of these appalling abuses must be consulted on the forms of support they need and that supporting the victims and survivors must be the priority for all concerned. The House called on the congregations to commit to making further substantial contributions by way of reparation, including towards a trust to be set up and managed by the State for the support of victims and for other education and welfare purposes.

The primary aim of the Bill now before the House is to establish the residential institutions statutory fund which was proposed in the motion adopted after the publication of the Ryan report. The statutory fund is a significant additional response to address the horrendous abuse of children that took place in residential institutions under the supervision of the State and run, in the main, by religious congregations. It will fund the provision of counselling, health, education, housing and other services for victims of abuse in residential institutions.

The publication of the Ryan report, with its catalogue of systemic abuse, shocked a nation that thought it was beyond being shocked. The litany and scale of the abuse recounted by anguished voices caused us, as a people, to be ashamed and to apologise to those whose childhoods were stolen and who, in many instances, could not live full lives as adults. The com-

mission's conclusions were unequivocal and damning, detailing the failures of those who managed the institutions and the failure of the State to protect its vulnerable children. Its report justified the decision to establish the residential institutions redress board to compensate survivors outside the court system. The report's findings are an indictment of us all and it is our duty to ensure that the lessons of the past are learned and that such abuse is never repeated. The scourge of abuse and the failure to deal with it promptly and adequately continues to afflict us in a variety of settings.

The Government is committed to fully implementing the Ryan report's recommendations. Significant progress has been achieved and is detailed in the progress reports on 99 individual actions. For example, the new Department of Children and Youth Affairs has been established and will be complemented by the new Child and Family Support Agency. The new Children First national guidance was published last year; the heads of the Bill to put Children First on a statutory basis have been published recently along with the Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Bill 2012, and preparations for the children's rights referendum are on target. Together these initiatives will help protect our children and ensure that the horrendous abuses suffered by so many are a thing of the past. We all have a duty to protect children and to act when we know that children are at risk.

A comprehensive response has been put in place to address the abuse suffered by so many in residential institutions. The Commission to Inquire into Child Abuse afforded those who wanted an opportunity to tell their story to do so. The Residential Institutions Redress Board provided financial awards. While the board continues to process the remaining applications received, it is likely that some 15,000 former residents will receive awards. The national counselling service and the family tracing service provided by Barnardos are other important elements of the State's response.

As recommended in the Ryan report, the provision of a memorial to survivors is being pursued and I understand that the selection committee expects to announce the competition winner in June. As I stated in the House during the debate three years ago, I believe the memorial should be a place of solace and reflection as well a significant reference back to a very different Ireland to which we must never return.

Many former residents continue to suffer the effects of the abuse they suffered as innocent children, even though this abuse may have taken place many years ago. The establishment of the statutory fund is a further important element in the State's response. While the redress scheme deals with the financial compensation for victims of institutional abuse, the statutory fund will focus on meeting the ongoing needs of victims by funding the provision of a range of services. This fund will be financed from the contributions offered by the congregations.

As Deputies will be aware, the Government believes that the cost of the response to residential institutional abuse, now estimated to exceed €1.36 billion, should be shared on a 50:50 basis, between the State and those who were responsible for the management of institutions. Under the 2002 indemnity agreement, the 18 congregations contributed €128 million, in cash, property and counselling services. Following the publication of the Ryan report, this House called on the congregations to provide further substantial contributions by way of reparation. In their responses, the congregations offered cash of some €110 million and offered to transfer properties, mainly in the health and education sectors and which they valued at €235.5 million, to various State agencies and voluntary organisations. With a 50:50 sharing requiring a contribution of €680 million, the congregations' offers fell short by some €200 million, even had all properties been acceptable and their values confirmed. The Government identified 12 property offers, valued at some €60 million, to be of potential immediate benefit to the State and the transfer of these properties is being pursued.

[Deputy Ruairí Quinn.]

This House will be aware both of my disappointment at the offers made to date and that I continue to pursue the 50:50 division with the management bodies involved. I have proposed the transfer of the ownership of the school infrastructure they possess, at no cost to the State, as one mechanism to allow those involved the opportunity to shoulder their share of the costs. I reiterate in the House what I have stated many times outside it, namely, the schools that would be transferred into the ownership of the State would continue in their own ethos until the operators of the schools decide otherwise.

I renew the call I have made to congregations to deal with the issue of contributions in a generous and open manner.

I have made clear to them that I have no wish to bankrupt them and I acknowledge the important, positive role they have played in the development of Irish life and society, particularly in the area of education. I also recognise the aging nature of those teaching communities. That should not mean, however, that they do not have to face up to their responsibilities for their congregations' involvement in abuse.

Returning to the statutory fund, which will be funded from the cash contributions received of up to €110 million, contributions of €21.05 million have been received and are held in an interest bearing account in the Central Bank of Ireland. The Bill confirms the charitable status of these contributions and will facilitate the congregations' contributions. While I expect that most congregations will forward their contributions on the establishment of the fund, I am engaging with some to clarify the exact timing of their contribution and expect to be in a position to confirm the position to the House as the Bill proceeds.

The Bill provides that former residents who received awards from the redress board or who received an award or settlement in court proceedings and who would otherwise have received an award from the redress board will be eligible to apply for assistance from the fund. It is expected that some 15,000 former residents, whether living in Ireland or abroad, will successfully complete the redress process and be eligible to apply for services they need.

I am aware of demands to widen eligibility to include all former residents of scheduled institutions and to include relatives of former residents. If eligibility were significantly widened to include, for example, all former residents of scheduled institutions, the amounts available to fund services for individuals could be greatly reduced and the effectiveness of the statutory fund would be put at risk. Having regard to the maximum funds available, €110 million, and the potential pool of 15,000 applicants, our approach is correct. The question of reviewing the eligibility under the statutory fund could, however, be considered following the establishment of the fund in the event of applications not resulting in a significant expenditure of the fund.

Part 2 deals with the establishment of the Residential Institutions Statutory Fund Board, which will operate the fund. I will appoint the board, which will comprise nine members, four of whom will be former residents of scheduled institutions. The other members must include people who have knowledge of, and expertise on, the keeping of financial accounts and disbursement of funds, the management and administration of an organisation, or the provision of an approved service. I intend to seek expressions of interest from suitably qualified and experienced persons for positions on the board and will ensure that the board is gender balanced, in so far as practical. There is no provision for the payment of remuneration to members of the board although reasonable expenses may be approved.

The board will serve a maximum term of four years and individual members can be re-appointed but may not serve more than two consecutive terms. As set out in section 7, the board will, in a manner that promotes the principles of equity, consistency and transparency,

use the resources available to it to make arrangements for the provision of approved services to support the needs of former residents, and pay grants to former residents in order that they may avail of approved services. The classes of services from which the board can determine the approved services to be provided are set out in section 8 and comprise mental health, counselling and psychological support services; health and personal social services; educational services; and housing support services, including adaptation or improvement of real property but not including financial aid for the purchase, mortgage or charge of real property.

Many of these services are already publicly available and eligible former residents may have an existing entitlement to receive them, whether living here or in other jurisdictions. If a publicly funded service is already available, there is no need for the fund to be used. If, however, there are restrictions on the availability of public services, for example where there are lengthy waiting lists or limits on grants, the fund may arrange for services to be provided. The board will be conscious of the need to secure the most beneficial, effective and efficient use of the resources available to it. It will provide information regarding its functions and will evaluate the effectiveness of approved services.

Section 9 provides that the board will set out the criteria by reference to which it will make decisions on applications to it. In determining criteria, the board will take account of the individual circumstances, including personal and financial circumstances, of eligible former residents. It will also assess the likely effects of the provision of the service on the health and general well-being, personal and social development, educational development or the living conditions of former residents. The board can apply financial limits to services or grants provided. It can specify minimum standards to be met by service providers and the supporting evidence to be provided by applicants.

The board can also determine criteria for exceptional cases where the standard criteria may be disregarded in order to address cases of hardship. All criteria determined by the board must be freely available. In response to applications made to it by eligible former residents, the board may make an arrangement with a person, whether or not the person is resident in the State, for the provision of an approved service to support the needs of a former resident; and pay a grant to a former resident, to assist them to avail of an approved service.

The board will set out the procedures to be followed when making applications, when considering applications and when communicating with applicants of decisions. Decisions on individual applications will be made by the chief executive or delegated staff member of the board. An independent appeals process is provided for in sections 21 and 22. The appeals officer will be appointed by the Minister and the right of a person, including the board, to appeal a decision to the High Court on a point of law is provided for.

The normal provisions relating to the conditions of employment for the staff of the board and the appeals officer are set out in the Bill and the chief executive is accountable to the board and can be called before the Committee of Public Accounts or Oireachtas committees. Standard accounting and reporting arrangements will apply to the board. As the administration costs of the board will be met from the investment account, every effort is being made to minimise the administration overhead.

Section 24 provides that the residential institutions redress board will furnish the board with the name, address and date of birth of recipients of awards. The board can only use this information to determine if a person is eligible to make an application to the board. This is a critically important feature of the Bill as it means that eligible persons will not be required to submit proofs of residency and abuse in an institution. This measure reflects the wishes of many former residents to have an easy to use application process. They do not have to go through the journey again.

[Deputy Ruairí Quinn.]

The unauthorised disclosure of confidential information relating to a former resident is prohibited and constitutes an offence. Similarly, the making of a false statement or provision of false information to avail of a grant or service is an offence. Section 25 provides that public authorities will co-ordinate their activities with those of the board. Provision is made that when requested to do so by the board, a public authority will nominate liaison officers.

Part 3 deals with financial matters. An investment account will be established by the National Treasury Management Agency from which the board will be funded. The contributions already received, together with any accrued interest, will be transferred to this account as well as further contributions received lodged thereto, up to a maximum of €110 million, excluding any associated interest. The agency will advance to the board the sums needed to meet its expenditure and the expenses associated with the appeals process. Any costs incurred by the agency will be met out of the investment account.

Standard provisions regarding accounts and audit by the Comptroller and Auditor General are provided for.

Part 4 dissolves the Education Finance Board and transfers its functions to the Residential Institutions Statutory Fund Board in relation to the moneys remaining from the €12.7 million contribution provided by the congregations under the 2002 indemnity agreement. The Education Finance Board advised me late last year that it expected its funds would be fully allocated on applications received by the end of November, 2011. It publicised that it was not therefore in a position to process any applications received after that date and it continues to process its backlog of applications. The current staff of the Education Finance Board will transfer to become employees of the new board. The statutory fund will prepare final reports and accounts of the Education Finance Board which will be laid before the Houses of the Oireachtas.

The Bill does not include provisions in respect of the winding-up of the new statutory fund board. While it is envisaged that the board will be dissolved when the moneys at its disposal are expended, the precise timing cannot be predicted and accordingly it would be preferable to introduce amending primary legislation to dissolve the board in due course.

Part 5 deals with two issues. Section 42 addresses the charitable status of contributions by charities which administered ran scheduled institutions. It allows those charities to make cash contributions either to the Residential Institutions Statutory Fund or as contributions towards the costs of the response to residential abuse and to transfer property to the Minister. Such contributions and transfers are charitable gifts and as Minister, I can receive same, with the approval of the Minister for Public Expenditure and Reform and may direct that properties be transferred to other Ministers, to the HSE or to a VEC. The charities require the approval of the Commissioners for Charitable Donations and Bequests for Ireland to sell properties and to use the proceeds to make contributions or to transfer properties. The Commissioners are empowered to authorise property transfers as contributions towards the costs of redress. They are also empowered to authorise the sale of properties to realise cash contributions towards the Residential Institutions Statutory Fund or as contributions towards the costs of the response to residential institutional abuse.

As Deputies will be aware, it is intended that cash contributions, in addition to those for the statutory fund, towards the costs of the response will be used for the national children's hospital. I am satisfied that the provisions of this section will facilitate the making of contributions and the transfer of properties by congregations.

Section 43 amends the Residential Institutions Redress Act 2002 to allow the redress board to strike out applications and requests to accept late applications where directions of the board are not complied with. The board is required to give at least 28 days notice of its intention to

strike out such applications or requests. Provision is also made to allow an applicant appeal to the review committee a decision of the board to strike out an application under section 13. These provisions will allow the redress board to finalise cases currently on hand and it will assist in the planning for the winding-up of the board. Every effort has been made to design an accessible scheme while operating in an efficient and effective manner. This Bill is an important initiative to support victims of residential institutional abuse and I commend it to the House.

Deputy Brendan Smith: I welcome the introduction of this Bill, the importance of which has been outlined in detail by the Minister. The Residential Institutions Statutory Fund Bill 2012, provides for the establishment of a statutory fund to support the survivors of residential institutional child abuse, the Residential Institutions Statutory Fund Board. As the Minister said, this initiative follows on from the unanimous motion of this House approximately two years ago, following publication of the Ryan report.

It is proposed that the board will oversee applications for assistance and make arrangements for the provision of approved services or grants to former residents. The fund will be entirely financed by contributions from the religious congregations. Eligibility for assistance from the fund is confined to those who received an award from the Residential Institutions Redress Board or who received an equivalent court settlement. As outlined by the Minister, the Bill also provides for the dissolution of the Education Finance Board and the transfer of its functions to the Residential Institutions Statutory Fund Board.

However, I have some difficulties with some provisions of the Bill as currently proposed and to which I will refer in detail on Committee Stage, notwithstanding my overall welcome for it. This legislation is a further and necessary element in a number of State response initiatives to the very serious issues of abuse in residential institutions. It provides for the establishment of a fund to support the victims of abuse in residential institutions. As has been indicated for some time, the fund is to be financed by contributions agreed with the religious congregations. Supporting the education, health and welfare needs of the survivors of residential child abuse is the remit of the fund and it will provide very important services.

In May 1999, the then Taoiseach, Bertie Ahern, on behalf of the State, stated that the Government wished to make a sincere and long-overdue apology to the victims of child abuse. He stated at that time that too many children had been denied the love, care and security to which they were entitled. He also said that abuse had ruined their childhood and had been an ever-present part of their adult lives. He emphasised that the Government believed they had been gravely wronged and that the State must do all it could to overcome the lasting effects of their ordeals. During a debate in the House last July, in which we discussed the legislation regarding the Residential Institutions Redress Board, the view was expressed that those statements by the Taoiseach on the part of the Irish State, were long overdue.

Significant work was carried out by the Residential Redress Board. The provision in the original Act to enable the board to accept late applications was clearly a good and prudent one. Years after the original deadline, a substantial number of applications were submitted and approved.

The Bill setting up that board was published by the then Department of Education and Science in June 2001, two years after the then Taoiseach apologised to victims of physical and sexual abuse in reformatories and industrial schools for which the State had responsibility. Its purpose was to provide fair and reasonable financial awards to victims of institutional child abuse. That apology on May 9 1999 followed the broadcast of a television series dealing with these important and very distressing issues. So many innocent people were admitted to dark and grey institutions and many suffered for years. The compulsory admission of so many people to those institutions was absolutely shocking.

[Deputy Brendan Smith.]

At that time, a constituent of mine, whom I have known for more than 20 years, a man who has become a friend of mine, spoke to me and outlined his experiences as a former resident of an institution in our capital city. He recalled the horrors to which he was also subjected when he was employed by private employers at Easter, Christmas and during the summertime. Not alone was that young man abused in the institution, but sadly abuse was also perpetrated in the private sector and in the community by heartless and terrible employers.

In the meantime the Ryan and Murphy reports also revealed the horror of child abuse. Last year in this House, when we discussed the Residential Institutions Redress (Amendment) Bill 2011, I expressed my concern about the cut-off date of 16 September 2011. During debates on Second, Committee and Report Stages, I requested the Minister and Minister of State to provide some mechanism within the legislation that would enable the acceptance of a genuine application post-16 September 2011.

On this side of the House we urged the Minister and his Department to ensure that the decision to have a close-off date should be publicised as much as possible. We urged that the various voluntary organisations and sporting organisations, particularly those working in the Irish Community abroad, should be encouraged to do their level best to ensure that people would know of that particular close-off date. We requested the best possible and appropriate information campaign. I spoke to some of the advocacy groups working abroad and they are still concerned that some potential applicants will not have an opportunity to apply for the assistance that was available under the redress board.

None of us in this House would like to see any individual deprived of his or her rights. During the discussion on the Residential Institutions Redress (Amendment) Bill 2011, I asked if it would be possible for the Government to incorporate in the Residential Institutions Statutory Fund Bill the residual functions of the redress board. That would enable the work of the redress board to be activated again should applications that meet the criteria applied by the redress board arise. A small number of eminent people could constitute that board and eliminate unnecessary costs, while dealing with genuine applications.

To my knowledge, when statutory agencies previously ceased to exist, residual functions were transferred back to the parent Government Department and, when necessary, the legislation could be invoked to deal with issues arising. When so much good work has been done under the auspices of the redress board, it would be unfortunate and regrettable if any individual, or a small number of people, were deprived of their right to avail of the support that was there under the redress scheme. Such a measure as I have mentioned could be incorporated in this particular legislation. Hopefully, it would not need to be activated at any time but it would be a safeguard to ensure that nobody, through illness or some other situation, who is not in a position to be advised or to know of the existence of the scheme, would be left out. It would be a source of disappointment to all of us if in a number of months time or later, some people became aware of the scheme, would meet with the relevant criteria, but were not able to avail of those supports.

As each year passes there is, by definition, a smaller and smaller cohort of potential applicants. This is a cause of concern to some of the advocacy groups in Britain, in particular, and further afield. I am familiar with one particular advocacy group in London with which I have met to discuss this matter.

On Committee Stage I would like to have this proposal revisited. Perhaps at the conclusion of this debate the Minister might be able to update us on the best advices available to his Department in relation to potential applicants having missed last September's deadline.

I wish to put on the record of the House a communication I received from an advocacy group that does its work in a diligent, thorough and committed manner. I quote from the document, as follows:

Eligibility to receive assistance from the fund is being confined to those who received an award from the redress board or those who received awards pursuant to court actions, and who would otherwise have received awards from the board. However, this definition will exclude many of these who have suffered most from institutional abuse. Just over 1,000 individuals presented evidence to the CICA — less than 1% of the estimated number of children to have been admitted to residential institutions between 1936 and 1970. There is strong evidence of high levels of institutional abuse among people who are homeless, in places of detention and in mental health services, and who were therefore not in a position to make claims. Therefore people who have not come to terms with their abuse, have not heard of the redress initiative and/or are so damaged that they did not have the financial or psychological resources to attend, will be unable to receive assistance from the fund. In other words, some of those who have suffered most and are most in need of help will be unable to benefit from a scheme designed to help survivors, because of Government legislation. The State will have failed them not once, but twice.

The advocacy group went on to suggest some amendments that I can submit to the House for consideration on Committee Stage. What has been clearly emphasised to me through these representative groups is that we need to amend the definition to ensure that the most marginalised survivors of institutional abuse will not be left behind in some instances.

I welcome the Government's commitment to put the Children First guidelines on a statutory basis. All State agencies must work together with clarity in following and implementing the guidelines. There must be consistency and uniformity across the State and the guidelines must be implemented throughout the country in the best interests of all children.

In April 2010, the then Government announced proposals to use €110 million of the offers of contributions to be made by the religious congregations to establish this fund. A wide-ranging consultation process was undertaken with survivor groups and congregations with views on the scope of the fund widely sought. Understandably, a diverse range of proposals were put forward by the different groups. In recent months, together with other Members of the Oireachtas, I have received numerous representations and proposals from different groups and many individuals in regard to the disbursement of this funding, the type of service to be provided and the mechanism for providing such necessary services.

Through parliamentary questions in this House on a number of occasions I requested the Minister to ensure that the various proposals and submissions made by different group be given the detailed consideration and analysis to ensure that the best possible proposals are adopted and put to use in the best interests of those who are entitled to such support and assistance.

We need to ensure that the maximum level of funding is put into the delivery of services to these individuals and that whatever costs are incurred in rolling out the programmes are minimised and kept to the lowest possible level. We want to see effective and beneficial supports in place for those former residents. The costs of providing some architecture of delivery must be minimised. I hope the structures outlined in the legislation will not be over-bureaucratic or costly.

Over the past decade and more, many individuals and groups have worked very hard in dealing with difficult situations in being effective advocates for so many individuals who suffered so much. I compliment those individuals and those groups on what is, understandably, a difficult situation. They have been consistent and diligent in their representations. I want to

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place on the record of the House my admiration for the huge amount of work they have put in over the past decade and longer. I have been familiar with their work over the past 12 months since becoming my party's spokesperson on education and skills.

I wish to refer a few issues to the Minister to which he might respond when replying to the debate. The Minister stated that €21 million of the €110 million that would be made available through the fund, and which represents that cash portion of the offers made by the religious congregations, is already in the Central Bank. I presume he is satisfied that the remaining commitment will be honoured in a timely manner. I hope he will be able to provide clarity as to when it is expected those contributions will be made. The commitment has been made and it must be honoured. A further question I had regarding charitable status has been answered by the Minister in his script in regard to the transfer of property.

The Minister said he will not be opening up eligibility to all former residents of institutions as the amount available would be greatly reduced along with the effectiveness of the fund if that were to be the case. It is only open to those who applied for compensation through the redress board. I have already outlined, at some length, my concern about some individuals, who met the criteria to have been given support by the redress board, who may be excluded. Am I correct in thinking that people who went before the Ryan commission are also excluded? I may not be clear on that but we may get confirmation at the end of the debate.

The Minister stated in a reply to a parliamentary question that he would consider reviewing who is eligible to apply for assistance following the establishment of the statutory fund in the event that applications to the fund not resulting in a significant expenditure of the fund. I tabled a number of parliamentary questions during recent months encouraging and urging the early publication of this legislation. The Minister in a reply to a recent parliamentary question stated, "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".

A further issue that keeps cropping up is that of the residents of the Magdalene Laundries and the difficulties they endured. Two or three further issues have also been brought to my attention. When the redress board was established I understood a firm commitment was given by the Government that there would be no means testing of the provision of services or means testing or taxation of the awards that were given. That has been honoured to date but there is a change in the legislation in regard to means testing of the provision of services. My reading of the provision in that respect may be incorrect and I hope it is.

On the issue of the national memorial, to which the Minister also referred, I understand a number of the representatives groups met Mr. Benton and the OPW at the time and they put a number of issues to the OPW regarding the timing of the provision of the memorial when all the other issues have been dealt with. That was my understanding in that respect.

On the issue of data and documentation held by the redress board, the Minister has rightly stated that the application process will be as practicable and as least bureaucratic as is possible in respect of the transfer of the basic amount of essential data. There is also the question of the storage of the documentation, which is absolutely confidential, on which the redress board worked. The Minister might give us some indication at the end of the Second Stage debate as to the long-term plans for ensuring the absolute confidentiality of the data that has been collected.

I wish to briefly mention one or two further issues. On the children's rights referendum, when I was Minister of State with responsibility for Children I brought a proposal to Government in late 2007 or early 2008 to establish the all-party Oireachtas committee. Excellent work was done by all the participants of all parties on that legislation.

An Ceann Comhairle: The Deputy's time is up.

Deputy Brendan Smith: It was suggested here a few months ago that the children's rights referendum might be run alongside another referendum. I said in this House that under no circumstances should that happen. I gather the Taoiseach said today, when following the proceedings on the monitor in my office, that it would be a stand-alone referendum, and that is what it should be. It is an extremely important referendum.

An Ceann Comhairle: The Deputy has gone over his time.

Deputy Brendan Smith: The Minister has renewed his call to the congregations to ensure that they deal with the issue of contributions in a generous manner. I echo that call. They must face up to their responsibilities in that regard.

An Ceann Comhairle: Thank you, Deputy.

Deputy Brendan Smith: Overall, I welcome the legislation. I have flagged a number of issues I will raise for further discussion and on which I may table some amendments on Committee Stage.

Deputy Ruairí Quinn: Thank you, Deputy.

An Ceann Comhairle: The next speaker is Deputy Mary Lou McDonald who I understand is sharing her time.

Deputy Mary Lou McDonald: I wish to share my time with Deputy Sandra McLellan.

An Ceann Comhairle: It is Deputy Stanley I have listed here — I will note the change.

Deputy Mary Lou McDonald: It was changed.

It is important to say at the outset that the State and the Government continue to fail the women and children of the Magdalene Laundries and Bethany Home. It is to the great shame of the Fine Gael Party and the Labour Party that they have done nothing to right the wrong perpetrated against these women and children despite having been so critical of the previous Government's inaction when in opposition.

The current Minister of State, Deputy Kathleen Lynch, said in 2010 that former residents of the Magdalene Laundries and Bethany Home must be included in the redress scheme. She went on to criticise the then Minister for Education and Skills for failing to allow these institutions to be included in the list of qualifying institutions for redress. She went on to say that for her, and I quote, it "was becoming clearer and clearer that these institutions were, to all intents and purposes places of detention, and that as such, "residents" were effectively sentenced by servants of the state, to periods of confinement therein". The Labour Party Minister of State, when in opposition at the time, concluded her outrage with a demand for Government to do the right thing. She was correct to do so.

If we go further back to 2005, the Minister's party colleague, the Minister of State, Deputy Jan O'Sullivan, rightly described the scandal surrounding Bethany Home as a matter of national importance. In the same year the Minister of State, Deputy Joe Costello, called on the Government to include Bethany Home in the redress scheme. All three of those Labour Party Deputies are now Ministers of State — they are part and parcel of this Government. During their years on the opposition benches they all shouted loudly against the decision by the Fianna Fáil led Government to exclude the Magdalene Laundries and Bethany Home from the redress scheme. They were right to do so, but I have to ask where are they today? What is the point of being

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in Government if one does not act against the very injustices that so exercised one when in opposition?

Just yesterday the Justice for Magdalenes group released new evidence of 38 women and children having been committed to the Magdalene Laundries by the State. In one case, a girl — a child — of just 14 years of age was sent to High Park for two years in 1930 for perjury. As recently as 1983 an unnamed girl — a child — of 15 years of age was committed to the Good Shepherd Convent in Cork for theft. I could go on.

Over the last week criticism has been correctly levelled at the Roman Catholic Church by people on Government and Opposition benches. It is important in the course of this debate to remind ourselves that the State equally has a case to answer. The Minister for Justice and Equality, Deputy Alan Shatter, said when in opposition that there was irrefutable evidence that the State was, as he put it, “directly complicit” in the confinement of these women and children. The evidence is there — we all know this — and it should not be the case that groups like Justice for Magdalenes or Bethany Home survivor, Derek Leinster, have to keep fighting this fight. Religious orders fundamentally abused their position within Irish society but the State was culpable too. Both must step up, accept responsibility and provide survivors and their families with the redress, supports and services that they now need.

The Bill legislates for the provision of support to people who suffered the most grievous abuse within State and church-run institutions. These institutions, instead of providing a safe haven and secure environment for children and young people, were often places where the most sadistic cruelty was inflicted. The legacy of the religious orders in these institutions is one of sexual, physical and mental abuse. The State compounded the pain and damage to our most vulnerable children by its decision to turn a blind eye to what was happening.

There are differing views on what are the best ways to compensate and support victims of church and State institutional abuse. Each opinion must be listened to and considered. The State must be humble in its response. It failed these people before and it cannot do so again. The Government needs to do much more than provide a sympathetic ear for those who have raised concerns about aspects of the Bill. Everything possible must be done to ensure the victims of abuse receive just recompense.

It seems wrong to have to reduce this debate so quickly to pennies and pence. I do not know that any of us can put a price on assisting survivors and their families to put their lives back together. Last week, a gentleman on the radio spoke about the need to move on. He spoke of wanting to apologise to his former partners for the difficulties in their relationships due to the abuse perpetrated against him as a child while in State care. My heart broke for this man. How can we put a price on giving him whatever support or redress he needs to move on?

The cost of redress is expected to reach €1.36 billion, and the religious orders need to pay up. Holding back on these moneys is creating additional hurt among victims and this is a situation the Government must address firmly and clearly. I have very serious concerns about the fund’s eligibility criteria, which is to be confined to those who received an award from the redress board or compensation following a court decision or settlement. Those who have not received redress to date will be blocked from accessing the fund and as a consequence the State will have failed them yet again.

It is important to note that 40% of the applications made to the redress scheme were by former residents living outside the State. The implications of the abuse they suffered impacted on their education, leaving many illiterate and some destitute. Far too often we hear of now elderly former residents of these institutions who have struggled to integrate themselves into their communities and now live a life of poverty, some in Britain or the US. All they want in

life is to return home to Ireland to live out what remains of their lives. However, no provision has been made for them. In this context we are concerned about the Government's intention to end funding outreach services once the statutory fund is established. I appeal to the Minister to reconsider this. Medical insurance is a real problem for survivors living in the US and Canada, as are nursing and residential care. In what way does the Government and the State intend to support their needs? Consideration must also be given to the views of some former residents who believe the distribution of the available money should be paid directly to survivors in lump sums.

Campaigner Paddy Doyle has noted the vast majority of former residents posting comments on his website are opposed to the statutory fund. Unlike the redress scheme, which provided financial compensation, the new fund will provide for a range of services instead. When we consider how the State failed survivors as children it is understandable they would now not trust the Government to decide on their behalf what their wants and needs are. It cannot go unsaid that the redress scheme itself was for many a truly awful experience. Sean Leonard of Justice and Healing for Institutional Abuse has noted the legal fraternity made a fortune out of the redress scheme. He states survivors were poorly treated when interacting with Departments. We must learn from this.

There has been, rightly, collective outrage against Cardinal Seán Brady's failure to tell parents that their children were being abused by, or in danger of being abused by, Fr. Brendan Smyth. Many of us have read with horror the questioning by the church that survivor Brendan Boland had to endure at just 14 years of age. For many the redress board process was an equally cold and harsh experience. Lessons must be learned from this.

Councillor Sally Mulready, chair of the London Irish Women's Survivors Support Group has said applicants to the redress board who were rejected on the grounds of being late should not be excluded and I agree with her. We have been told the funds supports will include access to counselling services, health care provision, housing needs and education. We need to ensure these services and supports will be adequately resourced and delivered. The Minister has also said the fund will promote understanding of the effects of abuse on former residents among service providers and will evaluate the effectiveness of the approved services in meeting the needs of former residents. In all honesty I question the capacity of the Government to deliver on this commitment, and I feel very sure that many survivors equally question it.

Child victims of sexual abuse whose cases have been taken up by the State can wait several months before even the most basic counselling services are provided. Often their families receive no counselling whatsoever. Last month the HSE revealed that approximately 178,000 people are on outpatient waiting lists to be seen by a consultant after referral by a GP. Tens of thousands of citizens have been waiting years for housing and may never in their lifetime move off the housing waiting list. The Government plans to cut a further 37,000 public sector jobs, so how can we guarantee and reassure victims and survivors that their needs will be met?

Christine Buckley of the Aislinn Centre has noted enhanced access to counselling services and education have greatly reduced recidivism but so much more is needed. Access is important but, in equal measure, so also is the time involved in accessing the supports and services. In many instances we are dealing with very elderly people who require urgent assistance. There is the reasonably held view that many of these services are already available to people as a matter of right, meaning the benefits of the statutory fund will be minimal. This is a point that should be made. Paddy Doyle, whom I mentioned earlier, has also noted that as survivors get older, their needs change, particularly when their levels of mental health and mobility deteriorate. As a result, some survivors will have greater needs than others yet it is unclear how the board will deal with these changing needs and, in some cases, imbalances.

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The fund should have provision to pay for the education requirements of children whose parents were the victims of abuse. This can be an important step in breaking the cycle of inter-generation hardship that can be directly attributed to institutionalised abuse. John Kelly of the Irish branch of Survivors of Child Abuse, SOCA, has suggested the introduction of a universal card scheme whereby each survivor would get credits and these could be conferred to a family member.

The legislation must also examine how the awarding of assistance will affect residents of the Six Counties and Britain whose benefits are means tested and must be protected. Children of survivors will be excluded from accessing services as provided for in the Bill. This is a mistake. Full access to education and counselling are critical components to breaking a cycle that began with the State's failure to protect our vulnerable children.

A former resident of an industrial school in County Kerry wrote last month in a letter to *The Irish Times* of wanting to give her children what she had been denied, an education. This woman's right to education was denied by the State. Her father was also a survivor of an industrial school and both her parents were illiterate. She described how her son has achieved 11 honours in his junior certificate — a bright lad — but now she worries that the family will not be in a financial position to send him to college. Perhaps, in an even worse indictment against this Government, the young lad is considering leaving school so he can help support his family, as his mother's community employment Scheme will end in November and the family's income will be reduced. The letter concluded by saying that education is the passport to ensuring that the family's cycle of deprivation and social welfare dependency does not continue. This is a position of common sense and dignity, and I urge the Government to adopt it and listen to the words and needs of this woman.

Speaking in the Dáil in 2009, the Minister, Deputy Quinn, said: "No words of mine or of anybody else in the House can undo the damage, harm or hurt caused to and which continues for those people. However, the actions that we take can make some redress to them, their children and their children's children". He went on to charge the then Fianna Fáil Government for having "let free the horrendous record of the Department of Education and Science that continues to the present day". He put it to the Minister that there was a continuing culture of deferment and obedience to the Roman Catholic Church and its religious orders in the then Department of Education and Science that had frustrated getting answers to the most simple questions.

I believe the Minister spoke with integrity on that occasion. Now, he is in charge and is making the decisions. He cannot afford to get it wrong. Of all the matters raised in the course of this debate and on Committee Stage, the issues of eligibility and ensuring the State, in the most fulsome way, recognises the damage done to victims and survivors and compensates them in the fullest way must be clearly guaranteed and underwritten in the legislation. I do not believe that is yet the case. The issue of means testing the provision of services to any of the victims or survivors must be clarified. Survivors must have the comfort of knowing that they will have access to properly resourced services, with no impediment put in their way by the State.

Now that he is in the Government, does the Minister have the same courage he displayed when he was in the Opposition? I hope he does. The victims, survivors, their families and their communities need a full resolution from the Minister. That is the least all of us owe them. I commend them for their efforts. I hope the Minister has listened to our words and that we can constructively fashion the legislation to meet all those needs.

Deputy Sandra McLellan: First, I offer my heartfelt sympathy and support to the survivors of abuse in institutions in this State. Some are in the Visitors Gallery this evening, and I salute

their courage and determination. Only for them this issue would never have reached the light of day. Only for the survivors, their families, friends and campaigners the cosy cartel of church and State would have continued.

Citizens of this State have been done a service by those who have campaigned for justice and compensation for the survivors of abuse in institutions. For too long their voices went unheard. In fact, for decades they were simply silenced by the crozier and by those in positions of power. Unfortunately, some of those people sat in the seats we sit in today. They chose not to see, hear or do anything to address the massive abuse that was taking place in institutions in this State. Over the years and after many column inches, documentaries and reports, a Bill is finally before the House. Unfortunately, however, the Residential Institutions Statutory Fund Bill has serious shortcomings. Many people had great hopes that the new Government of Fine Gael and the Labour Party would listen and act in the survivors' best interests, but that does not appear to be the case.

Having met with some of the survivors' campaigning groups I agree with their analysis that this Bill must be amended if it is to meet the need of survivors and their families. There are a number of key issues. First, the compensation available must be expanded to include children and grandchildren of survivors, for many of them have suffered because of the abuse visited upon their fathers, mothers and grandparents. They have had to live with and endure pain and suffering for crimes committed against their loved ones and they deserve adequate compensation.

Second, survivors who have not received compensation from the current redress board must be covered by this Bill. People who did not put their case before the current redress board suffered no less than those who did. Many did not put their cases forward for genuine, personal reasons. In some cases it caused too much pain; in others they simply did not want their families to know about the pain and suffering they had gone through. Some were resident outside this jurisdiction at the time. These are all sound, genuine reasons and the Minister must amend the Bill to take account of them. If the Bill excludes one person, it is fundamentally flawed and must be amended. The Bill must be as inclusive and humane as possible.

Third, in the case of survivors who have passed away, their next of kin must be allowed to apply for compensation for the reasons I have just outlined. The abuse that was suffered did not simply end once somebody was buried. Abuse of this nature can affect families for generations if it is not addressed properly.

Another serious concern is the length of time it will take to administer the fund. Many people eligible for this fund are already in their latter years. The fund must be distributed with minimum bureaucracy. A time frame must be agreed to ensure applications are processed with ease and speed and the compensation is distributed as quickly as possible. The fear for many is that the bureaucracy surrounding the fund will become more important than the survivors. That cannot be allowed happen. There should be no gravy trains for the lawyers or administrators of the fund.

Finally, it is my understanding that of the €110 million being made available only €17 million is available in cash. The rest is in the form of land and buildings. If this is a fact, I urge the Government to front-load the remaining €93 million into the fund so the full compensation is available. In conclusion, I appeal to the Minister for Education and Skills, Deputy Ruairí Quinn, to redraft the Bill to make it more inclusive, robust and accessible for the people it is meant to support.

An Ceann Comhairle: I now call on Deputy Joan Collins, who is sharing time with Deputies John Halligan, Richard Boyd Barrett and Seamus Healy.

Deputy Joan Collins: The first time I had an opportunity to speak about survivors of clerical sexual abuse was a number of months ago, on the closing date for people to access the redress board. I opposed that for all the reasons outlined in the Dáil tonight. It must be seriously re-examined to see how the date can be extended to accommodate people who, for reasons we do not understand but which they understand, cannot or will not or find it impossible to come forward. Their genuine fear of coming forward should be taken into account. That should be the first port of call in the discussion on the Bill that has been introduced by the Minister.

On first reading through the Bill, I thought it appeared to be quite reasonable. I noted how it provided for four survivors on the board of nine members, which also included the chief executive officer and chairperson, as well as having accountability linked in with it. I also noted the provision for an appeals process and so on. However, on reading through it a second time and examining it in greater detail, I noted how the staff of the Education Finance Board is to move over to the new residential institutions statutory fund and will be paid therefrom. Moreover, their pensions will be paid from the €110 million allocated to that fund. In addition, board members will receive expenses, to which they are entitled, but I note they also will be drawn from the fund, as will the salary and pension of the chief executive officer. Similarly, the appeals officer will be paid from the fund, as will the staff he or she takes on. Finally, any committees that are established will have their expenses and allowances paid for from out of the fund.

I then read through the Bill a third time, to better grasp its impact. The point that has been made forcefully to me by various groups is this fund has the potential to become a bureaucratic quango. Moreover, it does not address the needs of the survivors. As the legislation will allow the board to give money to the Minister for the appeals officer, wages, expenses and so on, what proportion of these costs will be taken out of the €110 million? I believe that 99% of the fund must be given to survivors, which is the purpose of setting up the fund, not to create a position whereby money must be drawn out of the amount allocated to the fund to pay people. This point will be important and the legislation must be amended to effect this change.

However, this can only be done in the context of the necessity to reconsider the Bill in its entirety. The point has been made to me by survivors that their experience of the Education Finance Board was it was extremely difficult for families and individuals to gain access to the fund. They were obliged to go through hoops to gain access to it by filling out application forms, proving identities, etc. For example, one of my constituents is pursuing a VEC course comprising four modules. She started off with two modules and has submitted applications for funding in this regard but has received no response. Moreover, I read in the Bill that it will be closed from November and I am unsure how this will link in with the new board that is being established. In addition, I refer to the experiences recounted by people from organisations such as Survivors of Child Abuse, SOCA, regarding efforts their families had made to gain access to funding from the Education Finance Board. It took nearly 18 months for their families to try to access it and they gave up. They simply stopped as it was not worth their while. They walked away, stating that getting such funding was too difficult. I am particularly fearful in respect of this Bill that people will encounter similar difficulties in respect of the applications and hoops through which they must jump to get access to its provisions pertaining to health, housing, education, etc. and amendments must be made in this regard.

In addition, I note that unlike the Education Finance Board provisions, families are being excluded from access to the new fund. This also is a matter of concern among the survivors of abuse because, as has been observed in this Chamber, many of the aforementioned survivors are extremely elderly. I spoke to one such survivor today, who left Daingean in 1967 and who now is 61 years old and who probably is one of the youngest survivors. The survivors' groups seek a time limit as to when this money will be spent, as it should not be available for ten

years. The Education Finance Board had access to €12.7 million and took ten years to distribute that amount. The sum of €100 million is being provided for under this Bill and the question arises as to how to disburse it. A time limit must be imposed to avoid timeframes of 12, 13 or 15 years, by which time those who need it most will not be able to avail properly of it.

I also wish to raise the question of the bureaucracy this legislation will entail. Would it be possible to put in place a system similar to the HAA positive action medical cards provided to hepatitis C sufferers to provide access to health services? People should be considered according to the quantum of money they received from the redress board and an appropriate percentage could be given to them. I note all the names, addresses and contact numbers are available and a card could be used to allocate medical care, health, housing applications or whatever. Credits on such a card could be used by survivors for to access such funds for housing, were they in need of an extension or if they needed to build a flat or toilet downstairs in their houses. I propose a mechanism whereby people receive funds directly and rapidly to be used for their best benefit. Such amendments must be considered, rather than people being obliged to apply, make applications and so on, in what can be extremely difficult and bureaucratic procedures, to gain access to redress from that perspective.

I will conclude by noting many people had thought this issue was behind us and which they would not be obliged to consider again. However, there has been another outbreak on foot of Cardinal Brady not handing over the names or telling the families of the young boys who were being sexually abused by Brendan Smith all those years ago. Memorials are good and I acknowledge a number of people seek the creation of a memorial in recognition of what happened. However, unless the institutions are brought to account and to book in respect of their past and present by recognising what happened and then taking responsibility for it, there still is a long way to go to address these issues.

Deputy John Halligan: First, I remind Members that a recent Amnesty International report described the violations against children that have taken place in this country as some of the greatest human rights violations in the history of this State, which satisfy the definitions of torture, slavery and cruel and inhumane treatment as laid down under international law. At the outset, I welcome any move the State makes to acknowledge and face up to the terrible suffering and trauma endured by so many at the hands of church officials. For instance, the provision of counselling and education could be of great help and comfort and the tracing service provided by Barnardos has made a real difference to many people. However, like many other Members, I am concerned the Minister has not adequately ironed out all of the concerns of the representative groups prior to bringing forward this legislation.

This new fund will replace the Education Finance Board, which was founded at the time of the 2002 agreement. A number of survivors who have been in contact with me — I note some from my constituency are present today — are concerned that the framework will not cater adequately for the needs of children and grandchildren who have been availing of assistance through the education system. This is a source of great worry for many people and must be addressed.

In addition, research by the National Suicide Research Foundation has noted that interaction with family members is a key factor in ensuring survivors do not commit suicide, which is a huge issue for many of those who have been affected by such horrendous crimes.. Moreover, front line workers will confirm the great significance of the inter-generational effect institutional abuse has had on many families in Ireland. Consequently, it is deeply regrettable that the Government has decided to remove family members from access to the education fund and this decision should be reviewed. It is a poor decision to make because many family members who were not directly affected by abuse are now affected because of what has happened. Last

[Deputy John Halligan.]

year, just under 22% of the applicants in receipt of grants were former residents and almost 74% were relatives, of whom 47.6% were children and a further 26.2% were grandchildren of former residents. The previous arrangement allowed these victims to at least provide their children or grandchildren with what they themselves were denied, namely, an education of choice. The Government should reconsider this provision.

In addition, there has been significant recent media attention on the massive shortfall in the compensation fund since the 2009 Ryan report revealed the shocking extent of decades-long sexual, physical and psychological abuse of the most vulnerable in institutions. It is scandalous that the church still is not shouldering its share of the costs of responding to the horrendous wrongs suffered by these children. While I compliment the Tánaiste on his decision to close the Vatican embassy, it is regrettable it was closed for cost cutting reasons. As I stated previously when the Tánaiste announced the closure of this embassy, it should have been closed and the Papal Nuncio sent packing because of the Vatican's interference in this State.

It adds insult to injury to those affected by institutional abuse that under one fifth of the promised amount, €21.05 million, has been received to date. A number of congregations previously advised that they would make their contributions once they had sight of the proposals for the fund. Have further moneys been forthcoming since this Bill was published? Is the €21 million paid thus far sufficient to enable establishment of the fund and to commence its work of supporting survivors? Will the Government be making an annual supplement to the fund to ensure its longevity for as long as the survivors need it? It is important that there is continuous funding available to the families and survivors for the remainder of their lives. The Government needs to put some thought into this.

The deferential treatment shown by members of the Garda Síochána to priests and bishops accused of abuse in Irish institutions is one of the most shameful incidents of criminality in the history of our State. Every file referred to the Director of Public Prosecutions alleging abuse by clergy and the religious needs be reopened and re-examined to ensure no incident of clerical child abuse goes unaddressed. The Government should prior to the passage of this Bill give a commitment that this will be done. State reluctance to prosecute those who turned a blind eye to abuse is one of the reasons child abuse remains a serious threat in this country, despite over a decade of inquiries and reports revealing the suffering of tens of thousands of children at the hands of church and State.

I congratulate all those people around the country who have spoken out about the horrendous affects of abuse on their lives. It is traumatic for these people to have to speak about what happened to them and they should be treated with compassion and dignity by the Government, as promised by both parties prior to taking up office. There should be no arguing or haggling over funds. The congregations should be called to account to pay over every cent they promised. Also, the Government should over the next couple of months publicly call to account the congregations refusing to adhere to what they promised to do.

Deputy Richard Boyd Barrett: As stated by other speakers, the scandal of thousands of children being abused in church-run institutions, which children the State failed for decades to protect, is one of the greatest, if not the greatest, shames of this State's relatively short history. Many heinous crimes were perpetrated against thousands of children. We must, in trying to deal with this issue, ensure we do everything in our power to provide whatever redress, support and compensation we can to those people whose lives were ruined. Nothing we or this Bill can do can ever fully compensate people for the suffering they endured. In so far as we have a duty and obligation to help victims of abuse and their families to cope for the rest of their lives with the consequences of the crimes committed against them, we must ensure we do so as well

as we possibly can. It is of the utmost importance that nothing we do results in further stress, difficulty, anxiety, humiliation or suffering for people who have already suffered far too much. We must in the first instance listen to their view on how we can address the issues affecting them. Whatever we then put in place must result in no further trauma, suffering or stress for them and their families. It is vital we get this right.

The church, whose role in visiting this suffering on so many people, must end its shameful foot-dragging and instinct for self-preservation and self-protection whether of the institution of the church or of particular individuals within it who believe their self-preservation is of greater priority than are the victims of this terrible abuse, their concerns and needs. In this regard, it is disgraceful that the church has still not put up all of the money to meet its obligations on this matter. As far as I am concerned, the State has a responsibility to force it to do so and to seize its assets if required. Whatever needs to be done should be done to ensure the church comes up with the funds and supports required. The institution and individuals within it matter not a whit compared to our obligation to the victims of child abuse. To my mind it is equally shameful — this is out of our power — that Cardinal Brady, given his failure to discharge his responsibility to the victims of Fr. Brendan Smyth, will not resign.

In so far as we in this House have the authority to do something for the victims, we must ensure we get this right and, critically, with an ear to what the victims and their families say they need. I do not pretend to be an expert on this issue. I met this morning, as I have done on other occasions, with two victims representing other victims who have major concerns about this Bill. When I asked them at the end of the meeting if they believed this Bill as currently drafted should be scrapped, they said it should because it does not deal as it should with the issue.

As regards eligibility, there should be no question of limiting eligibility to those given awards from the Residential Institutions Redress Board. Anyone who was a victim or resident in one of the relevant institutions should be eligible to access this fund and services provided therefrom. As stated by Deputy Joan Collins, the victims' organisations raised with us their fear that significant resources that should be going to help victims will be squandered on administration, salaries, expenses and so on.

That must not happen. They propose a much simpler system where we do not need large boards, a large staff and so on and that we just give the money directly to the people who are eligible for it in the form of some sort of universal credit card, as Deputy Collins said. We could work out the proportion of the available fund to be given to each individual on the basis of much of the information we already have from awards given by the Residential Institutions Redress Board. This could be done and it would save on the necessity for administration and would not waste funds which should be going to the victims.

They also expressed deep concern that we are just talking about transferring over the administration and infrastructure from the Education Finance Board because they reported real problems with, as has been described, people spending months trying to gain access to this fund but giving up such was the onerous nature of the process and the difficulty of making an application with all the documentation, proof and so on that they had to provide. People literally gave up. That cannot happen. What they propose is a much simpler system where we simply give them the resources in the form of a universal credit card, so we do not have to deal with all of that.

The key point for them is that the State already has most of the information it needs to adequately disburse the resources, supports and funds via the Residential Institutions Redress Board and the awards. Anybody who came in after that could be looked at. They also stressed the need for it to be independent. In so far as any administration of this is required, it must be completely independent but there is a problem if the Minister is appointing the chief executive.

[Deputy Richard Boyd Barrett.]

There may be a conflict or a tension in regard to a Government which has concerns about cutting back on services while at the same time having an influence on a board whose priority should be not a concern about the Government's concerns about services but about what the victims and their families need and providing for that. It should be separate from the Government and the Minister and completely independent and funding should be provided in a much more simplified form and in a much more direct way than this Bill proposes.

Deputy Seamus Healy: I commend the survivors of child abuse, many of whom are in the Visitors Gallery, and in particular those who spoke out. But for that, we still might not be aware of the horrendous situation. It may not have come to light were it not for those people who were courageous enough to speak out at a cost to themselves. They were criticised as being dishonest and as having an agenda against the church, the State, or both. They are very important people and I commend them on speaking out and making this horrendous situation known to the public.

The Ryan report detailed the huge failures of the State to protect its children and the scandal of the congregations which managed the institutions. We now know that at least 15,000 children were abused in those institutions and it is something we must sort out once and for all. I welcome the creation of the Department of Children and Youth Affairs, the Family Support Agency and the publication of the Children First guidelines and the Criminal Justice (Withholding Information on Offences Against Children and Vulnerable Persons) Bill 2012. I am disappointed we have not had a children's rights referendum. It is urgent and necessary and I hope it will take place before the end of this year. There is an indisputable case for the inclusion of the Magdalene laundries and the Bethany Home in the institutions covered and I urge the Minister, even at this late stage, to include them.

I understand the cost to the State will be €1.36 billion overall and I support the proposal that it be shared 50:50 by the congregations and the State. I note the church is still short approximately €200 million in this regard and I support the Minister's proposal that school infrastructure be transferred at no cost to the State.

A number of issues have arisen in regard to the Bill. We have heard what many of the survivors have said from other Deputies but there is a widespread belief among the survivors that the €110 million, which has been painfully recovered from the orders and the congregations concerned, should be distributed to the victims through an adjustment mechanism by the Residential Institutions Redress Board before it is dissolved. There is concern about the age profile of many of the survivors. There is no doubt the age profile is the high 60s, 70s and even 80s and individuals of that age require different supports from younger people. The question of universal care has been mentioned, which I support.

There is a huge concern among the survivors about the cost of this new board, the chief executive officer, the staff and legal advisers. They believe those costs should be borne by the Minister's Department and not the fund. That turned up in the previous legislation in 2005. Section 11(4) of the legislation is silent on who pays. The Minister makes the appointments and sets the conditions and the expenses referred to are paid from the Minister's Department and not from the fund. This is currently the case with the Education Finance Board but was not for the first three years of its operation because the 2005 Act was also silent on this point.

There is considerable worry about possible means testing. Section 9 seems to suggest there will be means testing. It states that the board, in determining criteria under section 1, shall have regard to the need to take account of the individual circumstances, including personal and financial circumstances of former residents. That is a worry and I urge the Minister to withdraw that section. The question of eligibility is another worry for survivors. The situation

should be open-ended with applications being accepted whenever they are submitted. The question of children and grandchildren should be considered in regard to the eligibility criteria.

I commend the Sunlight Housing Foundation which is run by volunteers, many of whom are survivors. It has already housed ten persons in Midleton and there are 14 more on a waiting list. There is no public funding for this facility and I urge the Minister to meet the board of the foundation with a view to providing funding for it.

Debate adjourned.

Private Members' Business

Domiciliary Care Allowance: Motion

Deputy Catherine Murphy: I move:

That Dáil Éireann:

notes the grave injustice that is the current assessment, review and appeals system for domiciliary care allowance (DCA) which has, since its transfer to the Department of Social Protection in 2009, seen:

- a continuous escalation in application refusals based on desk assessments carried out by administrators and medical assessors neither of which are required to be qualified specialists in the relevant area of disability;
- an upsurge in reviews of DCA recipient eligibility which often result in extortionate costs to parents who must, at short notice, obtain expert medical evidence to support the defence of their much needed claim (evidence for which they are often forced to pay private sector experts given the unavailability of public sector options within the short timeframes set out by the Department of Social Protection for such reviews);
- the development of a staggering 38 week wait period for those seeking an oral appeal of an unsuccessful application or a finding of ineligibility upon review;
- a situation arise whereby 2,420 applicants and recipients subject to review appealed the Department's negative decision in their case during 2011 alone, 52% of which were successful in their appeal;
- the unnecessary imposition of an additional emotional burden upon families as a result of being forced to embark upon a lengthy and costly appeal process which, in 52% of cases, upholds the original claim for DCA and proves the injustice of the initial refusal;
- a persistent failure to inform families of the specific reasons a child does not qualify for DCA, thereby preventing parents from appealing a decision on specific grounds rather than causing a lengthy and costly review of the entire process; and
- the placing of formal or informal restrictions upon Health Service Executive (HSE) experts precluding them from recommending the provision of a DCA to an individual on the basis of a diagnosis they have made;

[Deputy Catherine Murphy.]

deplores:

- the emergence of a backdoor approach to denying additional supports such as carer’s allowance, the respite care grant, the household benefits package and sibling supports as a result of a finding of ineligibility for DCA; and
- the apparent development of a cynical policy to routinely refuse DCA applications and categorise recipients ineligible in the short-sighted hope of making savings — adding greatly to the anxiety and hardship endured by some of the most marginalised and vulnerable families in the State; and

calls on the Government to immediately reform the DCA system by:

- returning the administration of this system to the Department of Health;
- insisting that medical assessors are competent to assess the medical information submitted and are on the relevant specialist medical register (e.g. paediatrics or child psychiatry), remove the “Guide to the Normal Age of Attainment of Certain Activities” currently in use by medical assessors (as compiled by the Office for Population Censuses and Surveys study on Disability in Childhood in the United Kingdom) and ensure that all decisions on DCA applications and existing claims are made by child protection or disability social workers;
- providing DCA applicants and recipients with access to all documentation held in relation to their claim upon request and within a reasonable timeframe;
- affording recipients sufficient notice of an upcoming review in order that they may obtain the requisite expert evidence through public sector sources as should be provided for through the ‘Assessment of Needs’ procedure under the Disability Act 2005;
- revoking any and all restrictions placed upon HSE experts precluding them from recommending that individuals and/or families require specific supports such as the DCA;
- limiting to 7 weeks at most (the Department’s target time for the processing of DCA applications) the total time it takes to hear and adjudicate over summary and oral appeals on DCA;
- publishing the general details of decisions on social welfare appeals (while ensuring the anonymity of those concerned) in satisfaction of the Article 34.1 constitutional guarantee that justice “shall be administered in public” in view of the quasi-judicial status of such appeals;
- introducing a truly streamlined and human rights focused DCA system which is administered in the understanding of the uphill struggle that is everyday life for those seeking DCA and does not actively exhaust the precious time and resources at their disposal in lengthy application, review and appeals processes; and
- prioritising the delivery of all necessary resources, supports and funds to children with special needs in order to facilitate them in attaining their full potential as equal citizens of Ireland.

May I share time with Deputies Pringle, Finian McGrath, Joan Collins, Healy and Mattie McGrath?

Acting Chairman (Deputy Joanna Tuffy): Is that agreed? Agreed.

Deputy Catherine Murphy: I thank the Technical Group for agreeing to table this Private Members' motion, which we have worked on together.

The domiciliary care allowance was never an automatic award. As we often hear from parents, many people found out about it by accident. A person must apply for it. To qualify for the monthly payment of €309, the person caring for a child, usually the mother, had to prove the child had a disability and needs substantially in excess of those of a child of a similar age. The payment was in recognition of the fact the child needed assistance to deal with many of the activities of daily living. Proof was usually in the form of expert opinions or, in some cases, the HSE reviewers actually seeing the child.

Until 2009, the allowance was processed by the HSE. However, new applications from that year were made to the Department of Social Protection. In recent months, parents have been telling us how much they dread the postman arriving with the letter that tells them the domiciliary care allowance is to be reviewed. This is particularly so if a parent's child is on the autism spectrum. There is mounting evidence that children with autism or other intellectual disabilities are being targeted. I acknowledge that those affected are not exclusively in those categories, but they seem to comprise a disproportionate number. That a Department named "Social Protection" is doing this is cynical. It is certainly not offering protection to the most vulnerable group of children and parents.

The process appears to be flawed, in that it follows a medical model when it should be a more holistic one. There is also a social aspect to this matter. We are seeking a short-term solution to the current crisis in which many families find themselves as well as a more inclusive system, one that adopts a social model as opposed to a medical model purely.

There are always choices to be made in politics. I doubt that the top 10% of earners would feel good if they knew that their incomes were being protected at the expense of vulnerable children. Top earners increased their incomes by 8% last year according to the CSO. An additional tax on high earners could have been imposed without any loss in their living standards.

The Minister for Social Protection needed to find savings of €680 million in her budget. The main objective was to protect the headline rate of social welfare recipients. To those who are not dependent on social welfare, this translated into no cuts in social welfare, yet this cannot be achieved because the money needed to come from somewhere. The Government repeatedly made the point that there were to be no tax increases or reductions in headline rates of social welfare. The sin of omission was in not specifying how the savings would be achieved. The changes to the domiciliary care allowance, cuts in the number of people who qualify for carer's allowances, etc. have become evident. Although the Government claimed it was seeking to protect the most vulnerable, it was more concerned with merely giving that impression. Some families are being hurt badly.

The domiciliary care and carer's allowances are not being cut. Rather, they are being eliminated as payments. We have seen a continuous escalation in application refusals based on desk assessments carried out by administrators and medical assessors, none of whom is required to be a qualified specialist in the relevant areas of disability. One parent to whom I spoke last week was refused recently following a departmental review. She told me her six year old son was not toilet trained, attended a special school, was a danger to himself and a flight risk, could not feed or dress himself and could not tie his shoe laces. The list went on. He was turned

[Deputy Catherine Murphy.]

down. Obviously, he was regarded as having no more need for care than an average six year old. Clearly, this is wrong.

No matter how bad a situation is, parents always hope that matters will improve for their children. However, many tell us that the process is cruel. Many complain about the short turnaround time for reviews. Often, they must obtain medical evidence from private sector sources because it is not available from public sector professionals within the allocated time-frame. In one case, a mother recently told me that it cost €1,000. Someone else told me their professional fees ran to €1,300. If these people did not have the accompanying proof, they would lose their allowances.

Not only is it a costly process for families, it is emotionally hurtful to read about what their children will not be able to do or what challenges they will face. The blackest picture must be painted. We all remember the effort made and the change in people's attitudes during the Special Olympics, where the focus was on the child's ability rather than disability. This review process turns that attitude in reverse and it is taking a toll on many families. One woman described the loneliness of life with her autistic son as he progressed through school. Her days have closed in around her and her circle of friends has, for the most part, dwindled away, unable to meet for coffee or chats even for half an hour. People do not understand and eventually give up trying. On 1 March, the woman's domiciliary care allowance review was submitted and a cloud of panic descended on her household. That cloud has not since lifted and may not until the review has been completed. According to her, the reality of life without it is too great a burden to bear.

The domiciliary care payment is often used to procure therapies that should be available through the public system. As most of us know, however, availability can depend on one's address because of the lopsided and incomplete distribution of health care professionals. One father told me of his five year old son Conor, who has an autism spectrum disorder. Since it is a neurological condition, it cannot be determined by a medical test. Conor has significant issues with communication and is still non-verbal. He needs occupational therapy to satisfy his sensory needs. As the occupational therapy service provided by the HSE is inadequate, Conor attends a private therapist at significant cost to the family. The domiciliary care allowance payment helps to fund these interventions. Were it removed, it would result in the stunting of Conor's development and place his family under tremendous stress and anxiety. These are real children. They are not just statistics.

Once a person appeals the refusal of the domiciliary care payment, the appeal can take approximately nine months or longer to be decided. Not only is the €309 monthly payment discontinued, but the associated carer's allowance is removed from those who qualify for this means tested payment. If proof is needed of the unfairness of the process, it can be seen in the level of success on appeal, with more than 50% of those who appeal being successful. Appeals are made more difficult because of the lack of information. If people are to appeal successfully, they need to know the basis for their refusal. Families are struggling with everyday challenges, including inadequate public services. This additional burden is not fair.

In many cases, a parent must leave work to care for his or her disabled child. In some cases, the carer's allowance is used to pay mortgages. For many families it is difficult enough to struggle with the emotional fall-out of having a child with special needs, without the further cruelty of adding to their financial burdens.

Many parents believe the current treatment of the domiciliary care allowance is a backdoor approach to denying the carer's allowance, the annual respite grant, the home care package and the disability payment for the child when he or she becomes eligible for it. The transfer of

the payment to the Department of Social Protection has changed the application process from being a health centred support to a soft target for cuts. Some of those who originally welcomed the move in the belief that it would be considered in a wider context now believe it should be moved back to the Department of Health so that decisions can be made by those who have expertise in the field, including child protection and disability social workers.

Reviews must allow sufficient time for those who care for the child to commission expert reports through the assessment of needs procedure under the Disability Act 2005. Restrictions placed on HSE experts should be lifted. I understand they have been instructed not to recommend in their reports the payment of domiciliary or carer's allowance. That instruction needs to be reversed. The general details of decisions on social welfare appeals ought to be published, while ensuring the anonymity of those concerned, to satisfy the guarantee under Article 34.1 of the Constitution that justice shall be administered in public. We need to see the number and basis of appeals. There is a need to introduce a streamlined and human rights-focused domiciliary care allowance system which is administered in a way that understands the uphill struggle of everyday life for those seeking the allowance and does not exhaust their precious time and resources in a lengthy application, review and appeals process. We must prioritise the delivery of all necessary resources, supports and funds to children with special needs in order to facilitate them in attaining their full potential as equal citizens of Ireland.

We all understand that the economy is in a weak state and that we need to prioritise our expenditure. However, vulnerable people seem to be first in the firing line when it comes to cuts. We are not seeking to end the review process for domiciliary care allowance. We are seeking an end to a dishonest process that is targeting vulnerable children who deserve our protection. This is a flawed process which needs to change if we are to get good outcomes. Our motion does not reject the need for reviews but the system has to be coherent and fair. The parents of these children are in the age cohort which has been hardest hit by the economic collapse. Their hopes and aspirations for better lives for themselves and their children have been dealt a harsh blow from an economic point of view but their hopes have been further eroded by the extra burden of caring for a child with special needs. They need and deserve the support of a caring society.

We were told this afternoon that an official from the Department of Social Protection asked while conducting a review whether a particular child with autism had gotten better. This type of question is hurtful to people who are struggling with the everyday challenge of caring for these children. Too many of us are hearing the same stories. This system is flawed and cruel. There is an urgent need to change it.

Deputy Finian McGrath: Hear, hear.

Deputy Thomas Pringle: I welcome the opportunity to contribute to this debate and thank Deputy Catherine Murphy for moving the motion on behalf of the Technical Group.

Some of the most common queries raised at my constituency office are from parents who are applying for the domiciliary care allowance. They have spent the duration of their children's lives in a struggle to get services for their children and in many cases they have had to struggle to arrange diagnoses so that they can finally prove their children have problems which the system failed or refused to recognise. It is vital that the system recognises these children and their families quickly. It is disheartening to see the level of upset which these families experience in their constant fight to get services and entitlements. No family would chose to have a child with special needs but they should not be forced to struggle against the social welfare, health and education system to provide a decent quality of life for their children.

[Deputy Thomas Pringle.]

A couple of weeks ago the Taoiseach stated to the House that children with autism can go to university and lead full lives. That rings hollow to the families who are struggling with a lack of services or a refusal to recognise their children's needs. The system should be reformed to ensure that families receive a fair hearing. It should not be assumed that they are trying to defraud the State or get a benefit to which they are not entitled. It should be assumed from the start that they need assistance and support from the Department of Social Protection. Such an assumption would completely change the atmosphere in which these families currently struggle. The Minister for Social Protection should change the system to ensure that families receive the support and protection they need from her Department rather than constantly struggling against the barriers it erects in their way. They should not have to incur expenses in getting expert opinion when their domiciliary care allowances come up for renewal but should instead be provided as a matter of right with reports from the health care providers who are already dealing with their children. That a departmental official could ask whether a child still has autism betrays a lack of understanding for what families are going through. The Department needs to recognise that. Families should not have to wait weeks or months for their appeals to be processed. I have attended oral hearings with families. It is heart-rending to observe the upset that parents experience in trying to justify their application for support. In fairness to the inspectors, many of them are similarly upset because they cannot understand how the Department can make these decisions.

Something must have gone badly wrong with the administrative system if more than 52% of appeals are successful. Unfortunately, the system appears to be designed to minimise the amount of money paid to families by making them struggle through bureaucratic procedures. The Minister needs to review the operation of the domiciliary care allowance. If it was transferred back to the Department of Health, there might be greater empathy with applicants. As part of that review, the application forms must also be reviewed. In many cases applicants do not understand the amount of information they need to give and the forms do not facilitate that. If at the start they were aware of the amount of information needed, they might be able to short-circuit the process and speed up decision-making.

These parents and children struggle throughout their lives and the system should be able to accommodate them in recognising that children have lifelong disorders and disabilities which are not there to be reviewed. If only parents thought that in two years' time their children would be better and would not need this anymore, they would hand back the domiciliary care allowance in the morning. The system needs to recognise that. When the Minister is carrying out the review I call on her to ensure the system becomes a caring system and not a blockage system.

Deputy Finian McGrath: I welcome the opportunity to speak on this important debate on the domiciliary care allowance and the urgent need to refocus on the children with disabilities and their families. I commend my colleagues in the Technical Group on tabling this motion and I urge all Deputies in the House to consider seriously our proposals. I urge the Government to listen to the families who need the domiciliary care allowance. Treating families in this way is not acceptable. Terms such as "inclusion" and "protecting the vulnerable" are empty and hollow words unless these children are treated in a fair and respectful way. I caution the Government that it could be in breach of the Disability Act, which has clear guidelines. I urge the Government to deal with this issue from a human rights point of view.

The motion highlights that vulnerable families have encountered significant problems in accessing and retaining this vital support since the role of administering the domiciliary care allowance was transferred from the HSE to the Department of Social Protection in 2009. While

welcoming the original motivation for transferring this function, which was to ensure consistency and transparency in the way in which applicants from throughout the country were assessed through the institution of a centralised application facility, the lack of appropriate expertise in the field of behavioural and physical disability among deciding officers is causing a problem.

The decision to schedule time for the discussion of this very emotive topic was made by the Technical Group in response to the ongoing and escalating appeals among constituents and representative organisations of children with special needs to pursue the Government with the aim of addressing the worrying escalation in application refusals, rulings of ineligibility for the allowance among those who have come to depend on the payment, and the excessive length of time to hear and adjudicate on appeals.

Representatives from Inclusion Ireland, Down's Syndrome Ireland and the Special Needs Parents Association came to Leinster House today to meet Members from the Technical Group. I thank the parents for making their submissions today and we all listened closely to their stories. A number of parents contacted me directly and I wish to quote a father's view as follows:

My son has an autism spectrum disorder which is a neurological condition and as such cannot be determined by a medical test. This is why I feel the importance of medical eligibility for DCA is so unfair. His diagnosis affects him, and others around him, in a more social way. He has significant issues with communication and at 5 years of age is still non verbal. Along with picture exchange systems, visual schedules and physical prompts he uses Lamh, which is a simplified version of ISL to communicate his needs and desires. This means that not everyone knows how to communicate with my child. As a result, he becomes very frustrated and starts to self harm by banging his head on the nearest object, be it a cushion or a wall, so he needs constant supervision as he has a very high pain threshold and wouldn't stop banging his head. [This is the reality for a parent of a child with special needs.]

We are currently under review for this payment, and our file was received by the Department of Social Protection's medical assessors on the 20th of March. I was informed by the Department that it takes 10/12 weeks to get a decision made by the medical assessors which means we must wait another 5 weeks for a decision from them, then our file will be returned to the department. I don't know how much longer it will be with the deciding officer there before a final decision is made. Which brings me to my first point, why does it take so long for this process to reach a conclusion? It is stressful enough being the parent of a child with special needs without having to worry about where the money is going to come from for next week's OT session, or how am I going to pay for the tax on the car to keep it on the road so that I can bring my child to school?

I also have a letter from a mother of a child with a disability as follows:

The Government have let me down so badly at a time when I really desperately need help. All they have done is added to the stress. I think about the DCA every day. I do not know how long I will have to wait to see if the boy's got it. If he doesn't, I can't get carers allowance and we will not survive financially. Every day is a struggle for us. It's like living in a battle zone, you can never truly relax. I am so ashamed of this country and the way they treat children with disability, the most vulnerable group in society. I am heart sick of having to fight for everything. This is not the way it should be in a civilised society.

[Deputy Finian McGrath.]

Each year 2,500 children are not being assessed by the HSE within the legal time limits. I ask the Minister to consider the wording of tonight's motion. I urge her to listen to the parents and families. I urge all Deputies to support the motion and give all parents of children with a disability an allowance that supports their needs in a compassionate and common-sense way.

Deputy Joan Collins: The budget saw the Government's attempt to cut disability benefit. It also cut the jobseeker's benefit for those aged from 18 to 21 from €188 to €100. We now have the threat to take PA hours away from those with disability and we have had cuts in the one-parent family allowance. These are some of the meanest cuts a government has ever made. However, this must be one of the most vicious attempts to cut from families the lifeline of access to the care and money they need to raise their families.

A number of Deputies have read letters received from parents of children with disabilities and I have one I wish to read into the record as follows.

My son has been diagnosed with Asperger's, Dyspraxia, Sensory Processing Disorder and ADHD. He was refused DCA on lack of medical evidence. I am trying to lodge an appeal but does anyone know what the rate of success of these appeals are? I just feel like I am going around in circles — from trying to get a diagnosis to trying to get him extra help in school. I had to go private for everything. Any advice what to put in an appeal?

We had the same problem nearly 2 years ago with our eldest [son]. He was diagnosed with autism and trying to get anything from the state was an uphill battle. They don't give anything out on the first application. Everything must be appealed and re-reviewed. In our 2nd attempt for the DCA we got a letter of support from his teacher, speech and language therapist, GP and the Brothers of Charity (who diagnosed him initially). All the letters told how bad autism affected him, his sibling and us and how the allowance would benefit us (parents) because of the extra outgoings. The letters told the truth, all be it a darker picture of it.

In today's briefing all the parents made the same point in saying that everything is a battle in trying to get support for their children. They report not being listened to by health professionals when problems first appear at a young age; having to fight for an SNA in school; being refused

8 o'clock DCA on first application; having to get costly professional reports for appeals; and having won an appeal then being faced with a review. There is a widespread suspicion among parents that the 50% refusal rate for first applications, of which 50% are overturned on appeal, and the increase in reviews reflect an attitude in the Department of cutting costs and making savings rather than assisting in a sensitive way to ensure that children with special needs and their families are given the support they need.

The term "special needs" may be politically correct.

It can give the impression to many people that we are talking about children who might need a little extra attention to help them keep up in school. The reality is very different when dealing with Asperger's syndrome, autism or attention deficit disorder and often children can suffer from a combination of these illnesses. Organisations representing children and parents, such as Down Syndrome Ireland, Irish Autism Action and the Special Needs Carers Association, are demanding a full review of the whole system. There is a problem with the use of ICD-10 diagnostic codes. While accepting they can be useful for research into statistics, for which there is not even a proper basis in Ireland, their use in determining eligibility for allowances is a major problem.

There is a serious problem if 52% of refusals are overturned on appeal. This causes huge stress and costs for parents. With only 21 days to get professional assessments, reports and advice, people are forced to go to private professionals, with the ensuing costs, because of waiting times for appointments in the public health service. Where public health professionals are involved, there is a considerable cost to the HSE. Another problem with the high level of refusals is that the domiciliary care allowance is a gateway to other benefits such as the carer's allowance, the family home benefits package and others. A refusal of the DCA is a back door to the refusal of these other benefits, which are very much needed by families to support their children in their illnesses.

Time after time, Government Deputies have raised the issue of the problems surrounding the domiciliary care allowance. There must be a proper review of it. Even if the Minister does not want to listen to our motion, and thinks the Government knows better, at least she should call a conference of the parents and ask them what they need and what processes should be put in place. There should be a special unit parents could go to as soon as a child is found out to have an illness, where they can be informed what medical advice they need, what forms they need, what processes are necessary and what timeframe is involved. There should also be a time limit on this; we put in seven weeks to hear and adjudicate on summary and oral appeals. These processes must be put in place to support families.

Deputy Seamus Healy: I support this motion and commend the Technical Group on introducing it. The first thing we must realise is that life for families where there is one or more children with special needs is a daily struggle. All of us in this House see parents on a daily basis who explain exactly what life is like for them. It is a struggle and as parents get older they worry how the children will be cared for after their deaths.

Parents have told us today how they must fight for everything. On many occasions, they are not listened to, particularly early on, and if there had been an early diagnosis there would be a better outcome. Unfortunately, it is often much too late when the diagnosis is made. There are waiting lists for speech therapy and psychological assessments of up to two years. Suddenly the child is five or six, or even in some cases ten or 11, before the diagnosis is made and a person can start to look for the support services. That is a huge problem for parents.

Families in this situation should be supported and should not have to worry about the domiciliary care allowance. As others have said, the loss of the €309 per month domiciliary care allowance leads to the loss of the carer's allowance, as much as €204 per week, and the household benefits package. Those are significant losses. The vast majority, if not all, of these parents will not be working. They will be at home looking after the child. In the event of the domiciliary care allowance being lost, it does not mean the person can go to work. They must stay at home to look after the children but without the assistance of the domiciliary care allowance and carer's allowance to allow them to avail of support services. The Department should, as called for in the motion, review the scheme and ensure a reasonable timeframe is put in place. We have asked for a period of seven weeks, a reasonable timeframe for a decision on these applications.

This is only the tip of the iceberg in the social welfare area. Headline rates have not been changed, which was built up as a huge commitment by the Labour Party in particular before the last election, but that has acted as a smoke screen for dismantling other social welfare services and benefits, services that have been hard won by generations of workers and their unions. There have been cuts in jobseeker's allowance, reductions in the time period for jobseeker's allowance, reduction in the time period for illness benefit, increases in the pension age, increases in the number of contributions for widow's and State pensions, the abolition of the half rate illness benefit, the abolition of the half rate jobseeker's benefit, cuts in the fuel

[Deputy Seamus Healy.]

allowance, cuts in heating benefits and they go on and on. I believe the instruction has gone out, be it written, verbal or even unspoken, from the Department that the criteria for all these schemes might not have changed on paper but there is a new strictness in their implementation. That is a scandal and it should be overturned.

Deputy Mattie McGrath: I am delighted to speak on the motion this evening and compliment my colleagues in the Technical Group on tabling it and doing so much research. It is easy to do the research because we all hear stories in our offices from families, parents, single parents and guardians of children with special needs having had their allowances savagely cut.

My late brother was a paediatrician in south Tipperary and specialised in many of these areas. His main findings were that these people, parents and children, just needed someone to listen to them and support them. That is the problem they have now. The sweeping changes and long delays with reviews lead them to have to battle the system. It is bad enough for the parents who have discovered the child they love has special needs without having to fight the State at every turn. The Minister is a compassionate woman and understands this area so I beg her to please look at the sensitivities in this motion and take this area away from the cuts because this is one section of society that needs support and nurturing. We are lucky to have parents caring for their children in the home. What would it cost to keep them in State care?

There is a trick of the light in the Department of Social Protection. It is maintaining headline rates while introducing sweeping cuts. The forms for this allowance are cold and insensitive, and must be filled out with different reports from different medical practitioners, sometimes at enormous cost. We all welcomed the change from the HSE to the Department of Social Protection but we must learn from our mistakes. A mistake has been made here because at least in the HSE medically competent people were available, although they are available to the Department. The timeframe must be reduced to seven weeks because it is too unwieldy and cumbersome and places too much pressure on families. Everything is a constant battle. They have enough of a battle within their own four walls to maintain some level of dignity for their child and themselves so why must they fight the State?

It was a mistake to remove the scheme. We learn by our mistakes and the man or woman who never made a mistake never made anything. The Minister should hand the scheme back to the HSE, much as we might criticise that organisation. This system of rigorous tests and appeals and oral hearings did not obtain at the time anyway, when it was removed. Parents are at their wits' end. They want to care for their child and do not want to fight the State, day in, day out.

As others have observed, this savage cut is a gateway to other cuts. We have heard of Charlie McCreevy and his dirty dozen, fadó fadó. This cut supersedes all other cuts. The removal of this grant aid will become a gateway to all the cuts that were mentioned, such as carer's allowance, half-carer's allowance, and many others. This gate must be closed and sealed. We must do this compassionately and in the interests of the children.

Minister for Social Protection (Deputy Joan Burton): I move amendment No. 1:

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

"recognises that the Domiciliary Care Allowance (DCA) scheme represents a very important support to people who live with and care for children with disability and notes that:

- the allowance is now in payment in respect of 26,000 children, an increase of over 2,000 since the Department of Social Protection took over responsibility for the scheme from the Health Service Executive in April 2009;

- spending on the scheme and the Respite Care Grant, which is automatically paid to all recipients, has increased from €138 million to €145 million between 2010 and 2011; and expenditure on both in 2012 is expected to be in the region of €146 million;
- parents of children who receive the DCA also qualify for Carer's Allowance and the Household Benefits Package, subject to fulfilling certain criteria, and some 40% of those on the scheme receive these payments;
- those who receive the Carer's Allowance and Household Benefits Package, in addition to the DCA and Respite Care Grant, receive a total of €16,742 per annum from the Department of Social Protection;
- recognises the vital role played by spending on social welfare in enabling people to live with dignity and the importance of the DCA in supporting families with children who need substantial levels of care and attention;
- notes that the DCA is now a statutory scheme as provided for in the Social Welfare and Pensions Act 2008. The medical criteria set out in the legislation requires that the child has a severe disability requiring continual or continuous care and attention substantially in excess of the care and attention normally required by a child of the same age and the disability is such that the child is likely to require full-time care and attention for at least 12 months;
- acknowledges that the Department of Social Protection has in place an equitable standardised application and assessment process whereby all cases are examined and dealt with on an individual basis;
- notes that the application process operated by the Department involves the submission of a detailed statement by the parent or guardian of the child, as well as a detailed statement by the child's own general practitioner and any other relevant evidence from qualified experts who have examined the child. This evidence is then assessed by designated Departmental Medical Assessors who have received training in the area of child disability;
- notes that the DCA supports 24,000 families and some 26,000 children at a cost of €100 million per annum. This along with the Respite Care Grant payment amounting to €45 million in 2011, represents an increase in spending of some €7 million over 2010;

further recognises that:

- against the backdrop of significant reductions in expenditure on social protection that there have been no cuts in the level of spending on the DCA and that this scheme has been specifically protected from cuts by this Government and that it continues to be paid at the monthly rate of €309.50;
- reviews are paid at the monthly rate of €309.50;
- reviews are an integral part of all social welfare schemes and are necessary to ensure that payments continue to be made only to those who meet the qualifying conditions and acknowledges that there is a structured and fully functional review process for DCA cases in operation in the Department which includes parental and medical input; and

[Deputy Joan Burton.]

- all social welfare schemes have set conditions and that the receipt of DCA is a prerequisite for the receipt of Carer's Allowance, Respite Care Grant and the Household Benefits package where this is claimed in respect of care given to a child under 16 years old;

acknowledges the considerable steps that have been taken to improve communication with parents and notes the improvements that have been made in this regard resulting in:

- parents now being informed by the Department of Social Protection of the review date that will apply in their case when their claim is initially awarded; and
- parents also being afforded 60 days in which to obtain and return evidence following notification of review. This will address parent's concerns on the time frame allowed and will provide them with additional time to gather supporting documentation or medical reports they may wish to submit in advance of the review date;
- acknowledges the significant steps that have been made to speed up the appeal process for all social welfare appeals and notes that the success rate on DCA appeals, at 46%, is broadly in line with that on other social welfare schemes;
- affirms that copies of documents are made available to parents on request within a reasonable timeframe;

and further notes that:

- the Minister for Social Protection has instructed the Department of Social Protection to liaise with other relevant Departments, namely the Department of Health, the Department of Education and Skills, and the Department of Children and Youth Affairs, who have a role in providing supports and services to map the availability of services and to examine the scope for greater linkage and consistency in the assessment for such supports and services;
- the Government has established an Advisory Group on Tax and Social Welfare to examine and make recommendations on a number of issues around the operation and interaction of the tax and social protection system to address how employment disincentives can be improved and better poverty outcomes achieved, particularly child poverty outcomes and that the Group is currently examining the area of disability;
- the Department of Social Protection will urgently undertake a policy review of the DCA in order to clarify its objectives, consider whether legislative change is required, and consider whether the current administrative and medical processes need further refinement in view of the outcome of this; and
- as part of this review, the Department will consider the question of the duration of review periods for the DCA, based on the medical condition of the children involved, whilst taking account of other priority demands on the medical resources of the Department."

I appreciate the contributions of all the Deputies who are concerned about this issue. The State pays the domiciliary care allowance, or DCA, to parents or guardians in recognition of what everybody who is a parent would acknowledge to be the absolutely heroic and selfless role

parents play in raising children who experience some form of disability. As parents, that has been the experience of all of us, among people we know or from our relatives who have children with special needs. There is no disagreement in any part of the House in that regard.

I offer a brief overview of the scheme, its role and purpose. The domiciliary care allowance scheme represents a very important support to parents and guardians who live with and care for children with a disability. DCA was originally introduced in the early 1970s in recognition of the extra care and attention provided by parents of children with a severe disability, who are cared for in their own home — hence the name. Responsibility for the administration of the scheme remained with the health boards or the HSE until April 2009 although it had been planned to move it much earlier. When it transferred to the Department of Social Protection it was put on a statutory footing. It is important to remember that before this happened the way the scheme was administered varied from area to area throughout the country. The change was made following a review which happened during the Government of Fianna Fáil. The Department of Social Protection is the right home for the scheme given its role in providing income support. The community welfare service was also transferred to the Department following the same review.

Domiciliary care allowance is a monthly payment to the parent or guardian of a child who requires care and attention and-or supervision that is substantially in excess what another child of the same age would receive. The allowance is paid at the rate of €309.50 per month. This rate has been specifically protected by this Government from a reduction of any kind, against the backdrop of significant reductions in expenditure generally. The Department now pays DCA for 26,000 children. That is a net increase of 3,000 children since the Department took over responsibility for the scheme from the HSE in April 2009. Given their notion that the number of children being awarded the DCA has somehow or other been cut or reduced, I put it to Deputies that the figures are entirely different.

Spending on the scheme, and on the respite care grant which is automatically paid to all recipient parents, has increased from €138 million to €145 million between 2010 and 2011. Total expenditure on both payments in 2012 is expected to be in the region of €146 million. I emphasise there have been no cuts to this scheme, neither in the amount nor in the number of children and parents being awarded the DCA, which has gone up by many thousands. During the period from 1 April 2009 to 31 December 2011, a total of 13,552 applications were received from parents or guardians of children with a disability, with 6,298 children being awarded the allowance, amounting to 46% of all claims processed. I will go through the figures again for the Deputies. There are now 26,000 children in 24,000 families who are in receipt of this very important allowance. However, 6,298, or a quarter, of those have been awarded the allowance since it was transferred to the Department. Therefore, the suggestion that somehow or other officials or doctors in the Department of Social Protection are hostile in any way to the parents of children with a disability and are refusing to award the payments to parents is simply wrong. It may be that not everybody who has applied has received the award. I noted carefully that the Deputies who spoke on this almost invariably referenced the issue of children who are on the autism spectrum. I notice they did not mention any other area of disability, whether in respect of either a physical or an intellectual disability. Statements have been made in the House to the effect that there is an effort to stop people entering the scheme but, in fairness to the staff of the Department of Social Protection, the figures do not bear this out. On the contrary they show an increase.

Deputy Catherine Murphy: That is what people tell us.

Deputy Joan Burton: I am just quoting the public figures. Some 6,000 extra children have received the grant. That may not be everybody one would want to receive it but Deputies suggested the numbers were cut.

Deputy Barry Cowen: The changes were for last year.

Deputy Joan Burton: Parents who receive domiciliary care allowance also qualify for carer's allowance and household benefits, subject to fulfilling certain criteria. Some 40% of those on the scheme receive these payments. Those who receive the carer's allowance and household benefits package, in addition to the DCA and respite care grant, receive a total of €16,742 per annum from the Department. It is a very significant and important expenditure and the Department has been very happy to administer it. Many thousands of additional awards have been made since the Department took over the scheme. It is necessary for Deputies to be fair to some of the staff of the Department.

I reiterate, the number of claims in payment has increased steadily over the years, from 11,000 in 2001 to over 23,000 in early 2009 at around the time the Department of Social Protection took over the administration of the scheme. Now the figure is 26,000 children. When they are aged 16 years children leave the scheme and many go on to receive disability benefit. The number, therefore, is a net 3,000 but an additional 6,000 children were awarded the grant.

In 2009, the average number of applications received under the scheme was 92 per week. This compares with 105 per week in 2010, 106 per week in 2011 and 83 per week to date in 2012. This year, it is expected that applications will average out at about 100 per week. More generally, it is also worth pointing out that the Department makes an extensive range of payments to support families with children. In 2011, some €2.08 billion was paid out in respect of 1.13 million children on child benefit. In addition, qualified child increases were also paid to people on social welfare payments in respect of some 495,000 children, with 369,000 at the full rate and 126,000 at the half rate.

I refer to the qualifying conditions for the scheme, or how applications are assessed and reviews conducted. To qualify for the domiciliary care allowance, the child must be under 16 years of age and have a disability requiring care and attention and/or supervision substantially in excess of another child of the same age. The care and attention must be given by another person, effectively full-time. Eligibility for the domiciliary care allowance is not based primarily on the medical or psychological condition but on the degree of extra care and attention the child needs. Each application is assessed on an individual basis taking account of the evidence submitted. No specific condition or disability rules a child in or out of qualifying for the allowance. Applications for children with autism and other intellectual disabilities are treated in exactly the same manner as applications for children with other types of disability.

To apply for the scheme, parents or guardians submit their detailed statement as well as a statement by the child's general practitioner and any other relevant evidence from qualified experts who have seen the child. Parents and guardians choose the GPs and specialists. It is important that the child is treated by his or her doctor or specialist. It would be very strange to do otherwise. Following this, the Department's medical assessor reviews the history of the case, considers all medical reports received and considers the description of the care and attention required by the child, as set out by the parent or guardian. Overall, the award and refusal rates have remained broadly the same over the three-year period in which the Department has been processing claims, with 46% of claims being awarded and 54% refused the allowance.

The review interval recommended by the medical assessor will vary from 12 months in cases where the child's disability is likely to improve significantly because the child is undergoing treatment, to a five or ten-year review date if the child's condition is likely to remain unchanged

for the foreseeable future. If a child has a lifelong disability that is unlikely to improve by any significant degree, the Department does not review the case. Reviews form an integral part of all social welfare schemes and are necessary to ensure payments continue to be made only to those who meet the qualifying conditions. We are required to ensure that by the Comptroller and Auditor General. This may be different if it was in the HSE, as some Deputies suggests, but moving this scheme to the Department of Social Protection was generally welcomed as a positive move because it is an income support measure and concerns the care and attention required rather than the medical condition. Cases are reviewed based on either a scheduled review on the recommendation of the medical assessor or on information received about a change of circumstances, which potentially affects the continued entitlement of a case already in payment. Scheduled reviews, on the recommendation of the medical assessor, are based on the prognosis of the child's disability and how care needs may change over time.

Where claims are reviewed, parents or guardians are asked to provide relevant, up-to-date medical evidence and details of the additional care needs of their child. I extended the time allowed for the return of the review form and up-to-date medical evidence from 21 days, as it was under the previous Minister, to 60 days. That addressed the concern of parents who found the shorter timeframe caused difficulty. When the claim is initially awarded, parents are now advised when it will be reviewed. The Department gets in contact with parents three months in advance of the review date to provide a five-month period in which to put together a statement or claim. The information provided by the parent or guardian for review is assessed by a medical assessor and a decision is made based on the medical opinion provided. Where payment is stopped as a result of a review, the parent or guardian is invited to submit any further information to be considered and the information is further examined. The parent or guardian may also appeal the decision directly to the social welfare appeals office.

Positive changes were made to the scheme on its transfer to the Department in 2009. It now operates on a statutory basis with the primary legislation provided for in the Social Welfare and Pensions Act 2008. Prior to the transfer, the eligibility criteria for the scheme was set out by way of a circular from the then Department of Health and Children. The medical criteria — as set out in that circular — stated that children “who have a severe disability requiring continual or continuous care and attention which is substantially in excess of that normally required by a child of the same age may qualify for DCA”. The operation of the scheme on a statutory basis ensures consistency of approach to all claims. It would be a retrograde step for the scheme to return to its previous operational basis. Another significant improvement is that eligibility to the allowance is no longer subject to a means test as was the case under the HSE. I ask Deputies to think about that. The numbers of children awarded benefit under the scheme since its transfer to the Department of Social Protection speak for themselves.

The medical criteria, as set out in the Social Welfare and Pensions Act 2008, is almost identical, requiring that “the child has a severe disability requiring continual or continuous care and attention substantially in excess of the care and attention normally required by a child of the same age”. However, prior to taking over responsibility for the scheme in 2009, the then Minister convened an expert medical group to draw up a set of consistent and objective guidelines for use in determining the medical eligibility of children for the scheme. The group was chaired by the Department's chief medical advisor and comprised senior medical personnel from the HSE and eminent professionals in the areas of physical disabilities that affect children and experts in child psychiatry and psychology.

The group considered that the most appropriate way for the Department to conduct assessments for medical eligibility was by assessing evidence submitted by the parent or guardian rather than by individual examination by the Department's medical assessors, who are not involved in the ongoing treatment of the child. The experts in the area recommended this

[Deputy Joan Burton.]

system of assessment. Departmental medical assessors received special training in human disability evaluation.

I listened with great attention to a number of Deputies. Every Deputy referred to the shortage of services. Traditionally, income support has been assessed and delivered separately to services. Deputies referred to the importance of speech and language therapy to some children with autism and autism spectrum difficulties. During the years of a lot of money in this country, there was much emphasis on paying income in cash directly. Perhaps the emphasis in those years should have been on developing and employing speech therapists. It is of great importance to the children about which Deputies spoke. An integrated assessment of need would take account of the need for various health, personal care and educational services and the need, if any, for income support.

Deputies referred to the assessment of need under the Disability Act. My colleague, the Minister for Health, who will be speaking in this debate tomorrow night, is making progress with regard to the assessment of needs of those with a disability.

The advisory group on tax and social welfare is currently examining a number of the issues relating to the operation of the disability allowance and the age threshold. I said before in the House that in my view the parents should be paid the allowance for anyone under 18 years. This is my personal view. I also asked my officials to liaise with their colleagues in the Department of Health, the Department of Children and Youth Affairs, and the Department of Education and Skills, who have a role in providing supports and services to children with disabilities in order to map the availability of services and to ascertain if an opportunity exists for greater connection and consistency in the assessment for such supports and services. It is an issue of income but also it is an issue of services. The Department of Social Protection does not provide services, rather it provides income support.

The Department is also undertaking an urgent review of the allowance policy. I am undertaking this review in order to clarify its objectives, to consider whether legislative change is required and to consider whether the current administrative and medical processes need further refinement in light of the review. As part of this review, the question of the duration of review periods for the allowance will be considered, based on the medical condition of the children involved, while taking account of other priority demands on the medical resources of the Department.

I am aware of the heroic efforts of parents to support their children. I wish to assure the House that I am well aware of the vital role played by the income supports paid by the Department of Social Protection in enabling people to live with dignity and to support their children. The Department does not directly supply services and for many of the parents the services are a critical issue for aiding the progress of their children.

Many of the matters raised in the motion are within the remit of the HSE and the services it provides. I wish to assure the House that the staff of my Department, which works on this scheme, understand the concerns of parents and the pressures they feel in dealing with the challenges in their lives. All claims are dealt with in a professional manner and all cases are dealt with on an individual basis and decided on merit, according to the eligibility criteria set out in the scheme. There have been no cutbacks in this area. There have been no policy of cutbacks initiatives by staff on their own behest or at the behest of anyone else. The fact that more than 6,000 extra children have been awarded the domiciliary care allowance should be acknowledged, considering the comments about the staff and officials in my Department. There have been no instructions issued by anyone in Government to cut back in this area.

Deputy Mattie McGrath: We are not saying that. The Minister should tell the truth about it.

Deputy Joan Burton: The budget was difficult but because of the state of the economy difficult decisions were made with regard to social welfare. Specifically, the domiciliary care allowance and carer's allowance were protected. I said this at the time of the budget because I regarded it as very important to protect those payments. One quarter of the number of children now in receipt of the payment have been awarded it by my Department. I can understand the Deputies' concern about individual cases but to say there is an agenda being pursued by staff in the Department or by medical assessors to deprive parents of children of the domiciliary allowance is simply not borne out by the fact of the numbers.

Deputy Catherine Murphy: I am not making these people up. We are not making these stories up.

Deputy Colm Keaveney: Domiciliary care allowance is payable in respect of children under 16 years of age who have a disability so severe that it requires the child needing care and attention and-or supervision substantially in excess of another child of the same age. This care and attention must be given by another person effectively full-time. In that respect, I salute those carers for their dedication and their commitment to domiciliary care. That care is offered to the child so that the child can deal with the activities of daily living. The child must be likely to require this level of care and attention for at least 12 months.

Eligibility for the domiciliary care allowance is not based primarily on the medical or psychological condition but on the resulting lack of function of body or mind necessitating the degree of extra care and attention required. Each application is assessed on an individual basis taking account of the evidence submitted and no specific condition or disability qualifies or disqualifies a child from qualifying for the allowance. Applications for children with autism and other intellectual disabilities are processed in exactly the same manner as applications for children with other types of disability.

The Department's target is to process domiciliary care allowance claims within seven weeks. Currently, the average time period to process a domiciliary care allowance application is eight weeks. We agree with the principles set out in the motion and as outlined by Deputy Joan Collins with regard to the processing of claims. During the first quarter of 2012, the average waiting time for appeals dealt with by summary decisions was 22.4 weeks and 40.9 weeks for those that required an oral hearing. The comparable times for 2011 were 25 weeks and 52.5 weeks respectively. There have been no cuts made to the scheme in recent budgets and the rate of payment remains at €309.50 per month, as reaffirmed by the Minister in her contribution.

Prior to April 2009, the domiciliary care allowance scheme was administered by the Health Service Executive. Since it transferred to the Department of Social Protection, the scheme has been placed on a statutory basis, as provided for in the Social Welfare and Pensions Act 2008. This is to be welcomed. The medical criteria as set out in the legislation requires that in order to qualify for the allowance, the child must be in need of care and attention and-or supervision substantially in excess of another child of the same age. Prior to taking responsibility for the scheme, the Department convened an expert medical group to draw up a set of consistent and objective guidelines for use in determining the medical eligibility of children for the scheme. The group was chaired by the Department's chief medical advisor and comprised of senior medical personnel from the HSE, as well as eminent professionals. The group considered the most appropriate methods for conducting the assessment.

I refer to the statistics associated with the scheme. The domiciliary care allowance is paid to over 24,000 parents or guardians in respect of 26,000 children at a cost of approximately €100 million in 2011 and with the accompanying respite care grant costing a further €45 million. The

[Deputy Colm Keaveney.]

number of claims has increased steadily over the course of the years, with 11,000 in 2011, 23,000 in 2009 and 26,000 in 2012, an increase of 3,000.

A review policy is an integral part of all social welfare schemes and is necessary to ensure payments continue to be made only to those customers who meet the qualifying conditions. In circumstances where a child has a lifelong disability that is unlikely to improve to any significant degree, I welcome the fact that the Minister has confirmed that a “do not review again” status may be used on that file by the medical assessor.

Service users or clients who are reviewed are asked to provide relevant up-to-date medical evidence and details of the additional care needs of their child. They are now afforded a 60-day reference period in which to return this information to the Department. I am glad to say that where payment is stopped as a result of the review, the family is invited to submit further information in order to secure a payment. Up to now, service users or customers were requested to return medical review forms and supporting information within 21 days. I welcome the Minister’s confirmation that the reference period will now be 60 days.

Following a review of the current 21-day timeframe, that extension will provide an adequate opportunity for families to provide supporting evidence with regard to processing the claim. I am delighted that the Minister intends to undertake a policy review of the allowance over the course of the next nine months. It gives the Department an opportunity to clarify the objectives of the policy, to consider what legislative change is required and also consider what refinement of current administrative and medical processes is needed in the context of the existing system. As part of this review, the question of the duration of review periods for the allowance must be actively considered, based on the medical condition of the children involved, while taking account of other priority demands on the medical resources required to underpin adequate and acceptable care for that child. The primary objective has to be the care of those children and the support of their families.

Deputy Barry Cowen: I wish to respond initially to what the Minister had to say about the 3,000 extra claimants’ cases since 2009. We acknowledge that but we dispute the review initiated last year by the Department on her instructions. The statistics emanating from that review do not lie. The real stories emanating from that review form the basis of tonight’s motion. The Minister spoke about a review of the whole DCA structure, which is supposed to pacify us and those whom we represent. I have no doubt that Members on the Government benches have also been inundated by representations from families who have been affected by this review. I hope the Government side will take cognisance of those statistics and what constituents are saying throughout the country.

A fortnight ago, many families from across the country protested both here in Dublin and in Cork city against what we would term one of the most underhand and vicious cuts implemented by the Government. They were protesting on behalf of the most vulnerable children in society, many of whom are unable to speak for themselves. The covert cutbacks to a payment that these children are utterly reliant upon exposes the cold strategy of the Government to mask its own failures with a devastating series of below-the-radar cuts.

I welcome the Technical Group’s motion as an opportunity for us to raise the plight of the families who gathered here two weeks ago, many of whom are in the Gallery this evening. Their profound difficulties with the escalating series of cuts, straining their already stretched resources and undermining their ability to care for severely disabled children, is the human side of insidious cutbacks. For parents of children with special needs, and severely autistic children, the DCA is used for vital services such as speech and language therapists, occupational therapy and other special needs therapies.

These types of key treatments are absolutely essential if these children are to be in a position to get the most out of their lives. At €309.50 per month, the payment represents the difference between making ends meet and things falling apart for families trying to provide a good upbringing for their vulnerable children. Given the severe financial pressure that these families are now under, this motion is a timely chance for the Government to reflect on its policy. On behalf of the Fianna Fáil Party I am calling on the Government to completely reverse its policy on the domiciliary care allowance review process. I ask the Minister to note that we are here to discuss the review process. Deputy Micheál Martin recently pressed the Taoiseach on this issue at Leaders' questions. He outlined the grim nature of the cuts that have been insidiously introduced. Almost 50% of children with autism and special needs have had their payments taken from them. He cited a letter sent by the Department to the parents of one autistic child with serious challenges. The quotation from that letter is indicative of many similar letters sent to such parents, carers and guardians. It stated: "The needs of your child are no different than that of any six year old."

The increasingly draconian restrictions on the domiciliary care allowance are further compounded by hits to the family income supplement and carer's allowance. Families who face major challenges in raising their special needs children must now face further hurdles put in their way by the Government. The DCA is now paid to 26,000 children across 24,000 families, with spending on the scheme and the respite care grant, which is automatically paid to all recipients, reaching €145 million in 2011. This money is an integral part of the budget of the families of those 26,000 children who need this payment.

The Department of Social Protection took over responsibility for the scheme from the Health Service Executive in April 2009. Under this Government, and especially since last year, I make no apologies for saying that it has ramped up efforts to reduce payments under the DCA. The Government review announced over a year ago has prompted a drastic cutback in the DCA. Eligibility for the DCA is not based primarily on the medical or psychological condition, but on the resulting lack of function of body or mind necessitating the degree of extra care and attention required that parents provide. Each application is assessed on an individual basis, but the Government is utilising that very process to reduce the number of recipients and lower spending. For example, this January, following a review of their claims, 57 claimants were notified that they no longer qualified for the payment. A savings figure of €326,239 relating to these 57 DCA claims and associated respite care grants has been recorded. This figure will further increase when the savings figure relating to any associated carers allowance is finalised. It is this money that these families need to pay for the therapies and services that are integral to ensuring these children have the opportunity to get the most out of their lives.

The Government reviewed 402 cases last year and cut the domiciliary care allowance for almost half the children involved. The families of 193 of these children were suddenly told that they will no longer receive the payment. Most of these are children with autism over the age of four. The Minister said that Opposition speakers were only representative of children with autism. We are not, but the figures do not lie. These statistics emanate from last year's reviews. These are children with profound learning and intellectual challenges. The DCA was used by their families as a payment to fund vital services. The process did not include any face-to-face assessment of the children affected, so officials had no first-hand knowledge of the care they required. The review also ignored medical evidence of the children's conditions, and the evidence from parents about the level of care and attention the children need. People are justifiably wondering how the decisions on cuts were made.

The difficulties do not stop at the subtle elimination of the DCA for hundreds of families. Appealing the decision takes weeks, and many more weeks than the period suggested by the Government spokesperson earlier in this debate. According to information from the Depart-

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ment, based on figures for the first quarter of 2012, the average waiting time for appeals dealt with by summary decisions was 22.4 weeks, and 40.9 weeks for those that required an oral hearing. Families unfairly hit by an inadequate review process are left for months with no recourse and grave uncertainty about their financial future. In short, the reviews put in place by the Government lack transparency, appear to have taken no face to face assessment of the child in question and have all the appearances of the worst aspects of bureaucracy. Most pointedly, they have hit vulnerable, autistic children the hardest. I emphasise that the statistics that emanate from those reviews point to those facts. A review process that leaves hundreds of vulnerable families who use a payment to provide a better quality of life for their children bereft of support is a flawed review system. The Government must change this compromised review service — not carry out a review that will take another eight months and that will be similar to other reviews called for by this Minister for reviews in the Department of Social Protection.

The steady reduction in the domiciliary care allowance reflects a broader approach by the Government towards covert cuts. It has made hay out of defending headline efforts such as not reducing social welfare rates but in truth the axe has fallen hard on those least able to bear it. The Government policy is to bring cuts in through the back door on the parts of society least able to shout about it, least able to have the massive unions behind them or to have the sort of lobby groups that are needed in order to grab the Government's attention. Behind a slick spin operation the Government has systematically introduced a raft of cutbacks that place a hefty burden upon the shoulders of those struggling to make ends meet and that make a complete mockery of claims that it defends the most vulnerable in society.

In areas such as fuel allowance, family income supplement, community employment schemes, jobseeker's benefit, child benefit and farm assist the Government has slashed with nothing but newspaper headlines in mind rather than the actual impact the cuts will have on the most vulnerable sections of our society. Only a strong public backlash against the callous cuts to the disability allowance forced it to backtrack earlier this year following the budget. Further public dismay at the inevitable impact of community employment schemes cuts prompted another pause by the Minister which is quickly becoming her trademark, as I said earlier in regard to the reviews of several of the entitlements within her remit.

In reality while the slow, covert cuts to domiciliary care allowance have taken time to work their way through the system they are having a devastating impact upon hard pressed families. In a similar vein, carer's allowance is now calculated as income for the purposes of the family income supplement. This will have a major impact on hundreds of families across the country who rely on family income supplement to make ends meet and they will find themselves now ineligible. The devastating impact of these measures across various exposed sections of Irish society show up the fiction of the Government's social protection policy. Last month's calculated effort to deflect attention away from a cut to the one parent family allowance is part of this policy of spin. The Government strategy is to appear to be avoiding cuts while in fact bringing them in covertly. The recent Social Welfare and Pensions Bill is a testament to that strategy but its impact upon ordinary families and its potential in condemning a generation of one parent families to the poverty trap will be felt for many years to come. The insidious nature of the cuts, shrouded by Government spin belies the devastating impact they will have. The domiciliary carers allowance cuts are a strong example of that.

We must highlight that this Government cannot hide from the facts. The Government has abandoned the progressive budgetary strategy developed over the past few years and pursued a regressive policy. The ESRI has studied in detail the impact of the budgets over these past most difficult, financially challenging years. It found that budget 2012 imposed greater percent-

age losses on those with low incomes. Callan, Keane, Savage and Walshe, as detailed in the ESRI special articles, concluded that budget 2012 involved greater proportionate losses for those on low incomes, reductions of about 2% to 2.5% for those with the lowest incomes, as against losses of approximately 0.75% for those on the highest incomes.

The regressive policy by the Government is a stark contrast, believe or not, to the budgetary policy pursued under Fianna Fáil. The paper I mentioned found that since October 2008 losses imposed by tax and welfare policies have been greatest for those on highest incomes, with a lesser impact on middle income groups and the least impact on those with low incomes, as compared to budget 2012. It found the same pattern prevailed in public sector pay cuts, with the higher paid bearing the brunt.

The Government has failed miserably to emulate this tough but fair approach. Instead it has relied upon spin to mask its covert, insidious cuts that have had a regressive impact upon Irish society placing the burden of fiscal adjustment upon those least able to bear it. Those families affected by the underhand cuts to the domiciliary care allowance know all too well what is a regressive policy.

I would like to take this opportunity to once more call upon the Government to change the policy in regard to the review the Minister initiated last year. The impact upon ordinary families who are trying to make the most of life for their children is too deep. The review process is too flawed and utterly impersonal. The effect on vulnerable children is and will be too devastating. Tonight's motion is a chance for the Minister to come out from behind the wall of spin, acknowledge a mistake and change course. We acknowledge and do not dispute the fact that more cases have come on stream since responsibility for this measure moved to the Minister's Department in 2009. We acknowledge that there have been 3,000 new cases and we welcome that——

Deputy Joan Burton: There have been 6,000.

Deputy Barry Cowen: ——but what we are disputing is the impact this is having. The statistics emanating from the 400 reviews initiated last year are stark. They are the reason we, members of the Minister's party and Government backbenchers are receiving representations throughout the country. They know too well the effect that this review and the impersonal nature of the review process that is in place is having on these families who have children with special needs and especially on those who have autistic children. I do not say that lightly. As I said before the Minister re-entered the Chamber, that is as a result of the statistics that emanate from those reviews. Fianna Fáil will support this motion and stand beside the most vulnerable members of this society.

Deputy Sandra McLellan: I welcome the opportunity to speak on such an emotive and personal issue this evening. We in Sinn Féin warmly welcome the spirit of this motion but we have concerns regarding some of the proposals that are being put forward. We do not agree with the recommendation from the Technical Group that the domiciliary care allowance should be transferred from the Department of Social Protection back to the Department of Health; this in our view would not benefit these families in receipt of the domiciliary care allowance, in fact we would view this as a counter-productive measure.

Logic would have it that all income support should be placed under the one roof. It is evident that it is at the administration level that changes need to occur. This motion also proposes that all domiciliary care allowance should be made by child protection or disability social workers. This in our view is extremely impractical; due to financial cutbacks we have a severe shortage of both social workers and disability workers. If anything we should be attempting to lighten

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their load as they are currently severely overworked. What we need are better guidelines and training for deciding officers

According to recent figures from the Department of Social Protection, nearly two out of every three applications for domiciliary care allowance are refused. This stands as a huge 62% refusal rate, which represents a trebling of the refusal rate for children with intellectual disabilities and autism since 2009 when the administration of this scheme was taken over by the Department of Social Protection.

These decisions are coming at a time when families across Ireland are struggling to cope. There is a number of psychological, speech and language, occupational therapy and paediatrician reports outlining the need for extra care for these children and their families, yet these reports are continuously overruled.

Many of these parents cannot work outside of the home and this allowance is their only income in some instances. Like many of my colleagues I have had many parents through my clinics majorly concerned at the thought of losing their vital allowance. For example, just last month a mother of three young girls came to my clinic. Two were autistic. The mother proceeded to tell me that she only receives domiciliary care allowance for one but it is probably only a matter of time before she will get a review. This woman has just been refused domiciliary care allowance for her youngest daughter, yet she has same diagnosis as her sister. The family now awaits a review for the other daughter who is in receipt of domiciliary care allowance and is in great fear of losing it.

Figures from the Department of Social Protection show that domiciliary care allowance is paid to more than 24,000 parents or guardians in respect of 26,000 children. In 2011, 403 reviews were carried out, 187 families were found to be no longer eligible and 52 cases have yet to be finalised.

The combined number of people who appealed review and first time application decisions last year was 2,420, and while 1,259, or 52%, of these appeals were successful, 48% were not. In the past six months 213 domiciliary care allowance recipients have been found on review to be no longer eligible for the payment. This enormous hike in refusal rates illustrates the severe lack of understanding in the Department of Social Protection about these families who desperately need this allowance. This lack of understanding is also reflected in the flawed application process which places more pressure on families applying for a welfare payment, putting them through the stressful ordeal of appeals and oral hearings, not to mention the expense of this extended process on the State.

Parents are not given sufficient notice of the review to gather the supporting documentation from consultants and therapists which is necessary to re-establish eligibility successfully. My colleague, Deputy Ó Snodaigh, has made several recommendations to the Department on areas of improvement, specifically that parents should be granted a period of six months to prepare for the review.

While I welcome the motion, I have concerns about some aspects of the proposals. That said, the huge rise in refusal figures is of great concern, as refusal has a dramatic effect on the daily lives of families throughout Ireland.

Debate adjourned.

The Dáil adjourned at 9 p.m. until 10.30 a.m. on Wednesday, 9 May 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 19, inclusive, answered orally.

Questions Nos. 20 to 69, inclusive, resubmitted.

Questions Nos. 70 to 80, inclusive, answered orally.

Garda Representative Associations

81. **Deputy Derek Keating** asked the Minister for Justice and Equality the grants of moneys, in tabular form, that have been made to the Garda Representative Association and the Association of Garda Sergeants and Inspectors; the support other than funding that has been made by the State to these two organisations by way of secondment of staff and benefit in kind; the salaries that are paid to the individual officials and the person who determines these salaries; and if he will make a statement on the matter. [22608/12]

Minister for Justice and Equality (Deputy Alan Shatter): I have been informed by the Garda Authorities that the total amount provided from the Garda Vote in 2011 to the Garda Representative Association and the Association of Garda Sergeants and Inspectors was as set out in the table which I am circulating with this answer.

As the Deputy will see, the total funding provided in 2011 to the GRA was just under €228,000, and to the AGSI was just over €179,000, making a grand total of around €407,000. The funding covered the salaries of members seconded to work for the Associations, as well as subventions for the accommodation and communication costs of the Associations. The salary component of this funding, at around €103,000 for the GRA and around €117,000 for the AGSI, is in respect of 2 members at Garda rank seconded to the GRA and 2 members at Sergeant rank seconded to the AGSI, and is calculated by reference to each member's position on the relevant pay scale:

Organisation	Postage and Telephone Subvention	Accommodation Subvention	Grants	Salaries	Total
G.R.A.	€31,484.42	€92,958.16	0	€103,527	€227,969.58

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Organisation	Postage and Telephone Subvention	Accommodation Subvention	Grants	Salaries	Total
A.G.S.I.	€15,099.72	€46,613.18	0	€117,305	€179,017.90

Prison Service

82. **Deputy Dessie Ellis** asked the Minister for Justice and Equality if he has ever examined the proposal to establish a position of Prisoners Ombudsman; the details of their costing analysis; and if he will make a statement on the matter. [22674/12]

106. **Deputy Dessie Ellis** asked the Minister for Justice and Equality his plans to introduce legislation to create a position of Prisoners Ombudsman. [22673/12]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 82 and 106 together.

I have no plans to introduce legislation to create a position of Prisoner Ombudsman, although as the Deputy will be aware from the situation in Northern Ireland that a statutory basis is not a prerequisite for the operation of such an office.

The primary purpose of an ombudsman is to investigate complaints and make non-binding recommendations. In the current circumstances it is difficult to see how one could justify diverting resources to establish a new office of Prisoner Ombudsman. While no detailed cost analysis has been carried out, I note that the budget of the Northern Ireland Prisoner Ombudsman for the year 2011-2012 was £646,000 (approximately €800,000) dealing with complaints from a prison population which is less than half of ours.

My interest is not so much in the form but in the substance of how we ensure prisoners are properly and fairly treated.

In addition to the oversight provided by the courts, the Inspector of Prisons and regular visits by the Council of Europe Committee on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, we have internal procedures for addressing prisoner complaints. An independent element is provided for by the Prisons (Visiting Committees) Act 1925 which requires a visiting committee to be constituted for every prison in the State and one of the statutory duties of such committees is to hear any complaints which may be made to them by a prisoner. Under new legislation to be prepared, I intend to make Visiting Committees more effective while they continue their role. The arrangements for membership of the Committees will be changed and a link will be established between the Visiting Committees and the Inspector of Prisons who also makes announced and unannounced visits to prisons during the year.

Notwithstanding the above, I am not satisfied that the existing Prison Service procedures are sufficiently robust and independent of the local staff to meet best practice. The Office of the Inspector of Prisons is a statutory independent office and I have asked the Inspector of Prisons to give consideration to this matter and to advise me as to the most appropriate approach to be taken in an Irish context so as to ensure compliance with best international practice. The Inspector recently provided me with his report which is currently being considered.

Garda Deployment

83. **Deputy Micheál Martin** asked the Minister for Justice and Equality the proposed operational impact and proposed annualised cost savings of the new Garda roster introduced on 1 May 2012; and if he will make a statement on the matter. [22626/12]

Minister for Justice and Equality (Deputy Alan Shatter): The new Garda rosters — the first in 40 years- were introduced nationwide on a pilot basis last Monday, 30th April. It is a very significant organisational change in the Garda Síochána, one that will not only enhance the policing service throughout the country, but also have a positive impact on the working lives of members of the Garda Síochána and their families.

I would like to place on the record of the House my appreciation for the work done by Garda management, and indeed the Garda Associations, in developing this new roster. This is a hugely important milestone in the Croke Park process of reform. The new rosters will make more efficient use of resources right across the organisation. They are designed to provide a better match between the availability of Garda members on duty and fluctuating demand for policing services. The new rosters will also respect the EU Working Time Directive and safeguard the health and welfare of members, giving a better work-life balance to members of the Garda Síochána.

It is expected that the rosters will be cost-neutral. Their objective is to maximise the efficient and effective deployment of Garda members at a time of reduced numbers in the Force, and it is that reduction in numbers which will deliver significant savings.

Courts Service

84. **Deputy Michael Moynihan** asked the Minister for Justice and Equality if he will outline on a county basis, the number of court cases in each court district that are currently being heard and have not been adjourned; the number that have been adjourned and the main reason for their adjournment; the number that have a hearing date set; the number that are awaiting a hearing date; and the way the Court Service intends to tackle backlogs in specific areas.
[22635/12]

Minister for Justice and Equality (Deputy Alan Shatter): As the Deputy will be aware, under the Courts Service Act 1998, the management and administration of the courts is a matter for the Courts Service while the allocation of the business of the courts, scheduling of cases and management of lists are matters for the judiciary and in particular the Presidents of the courts. The Deputy will also be aware that judges are, subject to the Constitution and the law, independent in the exercise of their judicial functions.

However, in order to be of assistance to the Deputy, I have had enquiries made and the Courts Service has informed me that, while currently statistics are not maintained on the number of adjournments, the Service works closely with the judiciary to ensure that all cases are dealt with as quickly as possible. I am circulating with this reply a tabular statement detailing the District Court backlogs around the country for December 2009, 2010 and 2011 and the Deputy will note that, generally, backlogs have not deteriorated. The usual practice is that Court Presidents assign additional judges to assist where backlogs have arisen. However, as the Deputy will be aware, until recently there were up to eight vacancies on the District Court and seven on the Circuit Court which prevented some additional sittings. The Government has moved quickly to fill those key judicial posts and in the meantime I understand that priority was given to criminal sittings. Moreover, the Courts Service has lost over 120 posts through retirements over the past two years yet I am informed that no Circuit or District Court sittings have been cancelled due to lack of staffing resources. The Service continues, to the extent possible, to fill key front line posts by lateral transfers, increased flexibility in the use of staff resources, restructuring and redeployment where permissible. Detailed contingency plans are in place for Dublin, where there are high volume courts, to try to ensure that court sitting levels are maintained at 2011 levels notwithstanding decreased resources. A general contin-

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agency plan is also in place for provincial locations which can be tailored to circumstances in individual offices.

As the Deputy has observed adjournments can give rise to delay. The conduct of a case is a matter for the presiding judge but it is, however, important to understand that a judge may grant an adjournment for a wide variety of reasons, for example, where a case or a previous case takes longer than anticipated; unavailability of key participants — whether that is the judge who has seisin of the case, the legal practitioners or witness; or the case is not able to proceed due to the parties not being ready or due to issues around availability of evidence or disclosure.

One reason for adjournments has been the requirement in some cases to seek a probation report which traditionally resulted in cases being adjourned to allow an assessment to be carried out. I am pleased to inform the Deputy that this is being addressed through new work practices. Since 2011, the Probation Service provides ‘same day’ assessment reports as an option available to judges where Community Service orders are under consideration. I understand this arrangement is working well in the majority of cases and by the end of 2011, almost a third of all Community Service assessments carried out by the Probation Service were completed on the same day. A similar pilot arrangement in respect of pre-sanction reports has recently commenced in the District Courts in the Criminal Courts of Justice.

I should add that an Expert Group has been considering, in the context of the European Convention on Human Rights, how delays might be remedied and I look forward to considering their report in the coming weeks.

District Court

Crime — Waiting Times at December 2009; 2010; 2011 [All Waiting Times shown in WEEKS]

Office	Criminal Summonses (1) Dec-09	Criminal Summonses (1) Dec 10	Criminal Summonses (1) Dec-11	Charge Sheets (2) Dec-09	Charge Sheets (2) Dec-10	Charge Sheets (2) Dec-11
Athlone	12-14	12-14	12-14	NS	NS	NS
Ballina	10-12	10-12	10-12	NS	NS	NS
Ballinasloe	12-15	12-15	12-15	NS	NS	NS
Bray	20	14	16	NS	NS	NS
Carlow	12	12	12	NS	NS	NS
Carrick-on-Shannon	12	8-12	12-15	NS	NS	NS
Castlebar	12	12-	12	NS	NS	NS
Cavan	16	16	16	NS	NS	NS
Clonakilty	12	12	12	NS	NS	NS
Clonmel	10	12	12	NS	NS	NS
Cork	14	14	14	NS	NS	NS
Derrynea	12-16	14-16	14-16	NS	NS	NS
Donegal	12	10-14	11-18	NS	NS	NS
Drogheda	13	13	13	NS	NS	NS
Dublin	Section 49* 12	13	9	NS	NS	NS
	Other 36	14	21			
Dundalk	14	14	14	NS	NS	NS
Ennis	12-15	12-15	12-15	NS	NS	NS
Galway	10-12	10-12	10-12	NS	NS	NS

Office	Criminal Summonses (1) Dec-09	Criminal Summonses (1) Dec 10	Criminal Summonses (1) Dec-11	Charge Sheets (2) Dec-09	Charge Sheets (2) Dec-10	Charge Sheets (2) Dec-11
Kilkenny	16	20-26	20-26	NS	NS	NS
Letterkenny	16-20	16-20	20-24	NS	NS	NS
Limerick	12	12	12	NS	NS	NS
Longford	12	12	12	NS	NS	NS
Loughrea	12	12	12	NS	NS	NS
Mallow	15	12	12	NS	NS	NS
Monaghan	12-15	12-15	12-15	NS	NS	NS
Mullingar	15-16	15-16	15-16	NS	NS	NS
Naas	14-18	14-18	12-16	NS	NS	NS
Nenagh	12	16-20	16-20	NS	NS	NS
Portlaoise	16-20	14-18	14-18	NS	NS	NS
Roscommon	12-15	12-15	12-15	NS	NS	
Sligo	12	12	13-15	NS	NS	NS
Tralee	12	12	12	NS	NS	NS
Trim	14	14	14	NS	NS	NS
Tullamore	12-15	12	12	NS	NS	NS
Waterford	16	16	16	NS	NS	NS
Wexford	12	12	16	NS	NS	NS
Youghal	16-20	14	14	NS	NS	NS

NS=Next sitting

(1) Time from receipt of summons application to scheduled date for hearing

(2) Time from receipt of charge sheet to first court date

Section 49 refers to drink driving prosecutions

District Court Civil — Waiting Times at December 2009; 2010; 2011 [All Waiting Times shown in WEEKS]

Office	Civil Applications (3) Dec-09	Civil Applications (3) Dec-10	Civil Applications (3) Dec-11
Athlone	8	8	4-8
Ballina	6-8	6-8	6-8
Ballinasloe	8	8	4
Bray	12	8	8
Carlow	8-12	8-12	8
Carrick-on-Shannon	12	8-12	8-12
Castlebar	8	16	8-12
Cavan	8	8	12
Clonakilty	5	NS	8
Clonmel	5	4-8	NS
Cork	6	6	6
Derrynea	4-6	4-6	4-6
Donegal	8	8	8
Drogheda	8	8	8
Dublin	8	35	30
Dundalk	4	4	4
Ennis	8-12	8-12	8-12
Galway	4	4	16
Kilkenny	8-10	4	4

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Office	Civil Applications (3) Dec-09	Civil Applications (3) Dec-10	Civil Applications (3) Dec-11
Letterkenny	8	8	16-20
Limerick	8-10	8-10	8-10
Longford	4	4	4
Loughrea	8	8	4
Mallow	3-4	3-4	3-4
Monaghan	8-10	8-10	8-10
Mullingar	8-12	8-12	4-8
Naas	6	8	8
Nenagh	4	12	1
Portlaoise	16	12	12-16
Roscommon	4	4	4
Sligo	8	8	8
Tralee	8	8	8
Trim	8-12	8-12	8-12
Tullamore	4	4	4
Waterford	12	10	12
Wexford	30	40	24
Youghal	12-16	12	12

*Urgent interim applications are dealt with immediately i.e. on next sitting day in every District.

(3) Time from receipt of application to date of listing for hearing.

District Court Family Law — Waiting Times at December 2009; 2010; 2011

[All Waiting Times in WEEKS]

Office	Family Law Domestic Violence Applications* (4) Dec-09	Family Law Domestic Violence Applications* (4) Dec-10	Family Law Domestic Violence Applications* (4) Dec-11	Family Law Maintenance Guardianship Applications (5) Dec-09	Family Law Maintenance Guardianship Applications (5) Dec-10	Family Law Maintenance Guardianship Applications (5) Dec-11
Athlone	2	2	2	4	4	4
Ballina	NS	NS	NS	4	NS	NS
Ballinasloe	1	1	1	4	4	4
Bray	8	1-3	1-3	12	3-6	3-6
Carlow	4	4	8	4	4-8	8
Carrick-on-Shannon	NS	NS	NS	NS	NS	NS
Castlebar	1	NS	NS	6	6	6
Cavan	4	NS	NS	4	8	8
Clonakilty	NS	NS	NS	NS	NS	NS
Clonmel	1-2	4-8	4-8	4	8-12	8-12
Cork	10	10-12	10	10	10-12	10-12
Derrynea	NS	NS	NS	4	3	3
Donegal	4	4	2-5	6	4-6	4-6
Drogheda	NS	NS	NS	4	4	4
Dublin	12	7	8	12	7	8
Dundalk	1	1	1	3	3	3
Ennis	2	2	2	4	4	4

Office	Family Law Domestic Violence Applications* (4) Dec-09	Family Law Domestic Violence Applications* (4) Dec-10	Family Law Domestic Violence Applications* (4) Dec-11	Family Law Maintenance Guardianship Applications (5) Dec-09	Family Law Maintenance Guardianship Applications (5) Dec-10	Family Law Maintenance Guardianship Applications (5) Dec-11
Galway	1	1	1	3	3	3
Kilkenny	8-10	2-4	2-4	12	4-8	4-6
Letterkenny	4	4	4	8	8	8
Limerick	3-5	3-5	3-5	6-8	6-8	6-8
Longford	1	1	1	4	4	4
Loughrea	NS	NS	NS	NS	8	8
Mallow	NS	NS	NS	NS	NS	NS
Monaghan	NS	NS	NS	NS	NS	NS
Mullingar	1-3	1	2	4	4	4
Naas	2	2	2	8	8	8
Nenagh	NS	NS	NS	NS	NS	NS
Portlaoise	NS	NS	NS	NS	4-8	8-12
Roscommon	NS	NS	NS	NS	NS	NS
Sligo	2	2	2	4	4	4
Tralee	4	4	4	4	4	4
Trim	4-6	4-8	5-8	4-8	4	4
Tullamore	NS	NS	NS	NS	4	4
Waterford	8	8	12	8	8	12
Wexford	NS	NS	NS	4	4	4
Youghal	2-3	8	8	4-8	8	8

*Urgent interim applications are dealt with immediately i.e. on next sitting day in every District.

(4) Time from receipt of application to listing for hearing in domestic violence matters.

(5) As (4) but for other family law applications.

Immigration Status

85. **Deputy Michael Colreavy** asked the Minister for Justice and Equality the number of migrant women with dependant immigration status who are experiencing domestic violence who have requested independent status during each of the past four years; the number of these requests which have been granted by the Irish Naturalisation Immigration Service during each of those years; and if he will make a statement on the matter. [22685/12]

Minister for Justice and Equality (Deputy Alan Shatter): It is not possible to provide the information requested by the Deputy as records on applications and decisions in relation to a change to a person's immigration status in the State are not broken down in this manner. It would require that every such application (some thousands in the period concerned) be examined to determine if domestic violence was a ground or was disclosed as a ground for the application and a factor in any decision to grant the application; the Deputy will appreciate that this would require an excessive amount of time and resources.

However, I have been advised by the Irish Naturalisation and Immigration Service (INIS) of my Department that the experience in recent years has been that a relatively small number of non-EEA nationals apply to change their status on this basis. My officials have indicated that in total the number is likely to be no more than a dozen a year.

INIS operates a flexible, pragmatic and humane approach to the status of non-EEA nationals (both men and women) who are in situations of domestic violence. Any person in such a situation can approach INIS either directly or through an Garda Síochána or a non-govern-

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mental organisation and their case will be examined with sensitivity. All cases are addressed on a individual basis and independent status is granted where the known circumstances of the case warrant it. In considering the circumstances of each such application every effort is made to ensure that the most appropriate permission to remain in the State is granted consistent to overall public policy, the requirement to ensure that the integrity of the immigration system is upheld and, of course, to address the particular issues of the applicant.

I would point out that not every victim of domestic violence will require a new residence permission. It is possible that a victim might be resident with their own independent status. However, to date where applications were made and the persons concerned were able to substantiate their claim with appropriate reports, an immigration status was granted which allowed them access to the labour force and to apply for State aid where required.

This system works and I understand that organisations working with victims of domestic violence have publically acknowledged that cases are dealt with sensitively and compassionately. I have also asked INIS to keep the matter under review so to ensure that it continues to meet the needs of victims in the context of overall immigration public policy as well as policy on tackling domestic violence.

I would add that the primary concern for victims of domestic violence, whether they are Irish citizens or foreign nationals is their physical safety. The concern is a primary focus of COSC, the National Office for the Prevention of Domestic, Sexual and Gender-based Violence.

Sentencing Policy

86. **Deputy Niall Collins** asked the Minister for Justice and Equality the additional resources he is giving the Prison Services and Probation Services to deal with the early release programme; and if he will make a statement on the matter. [22643/12]

Minister for Justice and Equality (Deputy Alan Shatter): As I said earlier, the Irish Prison Service Strategic Plan contains a number of key objectives for the next three years one of which includes the expansion of a pilot community return project which commenced last October in line with the recommendations of the Thornton Hall Project Review Group.

This Community Return programme is an incentivised scheme run in conjunction with the Probation Service which provides for earned temporary release under which offenders who pose no threat to the community are offered early temporary release in return for supervised community service. I am satisfied that both Services have sufficient resources to support the scheme at present.

The Probation Service has been able to manage and resource the scheme since its commencement last October and I am fully committed to ensuring this will continue. As it is, the Probation Service has responsibility for the supervision and management of Community Service Orders in accordance with the Criminal Justice (Community Service) Act 1983 as amended by the Criminal Justice (Community Service) (Amendment) (No. 2) Act 2011. This work, *inter alia*, involves providing assessment reports to the Courts and managing the completion of the Orders by offenders.

I am also pleased to say that sanction was recently obtained to fill the vacant Probation Service Director post which will be advertised in the coming weeks. In addition, a new Inter-agency Unit involving staff from the Irish Prison Service and the Probation Service is being established to develop and co-ordinate arrangements for the national roll out of this project. Dedicated resources from within both agencies will be assigned to the Unit with a view to

creating an enhanced dynamic of interagency co-operation and maximising efficiency and effectiveness.

The Irish Prison Service and Probation Service will also develop joint funding arrangements in order to maximize the availability of structured programmes in the community, providing reparation to society and assisting prisoners in their rehabilitation.

Escape of Prisoners

87. **Deputy Dara Calleary** asked the Minister for Justice and Equality if he has consulted with the Irish Prison Service in relation to prison escapes at Loughlin House Prison, County Cavan; if all recommendations of the report commissioned by him into the escape of a prisoner (details supplied) have been implemented; his views on the further breach at the prison on 24 April 2012; and if he will make a statement on the matter. [22614/12]

Minister for Justice and Equality (Deputy Alan Shatter): I published the Report into the escape by the prisoner referred to on the 28th March 2012. As I stated then, the decision to send this prisoner to Loughan House was wrong. At the time, I instructed the Director General of the Irish Prison Service to take all necessary steps to ensure that a mistake of this nature does not reoccur.

I have since been assured by the Director General that measures have been taken to provide additional oversight in the decision making processes in order to ensure that such a decision cannot be made again in the future. Where consideration is being given to the transfer of a prisoner serving a sentence for a homicide related offence to an open centre, the decision must now be made by the Director General of the Irish Prison Service.

All decision making staff and prison governors have been reminded of the need to take appropriate account of all the criteria to be applied to such decision making, in a balanced and considered manner.

Regarding the incident to which the Deputy refers which occurred on 24 April 2012, 3 prisoners absconded from Loughan House and were pursued by prison staff. The 3 prisoners were subsequently apprehended by the Garda and were returned to custody within a number of hours.

The prisoners in question had been transferred to Loughan House as part of their sentence management and all of them met the criteria for transfer to an open centre. As the prisoners absconded from custody, they have now been returned to closed prisons for the duration of their sentences and will not be considered for any concessions for the remainder of their sentences including transfer to open centres or temporary release.

Legislative Programme

88. **Deputy Gerry Adams** asked the Minister for Justice and Equality the date on which he will publish a new immigration bill. [22686/12]

Minister for Justice and Equality (Deputy Alan Shatter): Work on the details of the Immigration, Residence and Protection Bill 2010, which has been restored by the Government to the Dáil Order Paper, has been ongoing at my Department. This has been necessary to take account of current Government policy which is committed, under the Programme for National Recovery, to “introduce comprehensive reforms of the immigration, residency and asylum systems, which will include a statutory appeals system and set out rights and obligations in a transparent way”. In the course of that work it has become clear that as well as a number of amendments to address some outstanding policy matters a large number of technical amend-

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ments to the Bill will be necessary. As I outlined to the Joint Committee on Justice, Equality and Defence on 7th March during our discussion of migration-related EU funding programmes, it is already anticipated that there would be several hundred such amendments to be dealt with and we have been considering how best to progress them including in cooperation with the Offices of Parliamentary Counsel and of the Attorney General.

At the Joint Committee I also expressed the considered view that instead of engaging in an extremely cumbersome process of tabling hundreds of amendments to the 2010 Bill it would be much more efficient to publish a new and enhanced one. This would incorporate the anticipated amendments and address key outstanding issues several of which have been of previous concern to Members. This proposition was broadly welcomed by the Joint Committee and I very much appreciate the constructive and business-like stance they have thus taken notwithstanding the protracted history of this piece of legislation. It remains my objective under this new approach and mindful of the competing legislative demands of our EU/IMF/ECB Programme commitments, to be in a position to bring the new Bill to Government for approval and publication later this year.

Prison Accommodation

89. **Deputy Clare Daly** asked the Minister for Justice and Equality his plans for reducing the overcrowding in the prison system. [22610/12]

Minister for Justice and Equality (Deputy Alan Shatter): The average number of prisoners in custody in Ireland has risen in the last 5 years, from 3,321 during 2007 to 4,389 during 2011, an increase of over 32%. Likewise the total number of committals to prison has also risen sharply during the same period, from 11,934 in 2007 to 17,318 in 2011 — an increase of over 45%. During the same period the number of prisoners on temporary release also rose from 210 on 30 November, 2007 to 811 on 30 November, 2011. Rising prisoner numbers have placed enormous strain on the prison system across the board from accommodation to the provision of services including work training/education, health care and drug treatment services. During this period, as a result of the increase in the prison population, a number of prisons are operating well in excess of their stated bed capacities. There does appear, however, to be a stabilising or levelling off in the increase in prisoner numbers being committed annually with 2011 recording only a 0.8% increase on the previous year. This compares to increases of 13.6% , 13.8% and 11.4% respectively year on year for 2008, 2009 and 2010.

As outlined in the recently published Irish Prison Service Three Year Strategic Plan it is intended to align the capacity of our prisons in line with the guidelines laid down by the Inspector of Prisons by 2014 in so far as this is compatible with public safety and the integrity of the criminal justice system. In 2012 and the first quarter of 2013 priority will be given to reducing the chronic overcrowding in Mountjoy, Cork, Limerick Prisons and the Dóchas Centre. Significant investment has taken place in our prison estate in recent years with in excess of 900 new prison spaces having been constructed and brought into use since 2007. A new accommodation block at the Midlands prison which will provide a potential 300 additional spaces as well as additional work training and education facilities is due to become operational in late 2012. Furthermore, in conjunction with the Probation Service, the Irish Prison Service has commenced the roll out of the Community Return Programme, an incentivised scheme for earned temporary release under which offenders who pose no threat to the community are offered early temporary release in return for supervised community service. In addition, the Fines Act 2010 includes a number of provisions designed to minimise the level of fine default

and where it does occur, to ensure, as far as possible, that fine defaulters are not committed to prison.

International Agreements

90. **Deputy Brian Stanley** asked the Minister for Justice and Equality his plans to ratify without delay the Optional Protocol to the UN Convention Against Torture; and to establish effective national preventative mechanisms under the Protocol. [22672/12]

Minister for Justice and Equality (Deputy Alan Shatter): Ratification of the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) requires legislation. OP-CAT provides for a system of inspections of places of detention at UN level, and at national level by what the optional protocol refers to as National Preventative Mechanisms. The Deputy will be aware that a number of bodies in this jurisdiction already have responsibility for inspecting places of detention. The Government has approved the drafting of a General Scheme of an Inspection of Places of Detention Bill, which will include provisions to enable ratification of OP-CAT. The Bill will make provision for the designation of National Preventative Mechanisms. Subject to competing legislative priorities, it is expected that the General Scheme will be published in mid 2012. When work on preparation of the General Scheme has been completed, I will be seeking Government approval for its publication to facilitate a consultation process in advance of drafting and publication of the Bill. Arrangements will be made to ratify the optional protocol as soon as possible after the necessary legislation has been enacted.

Garda Transport

91. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice and Equality the number of complaints made by gardaí in relation to a lack of or substandard patrol cars and the steps taken to address these complaints during each year of 2010 and 2011; and if he will make a statement on the matter. [22676/12]

Minister for Justice and Equality (Deputy Alan Shatter): The provision and allocation of Garda resources, including transport, are matters for the Garda Commissioner in the context of his identified operational requirements and the availability of financial resources. I am informed by the Garda authorities that the safe operation of the Garda vehicle fleet is a priority for the Force. Within that framework specific measures are in place to ensure that all of the vehicles concerned are maintained to a high standard so that they can function under safe conditions for both Garda personnel and the general public. In addition I am advised by the Garda authorities that information regarding the number of occasions where a fault has been reported in respect of a Garda vehicle is not readily available and that it could only be compiled through the use of significant resources which are required for other purposes. However, I can assure the Deputy that where such faults are reported they are acted upon promptly.

Prisoner Allowances

92. **Deputy Mary Lou McDonald** asked the Minister for Justice and Equality his plans to reduce daily payments to prisoners; and if he will make a statement on the matter. [22678/12]

Minister for Justice and Equality (Deputy Alan Shatter): I have been informed by the Irish Prison Service that a review of the prisoner gratuity payments and allowances system has been completed. The review covered all aspects of the current scheme including the daily allowance and approved work allowance. On foot of this review it is proposed that three different levels of daily gratuity be introduced, with the rates being paid dependent on behaviour and level of

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engagement in structured activities and sentence plans. Under the proposal prisoners who are well behaved and engage actively with services should not see any substantive reduction in their gratuity payments. It is also proposed to regularise the payment of working gratuities across the prison estate and only activities where prisoners provide services which would otherwise result in a cost to the prison service, such as catering and laundry, would qualify for the payment. It is envisaged that the new scheme will result in an overall cost saving to the State. I expect that the new scheme will be finalised shortly.

Garda Authority

93. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality if he is considering establishing an independent Garda Authority; and if he will make a statement on the matter. [22606/12]

Minister for Justice and Equality (Deputy Alan Shatter): Deputy Broughan asked a similar question in May 2011 about the establishment of a Garda Authority and my views have not changed on this matter. I have no plans to introduce a Garda Authority and there is no such commitment in the Programme for Government. The Garda Síochána Act 2005 makes clear that the Garda Commissioner is accountable to my Department and to me as Minister for the performance of his functions and those of the Force, and of course I am politically answerable in the House in respect of these matters. The 2005 Act also made the Commissioner the Accounting Officer for the Garda Síochána, and liable to appear before the Committee of Public Accounts in that capacity. In addition, the 2005 Act established the Garda Ombudsman Commission, which is empowered to carry out independent investigations into Garda conduct, as well as the Garda Inspectorate, which provides expert advice on achieving the highest levels of efficiency and effectiveness in the operation and administration of the Force. The accountability of the Garda Síochána has, through these measures, been significantly strengthened. I might also make the point that any comparison with accountability arrangements in other jurisdictions, should take into account the fact that the Garda Síochána is rare among police forces in combining security and intelligence functions with policing duties, and should look at the totality of arrangements in those jurisdictions.

Garda Operations

94. **Deputy Mary Lou McDonald** asked the Minister for Justice and Equality the policy of the Gardaí on the use of strip searching; if any garda has ever been disciplined for misuse of strip searches; and the penalty they received as a result. [22677/12]

95. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the number of strip searches that have taken place in Bellmullet Garda Station, County Mayo during each of the past 24 months; the average number of strip searches per Garda station during each of the past 24 months broken down by gender in tabular form. [22668/12]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Question Nos. 94 and 95 together.

The searching of persons in Garda custody is governed by the Criminal Justice Act 1984 (Treatment of Persons in Custody in Garda Síochána Stations) Regulations 1987 and 2006, Statutory Instrument 119/1987 which states as follows:

Regulation 17(1) A member conducting a search of a person in custody shall ensure, so far as practicable, that the person understands the reason for the search and that it is conducted with due respect for the person being searched.

(2) A person in custody shall not be searched by a person (other than a doctor) of the opposite sex.

(3) Where a search of a person involves removal of clothing, other than headgear or a coat, jacket, glove or similar article of clothing, no person of the opposite sex shall be present unless either that person is a doctor or the member in charge considers that the presence of that person is necessary by reason of the violent conduct of the person to be searched.

(4) A search of a person in custody involving removal of underclothing shall, where practicable, be carried out by a doctor.

(5) Where clothing or footwear of a person is retained, replacements of a reasonable standard shall be provided.

(6) A record shall be made of a search of a person in custody including the name of the person conducting the search and the names of those present.

(7) Particulars of any property taken from or handed over by a person in custody shall be recorded. The person shall be asked to sign the record of such property as being correct. If he refused to do so, the refusal shall be recorded at the time of refusal.

Under section 7(4) of the Criminal Justice Act 1984 members of the Garda Síochána are liable to disciplinary proceedings for failing to observe any provision of the Regulations. Information regarding the number of searches involving the removal of clothing that have taken place in Bellmullet Garda Station during each of the past 24 months and the average number of such searches per garda station conducted during each of the past 24 months, broken down by gender, is not readily available and would require a disproportionate amount of Garda time and resources to attempt to extrapolate this information.

Following an examination of records maintained in Discipline Section of An Garda Síochána, no member has being found in breach of discipline in respect of the misuse of searches involving the removal of clothing.

Garda Stations

96. **Deputy John McGuinness** asked the Minister for Justice and Equality the savings made to date from the restricted closing hours of stations in the Dublin metropolitan region; if he will outline these savings on a station by station basis; his views on the challenges of the restricted opening hours at Donnybrook Garda Station which is adjacent to the location of a busy disco event every weekend; and if he will make a statement on the matter. [22632/12]

Minister for Justice and Equality (Deputy Alan Shatter): As the Deputy will be aware, on 30 April, 2012, the opening hours of 10 Garda Stations in the Dublin Metropolitan Region (D.M.R.) were reduced from being open on a 24 hour basis to being open to the public between the hours of 7.00 a.m. and 9.00 p.m. only. It is important to remember that while the Garda stations in question will have reduced opening hours to the public, they will remain as functioning Garda stations on a 24 hour basis. It must be stressed that the key objective of the station closures is to promote the more efficient and effective deployment of resources rather than secure modest cash savings.

The Deputy will be aware that the Commissioner, in consultation with his senior management team, is responsible for the detailed allocation of resources, including personnel, throughout the organisation. The reduction in the opening hours of Donnybrook and other Garda stations means that Gardaí who heretofore were required to operate at public counters are now available for operational policing. The allocation of resources is constantly monitored in the context of crime trends, policing needs and other operational strategies in place on a Dis-

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trict, Divisional and Regional level to ensure optimum use is made of Garda resources and the best possible Garda service is provided to the public. The priority is, and will remain, that an effective and professional policing service is provided to every part of the community, both rural and urban.

There are 171 Gardaí assigned to the Donnybrook District itself. There are also 57 Garda Reserves and 33 Civilians attached to the D.M.R. South Central in which Donnybrook Garda is located. These resources are augmented, when appropriate, by Gardaí from national units such as the Garda National Drug Unit and the National Bureau of Criminal Investigation.

Proposed Legislation

97. **Deputy Terence Flanagan** asked the Minister for Justice and Equality his views on whether it is necessary to amend the Charities Act to have all charities publish detailed accounts when they are in receipt of money from his Department; and if he will make a statement on the matter. [16279/12]

304. **Deputy Derek Keating** asked the Minister for Justice and Equality his views that it is necessary to amend the Charities Act to have all charities publish detailed accounts when they are in receipt of money from his Department; and if he will make a statement on the matter. [16207/12]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Question Nos. 94 and 304 together.

The Charities Act 2009 provides for an integrated system of mandatory registration and proportionate regulation and supervision of the charities sector in Ireland. The various sections of the Charities Act are subject to implementation through commencement orders. A number of sections have already been commenced. Those sections that require charities to provide financial information to a new Charities Regulatory Authority, which will in turn make such information available to the public, have not yet been commenced.

The Deputy will appreciate that the full implementation of the Charities Act 2009 had to be examined in the context of the comprehensive review of expenditure, which took place last year. Arising from this review, I took the view that it was not possible to proceed with the full implementation of the Act at this time given the likely scale of the financial and staffing resources implied, and that this should be deferred.

In light of this decision, my Department is currently examining how the transparency and accountability of the charities sector may be further enhanced and supported, pending full implementation of the Charities Act 2009. One initiative which my Department has supported has been development by the charities sector itself of a set of voluntary Codes of Practice for fundraising, of which openness is a core principle. I encourage all charities to sign up to and adhere to these Codes. With regard to relevant existing statutory requirements for financial reporting by charities, I would remind the Deputy that those charities that are companies limited by guarantee are subject to the provisions of company law and are therefore generally required to provide information to the Companies Registration Office under the Companies Acts, which can be accessed by the public.

Asylum Support Services

98. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he has met with the Department of Children and Youth Affairs to discuss the matter of expanding the remit of the Ombudsman for Children to investigate direct provision hostels. [22667/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Reception and Integration Agency (RIA) of my Department is responsible for the accommodation of asylum seekers in accordance with the Government policy of direct provision and dispersal. Section 11(1)(e) of the Ombudsman for Children's Act 2002 provides that the Ombudsman shall not investigate any action taken by a public body where the action was taken in the administration of the law relating to, inter alia, asylum. I should say that, while the Office currently does not have the power to investigate asylum related matters, the Irish Naturalisation and Immigration Service (INIS), including RIA, has administrative arrangements in place with the Office to assist and provide information and help resolve any matters brought to its attention.

The question of extending the remit of the Ombudsman for Children is a matter for the Minister for Children and Youth Affairs in the first instance. I am not aware of any proposal by it to expand the remit of the Ombudsman along the lines suggested by the Deputy. This response should note that RIA takes its child protection role seriously. Responsibility for Child and Family Services is assigned to a specific unit in RIA called the Child and Family Services Unit, whose role is to manage, deliver, coordinate, monitor and plan all matters relating to child and family services for all asylum seekers residing in the direct provision system and to act as a conduit between RIA and the HSE. In the discharge of its role, that unit is in regular contact with the HSE which of course has statutory functions in this area.

Garda Deployment

99. **Deputy Catherine Murphy** asked the Minister for Justice and Equality if he will outline the principles and the reasons underlying Garda staffing deployment across the country; the process by which gardaí are deployed; the reason Garda numbers per head of population vary so much between different Garda divisions; if the current deployment of gardaí accurately reflects any specific, centrally coordinated deployment plan; if he will outline the process by which the annual police plan is developed between his Department and An Garda Síochána; and if he will make a statement on the matter. [22732/12]

Minister for Justice and Equality (Deputy Alan Shatter): I should first of all say that the Commissioner is responsible for the detailed allocation of Garda resources, including personnel, throughout the organisation, and I have no function in the matter.

I am advised by the Commissioner that, in regard to the deployment of Garda personnel, a distribution model is used which takes into account all relevant factors. These of course include population, but also other factors such as workload, response times, crime trends and the overall policing needs of each Division. Garda Management keeps the allocation of all resources, including distribution of personnel, under review to ensure that the most effective policing service possible is provided to the public. The development of the annual policing plan is governed by section 22(1) of the Garda Síochána Act 2005. This requires the Commissioner, before November each year, to submit to the Minister a policing plan for the following year. On approval, the Minister must cause a copy of the plan to be laid before both Houses of the Oireachtas. The policing plan for 2012 was laid before both Houses on 5 December 2011.

Equality Issues

100. **Deputy Michael Colreavy** asked the Minister for Justice and Equality the date on which he will publish the review of the National Women's Strategy; and if he will make a statement on the matter. [22687/12]

Minister for Justice and Equality (Deputy Alan Shatter): Although drafted by the previous Government, the focus of the National Women's Strategy 2007-2016 is closely linked to the

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goals of this Government and to EU gender equality policy. It is intended that the first draft of the Internal Review of the Strategy will be presented to the Strategy's Monitoring Committee at a meeting in June 2012. The report may be edited following discussion in that forum. If necessary, the final Report will be submitted to Government and, subject to the Government's approval, it will be published at the earliest opportunity thereafter.

International Agreements

101. **Deputy Seán Crowe** asked the Minister for Justice and Equality the date on which he will sign the Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence and the progress he has made in this area to date. [22684/12]

Minister for Justice and Equality (Deputy Alan Shatter): As I have previously stated in my responses to PQ numbers 485 and 521 of Tuesday, 14th February, 2012, 543 of Tuesday 28th of February, 2012, and 74 of Tuesday, 13th of March, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence is a detailed Convention with a very broad scope across a number of policy areas.

Cosc, the National Office for the Prevention of Domestic, Sexual and Gender-based Violence, an executive office within my Department, actively contributed to all stages of the drafting process in relation to the Convention. That process took place over a period of almost two years. I am informed that 19 Council of Europe member states have signed the Convention and one has ratified it. It has not yet entered into force as this requires at least ten member states to ratify it.

In view of the complexity and scope of the Convention, and before embarking on the process of formal circulation of a Memo for Government for approval to sign the Convention, Cosc circulated all relevant Departments and State Bodies seeking observations on the final text of the Convention and Explanatory Memorandum. Cosc is finalising its consideration of the issues raised in their responses which need to be addressed by Ireland prior to signature. The matter will then be submitted for decision as to the Government position on the issue of signature.

Asylum Support Services

102. **Deputy Richard Boyd Barrett** asked the Minister for Justice and Equality his views on the conditions at Eyre Powell, direct provision centre in Newbridge, County Kildare; if he has met with residents regarding their concerns and his plans to make improvements and refurbishments. [22666/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Reception and Integration Agency (RIA) of my Department is responsible for the accommodation of asylum seekers while their application for protection is being processed. The Eyre Powell asylum seeker accommodation centre in Newbridge, Co. Kildare, which has a capacity to accommodate 90 residents, is one of 38 centres throughout the State which are managed by private companies under contract to RIA. These contracts set out in detail the services to be provided to residents.

On 10 April, 2012, a detailed written complaint listing 12 areas of concern, signed by a number of residents, was sent to the manager of the Eyre Powell centre through the local Newbridge Asylum Seekers Support Group. The concerns revolved around food, hygiene and attitude of management towards residents. The complaint was simultaneously copied to, inter alia, the media, local TDs, various official bodies and other NGOs.

I am advised by the RIA that two visits to the centre by senior RIA officials took place on Thursday 19 April and Friday 27 April. During these visits, discussions took place with residents

about the complaints raised. A meeting also took place between the residents and centre management on Saturday, 21 April, 2012. Both residents and the local support group have acknowledged the efforts already made by RIA and centre management to address the points of complaint.

Generally, it must be acknowledged that problems can and do arise in any accommodation system, noting that in the direct provision system there are over 5,200 persons residing in RIA centres throughout the State. It is therefore incumbent on all concerned to ensure that the various processes in place to head off such problems, or deal with them when they arise, are fully utilised. From the perspective of the residents themselves, the principal protection is the house rules and procedures for asylum seekers living in direct provision asylum accommodation centres. These rules set out the entitlements and obligations placed on centre management and residents and, in the event that these aren't being met, a complaints procedure to be invoked by either party. The thrust of the complaints procedure contained therein is that issues which arise are best resolved quickly, locally and informally without the need to proceed formally. In the main, this is how issues should be and are resolved.

Over and above the House Rules themselves, the interests of asylum seekers are protected through regular "clinics" in centres where residents can speak directly to RIA Headquarters staff without local centre management being present. Further, unannounced inspections take place in centres, by RIA staff and by a contracted independent company, to ensure that centres are adhering to their contractual obligations. Also, issues of concern are also brought to the attention of RIA by representatives of statutory or voluntary agencies working with asylum seekers. In the case of Eyre Powell, I am informed that the centre had been inspected three times in 2011 (twice by RIA and once by the independent inspection body) and there had been three "RIA clinics" held in 2011 as well. The centre has also been inspected once this year by the independent inspection body. Many of the issues raised in the written complaint of 10 April, 2012 had not featured in these inspections or clinics.

RIA is working through the list of complaints made by residents in this case, and will also take into account issues raised at the meeting between residents and management on 21 April. Further, the RIA examination will address how the interaction of the complaints, inspections and clinic systems worked in this instance. This is a work in progress involving residents, centre management and RIA and RIA has committed itself to responding in writing to the residents in relation to all the issues raised as soon as possible.

Registration of Title

103. **Deputy Mick Wallace** asked the Minister for Justice and Equality the number of form 5A applications that have been received by the Property Registration Authority since 2 November 2011 for the registration of rights of way; the number of these applications that have been dealt with; the number that have been refused; the number granted; the average processing time for each application; and if he will make a statement on the matter. [22613/12]

Minister for Justice and Equality (Deputy Alan Shatter): As the Deputy will be aware, under the provisions of the Registration of Deeds and Title Act 2006, the Property Registration Authority replaces the Registrar of Deeds and Titles as the registering authority in relation to property registration in Ireland. Subject to the above Act, the Authority is independent in the performance of its functions. The matters raised by the Deputy in the question are operational matters for the Authority and I do not have direct responsibility in this regard. However, I am forwarding the details of the question to the Authority and I will ask them to respond directly to the Deputy.

Irish Prison Service

104. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice and Equality his plans to adequately fund the new strategy of the Irish Prison Service. [22669/12]

Minister for Justice and Equality (Deputy Alan Shatter): The new three year strategic plan includes concrete and practical, if ambitious, targets. Its key objectives include delivering reform and implementing change in accordance with the Croke Park Public Service Agreement and the Integrated Reform Plan for the Justice Sector.

The 2012 current operational budget for the Prison Service is €293.7m. Approximately 80% of this budget is required for payroll costs. The balance is used to fund services for prisoners, maintenance of infrastructure (estate and IT systems), compensation and administrative costs. Since 2009, the Prison Service budget has faced increasing pressure. Recognising this economic environment, decisive action was taken by Prison Service management to reduce, as far as possible, discretionary spend, implement cost cutting measures and deliver efficiencies. Elements of the new strategy together with the Transformation Process under the Public Service Agreement are specifically designed to continue this process of change. The Transformation Process involves a detailed review of all tasks and an assessment of the appropriate management structures and staffing levels. Transformation also provides the Prison Service with the opportunity to refocus on prisoner progression and prisoner programmes. Through engagement with other statutory agencies and the community and voluntary sector, the Prison Service will lead the way in ensuring a more efficient use of scarce resources and develop synergies which will provide more comprehensive and effective sentence management programmes for prisoners.

The Deputy may also wish to note that I have allocated €132.5m from the Justice Capital Envelope 2012 to 2016 to the Prison Service Building Programme. As I announced last November, the Prison Service has been allocated a capital envelope of €24.1m for 2012. This will be spent on the completion of the new prison wing in the Midlands Prison and the provision of in cell sanitation in the B and C wings in Mountjoy. Work has recently commenced on the B wing and it is anticipated that it will be completed by the end of the year.

Prisoner Releases

105. **Deputy Brendan Smith** asked the Minister for Justice and Equality the criteria that will be used for the early release programme of 1,200 prisoners before 2015; and if he will make a statement on the matter. [22639/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Community Return Programme is an incentivised scheme introduced in line with the recommendations of the Thornton Hall Project Review Group which provides for earned temporary release under which offenders who pose no threat to the community are offered early temporary release in return for supervised community service. The scheme, which was introduced on a pilot basis last October, is applicable to suitably assessed prisoners who are serving sentences of more than one and less than eight years. Those participating are granted renewable temporary release having served at, or after, the 50% stage of their sentence with a condition of their release to undertake supervised community service. The following factors are taken into account in considering the suitability of a prisoner for temporary release to participate in the scheme:

- the nature and gravity of the offence to which the sentence being served by the person relates;

- the sentence concerned and any recommendation made by the Court in relation to the sentence imposed;
- the potential threat to the safety and security of the public should the person be released;
- the person's previous criminal record;
- the risk that the person might commit an offence during any period of temporary release;
- the risk of the person failing to comply with any of the conditions of temporary release;
- the extent of the prisoner's engagement with therapeutic services while in custody and the likelihood of period of temporary release enhancing his/her reintegration prospects; and
- conduct while in custody.

As announced at the launch of its new three year strategic plan, the Prison Service, in conjunction with the Probation Service, intends to increase the number of prisoners benefitting from this structured form of release over the course of the next three years. The Prison Service will work towards the placement of 400 prisoners per annum serving sentences of 1 to 8 years. It is envisaged that there would be no more than 150 prisoners participating in this scheme at any one time and all prisoners will be carefully assessed before being approved for the scheme.

I can assure the Deputy that public safety is paramount when considering any application for temporary release. Given the factors that will be taken into account as outlined, prisoners who have been convicted of serious offences involving violence or those convicted of serious sexual offences would not meet the criteria to be granted early release under the terms of the scheme. This is but one element of the strategy which provides for a structured form of release leading to improved resettlement and reintegration opportunities for prisoners along with providing for work to the benefit of communities.

Question No. 106 answered with Question No. 82.

Garda Representative Bodies

107. **Deputy Derek Keating** asked the Minister for Justice and Equality the terms and conditions that allow members of An Garda Síochána to formulate an association; and if he will make a statement on the matter. [22609/12]

Minister for Justice and Equality (Deputy Alan Shatter): Section 18 of the Garda Síochána Act 2005 provides for the Minister for Justice and Equality to regulate the establishment of associations for the purposes of representing members of An Garda Síochána, in the ranks below that of Assistant Garda Commissioner, in all matters affecting their welfare and efficiency. An association established under this section must be independent of and not associated with any body or person outside the Garda Síochána, but it may employ persons who are not members of the Garda Síochána. Under section 18, a member of the Garda Síochána may not be or become a member of any trade union or association, other than an association established under the section, any object of which is to control or influence the pay, pensions or conditions of service of the Garda Síochána.

Legislative Programme

108. **Deputy Michael McGrath** asked the Minister for Justice and Equality when he will publish his proposed amendments to the Legal Services Bill 2011; if a regulatory impact statement will be published with the amendments; and if he will make a statement on the matter. [22630/12]

Minister for Justice and Equality (Deputy Alan Shatter): The position in relation to proposed amendments to the Legal Services Regulation Bill remains as indicated in my closing statement for Second Stage of the Bill on 23 February 2012. In that statement I responded to a series of key issues that had arisen in the discussion of the Bill. At the same time I outlined my intentions in relation to those issues and the potential for constructive amendments to the Bill at Committee Stage. I also indicated that I would make my proposed amendments to the Bill available to Deputies sufficiently in advance of Committee Stage to facilitate their due consideration and this will be done in due course. On the 14th of April I delivered a statement on the Bill and its programme of reform at the annual conference of the Law Society of Ireland which again outlined the scope of the amendments to the Bill that are under consideration — the full text is available on the Department website, www.justice.ie, for ease of reference.

The situation in relation to a Regulatory Impact Analysis for the Legal Services Regulation Bill 2011 also remains as stated at the closing of Second Stage. Although a preliminary Regulatory Impact Analysis had been in preparation for the Bill, because of the prescribed time-frame under the EU-IMF-ECB Programme, it did not prove possible to complete it for issue when the Bill was published. The development of that Regulatory Impact Analysis is further advanced and will continue against the backdrop of the amendments to the Bill that are being prepared for Committee Stage and the analysis will be made available to Members for timely consideration. Deputies will be aware that the relevant Guidelines specifically allow for a Regulatory Impact Analysis to follow a Bill in such exceptional circumstances as applied in this instance.

Work on the details of the proposed amendments to the Bill and on the Regulatory Impact Analysis is ongoing at my Department including in conjunction with the Offices of the Attorney General and of Parliamentary Counsel and they will, as I have explained, be made available in advance of Committee Stage. It remains my objective, notwithstanding the competing legislative demands of our EU/IMF/ECB Programme commitments, that Committee Stage of the Legal Services Regulation Bill commence before the summer recess.

Debt Resolution

109. **Deputy Denis Naughten** asked the Minister for Justice and Equality his views on the establishment of an independent debt resolution agency as proposed by the free legal advice centres; and if he will make a statement on the matter. [22703/12]

Minister for Justice and Equality (Deputy Alan Shatter): I would refer the Deputy to my reply to Question No. 93 of 7 February, 2012, tabled by him, which indicated the following:

The Deputy will be aware that, having obtained Government approval for urgent drafting by the Office of the Attorney General and Parliamentary Counsel, I published the text of the General Scheme of the Personal Insolvency Bill on 25 January last. There is a requirement under the EU/IMF Programme of Financial Support for Ireland to publish the Bill in Quarter 1 of 2012 — since extended to end of April. The Bill will also fulfil the relevant commitment in the Programme for Government. The Bill will provide for a new framework

for settlement of debt and for personal insolvency. The proposed reform will consist of following main elements:

- a revised judicial process (bankruptcy) to provide for a 3 year period for automatic discharge from bankruptcy from the current 12 years.
- the introduction of a new non-judicial debt settlement process for unsecured debt only amounting to over €20,000 (Debt Settlement Arrangement).
- the introduction of a new non-judicial debt settlement process for both secured and unsecured debt amounting to over €20,000, (Personal Insolvency Arrangement) (secured debt will primarily relate to property debt, be it residential, commercial and investment).
- the introduction of a new debt forgiveness process (Debt Relief Certificates) for low level indebtedness where the debtor has effectively no income and no assets and has unsecured debts amounting to up to €20,000.

Critical to the operation of the new debt settlement processes will be the establishment of an Insolvency Service. It is intended that this will be an independent statutory agency. I have nothing further to add to that reply other than to mention that publication of the Bill will be end-June 2012. End of Take

Human Trafficking

110. **Deputy David Stanton** asked the Minister for Justice and Equality further to Parliamentary Question No. 94 of 13 March 2012, if he has completed his consideration of his Department's analysis of the Garda Commissioner report relating to the adequacy of the provisions of the Criminal Law (Human Trafficking) Act 2008 regarding forced labour; the action, if any, he will take as a result; and if he will make a statement on the matter. [22664/12]

Minister for Justice and Equality (Deputy Alan Shatter): I have received a draft report prepared by my Department on whether or not the Criminal Law (Human Trafficking) Act 2008 is sufficient to criminalise forced labour as defined in the International Labour Organisation (ILO) Forced Labour Convention 1930 (No. 29) as "*all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily*".

This draft Report contains a detailed analysis of:

- cases encountered by An Garda Síochána in relation to allegations of forced labour,
- the requirements in the ILO convention, and
- the relevant Irish legislation, and that of other jurisdictions, within the context of the ILO Convention 29 and the European Convention on Human Rights, in order to clarify if the Criminal Law (Human Trafficking) Act 2008 sufficiently criminalises forced labour.

Having considered the draft Report, I have raised a number of queries which I have asked officials in my Department to address prior to its circulation; these queries are being addressed as a matter of priority.

Employment Rights

111. **Deputy Seán Crowe** asked the Minister for Justice and Equality if he has met with the Department of Jobs, Enterprise and Innovation to discuss proposals for amalgamating responsibility for employment rights into one body leading to cases under the Equal Status Act 2000-2008 going to the District Courts by default; his views on this proposal. [22683/12]

Minister for Justice and Equality (Deputy Alan Shatter): As already announced in the Public Service Reform Plan published by the Government on 17 November 2011, the Government has decided to rationalise the industrial relations/employee rights institutions into a single agency. Under this plan the Equality Tribunal will form part of a new Workplace Relations body. Detailed consideration of the practical arrangements to give effect to this decision is being progressed by my colleague, the Minister for Jobs, Enterprise and Innovation. Further information in this regard will be communicated as soon as he is in a position to announce details.

I am not aware of any proposal that complaints taken under the Equal Status Acts would fall to the District Courts by default.

Prison Accommodation

112. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality if he will commit to ensuring the principle of one prisoner per cell in future prison reform or renovation. [22681/12]

Minister for Justice and Equality (Deputy Alan Shatter): As the Deputy is aware there has been a consistent increase in the total prisoner population in Ireland over recent years. The problem of prison overcrowding therefore remains a challenging issue which unfortunately cannot be resolved overnight.

Given the current number of prisoners in the system — 4,401 on 3rd May 2012 — the Irish Prison Service is not in a position to provide single cell accommodation to all prisoners. Single cell occupancy across the system would result in a bed capacity of less than 3,000 and would not be possible to achieve without releasing sizeable numbers of prisoners considered to represent a threat to public safety.

As the Deputy is aware, on the 30th April I launched the Irish Prison Service 3-Year Strategic Plan for the period 2012-2015. In accordance with this Strategy, it is the intention of the Irish Prison Service, over the coming three years, to seek to align the capacity of our prisons with the guidelines laid down by the Inspector of Prisons, in so far as this is compatible with public safety and the integrity of the criminal justice system.

The Inspector of Prisons recommended capacity for individual prisons is based on single cell occupancy in cells of 7 m² with in cell sanitation and an additional 4 m² for each additional prisoner — for example double cell occupancy in an 11 m² cell, triple cell occupancy in a 15 m² cell.

It is also the intention of the Irish Prison Service, during the lifetime of the Strategy, to provide in cell sanitation in all remaining areas of the prison estate.

Criminal Gangs

113. **Deputy Brian Stanley** asked the Minister for Justice and Equality if he will facilitate an independent review of prison gangs that are now operating throughout Irish prisons. [22671/12]

Minister for Justice and Equality (Deputy Alan Shatter): The emergence in recent years of criminal gangs has had significant implications for the management of Irish prisons. Prison management must ensure that the various factions are kept apart and as far as possible, that gang members do not have influence over other inmates or criminal activities outside the prisons. Gang members are being managed on a daily basis through segregation and separation throughout the prison system. Membership /allegiance to these criminal gangs fluctuates on a continuous basis with some persons breaking links and others becoming affiliated.

I am aware of the difficulties for everyone involved and appreciate the efforts made by prison management and staff to deal with this issue on a daily basis within our prisons. The Irish Prison Service is taking whatever steps are necessary to deal with this and has built up considerable experience in this regard.

A number of initiatives have been introduced with a view to preventing identified gang leaders from conducting criminal activities while in custody and also to prevent them exerting inappropriate influence over other persons. For example, the security initiatives undertaken by the Operational Security Group (OSG) have made it more difficult for prisoners to engage in illegal activities while in prison. These initiatives include the introduction of passive and active drug detection dogs and the installation of airport style security including scanners and x-ray machines.

In addition, there is regular contact between the Prison Service and An Garda Síochána to discuss security issues including the operation of criminal gangs. Gardaí are also provided with reports detailing the release dates of this category of prisoner.

Furthermore, the Risk Management of Offenders Group within the Irish Prison Service meet on a regular basis to share intelligence and decide in a strategic and collaborative fashion on the placement of leading gang members across the prison estate, having regard to the associated protection issues involved.

Legal Aid Service

114. **Deputy Willie O'Dea** asked the Minister for Justice and Equality if he will outline the current delays in accessing civil legal aid on a county basis; and if he will make a statement on the matter. [22637/12]

Minister for Justice and Equality (Deputy Alan Shatter): I wish to inform the Deputy that details of waiting times for non-prioritised matters at each of the Legal Aid Board's law centres as at 1 April 2012 are set out below. Figures for 1 May 2012 are not available yet. I acknowledge that waiting times have increased since the downturn in the economy and that there has been a very significant increase in demand for the Board's services. The Board's grant-in-aid for 2012 in respect of general civil matters, which accounts for the vast majority of its funding, has effectively been maintained at its 2011 level. I have also now incorporated the grant for asylum services into the grant-in-aid which should give the Board greater flexibility in using its resources. A number of other measures have also either already been put in place or are in the process of being put in place and I believe that these will have a positive impact for persons seeking services from the Board. Specific details are as follows:

- The Board has outsourced to private solicitors significantly more work in recent years than it did a number of years ago. There is of course a budgetary constraint on what can be referred and it is not possible to accommodate all of the additional demand through private referral;

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- As of 1 November 2011 the Board assumed responsibility for the Family Mediation Service (following the enactment of the Civil Law (Miscellaneous Provisions) Act 2011). The Board is currently reviewing the operation of the State funded mediation service with a view to achieving synergies with its legal services and better options in terms of resolving family disputes;
- The arrangements on foot of which barristers are retained have been in place since 1998 and are currently under review. There will be a level of restructuring of the current arrangements;
- The Board is working with individual law centres with a view to trying to deliver greater efficiencies in a number of its centres. It is assisted in this regard by the preparation of a Value for Money Review Report prepared by my Department and the Department of Finance (now the Department of Public Expenditure and Reform); and
- The Board has commenced a pilot “triage” service. The objective of the pilot service is to ensure that every applicant for services sees a solicitor within a period of one month for the purpose of obtaining early legal advice. While it is acknowledged that those seeking further services will experience a waiting period, it is anticipated that an early consultation will benefit the client in terms of signposting actions clients can take themselves as well as signposting other support services. The pilot service has commenced in five of the Board’s law centres — Sligo, Nenagh, Cavan, Wicklow and Athlone. It is anticipated that the pilot service will commence in the remaining centres shortly.

Law Centre Maximum current waiting time 31/03/12 (months)

<i>Dublin</i>	
Blanchardstown	7
Brunswick Street	8
Clondalkin	12
Finglas	6
Gardiner Street	9
Tallaght	9
<i>Cork</i>	
Popes Quay	6
South Mall	7
Athlone	6
Castlebar	5
Cavan	6
Dundalk	0
Ennis	6
Galway	5
Kilkenny	8
Letterkenny	4
Limerick	4
Longford	6
Monaghan	2
Navan	6
Nenagh	8

Law Centre Maximum current waiting time 31/03/12 (months)	
Newbridge	9
Portlaoise	9
Sligo	7
Tralee	4
Tullamore	2
Waterford	6
Wexford	4
Wicklow	8

Garda Strength

115. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality if he will consider the request by the Association of Garda Superintendents that more than 20 vacancies at Superintendent rank be filled; and if he will make a statement on the matter. [22607/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am conscious of the importance of maintaining a sufficient strength in the senior ranks to support the investigative, management and supervisory capacity of the Force.

As I made clear in my recent address to the Annual Conference of the Association of Garda Superintendents, I am in ongoing discussion with my colleague the Minister for Public Expenditure and Reform on this matter and I hope to be able to build on recent progress in filling key senior vacancies.

Criminal Gangs

116. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent to which the necessary personnel, general resources, communications, mobile equipment, intelligence and forensic facilities are available to the Gardaí to tackle the on-going activities of criminal gangs; the extent to which the activity of such gangs can be monitored at present with a view to taking steps to de-commission them; if he has considered any further initiatives that he may take to deal with this issue over the coming months; and if he will make a statement on the matter. [22730/12]

Minister for Justice and Equality (Deputy Alan Shatter): In the course of previous contributions in this House I have made it clear that combating the activities of criminal gangs is a major Garda priority. In that context the Deputy will recall that significant resources are being deployed against gangs by An Garda Síochána and this will continue to be the case.

The Deputy will be aware that the Garda Commissioner has recently announced the introduction of a wide range of measures aimed at tackling gangs involved in burglaries. This operation, Operation Fiacla, is particularly focused on identifying and targeting mobile gangs involved in burglaries around the country so as to disrupt their activities and bring them before the Courts. Operation Fiacla is intelligence driven and specific burglary initiatives have been implemented in each Garda Region to target suspect offenders. These initiatives will optimise the use of existing structures and local Garda management will ensure that all personnel are fully briefed on the initiative, with Divisional Crime Management Teams playing a key coordination and implementation role.

An Garda Síochána also undertakes a range of activities designed to disrupt and dismantle the operations of criminal organisations. This involves targeting serious criminals and organised

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criminal groups on a number of fronts, including through the use of focused intelligence led operations by specialist units such as the Organised Crime Unit, the Criminal Assets Bureau, the Garda Bureau of Fraud Investigation and the National Bureau of Criminal Investigation.

In addition, An Garda Síochána continues to develop and implement strategies targeting criminal networks, utilising advanced analytical and intelligence methods to facilitate targeted operations to enable early intervention and prevention of organised crime.

The Criminal Assets Bureau is being actively utilised in respect of assets accumulated by criminal gangs. In recent years the Bureau has targeted the proceeds of crime of more middle and lower ranking criminals. I am particularly focused on supporting the work of the Criminal Assets Bureau in targeting the proceeds of crime. The Deputy will be aware that the Programme for Government includes a commitment to strengthen the powers of the Criminal Assets Bureau in relation to the forfeiture of the proceeds of crime.

In this regard an Expert Group has been established under the auspices of my Department to review the operation of the Proceeds of Crime legislation with a view to identifying possible improvements which would serve to enhance the powers of the Bureau. When that work concludes I will bring forward my proposals.

Immigration Policy

117. **Deputy Denis Naughten** asked the Minister for Justice and Equality his plans to reform the immigration system; and if he will make a statement on the matter. [22702/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Government's plans for the immigration system are outlined in the Programme for Government which commits to the introduction of comprehensive reforms to the immigration, residence and asylum systems including a statutory immigration appeals mechanism, which will articulate rights and obligations in a transparent manner.

The Immigration, Residence and Protection Bill 2010 was restored to the Dáil Order paper and appropriate amendments to the Bill, including an appeals mechanism in respect of immigration related cases have been prepared by the Department. It was my intention to bring forward amendments to the Bill at Committee Stage. However, as recently announced, I have decided to republish the Bill later this year. The republished legislation will take account of the Government's initiatives announced in the Programme for Government.

The Programme for Government also details commitments in key sectors which will be supported by specific immigration initiatives. A great deal of progress has been made in relation to these objectives—

- The Irish Short-stay Visa Waiver Programme commenced on 1 July 2011 and was scheduled to run on a pilot basis until the end of October 2012 taking in the period of the London Olympics. I was happy to announce in March of this year that I had secured Government agreement for the extension of this Programme for a further period of four years. This initiative is a very positive step in encouraging visitors to Ireland and is an integral part of the Government's Jobs Initiative and is intended to promote tourism, particularly from emerging markets.
- On 24 January 2012, the Government approved two new schemes, proposed by myself, which are designed to stimulate investment and enterprise in Ireland by suitably qualified foreign nationals. The Immigrant Investor Programme and the Start up Entrepreneur Programme were formally launched on 30 March and the Irish Naturalisation

and Immigration Service has been open to accept applications since 16 April. The Programmes capitalise on the opportunities that exist for or immigration system to tap into the entrepreneurial capacity of current and future migrants and also to bring investment into Ireland.

I am continuing to work with my officials on further reforms to policy and administration in the immigration area. For example, a civilian Immigration Officer pilot project is underway at Dublin Airport, involving Department of Justice and Equality staff assigned to immigration control duties at the airport. These staff members will work in association with Gardaí in performing this vital screening function. This project is set against a backdrop of reducing Garda numbers, continued commitment to the civilianisation of appropriate tasks, and the need to look afresh at how public services are delivered.

Other initiatives and reforms that are in train include the development of a comprehensive policy approach to family reunification or settlement and the completion of work on the development of an English language/civics test for naturalisation applicants. The Deputy will also be aware of the commitment in the Programme for Government in relation to the potential transfer of responsibility for the Passport Office to my Department.

Debt Resolution

118. **Deputy Mick Wallace** asked the Minister for Justice and Equality the way he intends to ensure that the main banks are compelled to engage meaningfully in the proposed Personal Insolvency Arrangement in the Personal Insolvency Bill as they currently have an effective veto over any proposals and there is no independent appeals system proposed; and if he will make a statement on the matter. [22612/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Personal Insolvency Bill, the Heads of which I published on 25 January, 2012, introduces a number of new non-judicial debt settlement systems. One of those systems — the Personal Insolvency Arrangement — provides for the agreed settlement of both secured and unsecured debt of €20,001 to €3 million with one or more creditors.

The detail of the proposed personal insolvency reform measures, including those applying to the voting thresholds in the Debt Settlement Arrangement and Personal Insolvency Arrangement systems, are still under consideration, and the final text of the Bill remains to be considered by Government. This consideration will also have regard to the submissions received during the public consultation process and the report of the hearings of the Oireachtas sub-committee in relation to the General Scheme of the Bill.

The reforms contained in the Personal Insolvency Bill will be applicable to the generality of mortgage and personal debt situations and not just to situations where credit was extended by covered banks.

Regarding the governance framework of the covered banks, while the Minister for Finance is a significant shareholder, those banks remain independent commercial entities and decisions on the handling of individual loans remain a matter for the Boards and management of the particular institutions. When the proposed new personal insolvency framework is in place it will remain a matter for the individual banks to make decisions on proposals to address unsustainable debt in individual non-judicial and judicial debt resolution cases.

I understand, however, that the Central Bank is engaging with each regulated mortgage lender to require them to put in place mortgage arrears resolution strategies and implementation plans to ensure that they will provide appropriate, fair and sustainable solutions, such as

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those suggested in the “Keane Report” and/or other options for their mortgage customers experiencing mortgage difficulty. These initiatives will be available to all mortgage holders and not just to those with mortgages from banks where the Minister for Finance is a significant shareholder.

I can assure the Deputy that the Bill remains a legislative priority for the Government and the revised time frame for publication of the Bill is now the end of June next with the strong intention to commence Second stage in the Dáil prior to the Summer recess to facilitate early passage of the legislation through the Oireachtas in the Autumn session.

Prison Rehabilitative Programmes

119. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the total number of prisoners currently incarcerated at all locations throughout the country; the extent to which rehabilitative or training programmes are available throughout; the number currently receiving training or education; the number of any applicants for such programmes; the extent to which an examination has been carried out as to the importance of such programmes when prisoners are eventually released into the community; his plans to develop such rehabilitative programmes in the future; and if he will make a statement on the matter. [22731/12]

Minister for Justice and Equality (Deputy Alan Shatter): I can advise the Deputy that there were 4,380 prisoners in custody on 2 May, 2012.

As the Deputy will be aware from my replies to previous Parliamentary Questions, the Irish Prison Service provides a wide range of rehabilitative programmes that include education, vocational training, health care, psychiatric, psychological, counselling, welfare and spiritual services. These programmes are available in all prisons and all prisoners are eligible to use the services. On committal, all prisoners are interviewed by the Governor and are informed of the services available in the prison. At this point prisoners may be referred to services or they can self refer at a later date. Where Governors consider, on the information available, that a prisoner needs a particular intervention they will initiate a referral.

The Irish Prison Service has also introduced an Integrated Sentence Management (ISM) system which involves a new orientation in the delivery of services to prisoners and an emphasis on prisoners taking greater personal responsibility for their own development through active engagement with both specialist and non-specialist services in the prisons. The end result is a prisoner-centred multidisciplinary approach to working with prisoners with provision for initial assessment, goal setting and periodic review to measure progress.

As regards the numbers involved, I can confirm that an average of 38% of the prison population attended educational classes in 2011. The development of vocational training programmes in recent years means that there are now over 100 workshops capable of catering for in excess of 800 prisoners each day. There was also a significant increase in the number of prisoners who participated in accredited vocational training course in 2011, when 1219 prisoners attended such courses.

The Inspector of Prisons recommended in his 2010 Annual Report that an independent audit be commissioned by the Irish Prison Service examining the type of education being provided in prisons, the relevance of such education, the numbers being educated and the value for money being provided. The reports for each of the 14 Prison Education Centres are being finalised and will be sent to the Department of Education and Skills and the Inspector of Prisons with a view to the early implementation of recommendations.

The development of prisoner programmes also forms a central part of the new Irish Prison Service Three Year Strategic Plan 2012-2015 which I launched last week. There is a clear commitment in the Strategy to enhance sentence planning including Integrated Sentence Management and the delivery of prison based rehabilitative programmes such as education, work training and resettlement programmes.

Garda Stations

120. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality the number of gardaí that are to be relocated due to his station rationalising plans; the date on which this was agreed with the Garda Commissioner; and the timeframe in which gardaí affected by this were told of these plans. [22682/12]

Minister for Justice and Equality (Deputy Alan Shatter): As the Deputy is aware, the Commissioner's Policing Plan for 2012, which I laid before both Houses of the Oireachtas on 5 December 2011, proposed the closure of 39 Garda Stations throughout the country, along with reduced public opening hours in 10 Garda Stations in the Dublin Metropolitan Region.

Of the 39 stations, 8 were already non-operational, some for many years. Others, while operational, were open for only limited periods during the week and did not have Gardaí stationed in them. The details of the Garda members attached to the stations which are closing, as well as the timelines for closure, are set out in the table set out below.

The internal notification of these changes within the Force is a matter for the Garda Commissioner, and I have no function in this:

Station	Strength at 29/2/12			Date of Closure
	Garda	Sergeant	Inspector	
Carrigaholt	0	0	0	30/03/12
Bellacorick	1	0	0	30/03/12
Glenisland	0	0	0	30/03/12
Tourmakeady	1	0	0	30/03/12
Mulranny	1	0	0	30/03/12
Cootehall	0	0	0	30/03/12
Loughglynn	0	0	0	29/04/12
Tarmonbarry	2	0	0	29/04/12
Shanagolden	1	0	0	30/03/12
Doon	1	0	0	30/03/12
Glenville	1	0	0	30/03/12
Castletownsend	0	0	0	30/03/12
Ballygurteen	0	0	0	30/03/12
Knocknagree	1	0	0	30/03/12
Ballyfeard	1	0	0	30/03/12
Goleen	1	0	0	30/03/12
Inchigeela	1	0	0	30/03/12
Ballylongford	0	0	0	30/03/12
Moyvane	0	0	0	30/03/12
Clochan	0	0	0	30/03/12
Ballinure	0	0	0	30/03/12
Ballinderry	0	0	0	30/03/12
Ballywilliam	0	0	0	30/03/12

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Station	Strength at 29/2/12			Date of Closure
	Garda	Sergeant	Inspector	
Baldwinstown	1	0	0	30/03/12
Clontibret	0	0	0	30/03/12
Smithborough	0	0	0	30/03/12
Tullyvin	0	0	0	30/03/12
Doochary	0	0	0	30/03/12
Dunkinealy	0	0	0	29/04/12
Culdaff	0	0	0	29/04/12
Bunnanadden	0	0	0	30/03/12
Kiltyclogher	2	0	0	30/03/12
Drumkeeran	2	1	0	29/04/12
Geashill	0	0	0	30/03/12
Corrandulla	1	0	0	29/04/12
Whitehall	33	5	2	29/04/12
Rush	4	0	0	29/04/12
Harcourt Tce	66	10	0	31/05/12
Dalkey	28	1	0	30/06/12

EU Directives

121. **Deputy Sandra McLellan** asked the Minister for Justice and Equality his plans to transpose Council Directive 2010/18/EU; and if he has brought proposals to Cabinet, Council Directive 2010/18/EU as part of his responsibility under the National Women's Strategy. [22688/12]

Minister for Justice and Equality (Deputy Alan Shatter): My Department has completed work on draft Heads of a Bill to transpose Council Directive 2010/18/EU and to consolidate all the various family leave legislation (maternity, paternal, adoptive and carer's leave) in one Bill. The draft Heads are currently under discussion with relevant Departments in relation to technical issues (e.g. updating references to other legislation) and I expect that I will be in a position to bring my proposals formally to Government shortly.

Garda Strength

122. **Deputy Martin Ferris** asked the Minister for Justice and Equality the number of gardaí in training on 1 April 2012; his plans to increase the number of Garda recruits; and if he will make a statement on the matter. [22679/12]

Minister for Justice and Equality (Deputy Alan Shatter): As the Deputy is aware, the moratorium on Public Service recruitment continues to apply to An Garda Síochána. As a result, no date has been fixed for future intakes into the Garda College or for the commencement of a recruitment competition. A decision on when recruitment will re-commence will take into account the rate of retirement in the Garda Síochána and Government targets for reductions in public service numbers.

In addition to this, what will ultimately determine the sustainable level of Garda numbers, and therefore establish when recruitment will recommence, is the level of budgetary provision that can be made for the Force, and the House will be conscious that difficult decisions will

continue to have to be made, right across the public sector, in order to bring our public finances back into balance.

At present, there are a small number of probationer gardaí together with over 400 Garda reserve members completing their training in the Garda College. The Garda College continues to organise and provide in-service training to a significant number of gardaí each year in a broad range of skills and expertise.

Drugs in Prisons

123. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice and Equality his plans for construction of a custodial drug treatment centre. [22670/12]

Minister for Justice and Equality (Deputy Alan Shatter): I do not have any plans for the construction of a custodial drug treatment centre. However, as outlined in the Irish Prison Service Three Year Strategic Plan 2012 — 2015, Drug Free Units will be introduced in all closed prisons. It is intended that each of those prisons will have a Drug Free Unit by the end of 2012.

Drug Free Units will accommodate and cater for the needs of both drug free prisoners and illicit drug free prisoners — including prisoners stable on methadone in an integrated setting. Prisoners will be required to sign a contract outlining behavioural responsibilities prior to entry to these Units; they will be subject to voluntary toxicology screening on a random basis. Criteria for admission and discharge to Drug Free Units have been agreed and will be applied across the prison estate. Prisoners will have access to the new incentivised regime programme and will be expected to partake in training and educational programmes.

Prisoners will have the continued support of health care staff and in-reach services as required. Merchants Quay Ireland who currently have a contract with the Irish Prison Service for the provision of addiction counselling services will continue to provide support for those in the Units. It is my belief that Drug Free Units will contribute to a safer environment for both staff and prisoners.

Crime Prevention

124. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice and Equality his plans to introduce measures to reduce the number of burglaries in rural areas in view of the closure of some rural Garda stations. [22675/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am, of course, concerned at the increase in number of burglaries in 2011, while noting that for most crime groups, including robbery, the most recent statistics indicate a decline in recorded crime.

All crime trends are monitored closely by Garda management, with intelligence-led initiatives put in place to target burglary and other criminality. The Deputy will be aware that the Garda Commissioner has recently announced the introduction of a wide range of measures as part of a new operation aimed at tackling gangs involved in burglaries.

These measures are encompassed in *Operation Fiacla*, which is particularly focused on identifying and targeting mobile gangs involved in burglaries around the country so as to disrupt their activities and bring them before the Courts. Specific burglary related initiatives are being implemented in each Garda Region in support of *Operation Fiacla*.

In terms of prevention, the National Crime Prevention Unit (NCPU) and Crime Prevention Officers at divisional level provide advice, information and support to organisations, businesses and individuals aimed at reducing burglary crime and the opportunity to commit burglary.

[Deputy Alan Shatter.]

These specially trained officers are skilled at identifying environmental design risks and advise on ways to reduce opportunities to commit burglary and other property crime. The NCPU has designed a number of crime prevention advice leaflets including advice on home security and burglary prevention through a step by step checklist. These leaflets and the checklist are available on the Garda website *www.garda.ie*.

During 2012, the national ‘Garda Supporting Safer Communities Campaign’ will continue to highlight key issues, in particular burglary prevention. The primary objective of this Garda Community Safety Campaign is to engage with, and raise awareness within communities of initiatives aimed at preventing crime, reducing the fear of crime and promoting community safety. The first campaign was launched last week by the Garda Commissioner and the second will take place in September.

Insofar as the closure of Garda stations is concerned, when preparing the Policing Plan for 2011 the Garda Commissioner reviewed all aspects of An Garda Síochána’s policing model, including the deployment of personnel, the utilisation of modern technologies and the operation of Garda stations, both in terms of opening hours and possible closures. In addition, all Divisional Officers were asked to assess the level of activity in each Garda station in their area. It must be stressed that the key objective of the station closures is to promote the more efficient and effective deployment of resources rather than secure modest cash savings. In this context the Commissioner has concluded that Garda resources could be better deployed and more effectively used on the front line if a particular station no longer had to be staffed and maintained.

I am conscious of the deep distress which burglary can cause to householders, and to the broader impact it can have in terms of fear of crime in our communities and therefore welcome the fact that the Garda Commissioner is deploying the substantial resources available to him in a targeted and strategic approach to confronting those who are engaging in this form of criminality.

Prison Staff

125. **Deputy Martin Ferris** asked the Minister for Justice and Equality the number of complaints of assault made by prisoners against prison staff in each prison during each of the past five years; the number of these complaints which were investigated; and the number of these complaints that resulted in disciplinary action. [22680/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Irish Prison Service that the information requested by the Deputy is not readily available and requires a manual examination of records. The Information is being collated by the Irish Prison Service and I will forward a reply to the Deputy as soon possible.

International Agreements

126. **Deputy Patrick Nulty** asked the Minister for Justice and Equality when the Irish Government will ratify the UN Convention on the Rights of People with Disabilities thereby recognising disability as a human rights issue; and if he will make a statement on the matter. [22699/12]

Minister of State at the Department of Justice and Equality (Deputy Kathleen Lynch): It is the Government’s intention to ratify the UN Convention on the Rights of Persons with Disabilities as quickly as possible, taking into account the need to ensure that all necessary legislative and administrative requirements under the Convention are being met. As the Deputy may

be aware, Ireland does not become party to treaties until it is first in a position to comply with the obligations imposed by the treaty in question, including by amending domestic law as necessary.

The ongoing implementation of our National Disability Strategy in many respects comprehends many of the provisions of the Convention. In addition, the Inter-Departmental Committee on the UNCRPD monitors the remaining legislative and administrative actions required to enable ratification. At the Committee's request, the National Disability Authority, the lead statutory agency for the sector, are in the process of assisting the Committee to assess the remaining requirements for ratification so as to ensure conclusively that all such issues will be addressed.

One of the key requirements in this regard is the enactment of mental capacity legislation. The Government's Legislation Programme as announced on 11 January 2012, indicates that the Mental Capacity Bill is expected to be published in the current Dáil session. The Bill will replace the Wards of Court system with a modern statutory framework governing decision-making on behalf of adults who lack capacity. The passage of this Bill will add substantially to the overall progress on implementation of the requirements towards ratification of the Convention.

Consultancy Contracts

127. **Deputy Niall Collins** asked the Taoiseach the total amount spent since February 2011 on external public relations, marketing or communications consultants, including payments from Ministerial or Leader's allowances; the details of the consultants employed; and if he will make a statement on the matter. [22820/12]

128. **Deputy Niall Collins** asked the Taoiseach the total amount spent since February 2011 on external marketing consultants, including payments from Ministerial allowances, including payments by all Ministers in his Department; the details of the consultants employed; and if he will make a statement on the matter. [22835/12]

The Taoiseach: I propose to take Questions Nos. 127 and 128 together.

No costs have been incurred by my Department on external public relations, marketing or communications consultants since February 2011.

Departmental Staff

129. **Deputy Billy Kelleher** asked the Taoiseach the names, grade and cost of staff who have been rehired following retirement in his Department and State agencies under his remit; and if he will make a statement on the matter. [22896/12]

The Taoiseach: No staff have been rehired following retirement in my Department or in the National Economic and Social Development Office (NESDO), which is the only agency under the aegis of my Department.

State Banking Sector

130. **Deputy Pearse Doherty** asked the Taoiseach if he will set out, in respect of Government Departments, State controlled banks and State agencies, any contracts for the provision of services by a company (details supplied); if he will quantify the value of such contracts and set out the safeguards in place to avoid conflicts should that company set out to buy the assets of State controlled banks. [23635/12]

The Taoiseach: My Department has not engaged the aforementioned company.

International Agreements

131. **Deputy Pádraig Mac Lochlainn** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will confirm that the Article 136 Amendment to the Treaty on the Functioning of the European Union which is due to be ratified by the Government later this session via the European Communities (Amendment) Act requires the unanimous support of all 27 member states of the European Union to come into effect and to confirm that the purpose of this amendment is to provide a legal basis for the Treaty Establishing the European Stability Mechanism and the European Stability Mechanism itself. [22577/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): On 25 March 2011, the European Council agreed to amend Article 136 of the Treaty on the Functioning of the European Union to insert the following text: “3. The Member States whose currency is the euro may establish a stability mechanism to be activated if indispensable to safeguard the stability of the euro area as a whole. The granting of any required financial assistance under the mechanism will be made subject to strict conditionality.”

Separately, a Treaty to establish the European Stability Mechanism (ESM) has been agreed among euro area countries. This is an intergovernmental treaty that stands outside the EU Treaty framework.

Both instruments are separate and contain their own requirements for entry into force.

The amendment to Article 136 will enter into force when approved by all Member States of the EU, including Ireland, according to their national requirements. The target date for this to be done is 1 January 2013.

The European Communities (Amendment) Bill 2012 will amend the European Communities Act 1972, in order to provide, inter alia, that the European Council Decision amending Article 136 of the Treaty on the Functioning of the European Union shall form part of the domestic law of the State.

The ESM Treaty, which is the responsibility of my colleague the Minister for Finance, will enter into force when ratified by signatories whose subscriptions represent 90% of the total initial subscriptions. The target date for this is 1 July 2012.

The Government considers that it is strongly in Ireland’s best interests for both instruments to enter into force as soon as possible.

Not approving the amendment of Article 136 will not prevent the ESM Treaty from entering into force once the necessary conditions are met.

Consultancy Contracts

132. **Deputy Niall Collins** asked the Tánaiste and Minister for Foreign Affairs and Trade the total amount spent since February 2011 on external reports commissioned by his Department including payments from Ministerial allowances; the details of any consultants employed; and if he will make a statement on the matter. [22811/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The Department of Foreign Affairs and Trade is responsible for two Votes — Vote 28 (Foreign Affairs) and Vote 27 (International Cooperation). The following tables set out the details of external reports commissioned by the Department from February 2011 and the costs in each case. The tables have been prepared by reference to directly contracted engagements in respect of which professional fees were paid and Professional Services Withholding Tax (PSWT) was deducted,

where appropriate. The Department is very conscious of the need to achieve value for money and is in full compliance with national and EU procurement regulations concerning tendering requirements.

The Department through Irish Aid (Ireland's official development assistance programme), occasionally commissions outside expertise where the effective management, evaluation and review of the programme necessitates the use of such skills.

Decisions on the need to commission outside expertise are subject to the establishment of appropriate business cases and an approvals process carried out by the Irish Aid Senior Management Group. National and international regulations are fully complied with in subsequent tendering processes.

During the course of their engagements these consultants/experts may prepare reports and other documentation.

The Department commissions external expertise where highly specialised skills are not available within the Department and, particularly in the case of Irish Aid, where ongoing independent evaluation of programmes and projects is required.

In-depth analysis of issues by external experts has informed — and continues to inform — my Department's policies, allowing for more targeted use of resources and greater accountability in the allocation of budgets. I consider that these reports have been necessary, strategically beneficial and cost-effective.

External Reports commissioned under Vote 27 (International Cooperation)

Year	Experts/Consultants	Matter Reported On	Cost (€)
2011	Kevin Moore	Support to the Governments of Zambia and South Africa to develop Special Economic Zones for the promotion of inward investment and employment	€13,581
2011	Paul Sheane	Support to the Governments of Zambia and South Africa to develop Special Economic Zones for the promotion of inward investment and employment	€9,965
2011	Stefanie Meredith	Review of Irish Aid Support for Product Development Partnerships in developing countries.	€10,100
2011	Samia Saad	Review of Irish Aid Support for Product Development Partnerships in developing countries.	€9,198
2011	Paud Murphy	Development Education Reviews — to examine the current funding support and engagement in each of the priority areas identified in the Development Education strategy (primary, post primary, third level, adult, community and youth work).	€9,064
2011	80:20	Development Education Reviews — to examine the current funding support and engagement in each of the priority areas identified in the Development Education strategy (primary, post primary, third level, adult, community and youth work).	€9,870
2011	Eilis Murray	Development Education Reviews — to examine the current funding support and engagement in each of the priority areas identified in the Development Education strategy (primary, post primary, third level, adult, community and youth work).	€6,068

[Deputy Eamon Gilmore.]

Year	Experts/Consultants	Matter Reported On	Cost (€)
2011	ISOS	Development Education Reviews — to examine the current funding support and engagement in each of the priority areas identified in the Development Education strategy (primary, post primary, third level, adult, community and youth work).	€37,522
2011	Bernard McLoughlin	Review of the Irish Aid Centre, Dublin	€6,143
2011	Cathal Higgins	Preparation of a report on the programme of education sector budget support towards school infrastructural development in Karamoja region and skills development in the oil sector (Uganda)	€5,000
2011	Nata Duvvury, NUI Galway	First draft of Ireland's National Action Plan on UNSCR 1325	€16,106
2011	Rodney Rice	Scoping Irish Aid existing and potential for support for media development to improve governance and transparency in key African countries.	€12,492
2012	Humanitarian Policy Ltd	Review of Security Policy and Practice among Irish Aid Humanitarian Partners	€33,930
2012	Channel Research	Review of the Irish Aid Rapid Response Initiative	€2,033
2012	Mike Williams	Review of Humanitarian Programme Plan for Irish Aid	€18,742

133. **Deputy Niall Collins** asked the Tánaiste and Minister for Foreign Affairs and Trade the total amount spent since February 2011 on external marketing consultants, including payments from Ministerial allowances, including payments by all Ministers in his Department; the details of the consultants employed; and if he will make a statement on the matter. [22829/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): My Department does not engage external consultants or professional service providers for marketing purposes.

Departmental Staff

134. **Deputy Billy Kelleher** asked the Tánaiste and Minister for Foreign Affairs and Trade the names, grade and cost of staff who have been rehired following retirement in his Department and State agencies under his remit; and if he will make a statement on the matter. [22890/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The information requested by the Deputy is contained in the following table:

Name and Grade	Position Held/Reason	Duration	Estimated Cost of Contract in 2012 €
Mr. Frank Cogan, Assistant Secretary	Head of Task Force in connection with Ireland's Chairmanship of the OSCE, 2012	Contract from 7 January 2011 to 31 December 2012	70,835
Mr. Padraig Murphy, Deputy Secretary	Tánaiste's Special Representative in connection with Ireland's Chairmanship of the OSCE, 2012	Contract for a maximum of 30 weeks spread over the twelve months of 2012	62,450

Name and Grade	Position Held/Reason	Duration	Estimated Cost of Contract in 2012 €
Mr. Hugh Swift, Assistant Secretary	Passport Appeals Officer	Second 3-year contract commenced from 20 January 2012	Dependent on the number of appeals processed (no costs incurred in 2011 or to date in 2012)
Mr. Art Agnew, Assistant Secretary	Preparation of Departmental files for the National Archives	Contract for a maximum of 10 weeks spread over the twelve months of 2012	16,246
Mr. Charles Lathrop, Development Specialist	Review of certain development cooperation projects	Contract for a maximum of 38 days from April 2010 to June 2012	2,100
Mr. Martin Greene, Assistant Secretary	Chair of the Point 7 Constituency of the Global Fund to fight AIDS, TB and Malaria	3-year contract for a maximum of 175 days from 31 December 2010	21,000
Mr. Joseph Brennan, Counsellor	To assist in preparations for the Irish Presidency of the European Union in January-June 2013	From 1 May 2012 until 30 June 2013	8,866

There are no State agencies under the aegis of my Department.

State Banking Sector

135. **Deputy Pearse Doherty** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will set out, in respect of Government Departments, State controlled banks and State agencies, any contracts for the provision of services by a company (details supplied); if he will quantify the value of such contracts and set out the safeguards in place to avoid conflicts should that company set out to buy the assets of State controlled banks. [23630/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): My Department has no record of any contract or business arrangement with the company in question.

Vehicle Registration

136. **Deputy Peter Mathews** asked the Minister for Finance if he has any plans to introduce legislation on a matter (details supplied) regarding vehicle registration plates; and if he will make a statement on the matter. [22584/12]

Minister for Finance (Deputy Michael Noonan): I have no plans to amend the Statutory Instrument governing vehicle registration (S.I. 432/1999) to provide for personalised registration numbers.

Motor Fuels

137. **Deputy Stephen S. Donnelly** asked the Minister for Finance the justification for and operational details of the so called green diesel system; and if he will provide any analysis done by his Department on the viability of moving from this system to one offering rebates for agricultural fuel.; and if he will make a statement on the matter. [22595/12]

Minister for Finance (Deputy Michael Noonan): EU Directive 2003/96, which lays down requirements for the taxation of energy products and electricity, permits diesel used for certain industrial and commercial purposes to be subjected to a lower rate of energy tax than that applied to auto-diesel. Those purposes include agricultural, horticultural and piscicultural works

[Deputy Michael Noonan.]

and in forestry, in stationary motors and in plant and machinery used in construction, civil engineering and public works. The Directive stipulates also that diesel used for certain other purposes, such as sea fisheries and commercial navigation, must be exempted from energy tax. Where diesel is released for consumption subject to a lower rate of energy tax, or is exempted from that tax, the fuel concerned may not be used as auto-diesel and must be marked, in accordance with EU Directive 95/60 and its associated Decisions, to distinguish it from auto-diesel. The corresponding provisions of Irish law are contained in the Mineral Oil Tax Regulations 2001: a specified substance and a blue dye must be added to the fuel, and result in a green colouring.

The laundering of marked fuel to remove the marker from it, and the subsequent sale of the laundered fuel as auto-diesel, is the principal form of criminality in the fuel market, and combating it is a key priority for the Revenue Commissioners. Extensive enforcement action has been taken against both fuel launderers and those selling laundered fuel, resulting in detection and seizure of laundries and closure of fuel stations. This important work will continue, and Revenue will be assisted in it by the legislative action which I took in the recent Finance Act to enhance the control and supervision of the supply chain for fuels. In addition, I am informed that the Revenue Commissioners are currently working in close cooperation with HMRC in the UK on obtaining a fuel marker that would be more resistant to laundering.

The suggestion has been made that the present system of marking diesel for non-auto use should be replaced by one in which all diesel would be subject to the same rate of Mineral Oil Tax, with repayment arrangements for certain users. A system of that kind would, however, give rise to additional administrative work for the fuel users concerned, and for the Revenue Commissioners, who would have to deal with large numbers of claims from farmers, agricultural contractors, households which use marked fuel for heating and all other users of such fuel. It would also impose cash flow costs on users and could be open to fraud and abuse. The focus, therefore, is on strengthening the existing system for taxing diesel at differential rates, through enhanced supply chain controls, the acquisition of a more effective fuel marker, and continued robust enforcement action.

Private Debt

138. **Deputy Robert Dowds** asked the Minister for Finance if he will provide statistics on the level of private debt in the economy in nominal terms and as a percentage of GDP; the projections which his Department has for the level of private debt in each of the next five years in nominal terms and as a percentage of GDP and the rate at which this debt will be paid down; if his Department will supply estimates about the drag effect this level of private debt will have on GDP growth and job creation in each of the next five years; and if he will outline his plans for ensuring that excessive private debt is not weighing down on the prospects for growth and job creation. [22598/12]

145. **Deputy Catherine Murphy** asked the Minister for Finance the statistical analysis available to him to quantify the levels of debt held in the private commercial sector here; the up to date figures in respect of same; if he examined the McKinsey report published in January 2012 which stated that total debt in non-financial Irish corporations was some 194% of Irish GDP and outstanding debt in Irish financial institutions was some 259% of Irish GDP; if he will confirm his view on same; and if he will make a statement on the matter. [22878/12]

Minister for Finance (Deputy Michael Noonan): I propose to take Questions Nos. 138 and 145 together.

Private sector debt, in accordance with international standards, is defined as debt held by households and non-financial corporations (NFCs). According to statistics provided by the Central Statistics Office, in the case of Ireland these figures stood at €194,219 million for households and €347,002 million for NFCs at end 2010. Collectively these figures equate to a private sector debt to GDP ratio of 346%. This figure is similar to that provided by EUROSTAT (341%) and the McKinsey Global Institute publication from January 2012 (318%). The differences are explained by the difference in sources and accounting methods, as well as the date of compilation.

The deputy is correct in pointing out that the McKinsey report also includes a figure of 259% of GDP for debt held in the financial sector, however, for the purpose of identifying the level of private sector debt it is not appropriate to include this figure.

Firstly, the significant presence of foreign banks in the Irish Financial Services Centre inflates the overall size of the balance sheet of the financial sector. Secondly, the purpose of any banking system is to provide credit to firms and households for consumption and investment purposes. As such, the liabilities of the banking industry fund their assets — the primary component of which is loans — and these should closely mirror the liabilities of the private and, to an extent, the public sector.

Similarly, it is also necessary to be aware of Ireland's position as a centre for international business when interpreting the figures for NFC debt. I would draw the deputies' attention to a recent presentation to the Joint Committee on Finance, Public Expenditure and Reform by the Central Bank of Ireland and the Central Statistics on the 7th of March 2012: <http://debates.oireachtas.ie/FIJ/2012/03/07/00003.asp> and <http://www.corkeconomics.com/wp-content/uploads/2012/03/Non-Financial—debt—Finance-Committee—1.pdf>

In the presentation NFC debt is broken down according to funding sources. Notably, a large portion of the debt examined is accessed through capital markets and international treasuries. This indicates that a significant portion of NFC debt is composed of funding to large multinational corporations, while borrowing by indigenous Irish firms would be more commonly accessed through the domestic banking system.

It is important to note that there is currently no published series that would enable closer examination of this trend, and that the contents of the above presentation can be used purely for indicative purposes, and are not intended to be official statistics. I can inform the deputies the Central Bank of Ireland and Central Statistics Office are currently in discussions with the Department of Finance to increase the level of surveillance in this regard, with a view to providing a more detailed breakdown of the influence of multinationals on the levels of Irish private sector debt. For these reasons I am not currently able to provide an accurate projection of private sector debt over the next five years.

I can inform the deputies that Irish households are currently in a process of private deleveraging, with debt repayments outstripping the draw-down of new loans over the last two years as private household debt contracts to more sustainable levels. While a necessary precursor for more sustainable growth in the future, it is clear that deleveraging on the part of firms and households is weighing on business investment and consumer spending. As discussed in the 2012 Stability Programme Update, it is expected to remain a feature of the Irish economy for the immediate future. In recognition of this, since coming into office, the Government has brought forward a number of measures to support the domestic economy and job creation, including the Jobs Initiative, lending targets for banks and the Action Plan on Jobs. I am confident that these measures will help underpin a stabilisation in the medium term, followed by a gradual pick-up over the coming years.

Government Debt

139. **Deputy Mary Lou McDonald** asked the Minister for Finance if consultants (details supplied) have completed their external review of the €3.6bn general government debt error; if so, when he will supply the report to the Committee of Public Accounts and when will he publish the report. [22749/12]

140. **Deputy Mary Lou McDonald** asked the Minister for Finance if the internal report in the €3.6bn general government debt error has been completed; and if so, when he will supply the report to the Committee of Public Accounts and when will he publish the report. [22750/12]

Minister for Finance (Deputy Michael Noonan): I propose to take Questions Nos. 139 and 140 together.

The external review is being finalised and the internal review is complete. It is my intention to submit both of these reviews to the Committee of Public Accounts and also to make them available on my Department's website as soon as is practicable after the Government have considered them.

Tax Reliefs

141. **Deputy Terence Flanagan** asked the Minister for Finance if he will deal with the following matter regarding mortgage interest relief in respect of a person (details supplied); and if he will make a statement on the matter. [22756/12]

Minister for Finance (Deputy Michael Noonan): As the Deputy will be aware, under the Relationship Frameworks, the Board of the Bank referred to in the question is responsible for the day-to-day management and operation of the bank and I have no role in this matter. The Bank referred to in the question has informed me that it has worked in conjunction with Revenue Commissioners in relation to the application of the mortgage interest relief increase and confirmed that the increase has now been implemented, effective from customers' next mortgage repayment date. The total 2012 mortgage interest relief increase will be applied on a pro-rata basis for the remaining months of the year.

European Stability Mechanism

142. **Deputy Pearse Doherty** asked the Minister for Finance the total contribution of the State to the European Stability Mechanism; the dates on which payments will be made; the amounts to be paid on each of these dates; and if he will make a statement on the matter. [22782/12]

Minister for Finance (Deputy Michael Noonan): The capital structure of the European Stability Mechanism (ESM) is set out in the ESM Treaty which was signed by Euro Area Member States on 2 February 2012. To obtain the highest possible credit rating, the capital structure of the ESM will have a total subscribed capital of €700bn. Of this amount, €80bn will be in the form of paid-in capital by the Euro Area Member States, paid in five equal instalments from July 2012. The balance of €620bn will be callable capital. The contribution key for each Member State is set out in Annex 1 to the draft Treaty and is based on the ECB capital contribution key. For Ireland the key is 1.592% of the total paid and committed capital. Ireland's share of the €80bn in paid-in capital, based on our contribution key, will be just above €1.27bn paid in five equal instalments of €254m. Unlike the EFSF, there is no "stepping out facility" in the ESM when members enter a programme of support. Therefore, Ireland will have to pay its

share of the paid-in capital. The ESM is being established as an International Financial Institution and on that basis Ireland's contribution will be treated as a financial transaction. This means that while it will impact on Ireland's Exchequer Borrowing Requirement, it will not impact on its General Government Deficit. Ireland's share of the €620bn callable capital is based on the same key, i.e. 1.592% of €620bn making the callable capital €9.87bn.

Following decision of the Eurogroup on 30 March 2012, the paid-in capital will be made available more quickly than initially foreseen in the original ESM Treaty. Two tranches of capital will be paid in 2012, a first one in July, a second one by October. Another two tranches will be paid in 2013 and a final tranche in the first half of 2014.

Consultancy Contracts

143. **Deputy Niall Collins** asked the Minister for Finance the total amount spent since February 2011 on external reports commissioned by his Department including payments from Ministerial allowances; the details of any consultants employed; and if he will make a statement on the matter. [22810/12]

Minister for Finance (Deputy Michael Noonan): The following amounts have been incurred in respect of reports commissioned by my Department from external consultants in the period since February 2011:

€52,454 — Mazars,

€50,000 — Charles River Associates,

€65,000 plus 10% capped expenses — Deloitte and Touche.

With regard to Ministerial allowances, the Deputy will be aware that these are block payments which can, within certain guidelines laid down by the Standards in Public Office Commission, be used at the discretion of the Minister and my Department has no involvement in the disbursement of such allowances. However, I can confirm that no such expenditure was made from my allowances.

144. **Deputy Niall Collins** asked the Minister for Finance the total amount spent since February 2011 on external marketing consultants, including payments from Ministerial allowances, including payments by all Ministers in his Department; the details of the consultants employed; and if he will make a statement on the matter. [22828/12]

Minister for Finance (Deputy Michael Noonan): As I indicated to the Deputy in my reply to his recent parliamentary question number 20782, no such payments were made by my Department in the period from February 2011 to date. With regard to Ministerial or Leader's allowances, the Deputy will be aware that these are block payments which can, within certain guidelines laid down by the Standards in Public Office Commission, be used at the discretion of the Minister/Party Leader and my Department has no involvement in the disbursement of such allowances. However, I can confirm that no such expenditure was made from my allowances.

Question No. 145 answered with Question No. 138.

Departmental Staff

146. **Deputy Billy Kelleher** asked the Minister for Finance the names, grade and cost of staff who have been rehired following retirement in his Department and State agencies under his remit; and if he will make a statement on the matter. [22889/12]

Minister for Finance (Deputy Michael Noonan): The information requested by the Deputy in relation to my Department is detailed in the Appropriation Accounts for the relevant years. The Appropriation Accounts are available online at www.audigen.gov.ie. The 2011 Appropriation Accounts have not yet been finalized by the Office of the Comptroller and Auditor General.

In relation to bodies under the aegis of my Department I have received the following information from the Irish Bank Resolution Corporation (IBRC). Since nationalization no staff member has been rehired following their retirement from the Bank.

In addition, if a staff member leaves the Bank under a Voluntary Scheme, the exiting employee cannot be employed as an employee or engaged as a contractor or consultant or through a company or agency in any part of IBRC for at least 12 months after their termination date, save in exceptional circumstances and with the prior written approval of the CEO. IBRC can confirm that since nationalisation no staff member has been rehired after having exited the Bank under a Voluntary Redundancy scheme.

I have been informed by the Revenue Commissioners that they have one recently retired official who is working for them in an advisory capacity on a pro bono basis.

State Banking Sector

147. **Deputy Pearse Doherty** asked the Minister for Finance if he will set out, in respect of Government Departments, State controlled banks and State agencies, any contracts for the provision of services by a company (details supplied); if he will quantify the value of such contracts and set out the safeguards in place to avoid conflicts should that company set out to buy the assets of State controlled banks. [22906/12]

Minister for Finance (Deputy Michael Noonan): This information is not held centrally for all Government Departments. Accordingly I have copied the question to all other Departments who will respond directly to the Deputy (the Department of Defence and the Department of Justice and Equality have indicated that they have not made any such payments).

In respect of my own Department and the Offices, Agencies* and State-controlled banks under the aegis of my Department, the detail of a contract in place between the company in question and the National Treasury Management Agency is set out below.

The National Pensions Reserve Fund retains a contract with BlackRock Advisors (UK) Limited for the provision of passive equity investment management services. The contract was initially awarded to Barclays Global Investors in 2006 following the completion of a tender competition conducted under EU public procurement rules.

In December 2009 BlackRock announced that it had completed its merger with Barclays Global Investors. The merger did not result in any changes to the contract signed by the NTMA and Barclays Global Investors in 2006. Investment manager fees are based on volume of assets under management and are commercially sensitive. **For reasons of commercial confidentiality, the Central Bank is not in a position to provide this information.*

With regard to the matter of conflict of interest, and safeguards — as the Deputy will be aware, under the Relationship Frameworks, the Boards of the Banks are run on a commercial basis and are responsible for the day-to-day management and operation of the respective institutions including the awarding of contracts and I have no role in this matter.

Vehicle Registration Tax

148. **Deputy Seán Kenny** asked the Minister for Finance the penalties that apply to drivers

who fail to pay vehicle registration tax; and if he will make a statement on the matter. [22924/12]

Minister for Finance (Deputy Michael Noonan): I am advised by the Revenue Commissioners that Section 139, Finance Act 1992 as amended covers a range of offences and penalties in relation to Vehicle Registration Tax.

In general, VRT offences are in four categories: offences connected to registration/payment of VRT; offences committed by persons authorised by the Revenue Commissioners; offences associated with certificates and declarations; and offences associated with fraudulent repayment claims.

One of the penalties provided for in Section 139 could apply, on conviction, to a driver who fails to pay Vehicle Registration Tax.

The penalties involved range from a fine of €5,000 on summary conviction and forfeiture of the vehicle to a fine of €12,695 or three times the VRT concerned, whichever is the greater, and/or up to 5 years imprisonment on indictment for cases of serious evasion of the tax.

Departmental Expenditure

149. **Deputy Seán Kenny** asked the Minister for Finance the amount spent by the Revenue Commissioners on interpreters for each of the past five years to date in 2012; the top four languages in each of these years for which interpreters were used; and if he will make a statement on the matter. [22925/12]

Minister for Finance (Deputy Michael Noonan): I am advised by the Revenue Commissioners that the amount spent on interpreters for each of the past five years to date in 2012 is shown in table A; the top four languages in each of these years for which interpreters were used is shown in table B:

Table A

Year	Total
2007	4,598
2008	5,890
2009	3,016
2010	6,569
2011	7,035
2012	4,834

Table B

Year	Languages
2007	Japanese, Russian, Latvian, Polish
2008	Russian, Chinese, Polish, French
2009	Polish, Russian, Lithuanian, Romanian
2010	Polish, Lithuanian, Chinese, Russian
2011	Chinese, Lithuanian, Polish, Russian
2012	Slovakian, Czech, Lithuanian, Romanian

[Deputy Michael Noonan.]

The use of interpreters is occasionally required by front-line Revenue staff at airports and ports, for example in tackling smuggling, especially drugs and tobacco. It is essential that passengers with insufficient Irish or English, who are interviewed in relation to potential tax, duty or other offences that could lead to prosecution, understand the questions and their answers are correctly interpreted.

State Banking Sector

150. **Deputy Pearse Doherty** asked the Minister for Finance the repayment schedule by IBRC for the exceptional liquidity assistance it has from the Central Bank of Ireland; and if he will make a statement on the matter. [22929/12]

Minister for Finance (Deputy Michael Noonan): The Deputy will be aware that while there is an implicit link between the current repayment schedule on the Promissory Note and ELA there is no specific repayment schedule, as such, in relation to ELA.

As I have indicated, I am committed to reviewing the approach to the Promissory notes with a view to reducing the overall cost to the State of correcting the banking system. The Troika have agreed to engage in a process with Irish Officials to produce a common paper which will consider all options for restructuring the notes in terms of the source of funding, the duration of the notes, the interest rate etc.

Given the nature of advocacy and the decision making process in the EU, I would not expect this matter to be concluded in the short term.

151. **Deputy Pearse Doherty** asked the Minister for Finance the impact of the promissory note interest on the general government deficit and debt for 2012, 2013, 2014 and 2015; the impact of the promissory note interest on the general government deficit and debt for 2012, 2013, 2014 and 2015; if IBRC was included in the definition of general government for the purposes of calculating the debt and deficits; and if he will make a statement on the matter. [22930/12]

Minister for Finance (Deputy Michael Noonan): In 2010 the State made out promissory notes to Anglo Irish Bank, INBS and EBS. These notes effectively promise to pay €30.85 billion to these institutions over a number of years. Under Eurostat rules, Ireland was required to count the original note as deficit and debt impacting in 2010. Ireland's deficit and debt therefore increased by €30.85 billion in 2010 as a direct result of the promissory note agreement. As a consequence of this ruling the annual payments of principal, whether paid in cash or any other means, do not increase the debt and deficit as this amount has already been taken into account.

The interest due on the promissory note however does increase both deficit and debt. For this reason, the previous Government requested an 'interest holiday' in 2011 and 2012. For these two years a zero rate of interest applies on the Anglo and INBS promissory notes. This means that for 2011 and 2012 there was no additional impact from the interest on the Promissory Notes on the General Government deficit. The impact on 2013 is almost €1.9 billion, or 1.1% of GDP, with a declining impact in later years as shown in Table 1 below.

The impact on the debt is different from the impact on the deficit. This is because interest falls due on 31st March each year and debt is measured at face value, whereas deficit is accrued to the calendar year. This difference is further complicated by the interest holiday. Table 1 shows the impact on the general government deficit and general government debt of the promissory note interest for 2010 to 2015.

Table 1 Impact on general government deficit and debt of interest on the promissory note

Year	Impact on deficit	Impact on debt
	€m	€m
2010	561	—
2011	13	568
2012	13	13
2013	1,888	506
2014	1,780	1,847
2015	1,683	1,758

The IBRC is classified as part of the Financial Corporations sector and therefore is not directly included in the calculation of the general government deficit or debt. It was because IBRC is outside of the General Government sector that the promissory notes given to Anglo Irish Bank and the Irish Nationwide Building Society, the former entities that now comprise IBRC, were accounted for in the 2010 General Government deficit and debt returns.

Fiscal Policy

152. **Deputy Pearse Doherty** asked the Minister for Finance if he will provide a breakdown of the interest costs incurred by the State arising from all borrowing recently issued as part of the 2012 deal on the promissory note payment; and if he will make a statement on the matter. [22931/12]

Minister for Finance (Deputy Michael Noonan): It was decided to use a Government bond to meet the Promissory Note payment due at the end of March instead of borrowing under the EU/IMF Programme. The total cost of financing the repayment this way has two elements. The first element consisted of the estimated interest arising from the coupon of 5.4%. Based on the nominal amount of the bond of €3.46 billion, this equates to €187 million in a full year and around €140 million in 2012 because the bond was issued at the start of April and interest is only being accrued for the remainder of 2012. The second, technical adjustment, relates to the difference between the nominal issuance of €3.46 billion and its market value at the date of issue of €3.06 billion. The rationale for the technical adjustment is that the difference between the nominal and market value has to be accounted for over the remaining term of the bond in the general government deficit. Under ESA95 accounting rules, this difference is classified as interest and accrued over the lifetime of the bond.

Based on the remaining bond term of just under 13 years, the annual accrual in a full year is €30.8 million (€400 million divided by 13). In respect of the calendar year 2012, as the bond was issued at the start of April 2012, the accrual amount for three quarters of 2012 is estimated to be around €23m.

Exchequer Revenue

153. **Deputy Pearse Doherty** asked the Minister for Finance if he will provide a breakdown of non-tax current revenue including Central Bank surpluses, National Lottery surpluses, income from credit institutions guarantee fees, other surplus income/royalties, interest on loans, dividends and other receipts for 2011, 2012 and 2013; and if he will make a statement on the matter. [22932/12]

Minister for Finance (Deputy Michael Noonan): The information requested by the Deputy is set out in the table:

[Deputy Michael Noonan.]

Exchequer Non-Tax Revenue (€ billions)

	2011	2012	2013
Central Bank Surplus Income	0.67	0.96	0.92
National Lottery Surplus	0.23	0.22	0.22
Bank Guarantee Fees	1.24	0.98	0.36
Other Surplus Income/Royalties	0.00	0.00	0.00
Interest on Loans (including on Contingent Capital injected into Irish banking system)	0.02	0.32	0.31
Dividends	0.14	0.11	0.12
Other	0.47	0.15	0.09
Total	2.77	2.73	2.03

Rounding may affect totals.

The Deputy should be aware that in relation to 2011, the information he has requested is set out in the end-December 2011 Exchequer Statement, which is available on my Department's website. The figures for 2012 and 2013 are the estimates from the time of the Stability Programme Update (SPU) in late April and are likely to be subject to change as more up-to-date information becomes available later this year and into next.

Tax Code

154. **Deputy Pat Deering** asked the Minister for Finance if he will consider including agricultural contractors in the carbon tax rebate system as announced in Budget 2012, as this cost will ultimately be changed to the farmer. [22945/12]

Minister for Finance (Deputy Michael Noonan): I assume that the Deputy's question relates to the double deduction for carbon tax on farm diesel which I introduced in Finance Act 2012. Under this provision, farmers will be allowed a deduction in computing their farming profits or losses for the amount of additional carbon tax they incur on purchases of farm diesel following the proposed increase in the rate of carbon tax on certain fuels from 1 May 2012. The new deduction will be in addition to the existing deduction for carbon tax included in the cost of farm diesel used in the course of the farming trade. I do not intend extending this relief to agricultural contractors.

Social and Affordable Housing

155. **Deputy Pearse Doherty** asked the Minister for Finance if an audit has been conducted of the National Assets Management Agency properties to see if any would be suitable for social housing; if such an audit has been conducted, the quantity of these properties; the number that would need to be renovated to make them suitable and the number ready for inhabiting; and the cost of the renovations to make these properties suitable. [22951/12]

Minister for Finance (Deputy Michael Noonan): I am advised by NAMA that during 2011, in co-operation with the Housing and Sustainable Communities Agency, it carried out a detailed assessment of residential properties under the control of its debtors or receivers to ascertain their potential suitability for social housing provision. In December 2011, on completing this assessment, the Agency identified the availability of over 2,000 such properties. The distribution, by local authority area, of the units identified under this initiative, is provided on NAMA's website, www.nama.ie. All of the residential units identified by NAMA are completed

but some units will require final internal works, including fit-out. The number of units requiring such final works and their cost will become evident once local authorities and other prescribed housing bodies have completed their assessment of the suitability of units identified by NAMA within their functional area.

I am advised by NAMA that interested housing authorities should contact the Housing Agency about potential social housing units in their area. In cases where suitability is established, NAMA will facilitate contact and negotiations between its debtor/receiver and the housing authority.

Tax Reliefs

156. **Deputy Paul J. Connaughton** asked the Minister for Finance if value-added-tax can now be reclaimed on a wind turbine purchased in late 2010; and if he will make a statement on the matter. [22958/12]

Minister for Finance (Deputy Michael Noonan): I assume the Deputy is referring to farmers who are not registered for VAT, known as flat-rate farmers. I am advised by the Revenue Commissioners that the Value-Added Tax (Refund of Tax) (No. 25) Order 1993 provides for refunds to such flat-rate farmers for tax borne on the “construction, extension, alteration or reconstruction of any building or structure which is designed for use solely or mainly for the purposes of a farming business”. However, while the installation of a wind turbine may be the construction of a structure, such a structure is not “designed for use solely or mainly for the purposes of a farming business”. It is designed rather to generate electricity for wherever required. Consequently, no VAT incurred on the purchase of a wind turbine in 2010 can be refunded under the Order. As I outlined in Budget 2012, I will be amending the VAT Refund Order to provide that flat-rate farmers may claim a refund on wind turbines purchased from 1 January 2012.

School Services Staff

157. **Deputy Martin Ferris** asked the Minister for Education and Skills if a cleaner working for a vocational education committee school may continue to work after the legal retirement age. [22837/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The general compulsory retirement age in the public service is 65. For new entrants to the public service, as defined in the 2004 Public Service Superannuation Act, there is no compulsory retirement age. An employee’s retirement age should be included in their contract of employment. I presume that the Deputy is referring to a specific case of which he is aware. If so, and if he wishes to pursue this matter, he should bring it in the first instance to the attention of the VEC, which is the employer in this case.

School Transport

158. **Deputy Joe McHugh** asked the Minister for Education and Skills if he will consider facilitating families that are affected by changes in the closed school rule in Budget 2011, which may be faced with the prospect of sending some family members to different schools; and if he will make a statement on the matter. [22585/12]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): Changes to the School Transport Schemes, including the “Closed School Rule (CSR)”, were announced in Budget 2011 and derive from recommendations in the Value for Money Review

[Deputy Ciarán Cannon.]

of the Scheme. The Deputy will be aware that from September 2011, the distance criterion of 3.2 kilometres was applied nationally to all pupils travelling under the primary school transport scheme, including those travelling under the CSR. The second element of the change is scheduled to take effect in September 2012 and will apply only in the case of pupils commencing their primary education from that date. This second element will restrict school transport eligibility for those pupils entering in September 2012, to pupils who meet the distance eligibility criterion and are travelling to their nearest school. Existing eligible pupils, who are availing of school transport services, will retain their eligibility for the duration of their primary education cycle provided there is no change in their current circumstances. Pupils who are not eligible for school transport may apply for transport on a concessionary basis subject to a number of terms and conditions. It is worth noting that the charge for primary school pupils availing of transport on a concessionary basis will be reduced to €100 per annum from September 2012; this is the same charge that applies to eligible pupils.

Higher Education Grants

159. **Deputy Michael McCarthy** asked the Minister for Education and Skills if he will confirm if a person (details supplied) meets the qualifying conditions for the special rate of post graduate grant; if he previously qualified under standard grant thresholds; and if he will make a statement on the matter. [22596/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The Deputy will appreciate that in the absence of all of the relevant details that would be contained in an individual's application form and supporting documentation, it would not be possible for me to say whether or not a student should qualify for a grant. 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.

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.

In relation to the way that these financial supports may be accessed, all new student grant applications from the 2012/13 academic year onwards will be dealt with by the new single grant awarding authority, Student Universal Support Ireland (a division of City of Dublin VEC). Students will be able to access the online application facility through www.studentfinance.ie to have their eligibility for a grant assessed. In the case of the renewal of applications for existing grant-holders, students should continue to apply to their local authority or Vocational Education Committee in the area where they live.

School Enrolments

160. **Deputy Ciara Conway** asked the Minister for Education and Skills the steps that are being taken to ensure that schools here are providing equality of access and admission for

students; the measures he is taking to ensure access and supports for young parents in particular; and if he will make a statement on the matter. [22603/12]

163. **Deputy Brendan Smith** asked the Minister for Education and Skills his views on the recent story that a 15 year old girl was refused admission to a school in County Tipperary; and if he will make a statement on the matter. [22714/12]

164. **Deputy Brendan Smith** asked the Minister for Education and Skills when he expects to bring forward strict new guidelines around new admission policies for schools; and if these guidelines will be legislated for; and if he will make a statement on the matter. [22715/12]

166. **Deputy Brendan Smith** asked the Minister for Education and Skills if he will provide a time frame for bringing forward legislation to amend section 37 of the Employment Equality Acts in view of the recent case in of a young mother in County Tipperary being denied admission to a school on the grounds of maintaining the ethos of the school; and if he will make a statement on the matter. [22717/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 160, 163, 164 and 166 together.

As the Deputies will be aware, last June, I launched a discussion paper on school enrolment. The document, “Discussion Paper on a Regulatory Framework for School Enrolment” contains suggestions on how to make the process of enrolling in schools more open, equitable and consistent. Education partners and interested parties were invited to submit their views and the Department is currently co-ordinating their submissions. The feedback from this consultation will help inform the nature and scope of a new regulatory framework for school enrolment.

I intend to bring legislative proposals to Government this year, the primary aim of which will be to ensure that every child is treated fairly and that every child has a place at school.

Teachers’ Remuneration

161. **Deputy Patrick Nulty** asked the Minister for Education and Skills the position regarding the payment of allowances to teachers for Masters or Doctorate level qualifications, in particular with relation to teachers who borrowed funds to take up further education, and who would have had a legitimate expectation to receive their increases when they began their studies; and if he will make a statement on the matter. [22708/12]

Minister for Education and Skills (Deputy Ruairí Quinn): As a result of Budget 2012, Circular 70/2011 provides that teachers who had been engaged in a public sector teaching post on or before 4 December 2011 are eligible to retain the qualification allowances they were entitled to be in receipt of on that date. Such teachers will not be paid any additional allowance where they acquire any further qualification on or after 5 December 2011. The position of teachers who, on 5 December 2011, were undertaking courses will be considered in the context of the public service-wide review of allowances being led by the Department of Public Expenditure and Reform.

Teachers who were appointed to teaching for the first time on or after 5 December 2011 but before 1 February 2012 are eligible for allowances on the basis of their qualifications at entry to the profession up to a maximum of the allowance which had been applicable to an honours primary degree. Pending the outcome of the review of allowances, they are not payable to new beneficiaries from 1 February 2012. The only exceptions to this prohibition are principal and deputy principal allowances and, for a limited period of time, the assistant principal allowance.

[Deputy Ruairí Quinn.]

These decisions were taken due to the upward pressure on the cost of teacher allowances. These provisions are outlined in Circular 70/2011 and Circular 3/2012. These measures are concerned with the sustainability of the public service pay bill and in particular the need to find payroll savings in the education vote. Without immediate action, this upward pressure would have cancelled out the savings made elsewhere in the education system and would bring about even harsher adjustments to schools and services. I am not in a position to comment further until the outcome of the review is known.

Education Qualifications

162. **Deputy John O'Mahony** asked the Minister for Education and Skills when new applications for FETAC provider registration will be accepted; and if he will make a statement on the matter. [22709/12]

Minister for Education and Skills (Deputy Ruairí Quinn): In the light of the necessary preparations for the amalgamation of FETAC with HETAC and the National Qualifications Authority of Ireland (NQAI) into the Qualifications and Quality Assurance Authority of Ireland (QQAAI), new applications for registration will not be accepted until the establishment of the new agency. The Qualifications and Quality Assurance (Education and Training) Bill 2011, which provides for the amalgamation, was introduced in Seanad Éireann. The Bill passed Seanad Committee Stage on 29 March 2012. I intend that the Bill will be enacted in the current Oireachtas term and Qualifications and Quality Assurance Ireland (QQAAI) will be established as soon as possible thereafter. QQAAI will begin accepting applications for provider registration shortly after establishment.

Question No. 163 answered with Question No. 160.

Question No. 164 answered with Question No. 160.

School Enrolments

165. **Deputy Brendan Smith** asked the Minister for Education and Skills if the girl who was refused admission to a school in County Tipperary recently has found a place in another school; and if he will make a statement on the matter. [22716/12]

Minister for Education and Skills (Deputy Ruairí Quinn): My officials understand from the National Educational Welfare Board that the student in question secured an alternative school placement.

Question No. 166 answered with Question No. 160.

Schools Building Projects

167. **Deputy Brendan Smith** asked the Minister for Education and Skills if he will provide an update on an application by a school (details supplied) in County Tipperary for improvement works. [22755/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The management authority of the school referred to by the Deputy submitted an application for funding under my Department's Emergency Works Scheme for the complete replacement of the existing electrical services installation in their school.

As the scope of works for which funding is sought is outside the terms of the scheme it cannot be considered for funding. The school authority has been informed of this decision.

School Complaints Processes

168. **Deputy Dara Calleary** asked the Minister for Education and Skills if a parent makes a complaint to his Department in relation to the treatment of their child in a school, the processes the Department must follow and if these processes include an acknowledgement of the complaint to the parent and an ongoing communication with the parent involved in relation to the progress of the Departments enquiries; and if his Department is obliged to investigate the complaint and the length of time it takes for same. [22771/12]

169. **Deputy Dara Calleary** asked the Minister for Education and Skills if his Department or any agencies under its aegis investigates an allegation against a student in a school and finds that the school's stated finding was without evidential basis, the authority that his Department has to act against the school for making a wrong finding; and if the school can be directed to amend the records of the student to reflect his Department's findings. [22772/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 168 and 169 together.

The Deputy will be aware that under the Education Act 1998, legally, all schools are managed by school Boards of Management, on behalf of the school patrons or trustees, and it is the Board of Management that employs the teachers at the school. Accordingly, whereas I provide funding and policy direction for schools, neither I nor the Department have legal powers to instruct schools to follow a particular course of direction with regards to individual complaint cases, or to investigate individual complaints except where the complaint involves a refused enrolment, expulsion or suspension, in accordance with Section 29 of the 1998 Education Act.

In dealing with parental complaints, my Department's role is to clarify for parents how their grievances and complaints against schools can be progressed. If a parent wishes to make a complaint against a teacher or school they should contact the relevant school authorities. The complaint procedures adopted by most schools are those that have been agreed between the teacher unions and school management bodies. Where a parent feels that the school's board of management has failed to investigate or adequately investigate their complaint, they should contact the Ombudsman for Children.

The Office of the Ombudsman for Children may independently investigate complaints about schools recognised with the Department of Education and Skills, provided the parent has firstly and fully followed the school's complaints procedures. The key criterion for any intervention by the Ombudsman for Children is that the action of the school has had a negative affect on a child. The office can be contacted at Ombudsman for Children's Office, Millennium House, 52-56 Great Strand Street, Dublin1, (Ph) 1800 20 20 40 or (01) 8656800, E-mail oco@oco.ie.

My Department funds a number of bodies that support our education system across all sectors. Their degree of autonomy is dependent on the legislative framework underpinning their establishment.

If the Deputy is interested in a particular agency my officials will arrange for the provision of further information.

School Staffing

170. **Deputy Dara Calleary** asked the Minister for Education and Skills further to Parliamen-

[Deputy Dara Calleary.]

tary Question No. 48 of 15 March 2012, if he has any plans to review the decision to abolish the 16 legacy posts in DEIS rural schools; and if he will make a statement on the matter. [22774/12]

Minister for Education and Skills (Deputy Ruairí Quinn): Further to my reply to your question of 15th March and as already announced, the 136 posts in 163 post primary schools, 16 posts in 16 rural schools and 38 posts in 17 non DEIS schools will be withdrawn from September 2012 and I have no plans to review this decision. These schools were not included in the report on the impact of the withdrawal of legacy posts as they were not adversely affected by this particular budget decision.

DEIS Rural Primary schools are not included for preferential pupil teacher ratios under DEIS, as generally, their rural location tends to ensure they have lower class sizes. Of the 328 DEIS Rural primary schools, only 16 of these schools will lose one legacy post each.

The Appeals Process which operates independent of my Department, gave schools the opportunity to appeal their 2012/13 staffing allocation. The Appeals Board met on the 18th April and schools have been notified directly by the Board of their decisions at this stage.

171. **Deputy Seán Crowe** asked the Minister for Education and Skills if he will clarify the criteria which was used to appraise the appeal made by a school (details supplied) in County Galway in relation to the pupil teacher ratio for the forthcoming school year; and if language considerations, as well as health and safety conditions were taken in to account. [22801/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The school referred to by the Deputy is a small school in the Gaeltacht. As part of the new staffing arrangements my Department has expanded the existing appeals process so that it is accessible to the small primary schools that are losing a classroom post as a result of the budget measure. Such schools will not lose their classroom post if they are projecting increased enrolments in September 2012 that would be sufficient to allow them to retain their existing classroom posts over the longer term.

The school submitted an appeal to the Staffing Appeals Board. All appeals submitted to the Primary Staffing Appeal Board were considered in accordance with the published appeals criteria that is set out in my Department's Staffing Circular 0007/2012. This was done at its meeting on 18th and 19th April. The appeal by the school was unsuccessful on the basis that the school did not meet the published appeal criteria. The Board operates independently of the Department and its decision is final. However, the Appeal Board will review this decision in September if the school's actual enrolment in September 2012 increases to the required level.

A total of 367 schools submitted appeals to the April meeting of the Appeals Board. 205 schools had their appeals upheld by the Staffing Appeals Board. A summary outcome of the appeals is now published on my Department's website. Individual schools have been notified of the outcome of their appeals.

The next meeting of Staffing Appeals Board is due to be held on 14 June 2012. The latest date for other schools to submit appeals is 1 June 2012.

The final staffing position for all schools will ultimately not be known until the Autumn. At that stage the allocation process will be fully completed and all appeals to the Staffing Appeals Board will have been considered.

Consultancy Contracts

172. **Deputy Niall Collins** asked the Minister for Education and Skills the total amount spent since February 2011 on external reports commissioned by his Department including payments

from Ministerial allowances; the details of any consultants employed; and if he will make a statement on the matter. [22808/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I am providing a list outlining the information sought in relation to external consultancy reports commissioned by my Department. My Department does not pay a Ministerial allowance to either myself or the Minister of State.

Department of Education and Skills Consultancy Reports 2011 (PQ 22808/12)

Consultant Name	Purpose of Consultancy	Total amt paid 2011 incl vat
Centre for Cross Border Studies	2011 annual review of Post grad courses in Northern Ireland	€2,420.00
Sr. Eileen Randles	External Reviewer in an appeal against an inspection under section 13(9) of the Education Act 1998	€920.00
Dr. Simon Marginson	Development and submission to DOES of draft criteria for the proposed re-designation of amalgamated institutes of Technology Universities arising from the recommendations of the National Strategy for Higher Education to 2030	€9,075.00
Forum on Patronage and Pluralism in the Primary Sector-Professor John Coolahan, Dr Caroline Hussey, Fionnuala Kilfeather	Advisory Group to convene the Forum on Patronage and Pluralism in the Primary Sector, to receive and distil the various views and perspectives of participants and to report and advise the Minister	€20,000.00
PricewaterhouseCoopers LLP (PWC) Belfast	Evaluation of the Special Education Support Service established by the Department in 2003 to address the then rather fragmented provision of continuing professional development in the area of special education.	€97,866.01
Goodbody Economic Consultants	Evaluation of the Initial Implementation of Síolta, the National Quality Framework for Early Childhood Education	€31,280.92
The PA Consulting Group	Evaluation of the training and education programmes for the unemployed delivered under LMAF 2010	€52,003.38
Fitzpatrick and Associates	Mid term Evaluation of the Human Capital Investment 2007-2013	€61,589.00
Deloitte	To carry out audits of the national agencies for the Lifelong Learning Programme in Ireland, these will serve as the basis for the submission of Declarations of Assurance from International Section to the European Commission	€16,299.00
Public Authority Pension Services Ltd	Pensions advisory work relating to the establishment of a pension scheme for staff of the NCTE	€4,791.60
Total:		€296,244.91

173. **Deputy Niall Collins** asked the Minister for Education and Skills the total amount spent since February 2011 on external marketing consultants, including payments from Ministerial allowances, including payments by all Ministers in his Department; the details of the consultants employed; and if he will make a statement on the matter. [22826/12]

Minister for Education and Skills (Deputy Ruairí Quinn): My Department has not incurred any expenditure in relation to such consultancies since my appointment as Minister. My Department does not pay a Ministerial allowance to either myself or the Minister of State.

School Staffing

174. **Deputy Patrick Nulty** asked the Minister for Education and Skills the position regarding a learning support teacher in a school (details supplied) in County Dublin; if he will give a commitment that a permanent learning support teacher will be retained in the school; and if he will make a statement on the matter. [22853/12]

183. **Deputy Finian McGrath** asked the Minister for Education and Skills if he will support a school (details supplied) in Dublin 17 which is losing a teacher. [22977/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 174 and 183 together.

The criteria used for the allocation of teachers to schools is published annually on my Department's website. The key factor for determining the level of staffing resources provided at individual school level is the staffing schedule for the relevant school year and pupil enrolments on the previous 30 September.

The staffing arrangements in schools for the 2012/2013 school year can also be affected by changes in their enrolment, the impact of budget measures and the reforms to the teacher allocation process. A key part of the reforms of the allocation process was to facilitate a long overdue updating of the GAM (learning support) allocation for all schools.

The staffing arrangements include provision for an appeals mechanism for schools to submit an appeal under certain criteria to an independent Appeals Board. Details of the criteria for appeal are contained in the Department's Staffing Circular 0007/2012.

The Primary Staffing Appeals Board met on 18th and 19th April. A total of 367 schools submitted appeals to the Appeals Board. These appeals were considered in accordance with the appeals criteria set out in Department Staffing Circular 0007/2012.

205 schools had their appeals upheld by the Staffing Appeals Board. A summary outcome of the appeals is now published on my Department's website. Individual schools have been notified of the outcome of their appeals.

The next meeting of Staffing Appeals Board is due to be held on 14 June 2012. The latest date for other schools to submit appeals is 1 June 2012.

The final staffing position for all schools will ultimately not be known until the Autumn. At that stage the allocation process will be fully completed and all appeals to the Staffing Appeals Board will have been considered.

Departmental Staff

175. **Deputy Billy Kelleher** asked the Minister for Education and Skills the names, grade and cost of staff who have been rehired following retirement in his Department and State agencies under his remit; and if he will make a statement on the matter. [22887/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The information sought is being compiled at present and will be forwarded to the Deputy shortly.

With regard to bodies under the aegis of my Department, the information requested by the Deputy is an administrative matter for each agency. The day to day management of agencies, including the payment of salaries fees and expenses in accordance with Department of Public Expenditure and Reform guidelines, is a matter for the management of each agency. Accordingly, my Department does not maintain the level of information requested.

School Accommodation

176. **Deputy Tom Fleming** asked the Minister for Education and Skills if he will provide a list of primary and post primary schools in County Kerry with prefabricated units that are waiting to be replaced by permanent buildings; the criteria that was applied by his Department and the building programme unit in deciding on the qualification of the recent extensive replacement programme of prefabricated units in schools in many other counties; if he will carry out a review and investigation of the situation in the schools in County Kerry, most of whom are deficient and inferior in structure with a view to including the most substandard of these units that need replacement on an urgent building programme in the short term; and if he will make a statement on the matter. [22940/12]

181. **Deputy Tom Fleming** asked the Minister for Education and Skills the initial building cost and siting cost of existing prefabricated buildings in primary and secondary schools in County Kerry; the total maintenance cost per year of these prefabricated units; the number of these units that are in a deteriorated state and in need of substantial upgrading to meet the requirement of health and safety standards; and if he will make a statement on the matter. [22966/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 176 and 181 together.

My Department does not hold information centrally on purchased prefabs previous to 2008. Since 2008 14 mainstream prefabs classrooms have been purchased by schools in Co Kerry. For the Deputy's information, I am supplying two tables relating to rented prefabs in schools in Co. Kerry. Table 1 provides details of schools currently renting prefabs. Table 2 provides details of schools that have been selected for consideration under the Department's rented prefab replacement imitative.

The criteria used by my Department to select schools for consideration were:

- Prefabs must be rented for a minimum period and be required for the long term i.e. any major project for the school is unlikely to be completed in the short to medium term or if it is, construction of the new classrooms will not hinder the extension and will reduce the scope of works required.
- School site must be sufficiently large to accommodate construction of permanent build while continuing to use rented prefabs and that site must not be rented.
- Permanent accommodation should be stand alone.

The average rental cost for one mainstream classroom unit currently stands at c. €14k per annum with site works costing an average €22,000. The cost of site works will vary from school to school, depending on site conditions at each school. Responsibility for maintenance of rented prefab and ensuring that rented accommodation meets the requirements of health and safety standards lies with the prefab provider and the Board of Management in the case of purchased prefabs.

In relation to the provision of additional accommodation generally a change in policy implemented by my Department is to provide devolved grant aid for the purchase (rather than rental) of additional accommodation where the need for such accommodation is likely to exist for more than 3 years. Furthermore, since July 2008, it is also policy to offer schools being approved for devolved grant aid for additional accommodation the option to use their capital grant aid to build a permanent classroom(s) rather than purchase a prefab. An amount of

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€100,000.00 (inclusive of VAT and Fees) per mainstream classroom is provided under this Scheme.

Table 1

Schools Currently Renting Prefab Units in Co. Kerry

Roll No.	School Name	Town/Townland	No. of prefab units
02849C	Kenmare BNS	Kenmare	1
03132I	Sliabh A'Mhadra NS	Ballyduff	1
04062S	Listowel Convent PS	Listowel	1
07841L	Kilgobnet N S	Kilarney	1
08320L	St. Clare's GNS	Kenmare	1
09708T	Scoil Mhuire	Knocknagoshel	1
13615L	Scoil Eoin	Tralee	1
15592M	Scoil Cheann Tra	Tralee	1
16217O	Scoil Bhreac Chluain	Annascaul	1
16898S	SN Breandan Naofa	Tralee	1
17915U	Freastogail Mhuire Mixed NS	Abbeydorney	1
18247K	CBS Tralee	Tralee	8
18702I	Spa NS	Tralee	1
19448C	Scoil Realt na Mara	Tuosist	1
19487M	Holy Cross Mercy NS	Killarney	1
19512I	St. Oliver's NS	Killarney	7
19547E	St. Francis Spec School	Beaufort	1
20013U	GS Lios Tuathail	Listowel	1
61410N	Presentation Secondary School	Miltown	1

Table 2

Schools in Co. Kerry being considered for rented prefab initiative

Roll No.	School	Address
03132I	Sliabh A'Mhadra NS	Slievadara, Ballyduff, Co. Kerry
13615L	Scoil Eoin	Ballonagh, Tralee, Co. Kerry
19547E	St. Francis Special School	Beaufort, Co. Kerry

177. **Deputy Tom Fleming** asked the Minister for Education and Skills if he will replace the substandard and hazardous prefabricated building at a school (details supplied) in County Kerry; and if he will make a statement on the matter. [22942/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I can confirm that correspondence has been received from the school referred to by the Deputy regarding the need for improved accommodation. Officials from my Department will be in further contact with the school authorities regarding the matter.

Schools Building Projects

178. **Deputy Derek Nolan** asked the Minister for Education and Skills the number of school

building projects that have completed stage 2b Detailed Design; the number of schools that have been included in the school building work programme; and if he will make a statement on the matter. [22943/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The Deputy will be aware that I recently announced 219 major school building projects to proceed to construction over the years 2013 to 2016. This was in addition to the 2012 programme in which 56 school building projects were announced to go to construction in 2012. Of these 8 are being delivered under Public Private Partnership and hence do not progress through stage 2(b) of architectural planning. Of the other 48 projects, 40 have progressed past stage 2(b) of architectural planning. Seven of the remaining 8 projects have secured planning permission and are progressing towards completion of stage 2(b). One project is completing stage 2(a) and will shortly commence stage 2(b).

There are currently 5 other projects which have completed stage 2(b). One of these projects was included in the 5 year construction programme and is scheduled to commence construction in 2015/16. Due to financial constraints and the need to prioritise projects which will meet the increasing demographic needs over the coming years, it was not possible to include the remaining 4 projects in the 5 year programme recently announced. Information in respect of all projects on the school building programme is available on my Departments web-site and is updated on a regular basis.

Schools Refurbishment

179. **Deputy Derek Nolan** asked the Minister for Education and Skills the reason funding has been refused under the emergency works scheme for roof replacement at a school (details supplied) in County Galway, which consultants have said is literally falling apart; and if he will make a statement on the matter. [22944/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The management authority of the school referred to by the Deputy submitted an application for funding under my Department's Emergency Works Scheme for a new roof for their school building. As the scope of works for which funding is sought is outside the terms of the scheme it cannot be considered for funding. The school authority has been informed of this decision.

School Staffing

180. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills the position regarding an appeal in respect of a school (details supplied) in County Limerick; and if he will make a statement on the matter. [22953/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The NCSE will be notifying schools in due course of their allocation for the 2012/13 school year of resource hours for low incidence special needs. The arrangements for how schools access these resource hours in teaching posts are set out in the Department Staffing Circular 0007/2012. Under these arrangements a network of over 2,500 full-time resource posts has been put in place in close to 1,700 base schools throughout the country. The list of these schools and the criteria used to select them is set out in the published Circular. These resource posts are allocated on a permanent basis and the teachers in them will undertake NCSE approved (low incidence) resource hours in the base schools or in neighbouring schools. Schools that are unable to access these hours will be allocated mainly temporary part-time posts. This approach builds on the interim arrangements that operated in 2011 but in a more structured and transparent manner. The school referred to by the Deputy did not meet the criteria for a base school but it will be able to access its allocation

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of NCSE approved resource hours in accordance with the arrangements outlined above and set out in more detail in the Department Circular.

Question No. 181 answered with Question No. 176.

School Closures

182. **Deputy Tom Hayes** asked the Minister for Education and Skills if his attention has been drawn to the fact that some former students of a school (details supplied) in County Limerick have not received certification of their qualifications following completion of their course prior to the liquidation of the school; the avenues that are open to such students to receive such certification from the said school; and if he will make a statement on the matter. [22967/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I have received details in relation to one such student and officials in my Department are making inquiries into the matter. I will respond in writing to the Deputy as soon as possible.

Question No. 183 answered with Question No. 174.

School Provision

184. **Deputy Willie Penrose** asked the Minister for Education and Skills the context of the Department's corridor study N4/M4 in 2004, which advised that a site be reserved for a second level school in this area (details supplied) in County Westmeath and in the further context in which this area had shown a 421% growth in the past 15 years and when all the primary schools within a five mile radius have maximum numbers which they can facilitate, if he will enter discussions with the local authority and the church authorities with a view to securing a suitable site which is now readily available in view of the fact that these bodies have been seeking to meet officials to progress matters; and if he will make a statement on the matter. [23044/12]

Minister for Education and Skills (Deputy Ruairí Quinn): Among the recommendations of the study referred to by the Deputy, which was published in May 2005, it was recommended that a site be reserved in the area to cater for a second level school. As the Deputy will be aware, in June 2011, I announced that 20 new post-primary schools are to be established up to 2017 across a number of locations to meet significantly increasing demographics in those areas. This announcement did not include a proposal to establish a new post-primary school in the area referred to, as the demographics of the area did not support the need for a new second level school. The Forward Planning Section of my Department will continue to analyse demographic trends to determine the level of additional school provision which will be required into the future. Overall school requirements in the area referred to by the Deputy will be fully considered in this context. As the Deputy may be aware Westmeath County Council has a site reserved for educational purposes in this area should the need arise in the future for the requirement of a post-primary school.

Schools Refurbishment

185. **Deputy Brendan Smith** asked the Minister for Education and Skills if he will provide a list of schools in County Waterford that received funding for minor works grants towards improvement works for 2012. [23081/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I am pleased to inform the Deputy that all eligible primary and special needs schools in the country received the Minor Works

Grant for 2011/2012 in November 2011. The total costs of the grant exceeded €28m. A list of the schools in County Waterford that received the grant is as follows:

PRIMARY SCHOOLS IN COUNTY WATERFORD WHICH RECEIVED MINOR WORKS GRANT FOR
2011/2012

Roll Number	Name
01395H	AGLISH NATIONAL SCHOOL WATERFORD
01711O	SN CILL ROSANTA
01767S	SN NA CROISE NAOFA
02889O	S N AN CHLAIS MHOR
05548D	SN BAILE MHIC AIRT
06621P	RINGVILLE MIXED NS
07441S	BALLYCURRANE NS
07737Q	VILLIERSTOWN NS
12007G	FERRYBANK CONVENT
12476S	SLIEVERUE MXD NS
12535I	SN URSULA NAOFA
13020D	OUR LADY OF MERCY N S STRADBALLY
13635R	BALLYDUFF NS
14164J	SCOIL NAISIUNTA LIOS MOR MOCHUDA
14568K	KILLEA BOYS NS
14679T	SN BAILE BUILEAR
14989L	PASSAGE EAST NS
15046I	ST STEPHENS NATIONAL SCHOOL
15318P	GLENBEG NS
15540Q	BALLYDUFF B2 NS
15632V	ST JOSEPHS GIRLS NS
15963V	RATHGORMACK NS
16732H	SCOIL NAOMH SEOSAMH
16748W	SN NA CILLE
16818R	SCOIL NA LEANAI
16887N	SCOIL NAISIUNTA MHUIRE LOURDES BUAC 16887N
16950R	CARRIGALEA NS
16976M	S N DEAGLAN
17133N	NEWTOWN NS
17159I	S N AN GARRAIN BHAIN
17295Q	SCOIL NAISIUNTA NA RINNE
17351A	BALLYGUNNER NS
17522B	KNOCKANORE NS
17525H	LIGHT OF CHRIST NS
17535K	FENOR NS
17536M	S N DUN AILL
17570M	S N NA BHFIODH
17643N	KILBRIEN NATIONAL SCHOOL
17997C	ST MARYS NATIONAL SCHOOL
18048E	ST DECLANS NS
18077L	S N CNOC MACHAN
18094L	SCOIL MHUIRE DUNGARVAN
18108T	WHITECHURCH NS CEAPACH

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Roll Number	Name
18167M	S N AINE NAOFA SEAFIELD
18235D	S N AN PORT MOR
18257N	BALLYFACEY NS
18321T	SN MUIRE MAGH DEILGE
18380M	FAITHLEG NS
18381O	SCOIL NA MBRAITHRE
18462O	SCOIL LORCAIN BNS
18484B	MHUIRE NS
18488J	SCOIL NAOMH GOBNAIT
18509O	AN TEAGHLAIGH NAOFA
18533L	SCOIL MHUIRE
18681D	CHRIST CHURCH N S
18689T	SCOIL MUIRE NA TROCAIRE
18779U	ST MARYS TOURANEENA NATIONAL SCHOOL
18793O	SC NAOMH EOIN LE DIA
19108B	ST MARTINS SCHOOL
19282R	ST JOHNS SPECIAL SCHOOL
19345P	BALLYMACARBERRY NATIONAL SCHOOL
19350I	SCOIL CHRUIMIN NAOFA
19443P	CLONEA NATIONAL SCHOOL
19511G	ST SAVIOURS NS
19616U	SCOIL MHUIRE
19629G	HOLY CROSS NS
19693P	QUEEN OF IRELAND NATIONAL SCHOOL
19726E	STRADBALLY CHURCH OF IRELAND NS
19814B	SCOIL GHARBHAIN
19853L	GAELSCOIL PHORT LAIRGE
19885B	GAEL SCOIL PHILIP BARUN
19947U	MOUNT SION PRIMARY SCHOOL
19953P	ST MARYS NS
19955T	PRESENTATION PRIMARY SCHOOL
19970P	PORTLAW NS
20050D	GAELSCOIL NA NDEISE
20076V	BUNSCOIL BHOTHAR NA NAOMH
20116H	GLOR NA MARA NS
20143K	WATERPARK NS
20157V	CAPPOQUIN NS
20160K	WATERFORD EDUCATE TOG.
20170N	KILMACTHOMAS NS
20219R	ST PAULS BNS
20261Q	NEWTOWN JUNIOR SCHOOL

State Banking Sector

186. **Deputy Pearse Doherty** asked the Minister for Education and Skills if he will set out, in respect of Government Departments, State controlled banks and State agencies, any contracts for the provision of services by a company (details supplied); if he will quantify the value

of such contracts and set out the safeguards in place to avoid conflicts should that company set out to buy the assets of State controlled banks. [23628/12]

Minister for Education and Skills (Deputy Ruairí Quinn): My Department does not have any contracts with the companies referred to by the Deputy. With regard to contracts entered into by the bodies under the aegis of my Department, this is an administrative matter for each agency. This information is not collated centrally by my Department. The Deputy should be aware, however, that the procurement of goods, works and services by bodies under the aegis of my Department is carried out in conformity with the EU Treaty principles of non-discrimination, equal treatment, transparency, mutual recognition, proportionality, freedom to provide service and freedom of establishment. All bodies under the aegis of my Department are aware of the need to achieve value for money while conducting procurement in a fair, open and transparent manner that is fully compliant with the EU Procurement Directives and national procurement policies and guidelines. The Code of Practice for the Governance of State Bodies outlines the responsibilities of state bodies in this regard and my Department regularly updates the aegis bodies on developments in relation to public procurement policy and practices.

Flood Relief

187. **Deputy Noel Grealish** asked the Minister for Public Expenditure and Reform if he will outline the cost of laying a pipe (details supplied) in County Galway; and if he will make a statement on the matter. [22768/12]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): Flood alleviation measures for the Carnmore/Cashla area are part of the proposed Clare River (Claregalway) Flood Relief Scheme, which is currently at design stage. Following a flood event on the Clare River in November 2011, it became apparent that ground water levels were rising at the Eastern end of the Carnmore/Cashla area, at a rate greater than had been considered in the preliminary design study of 2010. Based on this additional information, the Office of Public Works asked the Consulting Engineers who are carrying out the detailed design of the Claregalway Scheme, to review the earlier proposals recommended for the Carnmore/Cashla area. The review recommended that the proposed flood alleviation drain at Carnmore East be extended further eastwards, by 400 metres along the R339 road. An inlet structure would also be installed at this point to relieve the ground water levels as observed in the November 2011 flood event. The revised proposals brings the cost estimate for the Carnmore East flood alleviation drain, to €530,000 from the earlier estimate of €440,000, an increase of €90,000. These additional measures are considered necessary as they will ensure that the same level of protection is afforded to all the properties previously flooded, or at risk of flooding, in the Carnmore/Cashla area, including the R339.

As a result of the November 2009 flood event in the Carnmore/Cashla area, three houses were flooded, a further seven were at risk of flooding, two businesses were at risk of flooding and a further fourteen houses were cut-off by flood waters. The R339 flooded to a level greater than one metre in places with three other local roads flooding for a period up to fourteen days. The revised flood alleviation proposals, which include the extended flood alleviation drain at Carnmore East, form an intricate part of the proposed Clare River (Claregalway) Flood Relief Scheme and will ensure that the Carnmore/Cashla area, will have 1:100 year protection against all such future flood events.

Office of the Ombudsman

188. **Deputy Michael Healy-Rae** asked the Minister for Public Expenditure and Reform the

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position regarding a complaint (details supplied) in County Kerry; and if he will make a statement on the matter. [22795/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The Ombudsman Act 1980 established the Office of the Ombudsman and provides that the Ombudsman can delegate authority to her officials to carry out functions on her behalf, that she may act entirely independently in the performance of her statutory functions, and that she may only be removed from Office by the President following resolutions passed by Dáil Éireann and by Seanad Éireann calling for her removal.

I understand from the Office of the Ombudsman that this matter concerns a complaint considered by the Ombudsman against a Planning Authority in relation to its handling of pre-planning consultation meetings with the Complainant. The Complainant was not satisfied with the response received from the Planning Authority and contacted the Ombudsman stating that he had suffered significant losses arising from maladministration on the part of the Planning Authority and asking to be compensated for these losses. Following a lengthy and detailed examination of the complaint involving considerable engagement with the Complainant and his representatives, the Ombudsman concluded that the Planning Authority was not responsible through maladministration for the adverse effect as alleged.

The Complainant did not accept the findings of the Ombudsman's examination of his case and asked that she review her decision. The Office of the Ombudsman informed the Complainant of its appeals process. The Complainant was advised that the case would be re-examined by an officer not previously associated with the complaint and who was at a more senior level than the officer who had carried out the initial examination. Following a second detailed review of the case, which involved intensive engagement with the Complainant and his representatives, the Office of the Ombudsman concluded that there was no basis to overturn the original decision.

The Complainant subsequently complained about the conduct of a number of named individuals in the Office of the Ombudsman as well as the Ombudsman herself and asked that the individuals be investigated. The Office of the Ombudsman outlined to the Complainant its process for dealing with complaints against individual members of staff and also advised him that this process does not provide for a complaint about the Ombudsman herself. The Complainant's allegations against named members of staff are currently under consideration.

In view of the facts of the case and the statutory independence correctly bestowed upon the Ombudsman, it would be inappropriate for me to initiate an investigation into the conduct of the Ombudsman in this instance.

Consultancy Contracts

189. **Deputy Niall Collins** asked the Minister for Public Expenditure and Reform the total amount spent since February 2011 on external reports commissioned by his Department including payments from Ministerial allowances; the details of any consultants employed; and if he will make a statement on the matter. [22815/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): In the period since February 2011, the following amounts were paid to external consultants in respect of reports commissioned by my Department:

€615 — paid to Davy Corporate Finance in respect of a study carried out for the Department in late February/early March 2012 on options for the next National Lottery licence.

€1,210 — paid to Mercer in respect of data used for input to the Organisational Review Programme.

€41,043.20 — paid to RedC in respect of a research project undertaken for the Department and presented to the Joint Oireachtas Committee on Investigations, Oversight and Petitions.

With regard to Ministerial allowances, the Deputy will be aware that these are block payments which can, within certain guidelines laid down by the Standards in Public Office Commission, be used at the discretion of the Minister and my Department has no involvement in the disbursement of such allowances. However, I can confirm that no such expenditure was made from my allowances.

190. **Deputy Niall Collins** asked the Minister for Public Expenditure and Reform the total amount spent since February 2011 on external marketing consultants, including payments from Ministerial or Leader's allowances, including payments by all Ministers in his Department; the details of the consultants employed; and if he will make a statement on the matter. [22833/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): No such payments were made by my Department in the period from February 2011 to date.

With regard to Ministerial or Leader's allowances, the Deputy will be aware that these are block payments which can, within certain guidelines laid down by the Standards in Public Office Commission, be used at the discretion of the Minister/Party Leader and my Department has no involvement in the disbursement of such allowances. However, I can confirm that no such expenditure was made from my allowances.

Departmental Expenditure

191. **Deputy Niall Collins** asked the Minister for Public Expenditure and Reform the total amount spent on hair and make-up, including payments by all Ministers in his Department and including payments from Ministerial or Leader's allowances since February 2011; and if he will make a statement on the matter. [22850/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): No money has been spent on hair and make-up by my Department.

Departmental Staff

192. **Deputy Billy Kelleher** asked the Minister for Public Expenditure and Reform the names, grade and cost of staff who have been rehired following retirement in his Department and State agencies under his remit; and if he will make a statement on the matter. [22894/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): In the timeframe allowed, it is not possible to provide the information required by the Deputy. No civil servants who have retired from my Department are back on the payroll in my Department. I will write to the Deputy with the relevant information as soon as possible

193. **Deputy Pearse Doherty** asked the Minister for Public Expenditure and Reform the numbers of public sector employees, by Department grouping, that elected to participate in the early retirement scheme in February 2012; if he will confirm the quantum of cash lump sum payments made to retirees and confirm if any retirees have subsequently been re-hired to their former or new roles in the public sector. [22907/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): When public service pay rates were cut in 2010, a transitional “retirement grace period” was introduced, so that any persons retiring within the grace period had their pension payments calculated on the basis of the pay rates prevailing prior to the pay cuts. The transitional grace period expired on 29 February 2012. This was not an “early retirement” scheme.

As the Deputy will be aware, at the end of February, reports from across the Public Service indicated that retirements in the first two months of this year were of the order of 7,500 — these were preliminary figures only.

The normal end-quarter staffing numbers reports for the period January-March 2012 have now been received from Departments and these provide firmer data. These quarterly returns, which will, in due course, be published on my Department’s website, show the changes in public service numbers reported from across each of the public service sectors. The end-March returns show that a total of 7,897 people retired during the first quarter of 2012; practically all of these would have retired in the first two months. The breakdown of the retirements during the quarter is:

Sector	Number retired
Education	2,245
Health	2,196
Civil Service	1,424
Local Authority	998
Defence	386
Gardaí	282
Non Commercial State Agencies (NCSAs)	366
Total	7,897

Information provided to date indicates that around 126m euro was paid in respect of lump sums during the first quarter of the year. When all returns have been made my Department will forward the details to the Deputy.

Information regarding the rehiring of retirees is not held centrally and should be sought from the relevant Departments. With regard to my own Department I refer the Deputy to the reply that I gave to Question No. 310 on Tuesday 24 April 2012.

Departmental Expenditure

194. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform further to Parliamentary Question Nos. 223 and 230 of 13 March, 2012, if he will issue a response with regards to the annual amount spent on security measures at private homes and constituency offices of Taoisigh, Ministers and Ministers of State since January 2000 to December 2011. [22969/12]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): Details of expenditure on installation of security at private homes and constituency offices of Taoisigh, Ministers and Ministers of State between 2007 and 2011 were provided in reply to PQ 18224 on 18th April. The following is a tabular statement of similar expenditure for the years 2000 to 2006:

Year	Total (incl VAT)
	€
2000	10,120.00
2001	0
2002	0
2003	220,474.57
2004	54,786.23
2005	245,845.65
2006	185,689.81
Overall total	716,916.26

Public Sector Remuneration

195. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform if he will provide, in tabular form, the total public sector pay bill for 2011; the projected public sector pay bill for 2012, 2013, 2014, 2015; the total public sector pension bill for 2011; and the projected public sector pension bill for 2012, 2013, 2014, 2015. [22971/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The figures sought by the Deputy are set out below:

Year	Gross Exchequer Pay €bn	Pension Related Deduction (PRD)	Gross Exchequer Pensions €bn	Total Exchequer Pay net of PRD and Pensions €bn
2011	15.6	1.0	2.8	17.5
2012	15.4	0.9	3.0	17.4
2013	15.0	0.9	3.0	17.1
2014	14.7	0.9	3.1	16.9
2015	14.6	0.9	3.1	16.8

2011 figure is the provisional outturn.

2012-2015 figures are estimates.

The pay bill peaked at €17.5bn in 2009 and will fall by €3.8bn by 2015, inclusive of the PRD. In the same period, the pensions bill will increase by €0.5bn from €2.6bn to €3.1bn, resulting in a pay and pensions bill saving of €3.3bn by 2015.

State Banking Sector

196. **Deputy Pearse Doherty** asked the Minister for Public Expenditure and Reform if he will set out, in respect of Government Departments, State controlled banks and State agencies, any contracts for the provision of services by a company (details supplied); if he will quantify the value of such contracts and set out the safeguards in place to avoid conflicts should that company set out to buy the assets of State controlled banks. [23633/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): My Department has not entered into any contracts with the company in question.

The issue of safeguards is a matter for the Minister for Finance.

Job Protection

197. **Deputy Joan Collins** asked the Minister for Jobs, Enterprise and Innovation the position regarding a company (details supplied) moving more than 300 jobs from Dundalk and Dublin to Northern Ireland, following on from the moving of 140 jobs last year to India and Egypt; and the contact he has had with the company in relation to said job losses. [22964/12]

202. **Deputy Catherine Murphy** asked the Minister for Jobs, Enterprise and Innovation if he will make public the results of the consultation process conducted by a company (details supplied) in relation to the customer care jobs in its Republic of Ireland operations; if he will seek assurances from the company that these jobs will not be exported to Northern Ireland; if the company will guarantee the security of their remaining workforce in the Republic of Ireland; and if he will make a statement on the matter. [22903/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I propose to take Questions Nos. 197 and 202 together.

Vodafone Ireland announced on 22 March that it had completed a review of the company's contracted mobile call-centre operations. As a result of this review, the company adopted a new model for its mobile customer care, resulting in a move to a new provider, Teleperformance.

Vodafone Ireland and Rigney Dolphin have entered a six-week consultation process with employee representatives. With effect from 8 May, 27 Vodafone roles and 290 Rigney Dolphin contract roles will transfer to Teleperformance. The consultation process is a matter for the parties involved. Rigney Dolphin will remain a provider to Vodafone for other purposes.

I have been assured by Vodafone Ireland that the transfer of service will observe the Transfer of Undertakings — Protection of Employees (European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003) Regulations.

I recently met with Vodafone Ireland and the company has confirmed that it is likely that work will move to the Teleperformance site in Newry. I also met representatives of the workers, their Union and local public representatives. I understand this transfer process will be a matter for Teleperformance, although Vodafone will continue to participate in the consultation period. I understand that Vodafone has agreed with Teleperformance that in the event of a move to Newry, all affected Vodafone and Rigney Dolphin employees will have the option to transfer to Newry when their role relocates. Teleperformance have guaranteed that terms and conditions will carry forward to Newry for those who choose to move, and alternatives for those who choose not to transfer will be discussed through the consultation process. While the situation that has arisen on this occasion is regrettable, it is nevertheless reflective of the competitive forces that affect the sector concerned.

In my meeting with Vodafone, the company made it clear that this decision has been taken for commercial reasons and they are not in a position to reverse it. The company have indicated that the work which they have on fixed line customer service is not under review and is performing well.

Consultancy Contracts

198. **Deputy Niall Collins** asked the Minister for Jobs, Enterprise and Innovation the total amount spent since February 2011 on external reports commissioned by his Department including payments from Ministerial allowances; the details of any consultants employed; and if he will make a statement on the matter. [22813/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Details of the expenditure associated with the external reports commissioned by my Department since January 2011, and of the consultants engaged, are set out in the table below:

2011

Name of Company/Payee	Purpose	Cost (€)
John Travers	Facilitation of Code of Practice for Grocery Goods Undertakings (continuation of services provided in 2010)	€36,905
Capital for Enterprise Ltd.	Design of Temporary Partial Credit Guarantee Scheme	€59,565
Fitzpatrick Associates Economic Consultants	Assessment of the Productive Sector Operational Programme, 2000-2006	€15,730
UCD (Dr Frank Walsh)	Review of ERO and REA Wage Setting Mechanisms	€15,000
Greater Heights Ltd	Learning needs Analysis (NERA)	€15,645
Rits	IT Security assessment of new hosting site established in the Revenue Hosting Centre, John's Road	€7,093
Maxima Ireland	Virtualisation Strategy Review — a short high-level assessment of the future opportunities available to the Department to virtualise some of its servers with a view to making cost savings.	€8,276

Jan-end April 2012

Name of Company/Payee	Purpose	Cost (€)
Deloitte and Touche	Feasibility Study for Making Ireland a World Centre for Managing and Trading in Intellectual Property	€36,900
Ward Solutions	IT Security reviews of online application	€16,590

199. **Deputy Niall Collins** asked the Minister for Jobs, Enterprise and Innovation the total amount spent since February 2011 on external marketing consultants, including payments from Ministerial allowances, including payments by all Ministers in his Department; the details of the consultants employed; and if he will make a statement on the matter. [22831/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I can advise the Deputy that no expenditure has been incurred under my Department's vote since February 2011 on external marketing consultants.

As regards expenditure incurred in this context under Ministerial allowances paid by the Oireachtas, no expenditure has been incurred by Minister Sherlock or myself during this period. I understand that an amount of €48k was paid by Minister Perry from his Oireachtas allowance covering the period August 2011 to end March 2012 in respect of public relations services provided by Ms. Sinéad Fennell of Fennell Communications.

Work Permits

200. **Deputy Ciarán Lynch** asked the Minister for Jobs, Enterprise and Innovation if the refusal of an application for an employment permit by a person (details supplied) in County Cork will be reviewed; if the eligibility of the post will be reconsidered whether on a full-time or a temporary basis; if an exception will be allowed regarding the €30,000 salary threshold; and if he will make a statement on the matter. [22866/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I wish to advise the Deputy that this Work Permit application was refused on the 10th April 2012 on the grounds that it is current Government policy to issue new employment permits only in respect of:

- highly skilled, highly paid positions or;
- non-EEA nationals who are already legally resident in the State on valid employment permits or;
- positions requiring specialist or scarce skills, expertise or qualifications which cannot be filled otherwise.

Furthermore permits are issued in respect of employment where it is established that a minimum salary of €30,000 per annum is on offer, based on a 39 hour week. In this instance the salary advertised for the post was €30,000 but this did not correspond with the salary proposed for this application. With regard to this application it was found that the position of non-ferrous buyer fell within the ineligible categories list of occupations that is publicly available on my Department's website. The applicant was notified of this decision in writing and of their right to appeal this decision within 21 days. Appeals are processed in date of receipt order and this application will be processed in sequence.

Departmental Staff

201. **Deputy Billy Kelleher** asked the Minister for Jobs, Enterprise and Innovation the names, grade and cost of staff who have been rehired following retirement in his Department and State agencies under his remit; and if he will make a statement on the matter. [22892/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I appointed two former public servants to act as Civilian Drivers at my Department. Both drivers are paid €631.75 per week in line with Ministerial Guidelines. Four other former Civil Servants are re-engaged by my Department on the following basis:

Mr. John Walsh — A former Assistant Secretary in this Department is serving on the NERA Advisory Board. The only payments made for participation on the Advisory Board are Travel and Subsistence payments in accordance with the Department of Finance rates for civil servants. The cost to the Exchequer for 2011 was €514.58.

Ms Julie O'Neill — A former Secretary General at the Department of Transport, is currently Chair of the Department's Audit Committee. In line with centrally agreed procedures for external audit committee members in the Civil Service, this individual is paid a fee of €450 per meeting, subject to a maximum of €1,800 per annum.

Mr. Martin Lynch — A former Principal Officer is the Irish Government representative and Deputy Chair of the Board of the European Chemicals Agency (ECHA) based in Helsinki, Finland. This individual is engaged as an expert and is paid on a fee per day basis in respect of each Board meeting that he attends and also for attending meetings of the Board Sub-Committee which he chairs. The cost for 2011 was €7,474.00 in fees and €4,407.30 in Travel and Subsistence. Following refunds from the European Chemicals Agency, the net cost to the Exchequer was €8,030.30.

Ms Eveta Brezina — A former Assistant Principal, is a Member of the Employment Appeals Tribunal. She is paid the appropriate "sitting fee" of €193.24 per diem in addition to any travel and subsistence costs. She was paid a total of €6,243.04 gross in respect of fees

in 2011 and €375.75 in respect of travel and subsistence. Fees are subject to Schedule E tax, Universal Social Charge, PRSI and pension-related deduction where appropriate.

I have referred this question to all State Agencies under the aegis of my Department for direct reply to the Deputy.

Question No. 202 answered with Question No. 197.

Industrial Disputes

203. **Deputy Colm Keaveney** asked the Minister for Jobs, Enterprise and Innovation in view of the fact that the State has involved itself in a dispute (details supplied) since 1 March 2010 when can workers affected expect the employment appeals tribunal to listen to this case. [23045/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I am taking it that this question refers to both the Labour Court case (details supplied) and also to the cases involving this company currently before the Employment Appeals Tribunal (EAT)

Cases, such as this, that have been referred to the Labour Court do not have an appeal route to the EAT. The Labour Court conducts hearings on trade disputes, as in this case, 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. 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. The Employment Appeals Tribunal (EAT) is an independent body under the aegis of my Department. As an independent body, I have no role in the day-to-day operation of the EAT.

I am advised however that, in respect of this company that the Tribunal will make arrangements to keep those cases of a similar date of lodgement and type for hearing together at the same Division of the EAT in Co. Offaly. It is anticipated that the unfair dismissal cases will be listed in the next available slot when the Tribunal is sitting in Co. Offaly. Having regard to the existing advance case list for the Tribunal, this Division is likely to be held in early September. I understand that there are also a number of appeals by the employer against the recommendation of the Rights Commissioner under the Payment of Wages and Terms of Employment (Information) Acts. These were submitted in February 2012 and they will be listed together for hearing. All appeals are listed for hearing in accordance with their date of lodgement with the Tribunal. The current waiting time for a hearing outside Dublin is approx. 80 weeks.

State Banking Sector

204. **Deputy Pearse Doherty** asked the Minister for Jobs, Enterprise and Innovation if he will set out, in respect of Government Departments, State controlled banks and State agencies, any contracts for the provision of services by a company (details supplied); if he will quantify the value of such contracts and set out the safeguards in place to avoid conflicts should that company set out to buy the assets of State controlled banks. [23632/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I can advise the Deputy that my Department does not have any contracts with the named company. In terms of the placing of contracts for services by the thirteen agencies that come within my Depart-

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ment's remit, this an operational matter for those agencies. As agencies that are governed by the code of practice for State Sponsored bodies, they are fully accountable in terms of observing all relevant fiscal and governance rules.

Social Welfare Code

205. **Deputy Simon Harris** asked the Minister for Social Protection the rent allowance limits payable in an area (details supplied) in County Dublin; and if she will make a statement on the matter. [22573/12]

Minister for Social Protection (Deputy Joan Burton): New maximum rent limits came into force on 1 January 2012 and are in place until June 2013. The maximum monthly rent limits for the Dun Laoghaire Rathdown County Council area are set out in the tabular statement below.

Rent Supplement Rent limits for Dún Laoghaire-Rathdown County Council area

County	Single person in shared accommodation	Couple in shared accommodation	Single person	Couple with no children	Couple or one-parent family with 1 child	Couple / one-parent family with 2 children	Couple / one-parent family with 3 children
Dun Laoghaire Rathdown County Council Area	€300	€370	€475	€700	€875	€925	€950

Social Welfare Benefits

206. **Deputy John Lyons** asked the Minister for Social Protection when an application will be processed under the insolvency payments scheme in respect of a person (details supplied); and if she will make a statement on the matter. [22574/12]

Minister for Social Protection (Deputy Joan Burton): A claim under the Insolvency payment scheme was submitted manually on behalf of the person concerned on 11 August 2011 in respect of arrears of wages, holiday pay and minimum notice. The Department is currently processing manually submitted claims received in July 2011. A claim for a redundancy payment in respect of the person concerned was paid on 1 November 2011.

Social Welfare Appeals

207. **Deputy Peter Mathews** asked the Minister for Social Protection when a decision will issue on a review for carer's allowance in respect of a person (details supplied) in Dublin 8; and if she will make a statement on the matter. [22582/12]

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 22nd December 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers have been received in the Social Welfare Appeals Office and the case will be referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an oral hearing. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the

Department and is responsible for determining appeals against decisions on social welfare entitlements.

208. **Deputy Nicky McFadden** asked the Minister for Social Protection when a decision on the oral hearing in respect of a person (details supplied) in County Westmeath in relation to their non-contributory pension can be expected; and if she will make a statement on the matter. [22590/12]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that following an oral hearing of the appeal in question, the Appeals Officer, as agreed at the hearing, referred the case back to the Social Welfare Inspector for further investigations and clarification of the means of the person concerned. The case has been returned to the Appeals Officer who is now considering the appeal in the light of all the evidence submitted, including that adduced at the hearing. The person concerned will be notified of the Appeals Officer's decision when the appeal has been determined. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Code

209. **Deputy Aodhán Ó Ríordáin** asked the Minister for Social Protection if she will explain the rationale behind limiting the amount of time a person in receipt of carer's allowance can spend in employment, self-employment, education or training to 15 hours a week; if she will consider raising the hours to 17.5 hours; and if she will make a statement on the matter. [22597/12]

Minister for Social Protection (Deputy Joan Burton): Carer's allowance is a means tested income support payment for people who are providing full time care and attention to a person in need of such care. A person in receipt of carer's allowance can engage in employment, self-employment, training or education outside the home for up to 15 hours per week and still qualify for the payment. However, one of the main qualifying conditions for the payment of carer's allowance is that the person receiving care is medically assessed as needing care on a full-time basis. While carers may work or engage in training or education for up to fifteen hours per week, I have no plans for a further increase in the hours beyond this allowance. Any further expansion would necessarily dilute the very notion of 'full time care and attention' and could directly impact on the person who needs that care.

Social Welfare Benefits

210. **Deputy Simon Harris** asked the Minister for Social Protection the reason she is refusing to honour its commitment to pay rent supplement to an individual in respect of a four year lease signed between landlord and tenant in January 2011; and if she will make a statement on the matter. [22710/12]

243. **Deputy Simon Harris** asked the Minister for Social Protection the position regarding rent allowance in respect of a person (details supplied); and if she will make a statement on the matter. [22995/12]

Minister for Social Protection (Deputy Joan Burton): I propose to take Questions Nos. 210 and 243 together.

The person concerned applied for rent supplement on 14th February 2012 but the rent sought was in excess of the new maximum rent limits appropriate to his family composition introduced

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on 1st January 2012. The person concerned was disallowed rent supplement and notified of his right to appeal against this decision to the Social Welfare Appeals Office.

Social Welfare Appeals

211. **Deputy Pat Breen** asked the Minister for Social Protection when a decision will issue in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [22724/12]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 18th October 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers have been received in the Social Welfare Appeals Office and the case has been referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an oral hearing. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Question No. 212 withdrawn.

213. **Deputy Pat Breen** asked the Minister for Social Protection the position regarding an application for invalidity pension in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [22729/12]

Minister for Social Protection (Deputy Joan Burton): I am advised by the Social Welfare Appeals Office that an oral hearing of the appeal of the person concerned took place on 23rd April 2012 and the Appeals Officer is now considering the appeal in the light of all the evidence submitted, including that adduced at the hearing. The person concerned will be notified of the Appeals Officer decision when the appeal has been determined.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Questions Nos. 214 to 217, inclusive, withdrawn.

Social Welfare Code

218. **Deputy Joan Collins** asked the Minister for Social Protection further to Parliamentary Question No. 5 of 25 April 2012, if she will stop referring to people who have entitlements to the safety net of social welfare provision as customers as used in her reply to the question regarding childcare provision, as the relationship between state services and citizens is not one of customers and owners; and if she change her practice of calling people who are entitled to services and payments as customers. [22757/12]

Minister for Social Protection (Deputy Joan Burton): Since the launch of the Strategic Management Initiative in February 1994, the provision of high quality customer service has been an essential element of the modern Public Service. *Delivering Better Government* published in May 1996, recommended the introduction of a Quality Service Initiative for the customers of the Civil Service and in 1997 the Quality Customer Service (QCS) Initiative was launched.

Since 1997, public service organisations have been producing Customer Action Plans to assist them in improving the way in which services are delivered to their customers. In 2003, as part of a continuing drive to further promote Quality Customer Service, public service organisations began to adopt Customer Charters. Customer Action Plans and Customer Charters are produced as part of the same overall process and have separate but complimentary roles.

My Department is committed to ensuring that a customer service ethos is embedded in everything it does and is embraced by everyone in the organisation. The overall aim is to provide people with the information, financial support and other services that they require in a timely and customer-friendly way. My Department is determined to perform to best international standards; be responsive and innovative; provide value for money; and maintain the public service values of openness, responsiveness, professionalism and good governance.

The Customer Charter sets out the standards of service that people can expect in their dealings with the Department. This charter is displayed in all Department offices and on the website, *www.welfare.ie*. The Customer Action Plan builds on the charter commitments and sets out a range of aims and actions to achieve them during the lifetime of the plan. A new plan is being finalised at present.

I believe that it is important that the concept of the provision of high quality customer service to members of the public who access my Department's services continues to be a priority and I have no plans to issue an instruction along the lines outlined by the Deputy.

219. **Deputy John Deasy** asked the Minister for Social Protection if the report has been completed on the retained fire-fighters and their social welfare entitlements; and if she will make a statement on the matter. [22759/12]

Minister for Social Protection (Deputy Joan Burton): Taking account of the unusual circumstances of retained fire brigade personnel and general efforts to develop and standardise our jobseeker schemes, a departmental group was established in late 2011 to examine the position of these workers *vis-à-vis* jobseeker's benefit and jobseeker's allowance.

While this examination has been largely completed, a number of issues arising from it are being considered further. My officials will be in touch with relevant deputies in this regard as soon as possible.

Community Employment Schemes

220. **Deputy Gerry Adams** asked the Minister for Social Protection if any of the cuts she has introduced in relation to community employment schemes will lead to any job losses in CE schemes in County Louth; if she will provide a breakdown in the numbers employed in each CE scheme in County Louth in 2009, 2010, 2011, 2012; and if she expects this to change as a result of expenditure cuts. [22792/12]

Minister for Social Protection (Deputy Joan Burton): The number of places allocated to each of the Community Employment Schemes currently running in County Louth is set out in the table attached. It should be noted that the decrease in places in 2012 is as a result of the closure of one element of two different projects and is not related to budgetary restrictions. It is intended to use these places to initiate a new scheme in Drogheda which will provide places for recovering drug misusers. This scheme is scheduled to commence during the summer of 2012. There has been no reduction in the number of CE places available in 2012.

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Table 1

Number of places allocated to each project

LOCATION	SPONSOR NAME	2009	2010	2011	2012
ARDEE	ARDEE COMMUNITY EMPLOYMENT PRO	28	28	28	28
BLACKROCK / HAGGARDSTOWN	THE FANE COMMUNITY GROUP	19	20	26	26
CASTLEBELLINGHAM	ANNAGASSAN / CASTELBELLINGHAM CE	16	16	16	16
DROGHEDA	NORTH DROGHEDA C.E.SPONSOR GP.	32	32	32	32
	COMMUNITY SERVICES CENTRE	20	20	20	20
	DROGHEDA YOUTH DEVELOPMENT	29	28	29	29
	DROGHEDA YOUTH DEVELOPMENT	25	22	22	25
	DROGHEDA RESOURCE CENTRE	37	43	43	43
	SOCIETY OF ST VINCENT DE PAUL	17	17	17	17
	DROGHEDA AREA WOMENS NETWORK	19	18	18	18
	DROGHEDA FOOTBALL SCHEME LTD.	20	20	20	21
	MILLMOUNT COMMUNITY SERVICES LTD	42	42	42	42
	LIFESTYLE DEVELOPMENT GROUP	25	24	24	24
	DROGHEDA HOMELESS AID GROUP	16	16	16	16
	DROICHEAD ARTS CENTRE	19	18	18	18
	DROGHEDA WOMENS REFUGE	18	18	21	18
DUNDALK	HOLY FAMILY COM.DEV.GROUP	25	24	25	20
	ST. JOSEPHS DEV GROUP	36	36	37	36
	DUNDALK ICTU CENTRE LTD.	43	52	53	53
	CENTRAL CE SCHEME	23	28	28	28
	SWAP	29	48	48	48
	AVE. RD. AREA COMM.DEV. GROUP	36	38	34	36
	MOUNT OLIVER AND DISTRICT CE LTD	25	32	34	34
	REDEEMER DEVELOPMENT GROUP	57	57	57	46
DUNDALK RURAL	INNISKEEN/WEST LOUTH DEV.GROUP	23	26	26	26
	MID LOUTH COMMUNITY EMPLOYMENT	61	67	61	61

LOCATION	SPONSOR NAME	2009	2010	2011	2012
DUNLEER	DUNLEER COMMUNITY EMP.COMMITTEE	21	21	23	23
COOLEY	COOLEY COMMUNITY PROJECTS LTD	16	16	34	34
TOGHER	TOGHER COMM.PROJECT GROUP	20	20	20	20
Totals		2,806	2,857	2,883	2,870

Social Welfare Offices

221. **Deputy Robert Troy** asked the Minister for Social Protection further to Parliamentary Question No 125 regarding local Social Welfare offices (details supplied) in County Westmeath if he will identify the positions that remain unfilled; the duration that they have been vacant; if he will give a definite time frame as to when these will be filled. [22794/12]

Minister for Social Protection (Deputy Joan Burton): The table below details the vacancies in the locations mentioned:

Location	Grade	Duration of vacancy
Mullingar Local Office	1 Higher Executive Officer	1st March 2012 to date
	1 Executive Officer (Inspector)	1st March 2012 to date
Athlone Local Office	1 Staff Officer	September 2011 to date
Longford Local Office	1 Higher Executive Officer (Inspector)	10th February 2012
	1 Higher Executive Officer	1st March 2012 to date
	1 Staff Officer	1st March 2012 to date
	1 Clerical Officer	September 2011 to date
	1 Clerical Officer	1st March 2012 to date

As I recently advised the Deputy, the staffing needs of all offices in my Department are continuously reviewed, having regard to workloads and the competing demands arising. In this regard, it is not possible to give a definitive timeframe of when these specific vacancies will be filled. I can however assure the Deputy that the Department will continue to source available staff to fill critical vacancies by way of redeployment in line with the Public Service Agreement 2010-2014, or transfer from within the Department and other Government Departments, taking account of the employment control framework (ECF) target, as determined by the Department of Public Expenditure and Reform.

Consultancy Contracts

222. **Deputy Niall Collins** asked the Minister for Social Protection the total amount spent since February 2011 on external reports commissioned by her Department including payments from Ministerial allowances; the details of any consultants employed; and if she will make a statement on the matter. [22816/12]

Minister for Social Protection (Deputy Joan Burton): The Department has a major programme of business, organisational and technological change underway to enable it to modernise the services which it provides to customers.

The Department engages consultants for work which comes within the definition of “consultancy” set out in Department of Finance guidelines — where a person or organisation provides

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intellectual or knowledge based services (e.g. expert analysis and advice) through delivering reports, studies, assessments, recommendations, proposals, etc. that contribute to decision making or policy making.

The information requested by the Deputy is set out in the attached table for 2011. There has been no expenditure to date in 2012 in relation to such consultancy work.

I am satisfied that the procurement of consultancy services, including commissioning of reports, is essential to support the Department in providing high quality service to the public in a cost effective and that this is undertaken in an efficient manner governed by a comprehensive regulatory, legal and procedural framework.

I do not draw down any Ministerial Allowances:

Contractor	Purpose	€
ESRI	SWITCH Model — Support for analysis of Budget proposals	150,000
IRCHSS	Social Inclusion Research Innovation Awards	50,000
ESRI	Poverty Research	48,001
PricewaterhouseCoopers	Review of Pensions Charges	36,300
Trinity College	Poverty Research Initiative Awards	9,788
Mel Cousins and Associates	Social Welfare Appeals Office — Legal Research on Insurability Issues and Access to Legal Resources	7,744
Patrick Oliver Ryan	Gender Recognition Advisor Group Report	7,000
UCD	Poverty Research Initiative Awards	6,650
NUI Maynooth	Poverty Research Initiative Awards	6,500
NUI Galway	Poverty Research Initiative Awards	5,000
Crowleys DFK	Audit of Financial Statement for EU Year 2010	4,816
John Grenham	Report on GRO (General Register Office) Records	3,557
Mel Cousins and Associates	Social Welfare Appeals Office -Preparation and Delivery of Paper on Habitual Residence Clause	2,420
Jane Pillinger	Consultation and Development of a Code of Practice Guide	2,000
Maureen Bassett	Evaluation and Reporting of EU Year 2010	1,032
Kathy Walsh	Evaluation and Reporting of EU Year 2010	726

223. **Deputy Niall Collins** asked the Minister for Social Protection the total amount spent since February 2011 on external marketing consultants, including payments from Ministerial allowances, including payments by all Ministers in his Department; the details of the consultants employed; and if he will make a statement on the matter. [22834/12]

Minister for Social Protection (Deputy Joan Burton): The Department spent a total of €23,407 including VAT on graphic design and marketing services since February 2011. All of these costs were incurred under one contract with a Dublin-based company, Creative Inc.

I do not draw down any Ministerial Allowances.

Questions Nos. 224 and 225 withdrawn.

Social Welfare Benefits

226. **Deputy Dan Neville** asked the Minister for Social Protection the number of persons who applied for invalidity pension that had their claims decided on last year; the number of persons that were granted invalidity; the number of persons refused invalidity pension; and if she will make a statement on the matter. [22864/12]

Minister for Social Protection (Deputy Joan Burton): The information sought by the Deputy is as follows:

	Claims Received	Claims Cleared	Claims Awarded (1 June to 31 Dec)	Claims Disallowed (1 June to 31 Dec)
2011 (total)	14,621	10,508	Not available	Not available
1 Jan — 31 May	6,155	3,704	Not available	Not available
1 June — 31 Dec	8,466	6,804	2,107	4,697

A breakdown of claims awarded and disallowed in 2011 is available only for those claims dealt with from June to December 2011. A breakdown of claims awarded and disallowed in the period from January to the end of May 2011 is unavailable as claims were being processed on two separate computer systems prior to migration of all invalidity pension claims to the new computer platform.

227. **Deputy Joe O'Reilly** asked the Minister for Social Protection the action she will take to deal with the current backlog of carer's allowance and disability allowance applications, that are currently taking almost a year to process; and if she will make a statement on the matter. [22871/12]

Minister for Social Protection (Deputy Joan Burton): The Department is committed to delivering the best possible service to its customers. In the interests of fairness and equity applications are processed, as far as possible, in order of the date on which they were received in the Department. 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 and disability allowance schemes. 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 projects in June of this year when all existing carer's allowance claims and by the end of this year when all existing disability allowance claims will be transferred onto the new processing system.

Accurate processing time figures are not available at present as applications are still being processed on both the old and the new computer systems. The average time taken to award an application for disability allowance in 2011 was 17 weeks. There are approximately 6,300 new disability allowance applications registered and awaiting a decision. The average time to award a carer's allowance application at present is estimated at approximately 28 weeks. There are approximately 7,800 new carer's allowance 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. In addition to the deployment of new systems which should address service levels in the medium term, the Department is allocating additional resources

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in the form of overtime working to help reduce backlogs that have built up. In addition, temporary staff have been assigned to the disability allowance scheme and approval has recently been given for the assignment of temporary staff for the carer's allowance scheme to expedite the reduction of the backlogs. However, it is expected to be a significant number of months before the backlogs are reduced to an acceptable level. In the meantime, if a person's means are insufficient to meet their needs while awaiting a decision on an application, they may apply for a means-tested supplementary welfare allowance payment from their local community welfare officer.

Departmental Staff

228. **Deputy Billy Kelleher** asked the Minister for Social Protection the names, grade and cost of staff who have been rehired following retirement in her Department and State agencies under her remit; and if she will make a statement on the matter. [22895/12]

Minister for Social Protection (Deputy Joan Burton): Since 29 February 2012, one member of staff — the Chief Medical Adviser in my Department — has been retained on a temporary contract beyond retirement on a salary scale of €83,887.30-€102,152 per annum. His salary is abated to take account of his pension rate of payment. The decision to re-employ the Chief Medical Adviser was taken due to his specific skills and experience, the difficulty and long lead-in time for replacing such skills and the critical importance of ensuring continuity and a high level of service to customers of the Department. The Pensions Board, which is under the aegis of my Department, has employed on temporary contracts two people who were previously employed by An Garda Síochána and who are in receipt of Garda pensions. The salary scales for the two staff are €46,081-€58,294 and €65,185-€80,678.

Question No. 229 withdrawn.

Community Employment Schemes

230. **Deputy Tom Fleming** asked the Minister for Social Protection if a person (details supplied) in County Kerry will be allowed to continue on a community employment scheme. [22905/12]

Minister for Social Protection (Deputy Joan Burton): The person concerned was on a community employment (CE) scheme in Co. Kerry from 20th July 2009 to 16th July 2010 with eligibility for one year. As she is currently not in receipt of any payment from the Department, she is not eligible for further CE participation at this time.

231. **Deputy Robert Dowds** asked the Minister for Social Protection the position regarding the review of each of the community employment schemes operating in north Clondalkin, County Dublin, and when these schemes may expect to hear the outcome of these reviews. [22908/12]

Minister for Social Protection (Deputy Joan Burton): A financial review of Community Employment (CE) Schemes is underway. This review process allows 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. All sponsors and projects have been met with and discussions have taken place with regard to the requirements of the schemes, including the above named projects.

However due to the current economic circumstances, this Department has had to find significant savings in the Budget for 2012. The reduction to the grant for materials and training represents a reduction of 7.5% of the overall expenditure on Community Employment in 2011. The allowance grants for Supervisors are unchanged, as are the working hours for staff employed under Community Employment. There will be no decrease in the number of Community Employment places allocated in 2012.

No final allocations of materials and training grants have been made pending completion of the review. The existing commitment in relation to the financial support of schemes will continue to apply.

Question No. 232 withdrawn.

Departmental Schemes

233. **Deputy Seamus Kirk** asked the Minister for Social Protection if agriculture contractors are eligible applicants for the JobBridge scheme; and if she will make a statement on the matter. [22916/12]

Minister for Social Protection (Deputy Joan Burton): The National Internship Scheme was launched on 1st July 2011. It provides internship opportunities of either 6 or 9 months for unemployed individuals on the Live Register, at all skills levels. The aim of JobBridge is to assist individuals in breaking the cycle where they are unable to get a job without experience. It provides them with an opportunity to gain valuable experience, relevant knowledge and skills within a working environment. The Scheme is open to organisations in the private, public and community or voluntary sectors.

The Scheme has made significant progress to-date. 6,842 jobseekers have commenced their internship since 1st July 2011. There are currently 4,670 jobseekers undertaking internship opportunities. In addition, there are 1,876 internship opportunities available across a wide number of occupational sectors and geographic areas being hosted on the JobBridge website www.jobbridge.ie.

In response to your specific query, it must be stated that the Scheme is open to companies in all sectors including private, public, voluntary and community. The eligibility criteria is as follows:

Interns

In order to be eligible to participate in JobBridge — the National Internship Scheme an individual must be:

- Currently in receipt of a live claim (Jobseekers Allowance/Jobseekers Benefit/Signing for Credits) on the Live Register
- And have been in receipt of Jobseekers Benefit, Jobseekers Allowance or signing for Social Insurance Contribution Credits for a total of 3 months (78 days) or more in the last 6 months.

Periods spent on Back to Education Allowance, VTOS, FÁS/Fáilte Ireland Training courses, Youthreach, FIT, Community Employment Schemes, TUS, the Rural Social Scheme, Back to Work Scheme, Back to Work Enterprise Allowance, FÁS Job Initiative or Job Assist will count towards meeting the eligibility of JobBridge, provided:

- The individual has completed these programmes.
- Has signed back on to the Live Register.

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- Is in receipt of Jobseekers Benefit/Allowance or Jobseeker credits immediately before commencing on JobBridge.

Host Organisations

A host organisation participating in JobBridge must be in a position to provide a substantial commitment to their intern so as to ensure the provision of a quality internship. To this end, a clear set of rules have been developed to protect the intern and safeguard JobBridge from potential abuse.

In order for organisation to participate it must comply with the following criteria:

- An organisation, or a local branch, must have a minimum of 1 full time employee who is employed for 30 hours or more per week (i.e. on payroll and subject to tax and PRSI).
- Be a legal entity and/or a charity recognised by the Revenue Commissioners (with a CHY number).
- Have NO vacancies in the area of activity in which the internship is offered.
- The placement is not displacing an employee.

The Scheme Administrator reserves the right to review cases where it is reported that this is the case.

- Have Public/Employers Liability insurance and Motor Insurance, if applicable, that will cover any interns on the JobBridge Scheme.
- Be fully compliant with current workplace health and safety and all other legal requirements.
- If Garda Vetting applies to the placement, ensure that the vetting process is applied.
- The host organisation may not provide an internship opportunity under the Scheme to an individual they have an existing employment relationship with.

The total number of internship places an organisation can offer at any one time is:

Number of Full Time Employees*	Number of Internships
1-10 employees	1 internship place
11-20 employees	2 internship places
21-30 employees	3 internship places
30 + employees	20% of the workforce to a maximum of 200 internships whichever is the smaller

*Who is employed for 30 hours or more per week (i.e. on payroll and subject to tax and PRSI)

- Local branch offices of national organisations e.g. large retail outlets will not be regarded as an individual host organisation for the purpose of JobBridge (effective from 10th October 2011).
- The maximum number of interns a Host Organisation can have, on the Scheme, at any point in time is 200 irrespective of the number of local branches they have.

Potential host organisations can avail of the JobBridge guidelines which are available on the JobBridge website *www.jobbridge.ie*.

On the 15th August 2011, these criteria were amended to include the participation of Sole Traders within the JobBridge scheme provided they have a minimum of 1 full time employee (employed for 30 hours or more per week and subject to tax and PRSI).

My Department continues to monitor and review the operation of the JobBridge scheme including its eligibility criteria both for Host Organisations and Interns on an ongoing basis.

Social Welfare Appeals

234. **Deputy Ciarán Lynch** asked the Minister for Social Protection when an appeal in respect of a person (details supplied) in County Cork will be decided; and if she will make a statement on the matter. [22917/12]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 18th January 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers have been received in the Social Welfare Appeals Office and the case has been referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Benefits

235. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if a long term entitlement to jobseeker's assistance exists in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [22918/12]

Minister for Social Protection (Deputy Joan Burton): As the person concerned has been in receipt of jobseeker's allowance for more than fifteen months she is considered to be long term unemployed. Payment will continue as long as the person concerned meets the conditions for entitlement to the allowance.

Social Welfare Appeals

236. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if supplementary payments are being selectively suspended in applications for social welfare payments still on appeal; and if she will make a statement on the matter. [22919/12]

Minister for Social Protection (Deputy Joan Burton): The supplementary welfare allowance scheme (SWA) is designed to provide immediate and flexible assistance to those in need who do not qualify for payment under other State schemes. There are currently approximately 33,700 customers in receipt of a basic weekly payment under the SWA scheme for which the Government has provided €160 million for 2012.

Apart from the excluded categories, anyone in the State who satisfies a habitual residence condition and a means test, has registered for employment, unless they have a physical or mental disability, and can prove unemployment may qualify for a weekly payment of SWA.

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Customers awaiting the outcome of a claim or an appeal for a primary social welfare payment may qualify for the scheme.

Applications for SWA are determined on an individual basis having regard to the specific circumstances of each case. However, customers who no longer satisfy the criteria for the SWA scheme may have their payments suspended, even though they may have an appeal pending.

Social Welfare Benefits

237. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the position regarding invalidity pension in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [22920/12]

Minister for Social Protection (Deputy Joan Burton): Eligibility to invalidity pension is determined by the severity and expected duration of a medical condition. The Medical Assessors involved did not dispute the diagnosis of the treating physician, rather they expressed a medical opinion in accordance with the Department's evidence based medical protocols and guidelines.

Question No. 238 withdrawn.

Social Welfare Appeals

239. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the position regarding an appeal in respect of a person (details supplied) in County Kildare; when the appeal will be heard; and if she will make a statement on the matter. [22941/12]

Minister for Social Protection (Deputy Joan Burton): Following an appeal by the person concerned against a decision to disallow her application for one-parent family payment a review of her claim has been carried out and the case has now been referred to the Social Welfare Appeals Office (SWAO). The SWAO will be in touch with the person concerned in due course.

Social Welfare Benefits

240. **Deputy Finian McGrath** asked the Minister for Social Protection if she will support a matter (details supplied) regarding domiciliary care allowance [22949/12]

Minister for Social Protection (Deputy Joan Burton): The person concerned is in receipt of the domiciliary care allowance and has raised a number of general questions in relation to the role and operation of the scheme. The following general information in relation to the scheme addresses the issues raised.

Domiciliary care allowance (DCA) can be paid in respect of children under 16 years of age who have a disability so severe that it requires the child needing care and attention and/or supervision substantially in excess of another child of the same age. This care and attention must be given by another person, effectively full-time, so that the child can deal with the activities of daily living. The child must be likely to require this level of care and attention for at least 12 months.

Eligibility for the DCA is not based primarily on the medical or psychological condition, but on the resulting lack of function of body or mind necessitating the degree of extra care and attention required. Each application is assessed on an individual basis taking account of the evidence submitted. No specific condition or disability rules a child in — or out — of qualifying for the allowance. There are no undue delays in the processing of DCA claims at present. The

Department aims to process DCA claims in 7 weeks, while currently it can take up to 8 weeks to process a claim due to the volume of work in the medical assessment area.

An Expert Medical Group was established in advance of the transfer to this Department in 2009, and recommended that the most appropriate way for the Department to conduct assessments for medical eligibility was by way of desk assessment of the evidence submitted by the claimant, as provided by themselves and the medical staff who regularly see the child. It was considered that it was not necessary for the child to be physically examined by the Department's Medical Assessors as the diagnosis of the child's condition by their GP is accepted. What is being assessed is the level of additional care and attention that the child requires as a result of that condition/disability and if this is substantially in excess of that required by a child of the same age without the condition.

A review policy is an integral part of all social welfare schemes and is necessary to ensure that payments continue to be made only to those customers who meet the qualifying conditions. DCA cases are routinely reviewed to ensure that all the conditions for receipt of the payment continue to be met. Cases are reviewed based on either a scheduled review on the recommendation of the medical assessor when the claim is initially processed or on information received about a change of circumstances which potentially affects the continued entitlement of a case already in payment.

Scheduled reviews, on the recommendation of the medical assessor, are based on the prognosis of the child's disability and how their care needs may change over time. In circumstances where a child has a lifelong disability that is unlikely to improve by any significant degree, a "do not review again" status may be used by the Medical Assessor.

Customers who are reviewed are asked to provide relevant up-to-date medical evidence and details of the additional care needs of their child and are now afforded 60 days in which to return this information to the Department. This information is assessed by a medical advisor and a decision is made based on their medical opinion. Where payment is stopped as a result of a review, the customer is invited to submit any further information they may wish to have considered and that information is further examined and/or they may appeal the decision directly to the Social Welfare Appeals office.

The effective and efficient operation of the scheme is monitored regularly and any improvements to the delivery of service that are identified are implemented.

Question No. 241 withdrawn.

Question No. 242 withdrawn.

Question No. 243 answered with Question No. 210.

Social Welfare Appeals

244. **Deputy John McGuinness** asked the Minister for Social Protection if an appeal for disability allowance will be expedited in respect of a person (details supplied) in County Kilkenny; and if she will make a statement on the matter. [23015/12]

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 20th October 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers have been received in the Social Welfare Appeals Office and the case

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has been referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

245. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if and when payment will issue on an application for disability allowance in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [23128/12]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 14 October 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers have been received in the Social Welfare Appeals Office and the case has been referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

246. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when an appeal will be heard on an application for disability allowance in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [23144/12]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that an appeal, by the person concerned, was registered in that office on 3 April 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. When received, the case will be referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

State Banking Sector

247. **Deputy Pearse Doherty** asked the Minister for Social Protection if she will set out, in respect of Government Departments, State controlled banks and State agencies, any contracts for the provision of services by a company (details supplied); if she will quantify the value of such contracts and set out the safeguards in place to avoid conflicts should that company set out to buy the assets of State controlled banks. [23634/12]

Minister for Social Protection (Deputy Joan Burton): There are no contracts in place with the company concerned for the provision of services in my Department or in any State agency under the aegis of my Department.

Wildlife Protection

248. **Deputy Maureen O'Sullivan** asked the Minister for Arts, Heritage and the Gaeltacht if

the law on protection of bird nesting applies to all birds or only protected species; if bird nesting of all bird species is protected; and if he will make a statement on the matter. [22869/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): Under the Wildlife Acts, all wild birds and their nests and eggs are designated as being protected. In addition, the Acts make it an offence for a person to wilfully take or remove the eggs or nest of a wild bird (otherwise than in accordance with a licence issued by my Department), or to wilfully destroy, injure or mutilate the eggs or nest of a wild bird, or to wilfully disturb a wild bird on or near a nest containing eggs or unflown young. In addition, the Wildlife Acts also afford extra protection to wild birds as they prohibit the cutting, grubbing, burning or destruction of vegetation growing on uncultivated land or in hedges or ditches during the nesting and breeding season for birds and wildlife, from 1 March to 31 August. Hedgerows and scrub are important as wildlife habitats, particularly for nesting birds, and they need to be managed in the interests of both farming and biodiversity.

Turbary Rights

249. **Deputy John O'Mahony** asked the Minister for Arts, Heritage and the Gaeltacht further to Parliamentary Question No. 292 of 7 February 2012, if he will advise me of the progress made on this case; and if he will make a statement on the matter. [22707/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): The individual referred to in the Deputy's question applied to sell his interest in land under the voluntary bog purchase scheme, administered by my Department. The relevant land has been inspected and found to be partially within a site designated as a special area of conservation. A letter of offer issued to the applicant. Contracts for sale have been received and are under review in my Department. The contracts for sale will be forwarded to the Chief State Solicitor's Office to progress the sale as soon as possible.

In the light of the issues which have arisen in relation to the voluntary bog purchase scheme, I decided that applicants could, if they wished, transfer instead to the compensation scheme established by my Department for those affected by the cessation of turf cutting on raised bog special areas of conservation. This will allow applicants to retain ownership of their land holding or rights while availing of compensation.

This cessation of turf cutting compensation scheme now comprises a payment of €1,500 per year, index linked, for 15 years or, where feasible, relocation of turf cutters to non-designated bogs where they can continue to cut turf. Those wishing to relocate can avail of the financial payment or the delivery of 15 tonnes of cut turf per annum while relocation sites are identified and prepared. The costs of acquiring and preparing relocation sites will be met by the State. An additional once-off payment of €500 will be provided where legal agreements are signed with me, as Minister for Arts, Heritage and the Gaeltacht.

My Department has recently written to applicants under the voluntary bog purchase scheme to outline their options under the cessation of turf cutting compensation scheme as an alternative to proceeding with their applications under the purchase scheme. This relates to applicants under the voluntary bog purchase scheme who have not received a letter of offer or have received a letter of offer but where contracts have not been signed.

Consultancy Contracts

250. **Deputy Niall Collins** asked the Minister for Arts, Heritage and the Gaeltacht the total amount spent since February 2011 on external reports commissioned by his Department includ-

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ing payments from Ministerial allowances; the details of any consultants employed; and if he will make a statement on the matter. [22804/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): As the Deputy will be aware, the Department of Arts, Heritage and the Gaeltacht was established on 2 June 2011, following substantial Departmental reconfigurations. I am advised that expenditure by my Department on external reports during the period from 2 June 2011 to date was as set out in the table below. There was no relevant expenditure from Ministerial allowances:

Company	Service	Amount paid from 2 June 2011 to date
Dr. Evelyn Moorkens, Environmental Consultant	Advice on conservation of Margaritifera (freshwater pearl mussel)	€1,929
University of Birmingham	Research services for a Bord na Móna Peatlands Survey	€28,378
Avia Solutions	Review of financial submissions relating to Aran Island PSO contract	€6,300

251. **Deputy Niall Collins** asked the Minister for Arts, Heritage and the Gaeltacht the total amount spent since February 2011 on external marketing consultants, including payments from Ministerial allowances, including payments by all Ministers in his Department; the details of the consultants employed; and if he will make a statement on the matter. [22822/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): I refer the Deputy to my reply to Question No. 134 of 25 April 2012. There has been no change in the intervening period to the information set out in that reply. All of the expenditure in question was met from the Vote of my Department and there was no relevant expenditure from Ministerial allowances.

Turbary Rights

252. **Deputy Michael P. Kitt** asked the Minister for Arts, Heritage and the Gaeltacht when payment in respect of sale of bogland will be received by a person (details supplied) in County Galway [22865/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): The individual referred to in the Deputy's question has applied to sell her interest in land in a raised bog special area of conservation under the voluntary bog purchase scheme, administered by my Department. A letter of offer for the purchase of the land had issued from my Department. However, no contracts for sale have been signed. I am advised that processing of applications on hand under this scheme has been slower than anticipated, due to capacity constraints in undertaking the work involved.

In the light of the issues which have arisen in relation to the voluntary bog purchase scheme, I decided that applicants could, if they wished, transfer instead to the compensation scheme established by my Department for those affected by the cessation of turf cutting on raised bog special areas of conservation. This will allow applicants to retain ownership of their land holding or rights while availing of compensation.

This cessation of turf cutting compensation scheme now comprises a payment of €1,500 per year, index linked, for 15 years or, where feasible, relocation of turf cutters to non-designated bogs where they can continue to cut turf. Those wishing to relocate can avail of the financial payment or the delivery of 15 tonnes of cut turf per annum while relocation sites are identified

and prepared. The costs of acquiring and preparing relocation sites will be met by the State. An additional once-off payment of €500 will be provided where legal agreements are signed with me, as Minister for Arts, Heritage and the Gaeltacht.

My Department has recently written to applicants under the voluntary bog purchase scheme to outline their options under the cessation of turf cutting compensation scheme as an alternative to proceeding with their applications under the purchase scheme. This relates to applicants under the voluntary bog purchase scheme who have not received a letter of offer or have received a letter of offer but where contracts have not been signed.

Departmental Staff

253. **Deputy Billy Kelleher** asked the Minister for Arts, Heritage and the Gaeltacht the names, grade and cost of staff who have been rehired following retirement in his Department and State agencies under his remit; and if he will make a statement on the matter. [22883/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): As I have previously advised the House, a retired schoolteacher works as a Special Adviser in my Department, whose salary, following abatement, is €38,216 per annum. I am also advised that two retired officers were engaged by Údarás na Gaeltachta on short-term contracts:

- one as interim CEO on a 4-month contract that expired on 30th April 2012 at a cost of €20,916; and
- one as a solicitor on a six-month contract expiring on 31st August 2012 at a cost of €23,663.

The abatement principle has been applied in both cases.

State Banking Sector

254. **Deputy Pearse Doherty** asked the Minister for Arts, Heritage and the Gaeltacht if he will set out, in respect of Government Departments, State controlled banks and State agencies, any contracts for the provision of services by a company (details supplied); if he will quantify the value of such contracts and set out the safeguards in place to avoid conflicts should that company set out to buy the assets of State controlled banks. [23625/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): As the Deputy will be aware, the Department of Arts, Heritage and the Gaeltacht was established on 2 June 2011, following substantial Departmental reconfigurations. I am advised that there is no record of any payment made by my Department since that date to the company referred to by the Deputy. The information requested in respect of agencies under the remit of my Department is being compiled and will be forwarded to the Deputy as soon as possible.

Electricity Generation

255. **Deputy Robert Troy** asked the Minister for Communications, Energy and Natural Resources if he plans to introduce some grant initiatives for domestic dwellers who wish to erect wind turbines to generate electricity for their homes; and if he will make a statement on the matter. [22657/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The Programme for Government states that a feed-in tariff will be provided for micro-generators wishing to produce electricity for their own homes, farms and businesses and that they will be

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facilitated to sell surplus electricity to the grid while the tariff should not be significantly above single energy market price for electricity. My Department and the Sustainable Energy Authority of Ireland are finalising analysis, which will be submitted to me shortly, on the most cost effective options which could be considered for supporting the micro-generation sector, having regard to the costs and benefits for all energy consumers.

Telecommunications Services

256. **Deputy Pearse Doherty** asked the Minister for Communications, Energy and Natural Resources the number of applications for the rural broadband scheme that he has received from Meenacuing, Gweedore, County Donegal; the number of the applications received that have reached completion; and if he will make a statement on the matter. [22735/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): One application from Meenacuing, Gweedore, County Donegal has been received under the Rural Broadband Scheme. The Verification Phase of the Scheme is now underway. The details of applicants have been passed to participating companies and the companies have responded to my Department indicating where they may be able to offer services. Letters were sent to all applicants to let them know the position in relation to their application during February and March and a total of 2011 applicants responded giving their consent to receive written offers of service from the participating companies.

Data files with the details of applicants who have given their consent to be contacted by participating companies have been passed to the companies involved and letters with offers of service have been issued by most of the companies to applicants and any remaining offers will be issued shortly. The application referred to in this reply is amongst these applications and will receive offers from a number of companies who are interested in providing a broadband service to the applicant. The companies involved will be seeking to provide services to applicants over the period from the end of April until the end of July 2012. Once this phase of the Scheme is completed, the companies will be returning data to my Department to inform us of the outcome.

Inland Fisheries

257. **Deputy Michael Healy-Rae** asked the Minister for Communications, Energy and Natural Resources further to the reply to Parliamentary Question No. 130 of 19 April 2012 (details supplied) regarding the fish counter which was placed on the River Maine if he will explain the figures given; if he will further explain the numbers in relation to May and June 2011; and if he will have the matter investigated. [22779/12]

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Fergus O'Dowd): The figures given in reply to Parliamentary Question No. 130 are the actual figures recorded by the counter and are not adjusted for periods when the counter was not operational due to flood and storm damage — hence very low or zero number of fish recorded by the counter in July, August and November, 2011. There are four channels in the fish counter in the river through which fish can pass and be counted. Two of these have already been completely refurbished in 2012 and the other two will be completed before the end of the month of May weather permitting — this will enable a full count to be achieved in the river for the majority of the salmon run in 2012.

River salmon tend to move upstream and later drop back only to again move upstream to spawn — hence in some months as many fish can go up as well as down relative to water conditions at the time — this was evident in May and June.

In calculating the runs of salmon in a river where certain months are missing — average figures from the same month from prior years are used, together with the expert knowledge of fisheries officers and scientists. In the case of the River Maine, it was noted by experienced fishery officers that in the winter of 2011/2012 the number of spawning fish observed in the river was extremely disappointing. This reflected the view that the run of salmon in the river in 2011 was down on previous years. This was especially evident on the Brown Flesk, which has seen a drastic fall in redds (salmon spawning beds) from hundreds in previous years to 46 in the 09/10 winter season. Due to high water levels in the winter of 2011/2012 the counting of redds was extremely difficult. If the Deputy wishes, I can arrange for Inland Fisheries Ireland to meet him to discuss this matter further.

Consultancy Contracts

258. **Deputy Niall Collins** asked the Minister for Communications, Energy and Natural Resources the total amount spent since February 2011 on external reports commissioned by his Department including payments from Ministerial allowances; the details of any consultants employed; and if he will make a statement on the matter. [22806/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I wish to advise the Deputy that the total expenditure from February 2011 to date on external reports commissioned by my Department is €683,883 and details of the consultants responsible for these external reports are set out in tabular form. Payments from Ministerial allowances are not a charge on my Department's Vote and are not a matter for my Department:

Consultancy Name	Purpose of Consultancy
Dr. Michael Johnson	Silvermines Remediation project: Vegetation Management
Camp Dresser McKee CDM	Silvermines Remediation project: Vegetation Management
Purvin and Gertz	Study of the Strategic Case for Oil Refining on the Island of Ireland
PA Consulting Group	Review of National Digital Research Centre
Independent Commission on Meath Tyrone Power Line	Report on case for undergrounding Meath Tyrone Power Line
Indecon Economic Consultants	Review of Griffith Geosciences Research Grant Agreement
SLR Consulting	Core Library Holding Review
Jenny Deakin	Preparation for the Graigue Group Water Scheme Report
Xodus Group Ltd	Scientific environmental assessment of the Irish and Celtic Seas (SEA)
Irish Whale and Dolphin Group	Acoustic Monitoring Study to evaluate two acoustic systems for detecting and monitoring beaked whales.

259. **Deputy Niall Collins** asked the Minister for Communications, Energy and Natural Resources the total amount spent since February 2011 on external marketing consultants, including payments from Ministerial allowances, including payments by all Ministers in his Department; the details of the consultants employed; and if he will make a statement on the matter. [22824/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The information which the Deputy requested is outlined in tabular format below for the years 2011 and 2012. Payments from Ministerial allowances are not a matter for my Department.

[Deputy Pat Rabbitte.]

Year	Amount Spent on Public Relations	Company
2011	€40,513.83	Morrow Communications Ltd
	€8,349.00	Murray Consultants
	€32,670.00	McConnells Advertising Agency
2012 (to mid April)	€10,625	Morrow Communications Ltd
	€86,932.71	McConnells Advertising Agency

The major expenditure incurred above is in respect of the campaign concerning digital switch-over and the geophysical survey over six border counties.

Postal Services

260. **Deputy John Deasy** asked the Minister for Communications, Energy and Natural Resources if he has received the Grant Thornton Report commissioned by the Irish Postmasters Union in relation to the evaluation of services provided by An Post; and if he will make a statement on the matter. [22874/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I met with the Irish Postmasters' Union (IPU) late last week and was given a copy of the Grant Thornton report.

As Minister for Communications I welcome the IPU's ambition to identify opportunities for more business to be delivered through the Post Office network.

An Post has many strengths and has the largest retail presence in the country. My Department has always impressed on the company the need to further exploit its unique position in Ireland and has been supportive of its attempts to diversify its income streams and to win a wider range of commercial contracts offering higher margins. The acknowledgment by the IPU that it has an appetite for delivering new services is clearly positive. My Department will consider the Report in consultation with relevant stakeholders.

Departmental Staff

261. **Deputy Billy Kelleher** asked the Minister for Communications, Energy and Natural Resources the names, grade and cost of staff who have been rehired following retirement in his Department and State agencies under his remit; and if he will make a statement on the matter. [22885/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): Since its formation in 2007, my Department has re-employed two former members of staff. One was a Principal Geologist who was re-employed during 2008, 2009 and 2010 at a total cost of €104,467. The other was a Petroleum Exploration Specialist who was re-employed for a short period in 2012. The cost of this service is not yet available but it will not be significant.

Telecommunications Services

262. **Deputy Mattie McGrath** asked the Minister for Communications, Energy and Natural Resources when broadband will be available in Derrygrath, Cahir, County Tipperary; and if he will make a statement on the matter. [22963/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): Ireland's telecommunications market has been liberalised since 1999 and since then has developed into a well-regulated market, supporting a multiplicity of commercial operators, providing services over a diverse range of technology platforms. Details of broadband services available on a county-by-county basis can be found on the Commission for Communications Regulation's (ComReg) website at www.callcosts.ie.

The State is not a provider of services, except in instances of clear market failure such as in the cases of both the National and Rural Broadband Schemes. Such interventions are always subject to EU State Aid clearance to ensure no unacceptable level of market distortion takes place. The general area of Derrygrath, Cahir, County Tipperary, is covered under the National Broadband Scheme (NBS). Broadband services under this Scheme are available since October 2010, from the NBS service provider, 3, to persons with a fixed residence or fixed business in all NBS designated areas, including Derrygrath.

In keeping with State Aid clearance for the Scheme, the broadband service contracted under the NBS is an affordable, scaleable product, which currently offers minimum speeds of 1.6 Mbps download and 1.2 Mbps upload subject to a maximum contention ratio. As regards service quality, my Department has well-established monitoring arrangements in place to ensure that the NBS delivers the minimum specified service or better to all users. The NBS contract guarantees service levels and imposes a service credit regime on 3, with significant financial consequences in the event that minimum specification service levels are not met.

Any residents in NBS areas, who wish to subscribe to the service, can contact 3 at 1800 944794, or can sign up online at www.three.ie.

The combination of private investment and State interventions in broadband provision means that Ireland will meet the EU Commission's Digital Agenda for Europe target of having a basic broadband service available to all areas by 2013.

The Government accepts that the widespread availability of high speed broadband is a key requirement in delivering future economic and social development. With basic broadband services now widely available across Ireland, the challenge is to accelerate the roll out of high speed services. The Next Generation Broadband Taskforce (NGBT), which I convened last summer, has had an important role to play in this regard. It comprises the CEOs of all of the major telecommunications companies operating in the Irish market, as well as CEOs of some other companies that provide broadband services. The purpose of the Taskforce, among other things, was to assist in developing a roadmap for the development of next generation networks across Ireland. I am pleased to inform the Deputy that the Taskforce report was published last week. The report notes that by 2015 over 50% of the population will have access to high speed broadband services with speeds in excess of 70 Mbps. The report also highlights areas where Government and industry can work together to facilitate the roll out of high speed services across Ireland, and particularly in areas where the case for commercial investment is marginal.

Following on the publication of the Taskforce report, I have also launched a 4 week consultation process, which can be accessed at the following link:<http://www.dcenr.gov.ie/Communications/Communications+Policy/Report+of+the+Next+Generation+Broadband+Taskforce+and+Consultation.htm>.

Any submissions or observations can be made electronically to nextgenerationbroadband@dcenr.gov.ie or tweet to @BroadbandPlan12 by close of business on Thursday 31 May 2012. The purpose of this consultation is to provide further input to this important policy area. Thereafter, it is my intention to bring proposals to Government for a National Broadband Plan

[Deputy Pat Rabbitte.]

for Ireland. This plan will build on the recent excellent progress made and be informed by the findings of the Taskforce and subsequent consultations.

Inland Fisheries

263. **Deputy Charlie McConalogue** asked the Minister for Communications, Energy and Natural Resources his plans to replace staff including three inspectors who have retired within the last 12 months from Inland Fisheries Ireland, Ballyshannon, Western River Basin District of Inland Fisheries Ireland; and if he will make a statement on the matter. [23016/12]

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Fergus O'Dowd): Inland Fisheries Ireland (IFI) is part of the broader public service and like all such organisations, its future lies within the overall programme of reform being advanced by Government, requiring a refocus on business processes and adjustments to the way all public bodies use available resources. While a number of IFI staff have retired recently, decisions on staff and resource deployment, replacement of staff, etc., will be taken by IFI having regard to the business needs of the organisation and will take account of the employment control framework (ECF) target, as determined by the Department of Public Expenditure and Reform.

264. **Deputy Charlie McConalogue** asked the Minister for Communications, Energy and Natural Resources his plans for the development and protection of inland fisheries in the Western River Basin District of Inland Fisheries Ireland; and if he will make a statement on the matter. [23017/12]

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Fergus O'Dowd): Inland Fisheries Ireland operates in accordance with its 5 year corporate plan approved by its Board and published on its website. Each year an annual business plan flowing from the corporate plan is prepared covering all the activities of the organisation. Each annual business plan is an incremental step towards delivering on the key objectives set out in the corporate plan. In accordance with its statutory remit, the priorities within the organisation are to conserve, protect and develop the fishery resource. Staff and other resources are utilised in as strategic a manner as possible in order to achieve the best return on investment for the fisheries service. This policy is followed in all River Basin Districts including the Western River Basin District.

I have arranged that should the Deputy have a specific query in relation to the Western River Basin District, the Director of the Western River Basin District can be contacted directly to deal with the matter. The contact number for his office in Ballyshannon, County Donegal, is 071 9851435.

State Banking Sector

265. **Deputy Pearse Doherty** asked the Minister for Communications, Energy and Natural Resources if he will set out, in respect of Government Departments, State controlled banks and State agencies, any contracts for the provision of services by a company (details supplied); if he will quantify the value of such contracts and set out the safeguards in place to avoid conflicts should that company set out to buy the assets of State controlled banks. [23627/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I wish to advise the Deputy that my Department has no contracts for the provision of services with this company. In relation to contracts for the provision of services to State companies under

the aegis of my Department this is an operational matter for the individual companies in the first instance and I have no function in this regard.

Dormant Accounts Fund

266. **Deputy Robert Troy** asked the Minister for the Environment, Community and Local Government when he will approve the funding from the dormant accounts for Mullingar Youth Café, County Westmeath. [22649/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): In December 2009, the Government approved disbursements from the Dormant Accounts Fund for a once-off measure to the value of €1.25m for five additional towns incorporated under RAPID, including Mullingar. To date, it has not been possible to alleviate funds to meet the cost of the proposed projects in any of the new RAPID towns.

The Dormant Accounts Capital budget for my Department for 2012 is fully committed to existing projects and the priority in the light of that allocation must be to ensure that there is sufficient funding available to meet existing legal contractual commitments. In the meantime, my Department has kept under review the scope to secure funds within its Vote to meet the cost of some of the projects in the additional towns.

Building Regulations

267. **Deputy Robert Troy** asked the Minister for the Environment, Community and Local Government if he will give an update on steps he is taking to assist the residents of Priory Hall, Dublin 13; and if he will make a statement on the matter. [22650/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The recent adjournment of the legal proceedings at Priory Hall for a period of three months to allow for a conciliation process chaired by Justice Finnegan provides an appropriate context for the parties concerned to work together towards identifying a way forward in relation to this complex problem. Out of respect for the process approved by the Supreme Court, and for Justice Finnegan, I do not intend to make any comment at this point other than to ask all stakeholders to engage fully with it. It is important that all concerned now afford Mr. Justice Finnegan the opportunity to complete the task which he has been given.

Local Authority Charges

268. **Deputy Robert Troy** asked the Minister for the Environment, Community and Local Government if he will confirm that all new intervention work regarding water metering should be done to a standard which would not increase the risk of pipes freezing during cold spells. [22651/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I refer to the reply to Question Nos. 441, 445, 446, 447, 463, 468, and 448 of 1 May 2012, which sets out the position on the water metering programme. Water meters will be installed in accordance with best practice and the contract documents will specify the appropriate requirements for the installation and reinstatement works.

Electoral Divisions

269. **Deputy Robert Troy** asked the Minister for the Environment, Community and Local Government when he anticipates the Boundary Commission to publish its report. [22653/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Section 9(1) of the Electoral Act 1997, as amended, requires a Constituency Commission to present its report to the Chairman of the Dáil no later than three months after the publication by the Central Statistics Office of the final results of the Census in respect of the total population of the State. The final results of the 2011 Census were published on 29 March 2012. Therefore the Constituency Commission, which I established in July 2011, must present its report on Dáil and European Parliament constituencies to the Chairman of the Dáil no later than 29 June 2012.

Local Authority Charges

270. **Deputy Robert Troy** asked the Minister for the Environment, Community and Local Government the number of people who have paid the €100 household charge; and if he will make a statement on the matter. [22655/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Local Government (Household Charge) Act 2011 provides the legislative basis for the household charge. Under the Act, an owner of a residential property on the liability date of 1 January 2012 is liable to pay the household charge, unless otherwise exempted or entitled to claim a waiver. The household charge is on a self-assessment basis and it is a matter for an owner of a residential property on the liability date to determine if he/she has a liability and, if so, to declare that liability and pay the household charge.

The Local Government Management Agency (LGMA) is administering the household charge system on a shared service/agency basis for all county and city councils. I understand, from data provided by the LGMA, that as of 3 May, 2012, a total of 755,924 property declarations have been processed for payment by the household charge bureau. 15,336 residential properties have been registered for a waiver from payment of the charge.

In addition, an estimated 153,500 postal declarations have been received in the household charge bureau, which have yet to be processed. A further 9,500 declarations have been received by local authorities. This gives a total number of 934,260 declarations.

Local Government Reform

271. **Deputy Robert Troy** asked the Minister for the Environment, Community and Local Government when he will publish his review of the local government system; and if members of the public or local authority will have an opportunity to make submissions and observations. [22656/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I refer to the reply to Question No. 216 of 3 May 2012 which sets out the position in relation to work underway and planned for the reform of the local government system.

Work on the development of policy proposals for Government consideration in this area is informed, inter alia, by the extensive analysis, consultation, deliberation and debate that has already taken place in relation to local government reform. The Government's broad policy approach in this area as set out in the Programme for Government and subsequently, submissions were received from a range of sources including the local government representative associations. I have held discussions on the matter with those associations, with individual local authorities and with other interested groups and individuals. A detailed debate on local government reform was also held in the Seanad in February, during which many interesting views and suggestions were put forward.

The main focus now must be on implementation rather than further discussion, reviews or reports. However, I envisage that, following decision by Government, a policy statement on local government will be published, which will provide a further opportunity for public comment and input ahead of the development of legislation to provide for reform measures. The relevant legislative proposals will, in turn, be the subject of Oireachtas scrutiny and debate in the normal way.

Local Authority Charges

272. Deputy Denis Naughten asked the Minister for the Environment, Community and Local Government his plans to direct local authorities to revise their development contribution schemes in view of the introduction of the household tax and imminent introduction of septic tank charge, water charge and property tax; and if he will make a statement on the matter. [22736/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): As Minister, my role is to provide the necessary statutory and policy framework within which individual development contribution schemes are adopted by each local authority. The adoption of individual development contribution schemes is a reserved function of the locally elected members of each planning authority. It is a matter for the members to determine the level of contribution and the types of development to which they will apply.

A key aim of development contribution schemes must be to promote sustainable development patterns, secure investment in capital infrastructure and encourage economic activities. My Department is currently preparing revised guidelines on development contributions which I expect will be available for public consultation shortly.

Local Authority Expenditure

273. Deputy Joan Collins asked the Minister for the Environment, Community and Local Government if he has examined Sligo County Council's 2012 budget; his views on whether it is an acceptable and balanced budget and sufficient to meet the proposed income and expenditure of the council; and if he will make a statement on the matter. [22739/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I refer to the replies to Questions Nos. 131 and 134 of 29 September 2011, 466 of 24 January 2012, 196 of 22 February 2012, 352 of 6 March 2012, 348 of 21 March 2012, 186 of 29 March 2012 and 864 of 18 April 2012, in which I stated that 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. At that meeting, I asked that realistic and costed proposals to reduce the Council's expenditure and increase its income in 2012, be submitted to my Department. I can confirm that a number of proposals were developed and submitted and I understand that these are being implemented by the Council.

Sligo County Council has also engaged an independent financial consultant to prepare a report on the authority's financial position and to provide further options for actions to be taken to address the Council's financial position. This report is due to be submitted to the Council next month and I have asked to be provided with a copy of the report.

Animal Breeding Regulations

274. **Deputy Patrick Nulty** asked the Minister for the Environment, Community and Local Government when he intends to sign legislation outlawing puppy farming; and if he will make a statement on the matter. [22745/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): On 21 December 2011, I signed the commencement order which brought the provisions of the Dog Breeding Establishment Act 2010 into force from the 1 January 2012.

The Act, together with the Welfare of Greyhounds Act 2011 which came into force on the same date, has introduced new procedures for the registration and control of all dog breeding establishments in the State.

Unfinished Housing Developments

275. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government if he will outline the process by which estates are graded as unfinished by his Department; the number of estates that have applied and are waiting for unfinished estate status in total and broken down by local authority area; and if he will make a statement on the matter. [22767/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): As part of the process of preparing the National Housing Development Survey 2011, published by my Department in October 2011, local authorities provided details of all unfinished housing developments in their areas. Unfinished housing developments were divided into four categories as follows:

- Category one, where the development is still being actively completed by the developer, or where no serious public safety issues exist;
- Category two, where a receiver has been appointed;
- Category three, where a receiver has not been appointed and the developer is still in place but effectively inactive; and
- Category four, where the development has been effectively abandoned and is posing serious problems for residents.

Other relevant factors for the purposes of the categorization process include, *inter alia*:

- the state of completion of roads, footpaths, public lighting facilities, piped water and sewerage facilities and open spaces or similar amenities within the development;
- the extent to which the development complies with the terms of applicable planning permission;
- the extent to which it complies with the provisions of the Building Control Acts 1990 and 2007;
- the provisions of the Local Government (Sanitary Services) Act 1964 as they pertain to dangerous places and dangerous structures within the meaning of the Act;
- the extent to which facilities within the development have been taken in charge by the local authority concerned and

- where there is an agreement regarding the maintenance of such facilities, the extent to which this agreement has been.

Details of all estates assessed as part of the National Housing Development Survey 2011 can be found on my Department's website, www.environ.ie. Over the coming months, the process of preparing the National Housing Development Survey 2012 will be launched; local authorities will liaise my Department in this regard.

Water and Sewerage Schemes

276. **Deputy Noel Grealish** asked the Minister for the Environment, Community and Local Government when the contracts will be issued for a sewage treatment plant (details supplied) in County Galway; when work will commence on the new sewage treatment plant; and if he will make a statement on the matter. [22769/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Water Services Investment Programme 2010-2013 provides for the development of a comprehensive range of new water services infrastructure in County Galway. The Programme includes contracts under construction and to commence to the value of some €130 million in the county during the period of the Programme.

Galway County Council's Contract Documents for the networks for the Claregalway and Milltown Sewerage Scheme, with an estimated cost of €2.9 million, were approved in May 2011. I understand that Galway County Council is currently engaged in the process of selecting the preferred tenderer.

The revised Design Build Operate Contract Documents for the wastewater treatment plant for the Claregalway and Milltown Sewerage Scheme, which were received in my Department in November 2011, are currently being examined. Once approved by my Department, the Council can then proceed to invite tenders for this contract.

Local Authority Housing

277. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government if he will support a regeneration plan (details supplied) in Dublin 5. [22777/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): There are no proposals with my Department at present regarding the flat complex at Cromcastle Court, Coolock. However, I understand that Dublin City Council is currently considering its options in relation to improvement works to vacant units at the site, as well broader remedial works considerations. The City Council has already submitted its 2012 improvement works programme, without reference to this project. It is a matter for the Council to prioritise and progress individual projects within its annual programme.

Social and Affordable Housing

278. **Deputy Pearse Doherty** asked the Minister for the Environment, Community and Local Government if he will indicate as of the end of April 2012 the number of the 2000+ National Asset Management Agency properties due to be used for social housing that have been inspected by their respective local authorities; the number ready for tenanting and the location of these properties; the number tenanted and the location of these properties; if he will give a breakdown of the leasing arrangements including costs to the local authorities, being used in those properties that have been tenanted or are due to be tenanted; the expected timescale for all of the properties to be tenanted; and whether there are any plans to increase the number

[Deputy Pearse Doherty.]

of units currently under the control of NAMA for the purposes of social housing; and if he will make a statement on the matter. [22798/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): Since the announcement in December 2011 that NAMA would commit to providing up to 2,000 units for social housing by the end of 2012, my Department, the Housing Agency and NAMA have been working together with housing authorities and approved housing bodies towards achieving this target.

To date over 2,000 units have been examined with a view to determining their sustainability for social housing having regard to local demand, the nature of the accommodation and sustainable community principles.

Of the original number, 697 have been deemed unsuitable by housing authorities; however in some of these cases, a smaller number of units from the development concerned may be considered for leasing purposes.

A further 344 have been withdrawn, usually by property owners, as circumstances have changed. In some cases the properties concerned have been let on the open market or sold and are no longer available as vacant units.

At present demand has been confirmed for over 1,000 available units and these are currently being processed. Discussion and negotiation has commenced in respect of nearly 700 properties involving approved housing bodies, local authorities, the property owners, financial institutions, receivers and other relevant parties. Inspection of properties, which takes place in all cases, is part of this process.

The units being advanced through NAMA will in general be provided through the Social Housing Leasing Initiative under the standard terms and conditions that apply. It is not possible at this stage to estimate the cost of leasing these properties. Lease costs are determined by negotiation using a standard discounted market price which may vary to reflect the circumstances of a particular case and the terms of the contractual agreement. I can say that the current average annual cost of units leased from the private or voluntary sector under the leasing scheme generally is approximately €7,400.

There are no units operational at this stage and it is not expected that units will be tenanted until the second half of the year. NAMA continues to identify units for inclusion in the programme.

Consultancy Contracts

279. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government the total amount spent since February 2011 on external reports commissioned by his Department including payments from Ministerial allowances; the details of any consultants employed; and if he will make a statement on the matter. [22809/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Information on external reports commissioned and funded by my Department is set out in the following table:

Description of Report	Consultants	Amount spent since February 2011
2011 Report of the Dormant Accounts Board.	Mr. David Lovegrove	€1,182.00

Description of Report	Consultants	Amount spent since February 2011
Review of the management by the Department of an application by Wicklow County Council for loan approval in respect of the compulsory purchase of land at Charlesland, Co. Wicklow.	Mr. Seamus Woulfe SC	€19,680.00
Archaeological report on Met Éireann site at Valentia.	Barrow Archaeological Services	€1,210.00
Environmental and engineering advice, EIS Screening Report and planning submission for site at Valentia.	Malachy Walsh and Partners	€6,336.00
Review of Homelessness Services in Dublin Region.	Murtagh and Partners	€27,800.00
Operation of National Litter Pollution Monitoring System.	Tobin Consulting Engineers	€11,193.00
Provision of expertise concerning Strategic Environmental Assessment and Appropriate Assessment techniques for the evaluation and revision of Regional Waste Management Plans.	RPS	€2,987.19
Ambient Air Monitoring in the vicinity of the former steelworks site, Haulbowline, Cork	White Young Green	€8,972.63
Consultancy services on establishment of National Water Utility.	PricewaterhouseCoopers	€59,290.00
Feasibility study to inform the design of a main stage National Evaluation of the Local and Community Development Programme	SQW Limited	€43,999.00
Retrofitting Code of Practice.	Building Research Establishment Ltd.	€17,513.00
Sound Insulation Research to inform the drafting of Part E (Sound) of the Building Regulations.	Napier University Ventures Ltd.	€1,000.00
Study in respect of provision of fire detection and alarm systems in dwellings.	ARUP Consulting Engineers	€24,400.00
Recovered Paper Market in Ireland and Recovered Paper Quality Best Practice Studies (Poyry Forest Industry Consulting)	RPS (Consultants for the implementation of the Market Development Programme for Waste Resources)	€85,006.10
Irish Recycled Plastic Waste Arisings Study (SKM Enviros)	RPS (Consultants for the implementation of the Market Development Programme for Waste Resources)	€37,565.64
Compost Quality Standard IS441 (NSAI)	RPS (Consultants for the implementation of the Market Development Programme for Waste Resources)	€10,000.00

280. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government the total amount spent since February 2011 on external marketing consultants, including payments from Ministerial allowances, including payments by all Ministers in his Department; the details of the consultants employed; and if he will make a statement on the matter. [22827/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): As indicated in the reply to Question No. 153 of 25 April 2012, no such payments have been made by my Department in the period from February 2011 to date.

Water and Sewerage Schemes

281. **Deputy Mattie McGrath** asked the Minister for the Environment, Community and Local Government the reason for the delay in proceeding with the sewage treatment system upgrade

[Deputy Mattie McGrath.]

(details supplied) in County Tipperary; and if he will make a statement on the matter.
[22862/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan):

The Grangemockler Sewerage Scheme is included in the Water Services Investment Programme 2010-2013 among the list of contracts in South Tipperary to start in the lifetime of the Programme.

I understand that South Tipperary County Council is in the process of procuring Consulting Engineers to prepare a Preliminary Report for the Scheme.

Local Authority Charges

282. **Deputy Gerry Adams** asked the Minister for the Environment, Community and Local Government if and when a person is liable to pay the household charge if they are due to inherit a house following the death of a deceased family member, a property that went into probate on 13 December 2011; it is expected the probate will be complete in the next few weeks and the property will be transferred to the person's name. [22870/12]

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, unless otherwise exempted or entitled to claim a waiver.

The Act places the household charge under the care and management of the local authorities, and 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.

Section 4(3) of the Local Government (Household Charge) Act 2011 provides that where a person who is the sole owner of a residential property dies, the personal representative of the deceased person is not, in respect of that residential property, liable to pay the household charge relating to a year in which the liability date falls after the date of death of the deceased person and before the date of issue of a grant of representation to the estate of the deceased person.

EU Directives

283. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government the date on which he intends to adopt and publish the requirements of the Energy Performance in Buildings Directive, Directive 2002/91/EC, with regard to the inclusion of the building energy rating score in the advertising for sale of a building; if he intends applying such a requirement to all advertising in commercial media for property sales, including on estate agent signage and window displays, in print and online listings and adverts; the measures he will introduce to ensure the prominence of the BER rating in all such advertising; and if he will make a statement on the matter. [22879/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan):

Directive 2002/91/EC on the Energy Performance of Buildings has been recast and replaced by the Directive 2010/31/EU. The latest Directive includes a new requirement in relation to the mandatory referencing of energy performance ratings on advertising and promotional material when a building is offered for sale or letting. My Department is currently finalising

proposed regulations which will transpose the new Directive, including the new advertising requirements, into Irish Law. The new advertising requirements will apply to commercial media, signage and promotional material generally. It is intended that the proposed regulations will be released for public consultation later this month.

Departmental Staff

284. **Deputy Billy Kelleher** asked the Minister for the Environment, Community and Local Government the names, grade and cost of staff who have been rehired following retirement in his Department and State agencies under his remit [22888/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Retired staff are engaged from time to time by my Department in areas where specific expertise is required for a short fixed period, and relevant former staff provide a level of knowledge, experience and background compatible with such requirements.

The abatement principle, which ensures that the fee paid plus pension does not exceed the rate of pay the pensioner would receive if he/she had continued service in their former post, applies to all such payments made. The tasks carried out include time bound tasks or projects such as membership of expert groups, occasional service on interview boards, value for money reviews and process audits.

No former staff, who have retired from my Department, have been rehired by it since my appointment in March 2011. The Department is not aware of any re-employment of staff, who retired before the end of the grace period this year, in respect of State agencies under its aegis.

Local Authority Staff

285. **Deputy Dara Calleary** asked the Minister for the Environment, Community and Local Government the provisions for added years that have been made for the retirement of city and county managers in local authorities; and if he will outline in tabular form the specific number of years and amounts for added years given to each county and city manager on retirement between January 2000 and March 2012; and if he will make a statement on the matter. [22922/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Article 78 of the Local Government (Superannuation) (Consolidation) Scheme 1998 deals with the pension entitlements of city and county managers. A manager may be entitled to added years of up to a maximum of 10 years based on length of service. Pension entitlements for managers are based on their final salary and length of service, including added years where appropriate, capped at 40 years.

My Department has examined, in consultation with the Department of Public Expenditure and Reform, the new pension terms for Secretaries General to assess how they will be applied to City and County Managers. The required legislative changes will be made in the coming weeks.

Details of added years for managers who retired between January 2000 and March 2012 are set out in the table:

Local Authority Manager for:	Retirement Date	Added Years
Leitrim	02/01/2000	Nil
Wicklow	02/02/2000	Nil
Cork Corporation	01/05/2000	Nil

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Local Authority Manager for:	Retirement Date	Added Years
Monaghan	17/10/2000	Nil
Limerick County	11/05/2001	1.5260 Years
South Dublin	01/01/2002	Nil
Clare	05/02/2002	0.1479 Years
Kilkenny	30/04/2002	Nil
Louth	18/05/2003	Nil
Cavan	03/05/2003	5.663 Years
Wexford	31/08/2003	Nil
Galway	04/04/2004	Nil
Kerry	13/04/2004	8.0082 Years
Waterford County	17/07/2004	Nil
Fingal	12/09/2004	Nil
Dun Laoghaire Rathdown	27/09/2005	5.8822 Years
Longford	04/10/2005	Nil
Westmeath	03/01/2006	10 Years
Dublin City	17/06/2006	8.7672 Years
Cork County	18/12/2006	Nil
Kildare	25/12/2006	Nil
Offaly	13/01/2007	5.3507 Years
Roscommon	14/01/2009	3.7698 Years
Clare	01/04/2009	9.8862 Years
Mayo	30/11/2009	Nil
North Tipperary	30/04/2010	Nil
Donegal	07/07/2010	Nil
Cork City	31/08/2010	Nil
Monaghan	30/11/2010	1.6658 Years
South Tipperary	28/04/2011	Nil
Waterford County	19/09/2011	8.3754 Years
Limerick City	28/02/2012	8.9945 Years

Local Authority Charges

286. **Deputy Dara Calleary** asked the Minister for the Environment, Community and Local Government if fire services charges are covered under the household charge fee (details supplied). [22947/12]

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, planning and development; fire and emergency services; roads; public parks; libraries; open spaces and leisure

amenities; maintenance and cleaning of streets and street lighting. These services facilitate everyone.

Local authorities are permitted, under statute, to charge fees in relation to the services they provide. In the case of the Mayo County Fire Service, it is understood that the call out charge in place reflects only a proportion of the overall cost of attendance at incidents. The other costs of the Service, including fire prevention, inspections and emergency management are being met through a range of income sources, including commercial rates, Government grants and subsidies, the household charge and the charge on non-principal private residences. Communities benefit from the entirety of these fire and emergency services.

In many cases the householder/premises owner may recoup charges for attendance of the fire brigade at incidents such as house fires, road traffic accidents, and hay barn fires from relevant insurance policies, including motor, home and farm policies.

Most fire authorities operate waiver schemes in respect of call out charges. If there are cases of genuine hardship and inability to pay applicable charges, each case will be considered on its merits and a partial waiver or easy payment option may be considered.

Local Authority Staff

287. **Deputy Mary Lou McDonald** asked the Minister for the Environment, Community and Local Government if he will provide, in a tabular form, the total local authorities pay bill for 2011; the projected pay bill for 2012, 2013, 2014, 2015; the total local authority pension bill for 2011; and the projected pension bill for 2012, 2013, 2014, 2015. [22972/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): My Department gathers quarterly local authority Payroll and Superannuation information for IMF/EU reporting purposes. The Gross Cash Remuneration Cost for 2011 was €1,414,510,890. The Superannuation payments for 2011 amounted to €266,247,527. Information relating to the projected pay and pensions bill for 2012, 2013, 2014 and 2015 is not available in my Department.

Community Development

288. **Deputy Éamon Ó Cuív** asked the Minister for the Environment, Community and Local Government when LEADER funding will be approved to Roscahill/Killannin Community Pavement Committee, County Galway, for pavement improvements; and if he will make a statement on the matter. [22981/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Funding of €314m is available under the Rural Development Programme (RDP) 2007-2013 for allocation to qualifying projects up to the end of 2013. There are 35 Local Action Groups contracted, on my Department's behalf, to deliver the RDP throughout the country and these groups are the principal decision-makers in relation to the allocation of project funding. Such decisions are made in the context of the local development strategy of the individual groups and in line with Departmental operating rules and EU regulations.

Projects that request funding of €150,000 or more are required to seek final approval from my Department. The project by Roscahill/Killannin Community Pavement Committee is one such project and approval was sought for a grant of €197,041.55. The assessment of higher value projects (projects with a grant approval of €150,000 or more) usually involves detailed consultations between my Department and the relevant local development company. It frequently necessitates the provision of further documentation or clarifications, as was the case for this project. It may also, in some instances, result in modifications to the project proposed

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to ensure best value for money and compliance with all the necessary regulations, both national and European, governing the activities funded under the programme. These assessments also consider whether the project as proposed addresses the needs of the local community in the best possible way. A full and detailed assessment of all projects is vital. LEADER activities are co-financed by the European Union at a rate of 85% and, accordingly, come within the remit of a strict regulatory regime which requires that each project must be compliant before any funding is awarded by the LEADER companies.

My Department will continue to work with the relevant Local Development Company to make a full assessment of the eligibility of this project for grant aid of €197,041.55 and will inform the Local Action Group once all queries have been addressed satisfactorily.

Forbairt Pobail

289. D'fhiafraigh **Éamon Ó Cuív** den Aire Comhshaoil, Pobail agus Rialtais Áitiúil cén uair a cheadófar deontas LEADER do Choiste Pháirc Chill Chiaráin; cén chúis atá leis an moill ar an deontas seo a cheadú; agus an ndéanfaidh sé ráiteas ina thaobh. [22982/12]

291. D'fhiafraigh **Éamon Ó Cuív** den Aire Comhshaoil, Pobail agus Rialtais Áitiúil cén uair a íocfar le tograí LEADER an deontas a bhí ceadaithe sular leachtaíodh Meitheal Forbartha na Gaeltachta; agus an ndéanfaidh sé ráiteas ina thaobh. [22984/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 289 and 291 together.

Chuaigh Meitheal Forbartha na Gaeltachta (MFG), an grúpa atá conraithe ag mo Roinn chun seachadadh a dhéanamh ar Axes 3 and 4 (LEADER) den Chlár Forbartha Tuaithe (CFT) sa Ghaeltacht, faoi leachtú ar 7 Meán Fómhair, 2011. Tá dul chun cinn á dhéanamh ó thaobh dlí de maidir le “imeachtaí foirceanta” agus tá na comhaid ábhartha tionscadail CFT (LEADER) ar fad curtha ar aghaidh ag an leachtaitheoir.

Tá an próiseas ag dul ar aghaidh maidir leis na tionscnóirí a bhfuil a dtionscadail go mór chun cinn ó thaobh forbartha de agus gur dócha a bheadh réidh chun éileamh ar íocaíocht a dhéanamh a aithint, agus tá córas eatramhach curtha ar bun, i gcomhar leis na Comhlachtaí Forbartha Áitiúla atá ag feidhmiú in aice leis na ceantair Ghaeltachta, chun na híocaíochtaí a dhéanamh leis na tionscadail seo sa ghearrthéarma. Tá go leor de na comhaid seo curtha go dtí na Comhlachtaí Forbartha Áitiúla ábhartha anois agus beidh siad i dteagbháil iad féin leis an tionscnóir chun go gcuirfí faoina mbráid na héilimh riachtanacha agus na cáipéisí cuí.

Maidir le seachadadh Axes 3 and 4 (LEADER) de chuid Chlár Forbartha Tuaithe sa Ghaeltacht san fhadthéarma, tá feidhmeannaigh i mo Roinn faoi láthair ag scrúdú na n-aighneachtaí a cuireadh faoina mbráid ó Chomhlachtaí Forbartha Áitiúla eile maidir le gnéithe LEADER de chuid CFT sna ceantair a raibh MFG ag feidhmiú iontu a sheachadadh sa tréimhse atá fágtha den Chlár. Tá breis oibre fós le déanamh chun an próiseas seo a chríochnú ach tá súil agam go mbeidh sé críochnaithe i gceann cúpla seachtain.

Ag tagairt go sonrach don tionscadal atá luaite i gceist an Teachta, Coiste Pháirc Chill Chiaráin, ní raibh an tionscadal seo ach i dtús a fhorbartha nuair a leachtaíodh MFG. Tá mé in ann a rá don Teachta, chomh luath agus atá an córas seachadta sonrach curtha ar bun do cheantar na Gaillimhe, go ndéanfaidh an Comhlacht Forbartha Áitiúil ábhartha teagbháil leis an tionscnóir chun an próiseas a éascú maidir leis an iarratas de chuid CFT a chur ar aghaidh.

Ba cheart a thabhairt faoi deara gurb iad na Grúpaí Gníomhaíochtaí Áitiúla atá conraithe ar son mo Roinne chun seachadadh a dhéanamh ar an CFT ar fud na tíre na príomhchinnteoirí

maidir le dáileadh maoinithe do na tionscadail. Tá na cinní seo déanta i gcomhthéacs stráitéis forbartha áitiúil na ngrúpaí féin agus de réir rialacha na Roinne agus rialacháin an AE.

290. D'fhiafraigh **Éamon Ó Cuív** den Aire Comhshaoil, Pobail agus Rialtais Áitiúil cén uair a bheidh deontas suas le €500,000 ar fáil arís faoin Scéim LEADER; agus an ndéanfaidh sé ráiteas ina thaobh. [22983/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Is féidir liom a dheimhniú go bhfuil an próiseas fógartha leis an imréiteach riachtanach cúnamh Stát chun cúnamh deontais de os cionn €200,000 a chur ar fáil faoi na beartanna Seirbhísí Bunúsacha agus Athnúchan Sráidbhaile den Clár Forbartha Tuaithe 2007-2013 críochnaithe. Tá imréiteach tugtha ag an gCoimisiún Eorpach and tá na hathruithe riachtanach teicniúla ar an gClár Forbartha Tuaithe curtha faoina mbráid. Sa chomhthéacs seo tá an uasdeontas de €500,000 do thionscnaimh pobail athbhunaithe agus is féidir le Comhlachtaí Forbartha Pobail tosnú ar athbhretithniú a dhéanamh ar mhaoiniú tionscnaimh den cineál seo faoin gClár Forbartha Tuaithe.

Question No. 291 answered with Question 289.

State Banking Sector

292. **Deputy Pearse Doherty** asked the Minister for the Environment, Community and Local Government if he will set out, in respect of Government Departments, State controlled banks and State agencies, any contracts for the provision of services by a company (details supplied); if he will quantify the value of such contracts and set out the safeguards in place to avoid conflicts should that company set out to buy the assets of State controlled banks. [23629/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): My Department has no contracts with the company referred to in the Question. Contracts entered into by agencies under the aegis of my Department are a matter for the agencies themselves. Contracts for goods and services are awarded by my Department either on the basis of the lowest priced tender or the most economic advantageous tender (specifying, in addition to price, various other criteria including running costs, servicing costs, level of after sales service, technical assistance, technical merit, environmental characteristics).

Prison Staff

293. **Deputy Seán Kenny** asked the Minister for Justice and Equality the number of prison officers that were injured in the years 2009, 2010, 2011 and to date in 2012; the number of prison officers that retired in each of these years; the number of prison officers that were recruited in each of these years; if additional prison officers are likely to be recruited later in 2012; if so, the details of same; and if he will make a statement on the matter. [22926/12]

Minister for Justice and Equality (Deputy Alan Shatter): It is not possible, in the time available, to collate the information requested by the Deputy. I will furnish the information to the Deputy as soon as possible.

Health Service Investigations

294. **Deputy John Halligan** asked the Minister for Justice and Equality his views on whether powers of investigation into allegations of child sexual abuse against fathers should be removed from the remit of the Health Service Executive and placed with the Garda Síochána and dealt with as a criminal matter; if he will report on the statistics of these allegations which are

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subsequently found to be false; his plans to legislate for the removal of free legal aid assistance from the accuser where these allegations have been proven to be false and also provide for primary custody to be awarded to the party falsely accused of these heinous acts; and if he will make a statement on the matter. [22784/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Deputy has raised a number of matters not all of which fall within my responsibility.

Under the Child Care Act 1991, responsibility for promoting the welfare of children lies with the Health Service Executive. Responsibility for the investigation of any alleged criminal offence is a matter for the Garda Síochána. In the context of the making of false allegations, it is an offence for a person to knowingly make a false report to the Gardaí concerning the commission of an offence (section 12, Criminal Law Act 1976). The offence of perjury addresses the giving of false evidence on oath. The perjured evidence must be material and the statement must have been made with knowledge or belief that it is not true.

It should be noted that under forthcoming legislation, it will be an offence for a person to delay reporting to the Gardaí a serious offence committed against a child. The recently published Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Bill 2012, requires a person who has information concerning the commission of an offence against a child to disclose, as soon as it is practicable, that information to a member of the Garda Síochána. Failure to do so will be an offence.

Under the provisions of the Courts Service Act 1998, management of the courts is the responsibility of the Courts Service. The Act provides that the Service is independent in the performance of its functions, which includes the provision of statistics. I have had enquiries made and the Courts Service has informed me that it does not compile statistics on allegations as such that are made in the course of any court proceedings. The Courts Service has advised that where an allegation arises in the course of a custody or access case, a court may direct the health authorities to undertake an investigation of the matter.

I wish to inform the Deputy that insofar as the Legal Aid Board and the issue of legal aid certificates are concerned, Regulation 9(3) of the Civil Legal Aid Regulations 1996 provides, *inter alia*, as follows:

Subject to the provisions of paragraph (5), the Board or a certifying committee may at any time terminate a certificate from such date as it considers appropriate when satisfied that it is justified and in particular may do so— (c) on being satisfied by the report of the legally aided person's solicitor that the certificate should be terminated, or (e) where it considers that the legally aided person is behaving unreasonably in connection with the conduct of the proceedings or that it is unreasonable in the particular circumstances of the case (including the cost of the proceedings) that the person should continue to receive legal aid.

While the Board can use these provisions to terminate legal services if it is clear that allegations have been made maliciously, it has no data in relation to the number of cases in which legal aid was terminated on the basis of false allegations being made. I have no plans at this time to amend civil legal aid legislation in the specific way outlined by the Deputy.

Visa Applications

295. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he will indicate if Stamp 4 update will issue in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [22575/12]

Minister for Justice and Equality (Deputy Alan Shatter): The person concerned has had his temporary permission to remain in the State renewed for a further two year period, until 11 April, 2014. This decision was conveyed to the person concerned by letter dated 24 April, 2012.

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.

Proposed Legislation

296. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice and Equality if he intends to bring forward legislation to remove the legal obstacles to the abolition of ground rents; and if he will make a statement on the matter. [22578/12]

Minister for Justice and Equality (Deputy Alan Shatter): The position is that section 2 of the Landlord and Tenant (Ground Rents) Act 1978 introduced a prohibition on the creation of new leases reserving ground rents on dwellings.

As regards existing ground rents, Part III of the Landlord and Tenant (Ground Rents) (No. 2) Act 1978 contains a statutory scheme whereby any person may, at reasonable cost, acquire the fee simple in his or her dwelling house. This scheme is operated by the Property Registration Authority. Since it was introduced in 1978, over 80,000 applicants have availed of the scheme to acquire the freehold title to their property. In the case of property other than dwelling houses, the Landlord and Tenant (Ground Rents) Act 1967 contains provisions which facilitate acquisition of the fee simple subject to agreed terms or on terms set out in an arbitration carried out by the County Registrar.

Sexual Offences

297. **Deputy Denis Naughten** asked the Minister for Justice and Equality the current period of time within which a person released from prison following a sexual conviction has to register at a Garda station, when they are required to do so; the corresponding period for those entering the State; the plans, if any, he has to review the registration procedure; and if he will make a statement on the matter. [22648/12]

Minister for Justice and Equality (Deputy Alan Shatter): Under the Sex Offenders Act 2001, a convicted sex offender is required to notify his name and home address to the Garda Síochána within 7 days of becoming subject to the notification requirement. This notification period applies whether the person is resident in the State or was convicted of a relevant offence in another jurisdiction and subsequently enters this State.

Sexual offences for the purposes of the legislation are specified in the schedule to the 2001 Act and following conviction the court certifies that the offender is subject to the Act's requirements.

My Department has been conducting a wide-ranging examination of the law on sexual offences. A review of the Sex Offenders Act 2001 formed an integral part of that examination. Arising from the review, I expect to bring forward legislative proposals to amend the 2001 Act later in the year. These will include a number of measures to strengthen the current notification requirements.

Proposed Legislation

298. **Deputy Patrick Nulty** asked the Minister for Justice and Equality if he will give an update on plans to regulate cash for gold outlets; and if he will make a statement on the matter. [22652/12]

Minister for Justice and Equality (Deputy Alan Shatter): My Department is examining all relevant criminal justice aspects of the cash for gold trade in consultation with An Garda Síochána and a report of this examination which is at an advanced stage will allow for the necessary comprehensive assessment of the position and the development of any necessary and effective measures to address any gap that currently exists in the law in respect of the matter. I might add that the assessment to which I have referred will have regard to the views of relevant stakeholders.

Sexual Offences

299. **Deputy Denis Naughten** asked the Minister for Justice and Equality the number of persons convicted of a sexual offence who received specific rehabilitative training prior to their release in 2011; the number who were offered such training prior to their release and refused; the number who were released without being offered such training; the corresponding figures for 2010; if he will consider abolishing remission for such prisoners who refuse to avail of such training; and if he will make a statement on the matter. [22721/12]

Minister for Justice and Equality (Deputy Alan Shatter): It is not possible, in the time available, to collate the information requested by the Deputy. I will furnish the information to the Deputy as soon as possible.

Crime Levels

300. **Deputy Catherine Murphy** asked the Minister for Justice and Equality if, in view of the Garda Recorded Crime Statistics report published by the Central Statistics Office recently, he will explain the reasons up to three-quarters of burglaries have gone undetected by gardaí in the period in question; if he can provide statistics to show the level of burglary detection broken down by each Garda division nationwide in the same period or part thereof; and if he will make a statement on the matter. [22727/12]

Minister for Justice and Equality (Deputy Alan Shatter): I share the Deputy's concern at the incidence of burglaries and other property crimes.

Insofar as detection rates are concerned, the most recent CSO analysis shows a detection rate for burglary in the region of 25% for 2010. It is important to note that detection rates do vary according to the nature of the crime and that this is in line with international experience. Detection rates are often found to be lower for certain offences, such as burglaries and some other property crimes, as these generally only come to light after the event and after the offender has left the scene. These offences are inherently more difficult to investigate than some others. While our statistical system is not directly comparable with that of other countries, in the UK, for example, the difficulties presented in detecting burglaries are reflected in the fact that the sanction detection rate for burglaries in England and Wales in 2010/2011 was recorded as 13%.

Notwithstanding the investigative challenges faced, however, the Garda is responding effectively and the Deputy will be aware that the Garda Commissioner has recently announced the introduction of a wide range of measures aimed at tackling gangs involved in burglaries.

These measures are encompassed in *Operation Fiacla*, which is particularly focused on identifying and targeting mobile gangs involved in burglaries around the country so as to disrupt their activities and bring them before the Courts. Specific burglary related initiatives are being implemented in each Garda Region in support of *Operation Fiacla*.

I am conscious of the deep distress which burglary can cause to householders, and to the broader impact it can have in terms of fear of crime in our communities and therefore welcome the fact that the Garda Commissioner is deploying the substantial resources available to him in a targeted and strategic approach to confronting those who are engaging in this form of criminality.

In relation to the particular statistics requested by the Deputy, the Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose. I have requested the CSO to provide relevant statistics directly to the Deputy.

Garda Deployment

301. **Deputy Micheál Martin** asked the Minister for Justice and Equality if there is a review of security for members of the Government following recent events; and if he will make a statement on the matter. [16202/12]

Minister for Justice and Equality (Deputy Alan Shatter): I refer the Deputy to my reply below to Parliamentary Question No. 951 of 18 April 2012. The position is unchanged since then.

The Deputy will appreciate that for good reason it is not the policy, nor would it be in the public interest, to comment on matters relating to the personal security of specific individuals. However, as a matter of course, An Garda Síochána continually keep such matters under review.

Northern Ireland Issues

302. **Deputy Micheál Martin** asked the Minister for Justice and Equality if he has met the chief investigator with the Independent Commission on the Location of Victims' Remains, Geoff Knupfer; and if he will make a statement on the matter. [21419/12]

303. **Deputy Micheál Martin** asked the Minister for Justice and Equality the position regarding the recent developments in relation to the Disappeared; and if he will make a statement on the matter. [21418/12]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 302 and 303 together.

Over the course of the conflict in Northern Ireland a number of people were abducted and murdered by paramilitary groups, and then buried in secret locations. They have become known as "the Disappeared".

The Irish and British Governments established the Independent Commission for the Location of Victims' Remains in 1999 as one of the actions taken in the context of the Peace Process to acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation. The Commission's sole purpose is to facilitate the location of the remains of the Disappeared in order that they may be returned to their families to afford them some measure of closure to the tragedy they have had to endure.

[Deputy Alan Shatter.]

To date the remains of seven of the persons on the Commission's list have been recovered with the Commission's involvement and this has brought some comfort to the families of those victims. There are seven others whose remains have not yet been recovered and the Commission is continuing its work in respect of these cases. The House will be aware that the Commission's investigation team is currently carrying out further excavation works with regard to one of these cases. It is to be hoped that their searches will be successful on this occasion.

In November last year, together with Northern Ireland Office Minister of State, Hugo Swire MP, I met with the two Commissioners, Mr. Frank Murray and Sir Kenneth Bloomfield, and with the Commission's investigators. They updated us on their work and we assured them of the continuing, full support of both Governments for that work. Officials in my Department and in the Northern Ireland Office maintain close and regular contact with the Commissioners and their investigation team.

The Commissioners have emphasised that their work is driven by information. All information provided to the Commission is treated as strictly confidential and everyone can be assured that such information can only be used to locate and identify the remains. It cannot be given to other agencies or used for prosecutions.

I know the House will join me in calling on anybody who has any information that could help to locate those still missing to give that information to the Commission without delay. The Commission has in place a confidential freephone number and PO box address through which information can be passed to it. Information about the Commission and how to contact it are available on the Commission's website *www.iclvr.ie*.

I would emphasise to the House that the Commission's sole purpose is humanitarian. The families of the Disappeared want to have their loved ones' remains returned to them for a decent burial, to have a place to grieve and, in some measure at least, to have closure. The Government remains committed to that aim and I call on all others to help bring it about.

Question No. 304 answered with Question No. 97.

Criminal Prosecutions

305. **Deputy John Deasy** asked the Minister for Justice and Equality the position regarding the number of persons convicted of theft in Waterford city and county in each of the past five years. [22758/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose.

I have requested the CSO to provide statistics directly to the Deputy.

Consultancy Contracts

306. **Deputy Niall Collins** asked the Minister for Justice and Equality the total amount spent since February 2011 on external reports commissioned by his Department including payments from Ministerial allowances; the details of any consultants employed; and if he will make a statement on the matter. [22814/12]

Minister for Justice and Equality (Deputy Alan Shatter): I wish to inform the Deputy that the information he has requested is as follows:

Health and Safety

My Department recently commissioned Safecon Training and Consultancy to carry out the preparation of a Safety Statement and Risk Assessment Investigation. To date no payment has been made for this service.

Finally, the Deputy might wish to note that questions concerning Ministerial allowances are solely a matter for the Oireachtas.

307. Deputy Niall Collins asked the Minister for Justice and Equality the total amount spent since February 2011 on external marketing consultants, including payments from Ministerial allowances, including payments by all Ministers in his Department; the details of the consultants employed; and if he will make a statement on the matter. [22832/12]

Minister for Justice and Equality (Deputy Alan Shatter): There are no records to indicate that there were any payments made to External Public Relations, Marketing or Communication Consultants by my Department during the period February 2011 to date.

I wish to advise the Deputy that queries concerning my Ministerial Allowance are solely a matter for the Houses of the Oireachtas and all future queries should be directed to that forum.

Citizenship Applications

308. Deputy Martin Ferris asked the Minister for Justice and Equality the position regarding an application for citizenship in respect of persons (details supplied). [22876/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that valid applications for a certificate of naturalisation were received from the persons referred to by the Deputy in May, 2011 and March, 2011 respectively.

The applications are at an advanced stage of processing 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.

Departmental Staff

309. Deputy Billy Kelleher asked the Minister for Justice and Equality the names, grade and cost of staff who have been rehired following retirement in his Department and State agencies under his remit; and if he will make a statement on the matter. [22893/12]

Minister for Justice and Equality (Deputy Alan Shatter): It is assumed the Deputy is interested in establishing whether any staff of my Department or agencies under my remit who retired and benefited from the transitional arrangements that operated up to 29 February 2012 under the Financial Emergency Measures in the Public Interest (No. 2) Act 2009, have subsequently been re-employed.

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The Financial Emergency Measures in the Public Interest (No. 2) Act 2009 provided for the superannuation benefits of public servants, who retired within a “grace period” which ended on 29 February 2012, to be unaffected by the pay reductions introduced for all public servants with effect from 1 January 2010 under that Act.

In the period 1 January 2012 to 29 February 2012, a total of 181 staff retired from my Department and the agencies under my remit, excluding An Garda Síochána.

Of these 181, only one staff member who was a Governor in the Prison Service has been re-engaged on a fixed term contract to meet pressing operational and transformation requirements in the Prison Service. The total cost of this contract to date is €22,580.

Liquor Licensing Laws

310. **Deputy Mattie McGrath** asked the Minister for Justice and Equality the reason for the costs associated with applying for renewing a pub licence (details supplied) in County Tipperary; if there is any way of reducing these costs in order to assist those who are hoping to open a new business and provide employment; and if he will make a statement on the matter. [22915/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Deputy will appreciate that I am not in a position to comment on a particular case in response to a Parliamentary Question. However, I can indicate the following by way of general information.

Under section 4 of the Courts (No. 2) Act 1986, as amended, renewal of a licence for the sale of intoxicating liquor for premises which have been licensed in the immediately preceding year is generally automatic, subject to compliance with tax clearance requirements and payment of the relevant renewal fee (excise duty) to the Revenue Commissioners. The renewal fee varies according to the annual turnover arising from the sale of intoxicating liquor of the licensed premises concerned and ranges from €250 where turnover is less than €190,500 to €3,805 where turnover exceeds €1.27 million.

Renewal of a licence is not, however, automatic where an objection to renewal has been lodged with the District Court on permitted grounds, e.g. the premises concerned have not been operated in a peaceable and orderly manner in the year ending on the expiry of the licence. In such cases, a District Court certificate must be presented to the Revenue Commissioners prior to renewal of the licence.

Under section 2 of the Licensing (Ireland) Act 1902, as amended, where premises were not licensed during the preceding year but had been licensed at any time during the previous five years, a new licence may be issued by the Revenue Commissioners on foot of a certificate granted by the Circuit Court in respect of such premises without the need to extinguish another licence. This section does not apply where the licence lapsed due to a breach of licensing law or was extinguished.

Departmental Complaints Procedures

311. **Deputy Gerry Adams** asked the Minister for Justice and Equality the way he dealt with a complaint made by a person (details supplied) against the probation and welfare service in 2009; if he is satisfied that the complaint was properly investigated and that enough was done to help rectify the situation. [22934/12]

Minister for Justice and Equality (Deputy Alan Shatter): I wish to assure the Deputy that my Department treats all complaints of bullying seriously and manages them in accordance

with the Civil Service Policy on harassment, sexual harassment and bullying — *A Positive Working Environment*. In the instance referred to by the Deputy the Human Resources Division of my Department made every effort to have the complaint involving the person in question investigated in accordance with that policy. However, I understand that the complainant, in this instance, failed to cooperate with the investigative process as required under the policy and, therefore, the investigator was ultimately obliged to make a finding of “no case to answer”.

Visa Applications

312. **Deputy Sean Fleming** asked the Minister for Justice and Equality when an application for a visitor’s visa will be granted to a person (details supplied); and if he will make a statement on the matter. [22935/12]

Minister for Justice and Equality (Deputy Alan Shatter): The visa application referred to by the Deputy was received in the visa office, Dublin on the 3 May 2012. Following consideration it was the decision of the visa officer to refuse the granting of the visa.

It is open to the person concerned to appeal the decision not to grant the visa sought, within two months of the date of refusal, in this instance before the 3 July 2012.

Guidelines as to the visa appeals procedure is available on the website of the Irish Naturalisation and Immigration Service (www.inis.gov.ie).

Queries in relation to general immigration matters may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy’s view, inadequate or too long awaited.

Departmental Bodies

313. **Deputy Patrick Nulty** asked the Minister for Justice and Equality if he will ensure that there will be no job losses suffered by staff currently employed in the Law Society as a result of the enacting of the forthcoming Legal Service Regulation Bill; if he will ensure that staff will be transferred to the new Legal Services Regulatory Authority; and if he will make a statement on the matter. [22968/12]

Minister for Justice and Equality (Deputy Alan Shatter): The position in relation to this matter remains as indicated in my reply to Questions Nos. 941 and 977 of 18th April 2012. I have also addressed this matter in the course of my speech about the modernisation and reform of the legal sector delivered at the Annual Conference of the Law Society on 14th April — the full text has been made available on my Department’s website, www.justice.ie, for ease of reference.

As I have conveyed on such previous occasions, the new Legal Services Regulatory Authority to be established under the Legal Services Regulation Bill 2011 will be independent of the legal professions and of the Government in the performance of its functions. This will include new and independent procedures relating to allegations of professional misconduct by either solicitors or barristers. Such complaints will be dealt with under the auspices of the Authority’s Complaints Committee and supported, where appropriate, by the work of the new and independent Legal Practitioners’ Disciplinary Tribunal. Under the Bill, members of the public will no longer go to the Law Society or to the Bar Council and their respective disciplinary tribunals

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to deal with complaints, as happens at the moment, but will instead do so through the Legal Services Regulatory Authority.

The Law Society has recently recognised that it would be “in the best interests of the public and the profession” if complaints about solicitors were no longer to be dealt with by the Society but by the new Regulatory Authority to be established under the Bill. The independence of the new Regulatory Authority and of its attendant complaints and Disciplinary Tribunal procedures is, therefore, fundamental to their success and to the avoidance of any perception that complaints about lawyers are being dealt with by lawyers themselves or by their representative bodies.

Under the Legal Services Regulation Bill 2011 the complaints systems currently operated by the legal professional bodies are to be replaced by new procedures the independence of which will have to be reflected in the relevant recruitment and appointment processes. In closing the Second Stage debate on the Bill I confirmed that I am considering possible Committee Stage amendments to create appropriately independent procedures for the appointment of members of the Legal Services Regulatory Authority, its Complaints Committee and of the Legal Practitioners’ Disciplinary Tribunal. Similarly, I expressed the view that staff appointments to the new Authority would be better made by the Authority itself under a public competition carried out by the Public Appointments Service. While the transition to a new and independent complaints procedure under the Bill will have an impact on staff currently involved in that area it will be open to such staff — who would obviously possess the relevant skills and experience — to offer to apply for positions advertised by the new and independent Legal Services Regulatory Authority.

Crime Prevention

314. **Deputy Finian McGrath** asked the Minister for Justice and Equality if he will support a matter (details supplied) in Dublin 5. [22978/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Garda authorities that the area referred to is within Raheny Garda sub-District. I am further informed that members of the Community Policing Unit recently called to the residence of the person referred to by the Deputy to discuss her concerns and provide advice on security measures.

The area referred to has a large number of elderly residents who receive dedicated attention and assistance from local gardaí. As part of An Garda Síochána’s Older Person Strategy, members of the Community Policing Unit regularly visit the homes of elderly persons in the community, providing company and offering personal protection and crime prevention advice. A Community Garda is allocated specifically to the area and meets with local residents on a regular basis.

I am further informed that policing measures are in place to address difficulties experienced by local residents, including elderly residents. Regular patrols are conducted by uniform and plain clothes personnel, including the Community Policing and Garda Mountain Bike Units and local Detective and Drug Unit personnel, supplemented as required by the Divisional Crime Task Force and Traffic Corps personnel.

Local Garda management closely monitors and keeps under review patrols and other operational strategies in place, in conjunction with crime trends and policing needs of the communities in the area, to ensure optimum use is made of Garda resources and the best possible Garda service is provided to the public. Garda management is satisfied that a comprehensive policing service is being delivered and that current structures in place meet the requirements of the

delivery of an effective and efficient policing service to the residents concerned. I am further informed that the situation is being kept under review.

Prisoner Releases

315. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he will indicate, having regard to previous parliamentary questions in respect of the selection of prisoners for day, casual, supervised or other forms of early release, the methodology used for the selection of such prisoners, whether done by internal or external authorities; the extent to which requests for such release are processed; the number of successful requests in each of the past two years to date; and if he will make a statement on the matter. [23020/12]

316. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he will indicate the number of requests for early, casual, day or other forms of release received by the prison authorities in each of the prisons throughout the country in each of the past two years to date; the number of such applications approved and or refused in each year; and if he will make a statement on the matter. [23021/12]

319. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he will indicate the number of applications received for casual, day or other forms of release in each of the prisons throughout the country in each of the past two years to date; the numbers refused in each case and those granted in the same period; and if he will make a statement on the matter. [23024/12]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 315, 316 and 319 together.

The legislative basis for making decisions on temporary release are fully set out in the Criminal Justice Act 1960, as amended by the Criminal Justice (Temporary Release of Prisoners) Act 2003.

Candidates for temporary release are identified by a number of different means but primarily on the recommendation of the Prison Governor or the therapeutic services in the prisons. The prisoner, their family or their legal representative can also apply for consideration of such a concession. Recommendations are also made to me in relation to long term sentence prisoners by the Parole Board. It is very important to note that it does not necessarily follow that a prisoner will receive temporary release even if the recommendation is to that effect. Each application is considered on its individual merits and evaluated using the following criteria as outlined in the Criminal Justice (Temporary Release of Prisoners) Act 2003.: the nature and gravity of the offence to which the sentence being served by the person relates; the sentence concerned and any recommendation made by the Court in relation to the sentence imposed; the period of the sentence served by the person; the potential threat to the safety and security of the public should the person be released; the person's previous criminal record; the risk of the person failing to return to prison at the expiration of the period of temporary release; the conduct of the person while in custody or while previously on temporary release; any report or recommendation made by the Governor, the Garda Síochána, a Probation and Welfare Officer, or any other person whom the Minister considers may be of assistance in coming to a decision as to whether to grant temporary release; the risk that the person might commit an offence during any period of temporary release; the risk of the person failing to comply with any of the conditions of temporary release; and the likelihood that a period of temporary release might accelerate the person's reintegration into society or improve his prospects of

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obtaining employment. Decisions are made at a senior level within the Irish Prison Service and by myself in respect of cases referred directly to me.

It is not possible to provide the Deputy with the breakdown of information requested as this would require the manual examination of records. Such an examination would require a disproportionate and inordinate amount of staff time and effort and can not be justified in current circumstances where there are other significant demands on resources. However, it is anticipated that through the new Prison Information Management System (PIMS), which was introduced in March this year in the Prison Service, that I will be able to provide such data in the future.

Prison Education Service

317. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he will indicate the methodology used to determine eligibility for rehabilitative, educational or training courses within the Irish Prison Service; the procedures and structures used to determine eligibility; the number refused in the same period; and if he will make a statement on the matter. [23022/12]

Minister for Justice and Equality (Deputy Alan Shatter): I refer the Deputy to my response to Parliamentary Question No. 119 which outlines the position in this regard.

As the Deputy will be aware from my replies to previous Parliamentary Questions, the Irish Prison Service provides a wide range of rehabilitative programmes that include education, vocational training, health care, psychiatric, psychological, counselling, welfare and spiritual services. These programmes are available in all prisons and all prisoners are eligible to use the services. On committal, all prisoners are interviewed by the Governor and are informed of the services available in the prison. At this point prisoners may be referred to services or they can self refer at a later date. Where Governors consider, on the information available, that a prisoner needs a particular intervention they will initiate a referral.

Prisoner Transfers

318. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the number of applications by prisoners seeking transfer to alternative prison facilities on health, humanitarian or other grounds or criterion in each of the past three years to date; the methodology used to determine such eligibility; the number of cases approved or refused in this period; the most commonly used basis for approval or refusal; the number, if any, exceptions to the application of such criteria; and if he will make a statement on the matter. [23023/12]

320. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he will indicate the total number of prisoners known to have applied for transfer to alternative or open prisons on health grounds in each of the past two years to date; the number approved or refused for whatever reason in this period; and if he will make a statement on the matter. [23025/12]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 318 and 320 together.

Applications for transfer to an alternate facility within the prison estate on health, humanitarian or other grounds are received primarily on the recommendation of the Prison Governor or the therapeutic services in the prisons. The prisoner, their family or their legal representative can also apply for consideration of such a request.

As a guiding principle the Irish Prison Service attempts to place prisoners in the location nearest to their family home. This principle is of course subject to appropriate security consider-

ations, operational and legislative requirements. Factors taken into account include length of sentence, nature of offence, medical needs, drug dependency, conflict with other prisoners, behaviour while in custody, the age of the prisoner, previous criminal record, engagement with the various services and of course available spaces.

Applications for transfer on health grounds are not recorded individually as there may be a multiplicity of reasons for such transfers, therefore it is not possible to provide the Deputy with the breakdown of information requested, as this would require the manual examination of records. Such an examination would require a disproportionate and inordinate amount of staff time and effort and cannot be justified in current circumstances where there are other significant demands on resources

Question No. 319 answered with Question No. 315.

Question No. 320 answered with Question No. 318.

Crime Levels

321. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he will indicate the extent to which he has studied the level to which serious crime continues to be committed by persons accused of serious offences whilst on bail; if he is conscious of the public concern about such matters; if he has in mind any proposals to address this issue; and if he will make a statement on the matter. [23026/12]

Minister for Justice and Equality (Deputy Alan Shatter): I have studied the statistics on recorded crimes where the suspected offenders are on bail and I am conscious of public concern about the extent to which offences continue to be committed by persons on bail. I share that concern.

A decision to grant bail in a particular case is a matter for the court, which is, subject only to the Constitution and the law, independent in the exercise of its judicial functions. There is a constitutional presumption in favour of bail, since, in the eyes of the law, a person is innocent until proven guilty. The provisions of the European Convention on Human Rights also restrict the extent to which the right to bail can be limited.

Prior to the Sixteenth Amendment of the Constitution, bail could be refused essentially only on the grounds that a person would be likely to abscond or interfere with witnesses. The Bail Act 1997, which gave effect to the terms of the Sixteenth Amendment of the Constitution, provides for the refusal of bail to a person charged with a serious offence where it is reasonably considered necessary to prevent the commission of a serious offence by that person.

I believe that bail law must be continually reviewed to ensure that all possible avenues are taken to protect the public against the commission of crime, particularly serious crime, by persons on bail.

Accordingly, my Department has been engaged in work to consolidate and update bail law with a view to presenting a clear, accessible and modern statement of the law. In the context of that modernisation of the law, I will be seeking to restructure the law so that it has a focus on the protection of the individual and of the public. My intention is that the new proposals will provide better guidance to the courts on how such protection might be provided. I am also taking the opportunity to introduce some general improvements to bail law to improve the overall working of the bail system.

I will bring proposals to Government on the matter in the near future.

Organised Crime

322. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent to which the number of persons deemed to be members of criminal gangs has fluctuated in each of the past two years to date; the extent to which serious crime is deemed to be the result of the activities of criminal gang members on an ongoing basis; the extent, if any, to which he proposes to amend existing legislation or invoke new powers in new legislation to deal with such issues; and if he will make a statement on the matter. [23027/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Deputy will appreciate that organised crime, by its very nature, is constantly evolving and diversifying in both its structures and activities so as to exploit opportunities for criminal gain.

Given this, membership of organised crime gangs tends to be fluid and offences committed by members of criminal gangs may or may not be connected with an individual's membership of such gangs. It is therefore not feasible to provide the Deputy with all of the information sought.

However, I can assure the Deputy that addressing such criminality remains a key ongoing priority for both the Government and for An Garda Síochána and these priorities are clearly reflected in the Garda Policing Plan for 2012 and in the *Programme for Government*.

An Garda Síochána will continue to vigorously monitor and tackle organised crime through undertaking a range of targeted activities designed to disrupt and dismantle the operations of criminal organisations.

This involves targeting serious criminals and organised criminal groups on a number of fronts, including through the use of focused intelligence led operations by specialist units such as the Organised Crime Unit, the Garda Bureau of Fraud Investigation and the National Bureau of Criminal Investigation and the work of the Criminal Assets Bureau. These units are also supported, as required, by the Security and Intelligence Section which assists with the provision of intelligence briefings and timely information.

Law enforcement efforts in this regard are underpinned by a comprehensive framework of criminal law measures. This framework includes the more recently enacted provisions of the Criminal Justice (Amendment) Act 2009 in targeting organised crime, measures contained in the Criminal Justice (Surveillance) Act 2009 relating to evidence obtained by means of covert surveillance and the provisions of the Criminal Justice (Miscellaneous Provisions) Act 2009 relating to the use of weapons.

Whilst this current framework is being actively used to tackle organised crime the overall legislative response is being kept under review. In this regard my Department is currently undertaking a specific review of the provisions of the Criminal Justice (Amendment) Act 2009 to see if its provisions can be strengthened and the views of the Garda Commissioner have been sought in this regard.

Furthermore, an Expert Group also established under the auspices of my Department, is currently engaged in a comprehensive review of the Proceeds of Crime legislation with a view to identifying possible improvements which would serve to strengthen the operation of the Criminal Assets Bureau.

Prison Escapes

323. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he will indicate, if known, the number of prisoners known to have escaped or absconded leave, supervised or unsupervised in each of the past four years to date; the number recaptured; the number, if any, still at large; and if he will make a statement on the matter. [23028/12]

Minister for Justice and Equality (Deputy Alan Shatter): I can inform the Deputy that the information requested relating to the years 2008 to 4 May 2012 is outlined in the following table:

Year	Number of Absconders
2008	122
2009	133
2010	112
2011	86
2012 (up to 4 May)	33

The term “abscond” refers to a person leaving the confines of an open centre without permission or a person who absconds from the custody of a prison officer while outside the confines of the prison for example, attending court or a hospital appointment. The term “escape” refers to a person who flees from prison custody.

Irish Prison Service records indicate that on 7 March 2012 there were 64 prisoners listed as unlawfully at large having escaped/absconded during this time period. There were no escapes from within the confines of a closed prison during the years mentioned.

The Gardaí are informed when prisoners abscond and have the power to detain, arrest, and return such persons to prison. Experience has shown that the vast majority of offenders who abscond return or are returned to custody to complete their sentences within a short timeframe.

Garda Strength

324. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he will indicate whether he is satisfied regarding the adequacy of resources to meet the policing requirements throughout the country, having particular regard to the constraint imposed by the Memorandum of Understanding entered into by his predecessor; whether he expects to be in a position to enable the Garda to provide the required levels and standards of service throughout the country in both urban and rural areas with the objective of maintaining the highest possible protection and security for the general public notwithstanding the economic situation; and if he will make a statement on the matter. [23029/12]

325. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he will ensure that any operational reviews throughout the Garda Síochána in the context of budgetary constraints are not allowed to negatively impact on the force’s ability to deal with crime; and if he will make a statement on the matter. [23030/12]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 324 and 325 together.

The Deputy will be aware that the Garda Commissioner, in consultation with his senior management team, is responsible for the allocation of resources throughout the organisation. This is a function which is carried out in the context of operational strategies in place at a District, Divisional and Regional level.

In particular, the allocation of resources is constantly monitored with reference to crime trends and other policing needs. Accordingly, the Deputy will appreciate that extensive measures are in place to ensure that the optimum use is made of all Garda resources.

While there is no escaping the reality that public expenditure has had to be reduced in line with the agreement with the EU and the IMF, the Government is committed to maintaining

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front-line services at the highest level possible. In that regard the Garda Commissioner has indicated that a full and comprehensive policing service is being delivered throughout the country. In addition he has confirmed that the relevant policing arrangements are being kept under on-going review.

Organised Crime

326. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he will indicate the number of known criminal gang members currently in prison; the number likely to be released over the next twelve months; and if he will make a statement on the matter. [23031/12]

Minister for Justice and Equality (Deputy Alan Shatter): The emergence in recent years of criminal gangs has had significant implications for the management of Irish prisons. Rivalries and feuds which develop on the outside continue inside of prison. Prison management have to ensure that the various factions are kept apart and, as far as possible, that gang members do not have influence over other inmates or criminal activities outside the prisons. Gang members are being managed on a daily basis through segregation and separation throughout the prison system. Membership/allegiance to these criminal gangs fluctuates on a continuous basis with some persons breaking links and others becoming affiliated. Intelligence on the ground would suggest that at any given time between 30% and 40% of the prison population has links to a criminal gang.

A number of initiatives have been introduced with a view to preventing identified gang leaders from conducting criminal activities while in custody and also to prevent them exerting inappropriate influence over other persons. For example, a number of serious criminal gang members awaiting trial or sentence are now segregated in a specific area of Cloverhill Prison.

The security initiatives undertaken by the Operational Security Group have made it more difficult for prisoners to engage in illegal activities while in prison. These initiatives include the introduction of passive and active drug detection dogs and the installation of airport style security including scanners and x-ray machines. Core functions of this group include gathering and collating intelligence information on criminal gang members in Irish prisons, carrying out intelligence led searches and preventing the flow of contraband (including mobile phones) into the prisons.

I have been informed by the Irish Prison Service that it is not possible to provide the number of prisoners in this category who are due to be released in the next 12 months without the manual examination of prisoner files. Such an examination would require a disproportionate and inordinate amount of staff time and effort and could not be justified in current circumstances where there are other significant demands on resources.

However, there is regular contact between the Prison Service and An Garda Síochána to discuss security issues including the operation of criminal gangs. Gardaí are also provided with reports detailing the release dates of this category of prisoner.

Consultancy Contracts

327. **Deputy Niall Collins** asked the Minister for Defence the total amount spent since February 2011 on external reports commissioned by his Department including payments from Ministerial allowances; the details of any consultants employed; and if he will make a statement on the matter. [22807/12]

Minister for Defence (Deputy Alan Shatter): Neither I nor my Department have commissioned any external reports since February 2011.

328. **Deputy Niall Collins** asked the Minister for Defence the total amount spent since February 2011 on external marketing consultants, including payments from Ministerial allowances, including payments by all Ministers in his Department; the details of the consultants employed; and if he will make a statement on the matter. [22825/12]

Minister for Defence (Deputy Alan Shatter): Since February 2011, there has been no expenditure on external marketing consultants by the Minister of State at my Department, Mr. Paul Kehoe T.D., by my Department or by myself.

Departmental Staff

329. **Deputy Billy Kelleher** asked the Minister for Defence the names, grade and cost of staff who have been rehired following retirement in his Department and State agencies under his remit; and if he will make a statement on the matter. [22886/12]

Minister for Defence (Deputy Alan Shatter): No public servants who retired from my Department or the agencies under its aegis since the 27 February 2012 have been taken back onto my Department's payroll.

Grant Payments

330. **Deputy Colm Keaveney** asked the Minister for Agriculture, Food and the Marine if he will forward details in relation to an appeal for agri-environment options scheme/Natura 2000 scheme in respect of a person (details supplied) in County Galway; and when payment will issue. [22576/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person named was approved for participation in the Agri-Environment Options Scheme with effect from the 1st November 2010 having completed the Form N option, indicating that he had designated lands.

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 this administrative checking process it was discovered that the parcels listed on Form N were not designated areas. My Department subsequently rejected the application as the scheme Terms and Conditions had not been complied with. A letter issued to the person named on 18th April 2012 setting out this decision and providing the option to submit an appeal. An appeal was received in writing on 26th April and officials in my Department are currently reviewing the file. The person named will shortly be notified in writing of the result.

Milk Quota

331. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine his views on a matter (details supplied); and if he will make a statement on the matter. [22589/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The regulations governing the milk quota regime provide that a milk quota allocation attaches to the lands used for production of the milk. Consequently a farmer may permanently dispose of his or her milk quota allocation through sale of the land and quota to another milk producer or, under certain circumstances, through the leasing of the land and quota. A farmer may also dispose

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of quota by submitting it for sale through the Milk Quota Trading Scheme, in which cases the land is not attached to the quota.

There are also a number of temporary measures, including temporary leasing and flexi-milk which can operate under certain specific circumstances and these can be explained in detail by the Milk Quota Section of my Department.

Beef Industry

332. **Deputy Dominic Hannigan** asked the Minister for Agriculture, Food and the Marine the steps a farmer has to take to use farm software offered by private agricultural companies being in the Beef Technology Adoption Programme; and if he will make a statement on the matter. [22712/12]

333. **Deputy Dominic Hannigan** asked the Minister for Agriculture, Food and the Marine further to Parliamentary Question No. 166 of 19 April 2012, if he will confirm the industry stakeholders that were consulted; is using herd plus a requirement under the terms and conditions of the Beef Technology Adoption Programme; and if he will make a statement on the matter. [22713/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I propose to take Questions Nos. 332 and 333 together.

The establishment of an effective discussion group model similar to that successfully employed in the dairy sector was a key recommendation of the report of the industry-led Beef 2020 Activation Group which was set up to advise on the implementation of the Food Harvest 2020 strategy. The Beef Technology Adoption Programme (BTAP) giving effect to this recommendation was devised following extensive consultation and in collaboration with industry stakeholders. During its development phase, the Department discussed the draft Programme with representatives of the Irish Farmers Association (IFA), Irish Creamery Milk Suppliers Association (ICMSA), The Irish Cattle and Sheep Farmers' Association (ICSA), Teagasc, Irish Cattle Breeding Federation (ICBF), the Irish Veterinary Union (IVU), the Agricultural Consultants Association (ACA) and Meat Industry Ireland (MII).

The purpose of the Programme is to address the significant challenges to farm-level profitability by providing a financial stimulus that will encourage participants, through the vehicle of discussion groups, to improve the technical efficiency of their beef enterprises, by focusing on the key profit drivers (such as breeding, animal health, financial and grassland management).

As part of the Programme, participants must be members of HerdPlus, a service provided by the ICBF which generates genetic evaluation and breeding performance data. As the Deputy is aware, ICBF is an industry led co-operative which receives some support from my Department to assist it to maintain a national database of cattle breeding information which is of vital importance for the future development of the national beef herd. Information on HerdPlus may be obtained from ICBF.

I am convinced that this ongoing work will be of major importance in leading to the development of high-quality animals which are required for the future success of the Irish beef industry.

Grant Payments

334. **Deputy John O'Mahony** asked the Minister for Agriculture, Food and the Marine further to Parliamentary Question No. 448 on 6 March 2012 if he will advise when payment

will issue in respect of a person (details supplied) in County Mayo; and if he will make a statement on the matter. [22719/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the 2010 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 17 May 2010. There were issues that arose in relation to the transfer of entitlements. All of these matters are resolved thereby allowing payment to issue under the next 2010 Scheme payment run very shortly.

335. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine the position regarding an appeal in respect of a person (details supplied) in County Kerry who is appealing a penalty for reps; and if he will make a statement on the matter. [22793/12]

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 three 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 administrative checks on all applications to be completed before any payments can issue. During the course of an on farm inspection on 28 July 2011, areas which were in non-compliance with the terms and conditions of the scheme were noted and a penalty was applied in relation to non-compliance associated with the Conservation/Management practices pertaining to archaeological monuments in the agri-environmental plan of the person named.

An appeal against the decision to impose a penalty has been submitted by the person named and is currently being reviewed. The 75% payment in respect of 2011 amounting to €3453.58 less the penalty deduction issued to the person named on 4 May 2012. The remaining 25% balancing payment for 2011 will issue when the appeal process is finalised and will take account of any adjustment arising out of the appeal outcome.

Consultancy Contracts

336. **Deputy Niall Collins** asked the Minister for Agriculture, Food and the Marine the total amount spent since February 2011 on external reports commissioned by his Department including payments from Ministerial allowances; the details of any consultants employed; and if he will make a statement on the matter. [22803/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The information request by the Deputy is listed in the following table:

Consultant	Nature of Work	Payments from February 2011 to April 2012 €
Brendan Riordan	Professional fee for training services on net-flow of funds calculation	6,000
Milliards Solicitors	Legal advice, consultations, correspondence and court attendance	2,723
Total		8,723

337. **Deputy Niall Collins** asked the Minister for Agriculture, Food and the Marine the total amount spent since February 2011 on external marketing consultants, including payments from

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Ministerial allowances, including payments by all Ministers in his Department; the details of the consultants employed; and if he will make a statement on the matter. [22821/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): My Department does not employ external public relations companies. Public relations advice, where required is provided by my Department's Press Office.

Wildlife Protection

338. **Deputy Maureen O'Sullivan** asked the Minister for Agriculture, Food and the Marine if the licence issued to Coillte to fell sections of the Lismullen Woods in the Tara Skryne Valley, County Meath, on 11 April 2011 can be made accessible to the public; the reason felling occurred in the Lismullen Woods and a licence granted to Coillte during bird nesting season; and if he will make a statement on the matter. [22869/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The felling licence granted to Coillte for the site in question is accessible to the public.

My Department issued this felling licence to Coillte, following a referral to the National Parks and Wildlife Service, Inland Fisheries Ireland and Meath County Council, and having duly considered the matter. The licence was issued with appropriate conditions to which Coillte adhered. Coillte was aware of its obligations under current legislation and that it must harvest its trees in accordance with current legislation and good forestry practice.

Departmental Staff

339. **Deputy Billy Kelleher** asked the Minister for Agriculture, Food and the Marine the names, grade and cost of staff who have been rehired following retirement in his Department and State agencies under his remit; and if he will make a statement on the matter. [22882/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An Assistant Secretary General was re-engaged by my Department on a part-time contract basis since retiring under the Incentivised Scheme for Early Retirement in October 2010. Sanction for this contract was received from the Minister for Public Expenditure and Reform. The cost to my Department to date is €120,860.63. This contract is due to expire in October 2012.

A Laboratory Analyst was re-engaged by my Department on a contract basis since retiring under the Incentivised Scheme for Early Retirement in June 2010 to provide 70 days training to Department staff on inspections at fish farms. Sanction for this contract was received from the Minister for Finance and it is expected that the contract will be completed at the end of May 2012. To date the cost of this contract to my Department is €10,803.42.

One Superintending Senior Research Officer and five Senior Research Officers have been re-engaged on a contract for services basis for a limited period. The cost to my Department to date is €70,704.47. The contracts of three of the Senior Research Officers have now expired. The contract of the remaining Superintending Senior Research Officer will expire on 10 August 2012 and the contracts of the two Senior Research Officers will expire on 12 June 2012 and 31 December 2012 respectively.

It has been standard practice over many years for my Department to engage retired veterinary staff as Temporary Veterinary Inspectors on a contract for services basis for meat inspection duties. Currently, some 59 retired veterinary staff are listed as Temporary Veterinary Inspectors on a contract for services basis and are available to be rostered for meat inspection duties as and when required at a cost to my Department of €688,736.35 in 2011 and €173,963.38 this

year up to 27 April 2012. None of these Temporary Veterinary Inspectors were re-engaged since 11 February 2012, nor is it intended to extend this list.

Normal pension abatement rules were applied in all these cases.

Grant Payments

340. **Deputy Finian McGrath** asked the Minister for Agriculture, Food and the Marine if he will provide a breakdown of agri environment options scheme and REP scheme payments on a county basis for the three most recent years available. [22948/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The accompanying tables set out the amount of money paid out on a county by county basis in 2011 for AEOS when scheme payments commenced and in 2009, 2010 and 2011 scheme years in respect of REPS.

AEOS

County	Amount Paid in 2011 €
Carlow	€180,373.93
Cavan	€472,775.15
Clare	€835,385.77
Cork	€776,913.96
Donegal	€1,308,769.52
Dublin	€13,573.91
Galway	€1,497,937.31
Kerry	€639,900.56
Kildare	€126,717.79
Kilkenny	€428,501.56
Laois	€257,866.67
Leitrim	€912,987.31
Limerick	€343,005.67
Longford	€188,358.05
Louth	€88,736.69
Mayo	€1,567,162.56
Meath	€345,988.40
Monaghan	€504,078.40
Offaly	€272,031.57
Roscommon	€940,993.04
Sligo	€663,591.77
Tipperary	€735,214.96
Waterford	€184,604.31
Westmeath	€542,449.40
Wexford	€272,525.31
Wicklow	€141,288.41
Total	€14,241,731.97

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REPS

County	Amount Paid in 2009 €	Amount Paid in 2010 €	Amount Paid in 2011 €
Carlow	€4,171,550.92	€3,692,826.71	€2,196,986.79
Cavan	€10,246,283.18	€10,526,155.67	€8,738,064.70
Clare	€19,755,653.15	€14,667,649.27	€12,519,056.97
Cork	€29,375,735.40	€31,955,047.25	€33,039,739.65
Donegal	€29,292,063.61	€25,011,808.19	€13,614,706.90
Dublin	€527,904.48	€620,675.51	€458,288.79
Galway	€34,426,980.84	€34,459,440.90	€22,044,080.61
Kerry	€23,698,890.21	€27,617,016.37	€15,859,779.60
Kildare	€4,283,569.21	€3,443,433.89	€3,701,828.98
Kilkenny	€10,320,907.50	€9,185,951.96	€8,397,054.13
Laois	€6,697,969.85	€7,019,907.23	€6,925,607.57
Leitrim	€11,607,809.68	€8,692,219.22	€6,002,672.23
Limerick	€12,136,748.66	€13,112,009.53	€11,533,819.77
Longford	€5,830,442.34	€5,848,549.90	€5,312,438.79
Louth	€2,002,582.74	€1,819,830.07	€2,202,311.73
Mayo	€31,962,275.69	€30,010,595.27	€20,819,983.71
Meath	€6,384,230.35	€5,853,260.67	€6,147,897.77
Monaghan	€8,259,900.40	€6,429,060.77	€7,319,451.57
Offaly	€8,788,311.60	€8,474,384.79	€7,404,811.43
Roscommon	€16,910,430.22	€15,285,802.46	€10,443,176.37
Sligo	€11,603,309.65	€9,210,852.26	€7,106,482.90
Tipperary (N)	€9,739,112.28	€9,399,190.65	€8,736,680.15
Tipperary (S)	€9,618,190.93	€9,846,225.97	€10,949,898.93
Waterford	€6,504,452.73	€7,659,567.65	€6,861,441.77
Westmeath	€7,876,626.28	€7,125,847.61	€6,340,684.60
Wexford	€10,031,997.80	€8,321,999.03	€8,178,977.75
Wicklow	€4,665,624.81	€5,282,681.62	€4,293,847.41
Totals	€336,719,554.51	€320,571,990.42	€257,149,771.57

Departmental Bodies

341. **Deputy Mattie McGrath** asked the Minister for Agriculture, Food and the Marine if there has been a change in policy to allow students of a college (details supplied) in County Kilkenny to use college machinery to carry out various contracting works at cost price, to cover the cost of diesel only; if his attention has been drawn to the difficulties that this is causing to local contractors who are put at a disadvantage as a result of their inability to compete with the low prices being charged by such students; if he will examine this situation; and if he will make a statement on the matter. [22954/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Operational matters such as this are properly the responsibility of the Teagasc Authority and not the Minister. I am advised by Teagasc that this matter is being dealt with locally by the Principal of the College in question and that he has met with the parties involved and agreed that future student skills practical training will be done following prior consultation with local contractors.

Grant Payments

342. **Deputy Paul J. Connaughton** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Galway will receive his payment of agri-environment options scheme; and if he will make a statement on the matter. [22959/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person named has been informed in writing that he was approved for participation in the 2011 Agri-Environment Options Scheme with effect from 1 September 2011.

Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check of all applications, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue. This process is under way with a view to commencing payments as soon as possible. In the event of any queries arising from these checks my Department will be in direct contact with the person named.

Departmental Schemes

343. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine if there is a split holding rule in disadvantaged area schemes similar to the split holding rule in rural environment protection scheme; and if he will make a statement on the matter. [22976/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I can confirm that the same provisions govern my Department's assessment of whether applicants under the Single Payment Scheme, the Disadvantaged Areas Scheme, and Agri-Environment Schemes such as REPS and AEOS are operating separate holdings.

The factors that are taken into account when examining whether an applicant under one or more of the above-mentioned Schemes is operating a separate holding and, therefore, entitled to aid if all of the other scheme criteria are met include the following:

- separate herd numbers;
- herds maintained separately;
- herds handled separately in separate handling facilities;
- separate Area Aid declarations;
- separate Agri-Environment Scheme applications, where applicable;
- stock-proofed boundaries;
- independent access to holdings;
- separate farm accounts/financial records/other documentary evidence;
- ration and silage stored and fed in separate farm yard facilities;
- any other relevant issue.

In addition, specific changes have been made to the Terms and Conditions of the 2012 Disadvantaged Areas Scheme, including the introduction of a Differential Rate of Aid, to apply where an applicant's main holding/residence is situated in a non-DAS area and where some of that applicant's declared land is non-disadvantaged land, a digressive rate of aid will be payable, on the ratio of non-disadvantaged/disadvantaged lands farmed. In addition, a restriction is being introduced in relation to the distance from the main holding, where the applicant's main

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holding/residence is situated in a non-DAS area, land situated more than 80 kilometres from an applicant's main holding is not eligible under the 2012 Scheme.

State Banking Sector

344. **Deputy Pearse Doherty** asked the Minister for Agriculture, Food and the Marine if he will set out, in respect of Government Departments, State controlled banks and State agencies, any contracts for the provision of services by a company (details supplied); if he will quantify the value of such contracts and set out the safeguards in place to avoid conflicts should that company set out to buy the assets of State controlled banks. [23624/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): My Department has not had any contracts with the named companies.

Contracts between the State Bodies under my Department's aegis and these particular companies would be an operational matter for the bodies themselves.

Health Services

345. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs with regard to the new Assessment, Consultation and Therapy Service proposed by the Health Service Executive to address the mental health needs of children in detention and children in special care, the number of the promised 29.5 WTE staff for this service that are now in place; whether a national director for the new service has been appointed; and if she will make a statement on the matter. [22800/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Implementation plan, published in 2009 in response to the Commission to Inquire into Child Abuse (Ryan Implementation Plan), included a commitment to the establishment by the HSE in consultation with the Irish Youth Justice Service (IYJS) of a national therapeutic and multidisciplinary care team for children in detention and special care. The specialist multidisciplinary team could also provide an in-reach service to boys aged 16 and 17 years who are detained in St Patrick's Institution. It also states that the HSE will review need and establish resourced multidisciplinary assessment teams for children and young people at risk.

The HSE has been fully funded for this service, as part of the funding provided in respect of the Ryan Implementation Plan. The HSE has committed in its National Service Plan for 2012 to completing the establishment of this team. The recruitment of a national manager for this service is currently underway. Interviews for the post were held last week and it is expected that this post will be filled very soon. Once the national manager is in place, the other posts for this service will be filled by appointing successful applicants who have been placed on panels for these positions.

Children who are detained in secure units need a specialist multidisciplinary team to provide assessment and intervention. Many of these children and young people require therapeutic work to enable them to begin to deal with the impact of abuse and other traumatic events, including multiple placement breakdown and significant loss through separation or bereavement. This key national service will ensure all children placed in secure care, whether on welfare or offending grounds, will have access to specialist clinical interventions in line with their assessed individual needs. The national service is an essential support towards meeting the needs of these most vulnerable children.

Asylum Applications

346. **Deputy Paschal Donohoe** asked the Minister for Children and Youth Affairs if she will ask the Health Service Executive Team for Separated Children Seeking Asylum to review the case of a person (details supplied) in Dublin 7 in respect of relocating to hostel accommodation despite his ongoing health problems; and if she will make a statement on the matter. [22938/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): As this is a service matter, I have asked the Health Service Executive to respond directly to the Deputy with the most up-to-date information.

Departmental Strategies

347. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs if there will be a public consultation process as part of the development of the national early years strategy; and the format any public consultation will take. [22604/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): My Department is developing a new strategy for children and young people. It will build on Our Children — Their Lives, Ireland's first children's strategy which was published in 2000 and it will cover the period from 2012 to 2017.

The new Children and Young People's Policy Framework is being developed in a holistic way to comprehend the continuum of the lifecourse from infancy, through early and middle childhood, to adolescence through to early adulthood, in keeping with my Department's responsibilities for children and young people. I intend that it will be the overarching framework under which policy and services for children and young people will be developed and implemented in the State.

The policy framework will allow an opportunity to address emerging issues affecting children and young people such as the impact of new technologies, media and consumerism. It also provides an important opportunity for cross departmental collaboration to promote the well being of children and young people and it will provide a fresh impetus to a whole-of-government approach on issues such as child poverty and healthy lifestyles.

The high-level policy framework will also facilitate the preparation of a number of more detailed strategies including the first-ever National Early Years Strategy which will follow later this year.

I am keen to ensure that the new policy framework will be informed by the views of children themselves as well the experience and expertise of a wide range of stakeholders in matters of interest to children and young people. The new policy framework will be informed by the results of a consultation, which I launched in 2011, in which almost 67,000 children and young people throughout the country participated, as well as the advice of the National Children's Advisory Council which comprises representatives of a range of organisations, both statutory and non statutory that work with children and young people.

Plans are being finalised in my Department for a further strand of public consultation to capture the views of a wide range of other stakeholders. It is envisaged that the consultation arrangement will be in place shortly Easter.

The Early Years Strategy will be developed during 2012 and will cover a range of issues affecting children in their first years of life. In addition to the public consultation referred to above, there will be a focused consultation with key stakeholders later this year in relation to Early Years.

Inter-Country Adoptions

348. **Deputy Dara Calleary** asked the Minister for Children and Youth Affairs if she will explain the delay in the signing of the bilateral agreement between the Irish and Russian authorities in respect of the adoption of Russian children to Irish families. [22766/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Hague Convention is a co-operative agreement drawn up to allow countries to mutually support one another in protecting the best interests of children in the inter-country adoption process. It sets out minimum standards regarding inter-country adoption and covers issues such as subsidiarity, consent and financial considerations. It is designed in such a way as to allow for mirrored mechanisms and structures to mutually assure countries of the safety and standard of inter-country adoptions in those countries. The Adoption Authority of Ireland (AAI) performs the function of a Central Authority under the Adoption Act, 2010, in accordance with the Convention. In choosing to deal primarily with Hague countries, the AAI has the mechanism to work collaboratively with equivalent structures in that country. Each Central Authority has the responsibility to oversee standards in respect of those parts of the process taking place within their respective jurisdictions. This mutual arrangement is designed to give the AAI, the Government and, most importantly, those involved in the adoption process assurance as to the standards being set and the oversight of the system.

A limited number of adoptions from Russia are currently being processed under transitional arrangements as provided for in the Adoption Act, 2010. Under the provisions of the legislation, such adoptions may take place up to the end of October 2012, with the possibility of the Adoption Authority granting approval for an extension of up to one year. Russia has not ratified the Hague Convention and there appears to be no immediate prospect that this will happen. In the circumstances, adoptions from Russia, beyond those provided for under the transitional arrangements, may only be possible under a bilateral agreement developed to the standards of the Hague Convention.

An official delegation from Ireland recently visited Russia and held preliminary discussions regarding the potential for a bilateral agreement. I have received an initial assessment from the Adoption Authority which will inform the next steps to be taken in relation to this matter. My Department is in discussions with the Adoption Authority on this assessment and other issues which will influence any policy decisions to be taken in this regard. I am aware of the need to bring clarity to the situation in respect of Russia and I hope to be in a position to do so shortly.

The immediate priority of the Adoption Authority is the development of administrative arrangements with other countries which have ratified the Hague Convention. Any future bilateral arrangements which might be entered into would also be required by law to meet the minimum standards set out in the Convention.

Consultancy Contracts

349. **Deputy Niall Collins** asked the Minister for Children and Youth Affairs the total amount spent since February 2011 on external reports commissioned by her Department including payments from Ministerial allowances; the details of any consultants employed; and if she will make a statement on the matter. [22805/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The information requested by the Deputy is being collated in my Department and will be forwarded to the Deputy as soon as it is available.

350. **Deputy Niall Collins** asked the Minister for Children and Youth Affairs the total amount spent since February 2011 on external marketing consultants, including payments from Ministerial allowances, including payments by all Ministers in her Department; the details of the consultants employed; and if he will make a statement on the matter. [22823/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): My Department was established on 2 June 2011. To date the Department of Children and Youth Affairs has not spent any money on external marketing consultants.

Departmental Staff

351. **Deputy Billy Kelleher** asked the Minister for Children and Youth Affairs the names, grade and cost of staff who have been rehired following retirement in her Department and State agencies under her remit; and if she will make a statement on the matter. [22884/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I would like to advise the Deputy that no retired staff have been rehired by either my Department or agencies under its remit.

State Banking Sector

352. **Deputy Pearse Doherty** asked the Minister for Children and Youth Affairs if she will set out, in respect of Government Departments, State controlled banks and State agencies, any contracts for the provision of services by a company (details supplied); if she will quantify the value of such contracts and set out the safeguards in place to avoid conflicts should that company set out to buy the assets of State controlled banks. [23626/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): No services were provided by the company concerned to my Department and the agencies under its remit.

Health Services

353. **Deputy Dara Calleary** asked the Minister for Health his views on the options available to a person (details supplied) in County Mayo. [22588/12]

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.

354. **Deputy Regina Doherty** asked the Minister for Health the reason a person (details supplied) suffering from cerebral palsy has not been accepted for the independent living scheme or for any other kind of full time residential care; and if he will make a statement on the matter. [22937/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

Health Service Reform

355. **Deputy Dara Calleary** asked the Minister for Health if he will confirm that the Mayo General Hospital has been incorporated in to the Galway group of hospitals; if he will outline what this will mean in terms of medical and non medical resources; if he will further outline the reason this decision has been taken; and if he will make a statement on the matter. [22580/12]

Minister for Health (Deputy James Reilly): A process has begun towards the establishment of hospital groups with a single consolidated management team with responsibility for performance and outcomes within a defined budget and employment ceiling for each hospital group. This will bring level 2, 3 and 4 hospitals together both administratively and clinically.

Preliminary work has been undertaken on the development of criteria to determine the most appropriate groups of hospitals, bearing in mind the linkages required to deal with, for example, access to complex care, academic centres, geographic and demographic considerations. Also relevant to the development of these criteria are existing clinical links, consultant contracts and ICT systems.

No decision has been taken yet in relation to what hospital group Mayo General Hospital Castlebar will belong. The final decision on potential Groups will be a matter for the Government to decide.

Health Services

356. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health if the Health Service Executive will provide support to an organisation (details supplied) in County Kildare along the lines requested in the submission from that organisation to the HSE on 18 April 2012. [22602/12]

Minister for Health (Deputy James Reilly): This matter is normally referred to the HSE for a direct reply, however we have made enquiries with the HSE in relation to this service. Due to the extraordinary pressure on services the HSE must manage service levels within existing resources. Within these constraints, the HSE has worked in partnership with Teach Tearmainn for many years and funds their information and support service for women and children who experience domestic violence. They are currently in discussions with Teach Tearmainn to determine what level of funding can be provided, for the women and children's refuge.

357. **Deputy Bernard J. Durkan** asked the Minister for Health the position regarding medical treatment in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [22704/12]

Minister for Health (Deputy James Reilly): The HSE operates a Treatment Abroad Scheme (TAS) for persons entitled to treatment in another EU/EEA member state or Switzerland under EU Regulation 1408/71, as per the procedures set out in EU Regulation 574/72, and in accordance with Department of Health Guidelines.

Under TAS, a person ordinarily resident in Ireland may be referred abroad by an Irish-based consultant for a treatment that is:

- among the benefits provided by Irish legislation;
- not available in Ireland;
- not available within the time normally necessary for obtaining it in Ireland, taking account of the individual's current state of health and the probable course of the disease.

The following criteria must be met:

(a) The application to refer a patient abroad has been assessed and a determination given before that patient goes abroad.

(b) *Following clinical assessment, the referring consultant certifies the following:*

- *They recommend the patient be treated in another EU/EEA country or Switzerland;*
- *The treatment is medically necessary and will meet the patient's needs;*
- *The treatment is a proven form of medical treatment and is not experimental or test treatment;*
- *The treatment is in a recognised hospital or other institution and is under the control of a registered medical practitioner;*
- *The hospital outside the state will accept EU/EEA form E112 (IE).*

Any person wishing to avail of treatment abroad should approach their treating consultant in the first instance.

Medical Cards

358. **Deputy Patrick Nulty** asked the Minister for Health if he will expedite an application for a medical card in respect of a person (details supplied) in Dublin 15; the reason for the delay; and if he will make a statement on the matter. [22711/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Departmental Schemes

359. **Deputy Michael Healy-Rae** asked the Minister for Health if he will consider that lupus disease, which is a chronic auto immune condition greatly affecting the quality of life for sufferers, be put on the long-term illness scheme list; and if he will make a statement on the matter. [22720/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): There are no plans to extend the list of conditions covered by the Long Term Illness Scheme.

Under the Drug Payment Scheme, no individual or family pays more than €132 per calendar month towards the cost of approved prescribed medicines. The scheme significantly reduces the cost burden for families and individuals incurring ongoing expenditure on medicines. In addition, people who cannot, without undue hardship, arrange for the provision of medical services for themselves and their dependants may be entitled to a medical card. In the assessment process, the Health Service Executive can take into account medical costs incurred by an individual or a family. Those who are not eligible for a medical card may still be able to avail of a GP visit card, which covers the cost of general practice consultation.

Hospital Waiting Lists

360. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health further to Parliamentary Question No. 673 of 21 March 2012, when the person involved (details supplied) will receive an appointment; and if he will make a statement on the matter. [22728/12]

Minister for Health (Deputy James Reilly): I understand that this patient has been given an appointment in the Bon Secours Hospital Cork later this month.

Medical Aids and Appliances

361. **Deputy Jonathan O'Brien** asked the Minister for Health the number of persons on the waiting list for prosthetic and orthotic services; the average waiting period for same; the number of amputees waiting for sanction for their prostheses, socks, orthoses and so on; the average waiting period for same; the number of persons on the waiting list for prosthetic and orthotic services in the southern region; the number waiting for sanction for their prostheses, socks, orthoses and so on in the southern region; the average waiting period for same; and if he will make a statement on the matter. [22734/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

Medical Cards

362. **Deputy Bernard J. Durkan** asked the Minister for Health the position regarding an appeal for a medical card in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [22761/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Mental Health Services

363. **Deputy Charlie McConalogue** asked the Minister for Health with regard to the child and adolescent community mental health teams allocated under the Health Service Executive Service Plan for 2012 and committed to as part of the €35 million provided for mental health in Budget 2012, the number of the promised 150 posts that are now filled; the number of child and adolescent community mental health teams which now have at least one of each mental health professional discipline in place; and if he will make a statement on the matter. [22764/12]

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.

General Medical Services Scheme

364. **Deputy Willie O'Dea** asked the Minister for Health if he will consider including the drug pradaxa as one of the items on the general medical supplement. [22765/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): Pradaxa is available under the GMS Scheme, the Drug Payment Scheme and other community drugs schemes for the prevention of blood clots in adult patients who have undergone elective hip replacement surgery or elective knee replacement surgery.

The HSE is assessing the availability of resources to provide for the long term treatment with Pradaxa for the prevention of stroke in patients with atrial fibrillation. This is a complicated process with long term implications. The HSE wrote to all GMS doctors and community pharmacy contractors in November 2011 to clarify the position in relation to Pradaxa. The HSE will continue to update health care professionals in relation to the matter.

The HSE does not intend to disturb established therapeutic regimens for patients whose treatment with Pradaxa for the prevention of stroke was initiated prior to the clarification.

Hospital Services

365. **Deputy Robert Troy** asked the Minister for Health when will the Health Information and Quality Authority inspection be carried out at a hospital (details supplied) in County Westmeath; if he will confirm if this is the delay in opening this unit; and when he anticipates the unit to be open to the public [22780/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): The Cluain Lir Unit is a new 90 bedded facility which will replace both Psychiatry of Old Age services provided from the St Brigids block on the St Loman's campus in Mullingar and Older Person Services currently provided from St Mary's Community Nursing Unit, Mullingar. It should be noted that it had been intended to open the Unit at the end March 2012 but due to circumstances beyond the HSE's control, this had to be postponed slightly.

Discussions and applications have been made to both the Mental Health Commission and the Health Information and Quality Authority to provide the necessary registrations and visits have taken place or are scheduled.

There will be a phased opening of the building with the Psychiatry of Old Age component of the service scheduled to open by end May 2012.

366. **Deputy Robert Troy** asked the Minister for Health if he can confirm the complement of beds to be used in a hospital (details supplied) in County Westmeath; and if he will further confirm that the current rehab facility will remain in operation until such time as it will be facilitated in the new building. [22781/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Services for People with Disabilities

367. **Deputy Finian McGrath** asked the Minister for Health if he will support a matter (details supplied) regarding assessments and disabled children. [22797/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): The matter referred to by the Deputy relates to guidance issued by the HSE in respect of assessments under Part 2 of the Disability Act 2005, which was commenced on 1 June 2007 in respect of children aged under 5 years. The guidance restates that while assessment reports prepared by health service staff may identify a child's educational needs the reports should not specify how the education sector should meet those needs.

The guidance is in line with the Disability Act and reflects guidance previously issued to health service staff in 2008 and 2009 outlining the respective responsibilities of health and education sector professionals in assessing the needs of children with a disability.

Arrangements governing the identification of the educational needs of children, who apply for assessment under the Disability Act, were agreed in 2009 between the HSE, the National Council for Special Education (NCSE) and the National Educational Psychological Service (NEPS) as part of the overall cross sectoral approach adopted by the Departments of Health and Education and Skills.

368. **Deputy Colm Keaveney** asked the Minister for Health if he will forward details in relation to the provision of services and resources in respect of a person (details supplied) in the estimates of the Ability West's budget to provide for an adequate level of independent

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living for this young adult who has moved from childhood services in the Brothers of Charity, Roscommon to the Ability West Services, County Galway. [22799/12]

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.

Consultancy Contracts

369. **Deputy Niall Collins** asked the Minister for Health the total amount spent since February 2011 on external reports commissioned by his Department including payments from Ministerial allowances; the details of any consultants employed; and if he will make a statement on the matter. [22812/12]

Minister for Health (Deputy James Reilly): The information requested by the Deputy is currently being collated by my Department and will be forwarded to him as soon as it is available.

370. **Deputy Niall Collins** asked the Minister for Health the total amount spent since February 2011 on external marketing consultants, including payments from Ministerial allowances, including payments by all Ministers in his Department; the details of the consultants employed; and if he will make a statement on the matter. [22830/12]

Minister for Health (Deputy James Reilly): As you will be aware, Ministers qualify for Secretarial Allowances from the Oireachtas. The Vouched Allowance Option allows a Minister to claim fully vouched expenses of up to €41,092 (2012 level) for a range of services including PR. In 2011, I obtained communications advice related to the health reform agenda from the Communications Clinic. My Department does not pay for this service and the cost (€15k in 2011) was met out of the allowance I refer to above.

Information in respect of 2012 is currently being collated and will be forwarded to the Deputy as soon as it is available.

Hospital Waiting Lists

371. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health when a patient (details supplied) will receive a date for surgery at Tallaght Hospital, Dublin; and if he will make a statement on the matter. [22854/12]

Minister for Health (Deputy James Reilly): I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by dramatically improving the flow of patients through the system, and by streamlining waiting lists, including referrals from GPs. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

As a priority, public hospitals were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or day case surgery.

As this is a service matter, it has been referred to the HSE for direct reply. Should the patient's general practitioner consider that the patient's condition warrants an earlier appoint-

ment, he/she would be in the best position to take the matter up with the consultant and facility involved.

Medical Cards

372. **Deputy Bernard J. Durkan** asked the Minister for Health if the refusal of a medical card application can be reviewed in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [22855/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): If a person has been refused a medical card they can lodge an appeal within 21 days. Details of the appeals process are forward to the applicant with their refusal letter. As this refusal of a medical card renewal is a service matter I have referred it to the Health Service Executive for direct reply to the Deputy.

Health Services

373. **Deputy Colm Keaveney** asked the Minister for Health the position regarding services and resources in respect of a person (details supplied) in County Galway; and if he will make a statement on the matter. [22877/12]

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

374. **Deputy Barry Cowen** asked the Minister for Health if he will arrange for an outpatients appointment to be brought forward in respect of a person (details supplied) in County Offaly. [22881/12]

Minister for Health (Deputy James Reilly): I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by dramatically improving the flow of patients through the system, and by streamlining waiting lists, including referrals from GPs. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

As a priority, public hospitals were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or day case surgery.

As this is a service matter, it has been referred to the HSE for direct reply. Should the patient's general practitioner consider that the patient's condition warrants an earlier appointment, he/she would be in the best position to take the matter up with the consultant and facility involved.

Departmental Staff

375. **Deputy Billy Kelleher** asked the Minister for Health the names, grade and cost of staff who have been rehired following retirement in his Department and State agencies under his remit; and if he will make a statement on the matter. [22891/12]

Minister for Health (Deputy James Reilly): In this regard, may I refer the Deputy to my answers to Questions Nos. 734 and 759 of 24th April 2012.

With regard to the Health Service Executive, they have been asked to collate the data sought as soon as possible and it will be provided directly to the Deputy by them when available.

The information in relation to the Non-Commercial State Agencies is currently being collated and will be forwarded to the Deputy as soon as it is available.

Hospital Staff

376. **Deputy Willie O'Dea** asked the Minister for Health if he will outline the current schedule regarding to nursing and dietetic posts at Limerick Regional Hospital; when advertisements for these posts will be placed; when he is expecting to announce the appointments; and if he will advise as to whether in the event of the posts not being filled by the end of this year the budget set aside to improve paediatric diabetes services in the Mid West will be lost. [22901/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Health Services

377. **Deputy Patrick O'Donovan** asked the Minister for Health if he will examine an issue (details supplied) regarding the national clinical programme on diabetes. [22911/12]

Minister for Health (Deputy James Reilly): The HSE Clinical Programmes Directorate are currently developing appropriate models of care to ensure the delivery of safe and effective services across diabetes outpatient services. This programme of work is ongoing and will inform the most appropriate structure, staffing and organisation of services.

As this is a service matter it has been referred to the HSE for direct reply.

378. **Deputy Billy Kelleher** asked the Minister for Health the position regarding the case raised recently in the media regarding the provision of the drug Yervoy; and if he will make a statement on the matter. [22928/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): The Health Service Executive announced on Thursday 3rd of May that Ipilimumab (trade name Yervoy), the new drug for patients with progressive melanoma, will now be made available. The decision is the culmination of a comprehensive technology review process within the National Cancer Control Programme which included the drug company submission, a clinical practice guideline from medical oncologists and a pharmacoeconomic analysis by the National Centre for Pharmacoeconomics.

Hospital Services

379. **Deputy Paschal Donohoe** asked the Minister for Health when a person (details supplied) in Dublin 7 will receive an appointment to have an operation to remove cataracts in both eyes; and if he will make a statement on the matter. [22939/12]

Minister for Health (Deputy James Reilly): I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by dramatically improving the flow of patients through the system, and by streamlining

waiting lists, including referrals from GPs. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

As a priority, public hospitals were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or day case surgery.

As this is a service matter, it has been referred to the HSE for direct reply. Should the patient's general practitioner consider that the patient's condition warrants an earlier appointment, he/she would be in the best position to take the matter up with the consultant and facility involved.

380. **Deputy Denis Naughten** asked the Minister for Health further to Parliamentary Question No. 174 of 19 April 2012, if he will outline which 13 hospitals have landing pads; and if he will make a statement on the matter. [22946/12]

Minister for Health (Deputy James Reilly): The HSE National Ambulance service has informed me that the following hospitals have landing pads:

- Letterkenny General Hospital.
- Sligo General Hospital.
- Mayo General Hospital.
- Galway University College Hospital.
- Merlin Park Hospital, Galway.
- Limerick Regional Hospital.
- Tallaght Hospital.
- Our Lady's Hospital for Sick Children, Crumlin.
- National Rehabilitation Hospital, Dublin.
- Waterford Regional Hospital.
- Mallow Hospital.
- Bantry Hospital.
- Tralee General Hospital.

National Lottery Funding

381. **Deputy Nicky McFadden** asked the Minister for Health if National Lottery funding will be made available to an organisation (details supplied) in County Westmeath; and if he will make a statement on the matter. [22950/12]

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 pro-

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cedures, along with the application form are set out on the Department's website — www.doh.ie.

Health Services

382. **Deputy Martin Ferris** asked the Minister for Health the free dental care to which a child over 14 years but under 16 years is entitled; and if he will make a statement on the matter. [22960/12]

393. **Deputy Martin Ferris** asked the Minister for Health if his attention has been drawn to an anomaly in the Health Service Executive's dental care services in which post primary children under the age of 16 whose parents have medical cards, have no entitlement to free dental care; and if he will make a statement on the matter. [23158/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): I propose to take Questions Nos. 382 and 393 together.

The public health system currently provides a dental service to schoolchildren aged up to 16 years, regardless of whether their parents have medical cards. This service is provided through primary and post-primary schools and to children who are home-schooled. The service is targeted at children in key classes at key stages in their development. Children are given dental examinations and any follow up treatment required at these stages. When required, emergency dental treatment is available to all children up to 16 years, including pre-school children.

Medical Cards

383. **Deputy Brendan Griffin** asked the Minister for Health if a medical card will issue to persons (details supplied) in County Kerry; and if he will make a statement on the matter. [22961/12]

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

384. **Deputy Colm Keaveney** asked the Minister for Health when a person (details supplied) can expect an urgent triple bypass. [22962/12]

Minister for Health (Deputy James Reilly): I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by dramatically improving the flow of patients through the system, and by streamlining waiting lists, including referrals from GPs. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

As this is a service matter, it has been referred to the HSE for direct reply. Should the patient's general practitioner consider that the patient's condition warrants an earlier appointment, he/she would be in the best position to take the matter up with the consultant and facility involved.

Home Help Services

385. **Deputy Patrick Nulty** asked the Minister for Health if he will ensure that there are no cuts to home help services, in view of the severe difficulties this will cause service users and

their families; if he agrees that cuts to home help do not save money to the exchequer given the higher costs due to increased hospitalisations; and if he will make a statement on the matter. [22970/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): The Home Help service is central to the wide range of community based services, provided by the Health Service Executive. These services support vulnerable older people to remain living at home and in their communities for as long as possible, in line with Government policy. While the HSE Service Plan for 2012 involves a reduction of around 3.5% in Home Help hours nationally, from just over 11m hours in 2011 to a projected 10.7m hours this year, the corresponding reduction in the actual number of people receiving this service has been limited to just under 2% or, in other words, from some 51,000 recipients last year to 50,000 in 2012. This reflects an increased focus by the HSE on more personalised care for the most vulnerable older people.

In the context of Home Support provision overall, it should be noted that the number of Home Care Packages, which also contain a significant Home Help element, is being maintained this year at 2011 levels. This means that packages will be provided to approximately 10,900 people at any one time, or some 15,000 people over the course of this year, and underpins the commitment of the Government to provide the best possible service to the most vulnerable older people, in the light of evolving services pressures and resource limitations. This will, of course, require regular monitoring of the service over the remainder of the year, in line with overall HSE budget parameters.

Ambulance Service

386. **Deputy Denis Naughten** asked the Minister for Health his views on the proposals to develop a new ambulance base at Ballaghadereen, County Roscommon; when this service will be operational; if this service will be operated from the existing ambulance and staffing allocation to County Roscommon or will it be an additional ambulance and crew; and if he will make a statement on the matter. [22975/12]

Minister for Health (Deputy James Reilly): The National Ambulance Service (NAS) has advised me that it is currently examining ways to improve its deployment of emergency resources in the Roscommon area in order to enhance service levels and performance against national standards.

Emergency activity levels in the Roscommon area remain static. Therefore, the NAS will seek to use existing resources more efficiently in order to improve response times to the current level of calls. To this end, the NAS is examining, in consultation with staff representatives, the introduction of tactical deployment from ambulance stations and suitable emergency dispatch points in west Roscommon.

Work is progressing, under the terms of the Croke Park Agreement, on the introduction of the type of new work practices that would allow this service development to proceed. Although no decisions have been made at this stage, Ballaghadereen is one of the locations under consideration in this process.

Health Services

387. **Deputy Finian McGrath** asked the Minister for Health if he will support a matter (details supplied) in Dublin 5. [22979/12]

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

388. **Deputy John Lyons** asked the Minister for Health if he will give a breakdown of the decision to award a general practitioner visit card (details supplied) in Dublin 9. [22980/12]

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

389. **Deputy Noel Harrington** asked the Minister for Health if he has received correspondence from a person (details supplied) regarding suggestions for reform in our hospitals; if he will seek a detailed response from the Health Service Executive to these suggestions; and if he will make a statement on the matter. [22997/12]

Minister for Health (Deputy James Reilly): The Department has received the correspondence referred to by the Deputy and it has been duly noted.

I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by dramatically improving the flow of patients through the system, and by streamlining waiting lists, including referrals from GPs. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

As a priority, public hospitals were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or day case surgery.

In this regard, I am pleased to note that a significant number of the suggestions raised in the correspondence are already in operation on hospital sites.

Coroner Service

390. **Deputy Heather Humphreys** asked the Minister for Health the hours of the post mortem service in the north east; and if he will make a statement on the matter. [23014/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Hospital Staff

391. **Deputy Sandra McLellan** asked the Minister for Health if he will deploy more rheumatologists to Cork University Hospital in view of the fact that currently there are only two who cover approximately 400,000 patients; and if he will make a statement on the matter. [23019/12]

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 Funding

392. **Deputy Robert Troy** asked the Minister for Health if he will respond to correspondence (details supplied) regarding funding. [23046/12]

Minister for Health (Deputy James Reilly): This matter is normally referred to the HSE for a direct reply, however we have made enquiries with the HSE in relation to this service. Due

to the extraordinary pressure on services the HSE must manage service levels within existing resources. Within these constraints, the HSE is currently in negotiation with Teach Fáilte in regard to funding for the hostel.

Question No. 393 answered with Question No. 382.

State Banking Sector

394. **Deputy Pearse Doherty** asked the Minister for Health if he will set out, in respect of Government Departments, State controlled banks and State agencies, any contracts for the provision of services by a company (details supplied); if he will quantify the value of such contracts and set out the safeguards in place to avoid conflicts should that company set out to buy the assets of State controlled banks. [23631/12]

Minister for Health (Deputy James Reilly): With regard to my Department, the information requested by the Deputy is being collated and will be forwarded as soon as it becomes available. The management of contracts in respect of agencies under the aegis of my Department is an operational matter for the agencies themselves.

Commissioners of Irish Lights

395. **Deputy Tom Fleming** asked the Minister for Transport, Tourism and Sport if he will retain all the lighthouse buildings of Ireland in their original historic condition and refrain from changing any aspect of their current design and structure in view of the fact that they represent part of our heritage and should be a source of education, tourism and marine life to our island nation; his plans in respect of a building (details supplied) in County Kerry; and if he will make a statement on the matter. [22706/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The matters raised are the responsibility of the Commissioners of Irish Lights (CIL). However, my understanding is that a final decision has not been made with regard to changes to the design and layout of the lighthouse referred to by the Deputy. CIL should be in a position to provide further information on this.

CIL is the General Lighthouse Authority for all of the island of Ireland and its adjacent seas and islands. It is responsible for the provision of Aids to Navigation (AtoN) for all classes of mariners in general navigation, and for the superintendence and management of all aids to navigation. CIL reviews its level of service on an ongoing basis, and a major review covering all AtoN is completed every 5 years. The last 5 year review was published in 2010.

The review recommends that a number of changes be made to lighthouses through the installation of improved solar systems and the use of LED lights. These changes are part of an ongoing modernisation programme which is aimed at providing the required service for mariners in an efficient and economic manner.

Road Safety

396. **Deputy Sandra McLellan** asked the Minister for Transport, Tourism and Sport if he will consider making it compulsory for vehicle lights to be on at all times whilst being driven to help reduce the number of road traffic accidents; and if he will make a statement on the matter. [22746/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The Road Safety Authority has undertaken a review of the policy options available for the mandatory introduction

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of Daytime Running Lights (DRL) whereby driving lights are switched on automatically once the engine is started. That review concluded that DRL should not be made obligatory for the time being because the experience in other countries shows that mandatory DRL works best where all vehicles are fitted with dedicated DRL and where there has been intensive promotion and awareness campaigns prior to DRL being made mandatory.

The Road Safety Authority (RSA) encourages the use of (DRL) on a voluntary basis, in particular during the period of September to March and in wet or poor conditions at any time. Earlier this year the RSA launched an awareness campaign promoting the use of DRL on national radio.

In Ireland most vehicles do not have dedicated DRL and the RSA analysis has shown that the costs of retrofitting DRL at the current time outweighs the benefits. However, EC Directive 2008/89/EC requires dedicated DRL be standard on all new passenger cars and small vans from February 2011 onwards and on HGVs and buses from August 2012 onwards. Therefore, as the national fleet is renewed over time all vehicles will have DRL.

The RSA have recommended that the position be reviewed in around 3 years by which time vehicles on our roads with dedicated DRL will have become more prevalent. In the meantime, the RSA will intensify the promotion of using DRL with a view to significantly increasing the use of DRL.

Tourism Promotion

397. **Deputy John Deasy** asked the Minister for Transport, Tourism and Sport if his Department is the lead Department with regard to the organisation of the Gathering project; and if so the amount of funding available for groups and to detail the qualifying criteria. [22760/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): Fáilte Ireland is the lead agency for the implementation of the Gathering Ireland 2013 initiative and has put in place a project team to manage the event. This project team has established a website with information on how people can play their part in next year's activities, with online support for potential event organisers to submit queries and download promotional material and toolkits. In addition, social media channels are already on stream to promote the event.

The event, a year-long programme of festivals, events and other gatherings, will be the biggest tourism initiative ever staged in Ireland. The St. Patrick's day festivities in March were used for the overseas launch of "The Gathering Ireland 2013" while key international tourism industry partners were invited to become part of The Gathering Ireland 2013 at the recent Meitheal trade fair.

Tourism Ireland Limited will have specific responsibility for promoting "The Gathering Ireland 2013" in overseas markets. The main marketing of the event will take place in the second half of the year. The Irish tourism trade are also being briefed on progress on an ongoing basis.

In terms of resources, a specific additional €5m allocation has been provided to Fáilte Ireland this year and is being ring-fenced for preparations for "The Gathering Ireland 2013". This allocation will primarily be used for establishing the support structure and for marketing the event. The securing of additional resources for the event will also be targeted through engaging potential partners.

The Gathering Project Team will provide practical support and advice to all groups planning to organise events in 2013. It is not envisaged that direct funding will generally be provided except for major events and existing festivals. Rather this is an opportunity for individuals and

communities to play a direct part in national recovery by encouraging additional overseas visitors who will in turn generate much needed revenues and employment throughout Ireland.

Road Signage

398. **Deputy Dara Calleary** asked the Minister for Transport, Tourism and Sport the amount of money spent on a county by county basis in 2011 and in 2010 on installing new road signs and replacing existing road signs; if the manufacturers of these road signs is an Irish based company; and the policy in place for triggering expenditure on replacing existing road signs [22775/12]

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 provision of signage on individual national roads is a matter for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned.

Noting the above position I have referred the Deputy's question in relation to national roads to the NRA for direct reply. Please advise my private office if you don't receive a reply within 10 working days.

As regards signage on regional and local roads, in its administrative area, it is the statutory function of each road authority to provide and maintain signage under the provisions of the Roads Act, 1993. My Department is providing funding to local authorities to standardise and upgrade the regional road signage system. This programme to upgrade signage will be substantially complete by the end of this year. Details of the individual payments to local authorities in 2010 and 2011 (including payments under the regional road signposting programme) are available in the Dáil library in the Regional and Local Roads payment booklets.

399. **Deputy Dara Calleary** asked the Minister for Transport, Tourism and Sport the amount of money spent by the National Roads Authority in 2011 on road sign replacement on the N5 route. [22776/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): As Minister for Transport, I have responsibility for overall policy and funding in relation to the national roads programme. The construction, improvement and maintenance of individual national roads, is a matter for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned.

Noting this I have referred the Deputy's question to the NRA for direct reply. Please advise my private office if you do not receive a reply within 10 working days.

Road Safety

400. **Deputy Finian McGrath** asked the Minister for Transport, Tourism and Sport if there are any traffic safety issues concerning a sheer wall at a right angle in the vehicle lay-bys at the Dublin Port Tunnel in view of the horrific accident at the Swiss Tunnel in which 28 people died. [22778/12]

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.

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Noting the above position, I have referred the Deputy's question to the NRA for direct reply. Please advise my private office if you do not receive a reply within 10 working days.

Regional Airports

401. **Deputy John Deasy** asked the Minister for Transport, Tourism and Sport the projected levels of funding for all regional airports in 2012. [22796/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The total allocation for regional airports as provided for in my Department's Vote for 2012 is just over €16 million. This includes approximately €6 million to fund the Capital Expenditure (Capex) Grant Scheme for the Regional Airports at Donegal, Knock, Kerry and Waterford. It also includes provision for current expenditure subvention totalling €10 million to cover both the Core Airport Management Operational Subvention (Opex) scheme at those airports and contractual requirements of approximately €7.4 million for the Donegal/Dublin and Kerry/Dublin PSO Air Services Programme for 2012.

Consultancy Contracts

402. **Deputy Niall Collins** asked the Minister for Transport, Tourism and Sport the total amount spent since February 2011 on external reports commissioned by his Department including payments from Ministerial allowances; the details of any consultants employed; and if he will make a statement on the matter. [22818/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): A list of the reports commissioned by my Department since 2011 are in the table below. Ministerial allowances are paid by the Oireachtas and do not form part of my Department's vote:

Year	Name of Consultant	Cost	Purpose
2011	Deloitte	€42,350	Financial and Economic Appraisal of implications of an Aviation Growth Incentive Proposal
2011	Avia Solutions	€16,940	Advisor for appraisal of tenders for air services PSO competition
2011	Booz and Company	€119,350	Report on the Options for the Future Ownership and Operation of Cork and Shannon Airports
2011	Kevin Gleeson, Emptum Consultancy Service	€1,198	Volunteer Management Support Services System
2011	Malcolm Coe, Consultavia	€24,316	Helicopter Aviation Advisor
2011	John McCarthy, lighthouse Building Design	€480	Planning Consultant (Ballycotton Coastguard)
2011	Frank Coffey, Consulting Engineer	€817	Report on equipment building MRSC Valentia
2011	FGS	€23,958	Review of Dundalk Port Company Financial Affairs
2011	Deloitte	€12,288	Internal Audit Review of Payment and Procurement Procedures for National Vehicle and Driver File.
2011	Indecon	€54,813	Economic Analysis of the Taxi Market

Year	Name of Consultant	Cost	Purpose
2011	Conor Feeney	€1,000	Provision of legal drafting services
2011	Ann Frye Ltd.	Maximum agreed cost is €21,780 (incl. VAT) and the outturn for 2011 was €9,435. While a portion of the balance will be required for completion of the task in 2012, it is envisaged that the overall cost will be within the maximum agreed cost.	International expert assistance with review of Sectoral Plan under the Disability Act 2005.
2011	Version 1	€36,370	Provision of support for the electronic Travel and Subsistence system.
2011	MentecPlus	€119,422	Provision of software support for the Agresso Financial Management system.
2011	Core	€120,131	Development of Payroll system software.
2011	Gallen Alliance Solicitors	€4,235	Legal Advice on a HR case
2011	Adrian Swift	€44,574	Financial Analyst on the Commercial Semi State Bodies (particularly CIE)
2011	Fisher Associates	€39,195	Review of functions of Irish Coast Guard and Marine Survey Office
2012	LK Shields	€3,826	Legal advice on Regional Airports Programme
2012	Kevin Gleeson, Emptum Consultancy Service	€4,500	Volunteer Management Support Services System
2012	Malcolm Coe, Consultavia	€12,330	Helicopter Aviation Advisor
2012	Lily Buckley Barrister	€6,150	Research on Taxi Regulation Bill
2012	CAL (Contractauditline Ltd.)	€10,970	Establishment of a refocused spot-check programme for capital projects

403. **Deputy Niall Collins** asked the Minister for Transport, Tourism and Sport the total amount spent since February 2011 on external marketing consultants, including payments from Ministerial allowances, including payments by all Ministers in his Department; the details of the consultants employed; and if he will make a statement on the matter. [22836/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The amount spent on external public relations, marketing or communications consultants by my Department since its formation in March 2011 is €4,828. Communications Clinic were paid €3,860 and Montague Communications were paid €968 for the development, delivery and management of a publicity and advertising campaign in respect of Bike Week, 2011. Internal Departmental resources are used for such matters as far as is possible. However, occasionally external assistance may be required.

Ministerial allowances are paid by the Oireachtas and do not form part of my Department's vote.

Light Rail Project

404. **Deputy Catherine Murphy** asked the Minister for Transport, Tourism and Sport the capital and current budget allocations for the Luas BXD extension to Broombridge in 2012; the year end forecast for overspend or underspend in each allocation; and if he will make a statement on the matter. [22880/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): Following the establishment of the National Transport Authority (NTA) on 1st December 2009, the provision of infrastructure projects in the Greater Dublin Area (GDA), such as LUAS BXD, now comes under the remit of the NTA.

The capital funding provided to the NTA to fulfil its statutory role is allocated in line with the policy objectives and priorities outlined in the various capital development plans as revised from time to time, most recently the *Infrastructure and Capital Investment Programme 2012-2016 — Medium Term Exchequer Framework* which was published in November 2011. Since BXD is a priority project under this 5-year plan funding has been included in my Department's capital allocation to cover the cost of commencing the main construction works in 2015 and pre-construction enabling works in 2013 and 2014. Construction is expected to take 4 years.

The NTA has been given an overall capital allocation for 2012 of €130.24m. The NTA has since provided a breakdown of their proposals based on this allocation which includes an indicative amount of €8m in respect of Luas BXD for 2012.

However this is a provisional estimate as key decisions and actions which will determine the precise budget requirements and spending profile for BXD must await the outcome of the planning process which is currently ongoing.

My Department has provided no current expenditure in relation to this project.

Departmental Staff

405. **Deputy Billy Kelleher** asked the Minister for Transport, Tourism and Sport the names, grade and cost of staff who have been rehired following retirement in his Department and State agencies under his remit; and if he will make a statement on the matter. [22897/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): Since my appointment as Minister for Transport, Tourism and Sport on 9 March 2011, my Department has, as of 26 April 2012, rehired 8 retired civil servants. Currently, only two of those civil servants are still employed by my Department, and both are due to complete their work in the coming weeks.

Five were Radio Officers to fill essential front-line vacancies in the Coast Guard until such time as recruitment processes for replacements could be completed. These individuals are no longer working in the Department. Details of the grades and total costs of such staff are below:

Grade	Total Cost
Radio Officer Grade 3	€20,966.95
Radio Officer Grade 3	€20,093.84
Radio Officer Grade 3	€12,874.55
Radio Officer Grade 3	€3,166.20
Radio Officer Grade 3	€10,385.75

Two retired officials were contracted to carry out short specific evaluation exercises, one of which is yet to be finalised. This remaining evaluation exercise is due to be completed in the coming weeks.

Details of the grades and total costs of such staff to date are below:

Table	
Principal Officer	€607
Principal Officer	€1,000

One Aeronautical Engineer was rehired for the Air Accident Investigation Unit. This work is due to be completed in the coming weeks.

Table	
Aeronautical Officer Grade 1	€2,321.34

In all circumstances where retired civil servants are re-engaged, the normal pension abatement rules apply.

With regard to agencies under the aegis of my Department this is a matter for the agencies themselves. I have, however, forwarded the Deputy's question to the various State agencies under my Department's aegis. If the Deputy does not receive a reply from the agencies within ten working days, please advise my private office.

Sports Capital Programme

406. **Deputy Robert Dowds** asked the Minister for Transport, Tourism and Sport if sporting organisations which have sports grounds located outside of RAPID areas but which have a large number of players and members from RAPID areas will be considered as RAPID area sporting organisations for the purposes of the sports capital programme; and if he will make a statement on the matter. [22904/12]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring): Under the Sports Capital Programme, priority is given to the needs of designated disadvantaged areas including RAPID areas. Projects located in RAPID areas and those located outside, but serving RAPID areas, are treated the same if they provide the necessary evidence in the following format.

If located in a RAPID area:

Letter from the local RAPID co-ordinator confirming following details as applicable:

- That the project is located in a RAPID area.
- That the project is endorsed by the local Area Implementation Team.

If the project is located outside a RAPID Area but serves a RAPID area:

- A letter from the local Area Implementation Team endorsing the project and
- A letter of endorsement from the local County/City Development Board.

Further information is available on www.sportscapitalprogramme.ie.

407. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport if he will provide in tabular form, the amount of funding provided for sports and infrastructural prog-

[Deputy Timmy Dooley.]

rammes by county or city council since February 2011 including the details of the programmes funded; and if he will make a statement on the matter. [22927/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): In 2011, allocations were made to local authorities under a special initiative for sports capital projects and also under a swimming pool initiative to improve access for people with disabilities and to make pools more energy efficient.

Information on all of the Sports Capital allocations is available on the Department's website www.dttas.ie.

The table below lists the allocations made under the special swimming pool initiative.

County	Local Authority	Pool Name	Grant €000
Galway	Galway City Council	Leisureland Salthill	€400.00
Louth	Drogheda Borough Council	Drogheda Leisure centre	€307.40
Cavan	Cavan County Council	Cavan Regional Sports Centre	€379.66
Limerick	Limerick County Council	Askeaton Pool and Leisure Ltd	€198.12
Clare	Clare County Council	Shannon Swimming and Leisure Centre	€200.30
Wicklow	Arklow Town Council	Arklow Swimming Pool	€297.50
Meath	Meath County Council	LeisureLink Navan	€332.02
Offaly	Offaly County Council	Tullamore Leisure Centre	€167.58
Westmeath	Westmeath County Council	Athlone Regional Sports Centre	€382.47
Cork	Youghal Town Council	Youghal Leisure Centre	€400.00
Donegal	Donegal County Council	Letterkenny regional Swimming Complex	€233.70
Dublin	DCC	Sean McDermott Street	€76.48
Dublin	DCC	Crumlin Swimming Pool	€47.98
Dublin	DCC	Coolock Swimming Pool	€47.98
Dúnlaoghaire Rathdown	DLRDCC	Monkstown Leisure Centre	€127.50
Galway	Galway County Council	Tuam Leisure Centre	€72.67
Mayo	Mayo County Council	Westport Leisure Centre	€359.55
Roscommon	Roscommon County Council	Roscommon leisure Centre	€365.25
Tipperary	Thurles Town Council	Thurles Leisure Centre	€140.17
Clare	Clare County Council	Kilkee Waterworld Ltd	€54.15
Clare	Clare County Council	Lahinch Seaworld Ltd	€42.50
Wicklow	Wicklow Town Council	Wicklow Coral Leisure Centre	€86.57
Offaly	Offaly County Council	Birr Leisure Centre	€8.16
Carlow	Carlow County Council	Graigecullen Swimming Pool	€291.58
Carlow	Carlow County Council	Bagenalstown Swimming Pool	€131.32
Donegal	Donegal County Council	Waterworld Bundoran	€203.08
Donegal	Donegal County Council	Ballyshannon leisure Centre	€73.95
Galway	Galway County Council	Ballinasloe Leisure Centre	€164.82
Kerry	Tralee Town Council	Tralee Reg Sports and leisure Centre	€377.66
Leitrim	Leitrim County Council	Carrick on Shannon Pool	€396.52
Leitrim	Leitrim County Council	Drumshanbo Outdoor Pool	€159.38
Louth	Dundalk Town Council	Dundalk Swimming Pool and Leisure Centre	€192.10
Mayo	Mayo County Council	Ballina Swimming Pool	€366.70

County	Local Authority	Pool Name	Grant €000
Monaghan	Monaghan County Council	Monaghan Leisure Centre	€158.27
Roscommon	Roscommon County Council	Castlerea Outdoor Pool	€125.38
Sligo	Sligo County Council	Waterpoint Enniscrone Pool	€303.88
Sligo	Sligo County Council	Sligo Regional Sports Centre	€366.25
Tipperary	Carrick on Suir Town Council	Sean Kelly centre	€335.32
Tipperary	South Tipperary County Council	Sean Treacy Pool Tipperary Town	€51.30
Tipperary	South Tipperary County Council	Clonmel Swimming Pool	€21.07
Waterford	Waterford County Council	Splashworld Tramore	€400.00
Cork	Cork City Council	Mayfield Sports Complex	€33.78
Tipperary	Nenagh Town Council	Nenagh Leisure Centre	€144.47
Tipperary	North Tipperary County Council	Ballina Outdoor Swimming Pool	€55.92
Cork	Fermoy Town Council	Fermoy Swimming Pool	€50.15
Tipperary	North Tipperary County Council	Roscrea Leisure Centre	€10.41
Cork	Cork City Council	Leisureworld Bishopstown	€201.93
Cork	Cork City Council	Douglas Swimming Pool	€340.27
Cork	Cork City Council	Churchfield Swimming Pool	€180.80
Meath	Meath County Council	Kells Swimming Pool	€20.57
Meath	Meath County Council	Trim Leisure Centre	€36.12
Laois	Laois County Council	Portarlinton Leisure centre	€300.74
Laois	Laois County Council	Portlaois Leisure Centre	€95.62
Dublin	SDCC	Tallagh Leisure Centre	€136.80
Dublin	SDCC	Clondalkin Leisure centre	€5.70
Westmeath	Westmeath County Council	Mullingar Swimming Pool	€212.50

Road Signage

408. **Deputy Patrick O'Donovan** asked the Minister for Transport, Tourism and Sport in view of the number of cities, towns and villages that are currently bypassed, if he will consider revising the traffic sign manual, to allow representatives of business and commercial interests to suggest and agree icons for those businesses and amenities that are currently not represented on signs with his Department and the National Roads Authority in order to encourage motorists to enter the settlements; and if he will make a statement on the matter. [22974/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The current edition of the Traffic Signs Manual (TSM) was last published in January 2011, and constitutes a Ministerial Direction to road authorities under section 95(16) of the Road Traffic Act 1961, and is available from my Department's website.

The TSM stipulates the traffic signs to be used on Irish roads, their layout and symbols, the circumstances in which each sign should be used and the rules for positioning them.

Chapter 4, to which I would refer the Deputy, sets out the provisions which govern the use of information signs for tourist attractions, destinations and facilities.

It would be inappropriate for commercial or business logos to appear on traffic signs, as they have the potential to distract motorists from the essential safety message contained on the signs. It is, of course, open to commercial enterprises to engage with their relevant planning authority and other interested parties about the possibility of erecting such information signs independent of traffic signs.

State Banking Sector

409. **Deputy Pearse Doherty** asked the Minister for Transport, Tourism and Sport if he will set out, in respect of Government Departments, State controlled banks and State agencies, any contracts for the provision of services by a company (details supplied); if he will quantify the value of such contracts and set out the safeguards in place to avoid conflicts should that company set out to buy the assets of State controlled banks. [23636/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): My Department has no contracts for the provision of services with the company named by the Deputy. The issue of possible conflicts does not, therefore, arise in the case of my Department but, in any event, is a matter that would be addressed on a case by case basis.

As regards State agencies under the aegis of my Department, this is an operational matter for the agencies themselves. Your query will be forwarded to the agencies under the remit of my Department for direct response to you. If you do not receive a reply within 10 working days please contact my private office.