Dé Máirt, 15 Bealtaine 2012.

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Minister for Children and Youth Affairs

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Constitutional Amendment on Children

88. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs if she will provide an update on drafting of the adoption legislation to accompany the Children’s Rights Referendum; if this legislation will be published before the Dáil summer recess; if she will confirm that the Children’s Rights Referendum will take place in 2012; and if she will make a statement on the matter. [24075/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** Officials in my Department and I are continuing a substantial engagement with the Attorney General and her officials to progress the Government’s commitment to hold a referendum to amend the Constitution to ensure children’s rights are strengthened along the lines recommended by the Joint Committee on the Constitutional Amendment on Children. The immediate focus of this engagement is the preparation of a draft wording to be put to the people for consideration during the current year. The process is strongly focused on ensuring the proposed wording of the constitutional amendment reflects the deliberations and conclusions of the joint committee and the commitment in the programme for Government.

In parallel with bringing forward the proposed constitutional change in favour of children’s rights, there is a need to provide for clarity around related proposals for legislative change regarding adoption. Work is ongoing in this regard and the matter has been the subject of comprehensive legal and administrative analysis, including by officials of my Department. Consideration of the policy issues which will arise from the proposed amendment to the Constitution in regard to adoption is at an advanced stage. The draft heads of the Bill and the general scheme will reflect the policy in this area. One of the policy objectives of the proposed legislation is to provide for the situation of children of marriage who remain in long-term foster care without the option of adoption. Some of these children are in need of a permanent alternative family and adoption would be in their best interests. It is intended to publish the draft
legislation on adoption policy at the same time as the draft wording of the proposed amendment to the Constitution.

The referendum on children’s rights is a programme for Government priority. The Government is satisfied that the nature of the referendum is such that it will be a stand-alone matter to allow for full attention and engagement by the public in the interests of children. As indicated, I intend to be in a position to seek approval from the Government for the proposed wording with a view to holding the referendum this year.

**Deputy Charlie McConalogue:** It is critical that the referendum on children’s rights is held this year, with the introduction of the accompanying legislation on adoption. The issue has been the subject of interparliamentary discussion for a number of years. There was an agreed report from the all-party Oireachtas committee, following which a draft wording was published by the last Government before the general election. I have been concerned, since taking on this role and the Minister took up her position, that the date for the referendum is being pushed back. Pledges made during the election that it would take place within the first year at the same time as the Presidential election slipped. We should have seen the adoption legislation before now. It is important that the heads or, preferably, the Bill itself be published and brought before the children’s committee before the summer. It is important that it be published in advance of the referendum Bill and we be given appropriate time to assess it in the Houses of the Oireachtas. That will enhance the chances of success in the referendum which I hope will take place before the end of the year. Will the Minister give a commitment that the adoption legislation will be published before the end of the summer? There has been plenty of time for it to be drafted. Why have we not seen it before now and will the Minister commit to publishing it before the summer?

**Deputy Frances Fitzgerald:** I made a decision shortly after taking office when I examined the issues involved relating to the referendum that it would be in the public interest to publish the heads of the Bill, the legislation on adoption that would accompany the referendum, to give the public more information on the implications of the referendum. I agree with the Deputy that there is a need to consider carefully and understand the issues involved. On taking office I found that work had not been done on the legislation needed and I had to initiate work on the legislation and policy required in that regard. The issues are substantial and until now my focus has been on developing and agreeing the policy from which the legislation will arise. The key policy issues we will have to include in such a Bill include the nature and threshold of parental failure to justify an adoption, the duration of such a failure regarding the age of the child, the process to be used for such adoptions, the process to be used for the voluntary adoption of children of married parents and questions around consent and the role of the High Court in that regard. These are substantial issues and, as I stated, I have initiated the policy work from which the legislation will emerge. I assure the House that this work and the legislation are high priorities on which the Department is working steadily. I am not in a position to provide a precise date for the publication of the Bill as the Department is working on a number of Bills. It is, however, my intention to publish it alongside the legislation on the referendum. I concur with Deputy McConalogue that a full discussion will be required given the seriousness of the issues I have outlined.

**Deputy Charlie McConalogue:** I thank the Minister for her response. While I agree with her that many important issues must be addressed in respect of the legislation, it is not acceptable to publish the Bill at the same time as the referendum Bill. The former must be published in advance of the latter.
I note the Minister’s comment that in many areas delays arose because work on the relevant issues had not started before she took office. After the Government came to power, the Minister and Taoiseach gave a commitment to hold the referendum at the same time as the presidential election. This was followed by a further commitment to hold it within one year. The referendum is now to be held by the end of this year. The Minister became aware of the position as regards the Bill when she took office. Since then, progress has been slower than it should have been. It is crucial the Bill is published before the summer to ensure we secure all-party agreement and thrash out important issues in advance of the referendum campaign commencing.

Child Care Services

89. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs if her attention has been drawn to the fact that the absence of a comprehensive 24 hour child protection service has left Gardaí as frontline protectors of children in emergency; her plans to rectify this deficiency in the State’s response mechanism; and if she will make a statement on the matter. [24236/12]

**Deputy Frances Fitzgerald:** As part of the ongoing change agenda in child and family services, I am committed to developing the capacity of our child protection services to address appropriately and effectively the needs of children who present in emergencies outside of normal working hours. At present, the Health Service Executive provides out-of-hours emergency services for children at risk in the greater Dublin area through the crisis intervention service, and outside the greater Dublin area through the emergency place of safety service. The crisis intervention service provides an out-of-hours emergency social work service to young people aged under 18 years who are in crisis. The service operates across the greater Dublin area — counties Dublin, Kildare and Wicklow — and referrals are made outside of normal working hours by service providers, that is, gardaí and hospital and ambulance service personnel.

Outside the greater Dublin area, the HSE operates an emergency place of safety service whereby gardaí can access an emergency placement for children found to be at risk out of hours. This service involves the out-of-hours placement of a child in a family setting until the next working day when the local social work service assumes responsibility for the case. As part of this service, gardaí have access to advice and information from a non-HSE social work off-site resource which is provided on a contract basis.

I am acutely aware of and share many of the ongoing concerns regarding the need to develop these services further and I am committed to implementing service developments in this area. I informed the House on the previous occasion I contributed on Question Time that the HSE had piloted and is currently evaluating two out-of-hours pilot projects, one in County Donegal and the other in County Cork. The former project commenced in mid-2011 while the latter commenced in the third quarter of last year. Both projects involve the provision by local HSE staff of social work support out-of-hours where deemed necessary by gardaí. HSE social workers are on call out of hours to respond to referrals. I am informed by the HSE that having undertaken an initial internal evaluation, it commissioned an independent external assessment of the projects. This evaluation, which is being undertaken by Trinity College, is expected to be completed in the near future and the HSE hopes to receive the report in the coming days. A decision on progression to a national roll-out will be made following evaluation of the two pilot projects and other relevant data.

**Deputy Caoimhghín Ó Caoláin:** It was in November, in the course of a response on the review of serious incidents in care services, including the deaths of children in care, that the Minister referred in the House to the Cork and Donegal pilot projects. All of this was in the
context of a progress report on the Ryan report implementation group which was placed before the Houses in July last. There is also an implementation group to oversee the roll-out of a national out-of-hours service. In the absence of a State-wide out-of-hours service, children in distress or in need of emergency accommodation are either brought to or obliged to present at a Garda station, where they must await the arrival of a social worker or other service supports. A report by the Ombudsman for Children on homeless children cited children’s own experiences of being obliged to present at or be brought to a Garda station and what this exposed them to. There is no question about the understanding and responsible attitude of the Garda which would be dealing with cases as they present; that is not the focus of my question, rather it concerns the impact of what actually can occur in a Garda station. Let us be clear about this. A great number of these sad incidents will occur during the evening or at weekends. Many other things also happen in Garda stations and I do not believe it is appropriate that children are placed in these environments.

How many times has the implementation group met? Are we any closer — I note what the Minister said — to having a comprehensive out-of-hours service rolled out? Has any consideration been given to co-operation on a North-South basis, particularly where there are communities straddling the Border for which an out-of-hours service could be provided on a shared basis between authorities North and South?

**Deputy Frances Fitzgerald:** I absolutely agree that Garda stations are not the place for young children in need of care. However, I wish to pay tribute to the work done by gardaí who are dealing with this issue. I have met their representatives who have expressed their concerns to me. That is why it is important we had two pilot projects last year. We had different models in Cork and Donegal, with a different response. We are awaiting the evaluation of these responses which we will have shortly. I hope the next time we discuss this issue on the floor of the House I will be in a position to get back to the Deputy with the national model we will use for the roll-out of services throughout the country, for which I have allowed funding in this year’s budget.

This is an extremely important issue which has gone on for far too long. I pay tribute to the emergency place of safety service which the Garda can access. Most of the young children being brought to its attention receive a place in a foster family, which is really important. It is happening quickly, but nevertheless, young children can have the experience of having to spend some hours in a Garda station inappropriately in these circumstances. We want to stop this practice as quickly as we can. It has gone on for years, but we are now at a point where we are waiting for the reports on the pilot projects. We will figure out the best model to use because clearly there are resource implications of which we have to be conscious, depending on which model is used to develop the service. That issue will have to be addressed also.

We have a service available in Dublin, to which approximately 800 children were referred in 2010. They were placed in a variety of settings. That is an emergency out-of-hours social work service. We have the model of the emergency place of safety service where gardaí seek a foster family to look after a child. We also have the two pilot projects. We have to bring all of this experience together and decide how we should move forward within the available resources.

**Adoption Services**

90. **Deputy Clare Daly** asked the Minister for Children and Youth Affairs further to the his response to questions on access to and safeguarding of records of de facto illegal adoptions (details supplied), the number of such records held by the Health Service Executive; the number of cases that were identified in the audit, relating to the pre-1952 period and the number that relate to the post 1952 Act period; the number of cases believed to contravene
the Adoption Act(s) that have been notified and to which appropriate authorities; when these cases were notified to these authorities and the reports she has received regarding actions taken on foot of the notification of the contravention of the Adoption Act(s). [24234/12]

**Deputy Frances Fitzgerald:** The Deputy has asked for information on records about persons who were told or believed they had been adopted and in respect of whom there are no adoption records. It must be understood the Adoption Authority of Ireland like its predecessor, the Adoption Board, has no statutory responsibility in the matter raised but has endeavoured to assist persons affected to the extent open to it. The guidelines on information and tracing services, first issued by the Adoption Board in 2004, included acknowledgement of a practice of illegal birth registrations and offered the board’s assistance in efforts to obtain any records that might still be available. I am aware from the Adoption Authority of Ireland that, in mid-2010, the Irish Adoption Board conducted a review of information it retained of contact received from persons who had been told or believed themselves to be adopted, but where no adoption records existed, which is an extremely traumatic situation for anyone to be in. This exercise indicated 99 people who had identified themselves to the board as adopted did not have a corresponding adoption file. Around 45 of these cases related to people born after 1953 and the balance related to persons born before 1953.

I am advised that, at the specific request of the persons making a complaint, the Irish Adoption Board reported a number of such cases to the Garda, the Registrar General and the Director of Public Prosecutions by reference to possible offences under the birth registration Acts. It is my understanding that further action did not ensue having regard to available proof and the lapse of time since the events in question.

I have also made enquiries concerning the Deputy’s question about the number of such records held by the Health Service Executive. I have been informed that the HSE has not carried out a review similar to that done by the Irish Adoption Board in 2010. Obviously, the records would be more scattered if the HSE did have them. I have, however, asked the HSE to establish any relevant information in its possession and examine the matter. I am happy to correspond directly with the Deputy on this.

As I indicated in a recent reply to the Deputy, I am looking into what steps may be possible in relation to such cases in the context of ongoing work by my Department with the Attorney General’s office on the drafting of legislation with regard to information and tracing. Work is under way on the preparation of the adoption (information and tracing) Bill, in consultation with the Adoption Authority of Ireland, to provide for a structured and regulated way of providing access to information and contact for those affected by adoption, including where the adoption was not effected.

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

It is intended that the Bill will provide for the Adoption Authority of Ireland to have access to records currently held by a wide range of information sources, give the authority an oversight role with regard to the maintenance of adoption records, and place the national contact preference register on a statutory basis. The Bill is also to provide for proactive tracing and reunion services by appropriate bodies for adopted adults, birth mothers and birth families, with the Adoption Authority of Ireland having the overarching responsibility for the service.

**Deputy Clare Daly:** I realise how difficult and complicated this issue is but I am not fully sure we are advancing it as we continue to discuss it. My query is not about cases where no records exist. It is about cases where records exist but may not be in the hands of the Adoption Authority of Ireland or under the remit of the HSE. We are trying to grapple with a scenario where it has been acknowledged that adoptions have been falsely registered and that the infor-
Deputy Clare Daly: Information exists somewhere. It is a question of getting access to those records and safeguarding them. We are a long way from that. We should remind ourselves that we are talking about people’s personal identities, which is very important.

I do not accept the figure of 99 people which the Minister again quoted in her response. I believe that figure emerged from a newspaper story, that the Adoption Authority of Ireland examined only its own records and that the majority of false births that were registered, which the Minister has acknowledged, were done to arrange illegal adoptions and are, therefore, held by adoption agencies. The Adoption Authority of Ireland has refused to inspect those documents or to copy them. There needs to be an intervention from the Minister to ensure all existing records are brought together under some comprehensive remit. If the HSE rather than the Adoption Authority of Ireland is given that remit, it needs to be resourced to carry it out. It has not been to date.

Deputy Frances Fitzgerald: I take the Deputy’s point. I assure her it is intended that the Bill will provide for the Adoption Authority of Ireland to have access to records currently held by a wide range of information sources, give the authority an oversight role with regard to the maintenance of adoption records, and place the national contact preference register on a statutory basis. The Bill will also provide for proactive tracing and reunion services by appropriate bodies for adopted adults, birth mothers and birth families, with the Adoption Authority of Ireland having the overarching responsibility for the service.

The HSE is concerned about the issue of records and is taking what action it can in the meantime. We do not, at present, have a statutory situation for safeguarding the records in the way I have outlined to the Deputy. That is the intention of the legislation I will bring forward. We will have a much more organised and comprehensive approach to records. It has been too ad hoc. As the Deputy said, it clearly affects this group in particular. In effect, she is raising the number of illegal adoptions that took place.

Deputy Clare Daly: I have two supplementary questions. One relates to the timescale of the legislation. Is the Minister saying that the problem is the Adoption Authority of Ireland has been legally restricted in pursuing the matter? My understanding is that it has failed to intervene and use the powers it has to gain access to the records and inspect them.

Deputy Frances Fitzgerald: The adoption (tracing and information) Bill is part of the legislative programme for this year. Much work has been done on it and I hope and intend to bring it forward this year.

There are no provisions regarding the retention and preservation of such records in current legislation. The Adoption Authority of Ireland has no remit in respect of such matters. We need the new legislation to deal comprehensively with the records.

Health Service Staff

91. Deputy Charlie McConalogue asked the Minister for Children and Youth Affairs the number of social workers currently employed in the area of child protection and the way this compares to the number employed by the Health Service Executive at the start of 2011; and if she will make a statement on the matter. [24001/12]

Deputy Frances Fitzgerald: The HSE compiles a monthly census of employment in the public health and social care sector. The latest data available are in respect of March, 2012. They show the total number of social workers employed in the HSE and in directly funded agencies was 2,397 whole-time equivalents, WTEs. The equivalent figure at the end of 2010 was 2,432
WTEs. It is important to note these figures apply to all social workers employed by the HSE, and by a range of other public and publicly funded bodies, to fulfil a range of roles, some of which fall outside the child welfare and protection services. For example, social workers are employed in hospitals to assist patients and families with the social aspects of their illness, in the mental health services, in primary care and in relation to older people.

The employment census also provides a breakdown of staffing levels by care group. In the case of social workers employed in the children and family area, the figures indicate there were 1,183 WTEs employed at the end of 2010 and 1,197 WTEs at the end of March 2012. That shows an increase of 14 WTEs since the 31 December 2010. It should be noted the classification by care group is viewed by the HSE and the Department as provisional and is subject to ongoing revision and refinement as part of the process of disaggregating the children and family resource base from the HSE prior to the establishment of the new children and family support agency.

The latest available information from the HSE indicates that 31 social work staff in the child and family services area availed of the recent early retirement scheme. Other vacancies have also arisen, as they would in the normal course of events. The national director of children and families services, Mr. Gordon Jeyes, will apply his discretion over the course of the year to the filling of vacancies, having regard to identified need and subject to services being delivered within available resources. I can advise the Deputy the HSE has informed me it has approved the recruitment of 57 replacement social worker staff across all care group areas since January 2012. These posts are at various stages of recruitment. While vacancies will always arise and will need to be filled, the overall trend is clear. The number of social workers employed in child and family services is increasing.

Deputy Charlie McConalogue: I am somewhat taken aback by the Minister’s response because the figures she gave me indicate what I have been trying to ascertain from her on a number of occasions in the past year, namely, that the number of social workers has decreased under her watch. There are fewer social workers now than when the Minister took office. That is despite the Minister coming to the House on several occasions to reassure us that 200 additional social workers would be employed last year. She assured us repeatedly that would happen. The Minister said the social workers were at various stages of recruitment and they would be in place by the end of the year. In May 2012 the Minister has come to the House to confirm there are 35 fewer social workers in place now than there were at the start of last year. Specifically in the area of child protection there are just 14 more. An additional 200 additional social workers were supposed to have been recruited. That has not happened and the situation is that there are fewer social workers than when the Minister took office.

An article by Kitty Holland in The Irish Times today refers to comments by the head of child and family services in the Health Service Executive, Mr. Gordon Jeyes, regarding a report by Professor Bairbre Redmond of UCD on retaining social workers in our system. Mr. Jeyes observes that social workers “cannot do everything currently expected of them” and refers to the problems being caused by limited resources. I asked the Minister on several occasions about the impact on reporting numbers arising from implementation of the Children First guidelines, the draft heads of a Bill now in committee. Neither the Minister nor her Department has made an impact assessment of the additional burden this will place on the system in a context where there are now fewer social workers than when the Minister took office, despite her undertaking to recruit 200 additional staff in accordance with the recommendations of the Ryan report. There is serious cause for concern in the figures the Minister has presented today.

Acting Chairman (Deputy Olivia Mitchell): Does the Deputy have a question for the Minister?
**Deputy Charlie McConalogue:** There must be an impact assessment of the implementation of the Children First guidance in order to ensure the system is equipped to deal with the likely increase in the number of reports arising from it. An article in *The Irish Times* last week by Professor Helen Buckley indicated that the number of reports increased from 9,000 in 2000, of which 3,000 were substantiated as cases of abuse——

**Acting Chairman (Deputy Olivia Mitchell):** If the Deputy wishes to receive a reply from the Minister, he should give way now.

**Deputy Charlie McConalogue:**——to 26,000 in 2009, with the number substantiated remaining at 3,000. That increase is likely to continue, yet the Minister is making no allowance for resourcing the system to meet it. This could well lead to a service that is overburdened and which puts children at risk.

**Acting Chairman (Deputy Olivia Mitchell):** The Minister has approximately 20 seconds to reply.

**Deputy Frances Fitzgerald:** The trend in the recruitment of social workers is upward. Staff for the 60 posts I indicated would be filled last year have been recruited.

**Deputy Charlie McConalogue:** They are not in place.

**Deputy Frances Fitzgerald:** Yes, they are. The Deputy is misunderstanding the figures. It should be noted that there is a difference between recruitment and retention, as pointed out in a report published on Monday. A total of 220 social workers have been recruited, including those recommended in the Ryan report, but there is a range of issues affecting the overall allocation, including an ongoing process of replacement. In any group of 1,000 workers——

**Deputy Charlie McConalogue:** There are supposed to be 200 additional workers.

**Deputy Frances Fitzgerald:** They are in place. I am trying to explain what happens in a normal workforce of 1,000——

**Deputy Charlie McConalogue:** It is a charade. There are fewer social workers in place now than at the beginning of last year.

**Acting Chairman (Deputy Olivia Mitchell):** The Deputy must allow the Minister to reply.

**Deputy Frances Fitzgerald:** In a normal workforce of 1,000 there will be significant movement in and out of the service. Women comprise some 87% of the social worker cohort we are discussing, most of them under 40 years of age. A number of them will inevitably go on maternity leave and there are also people who have left the service to go abroad, take up other employment and so on. In addition, there are some who were previously employed on a temporary basis who have since, in accordance with the Ryan report recommendations, taken up permanent posts. In short, the overall trend is upward, the recruitment promised has been undertaken and it is a continuous process. There is constant movement in the figures, but overall——

**Deputy Charlie McConalogue:** Have 57 or 200 been recruited?

**Acting Chairman (Deputy Olivia Mitchell):** The Deputy is being very unfair to Deputy Mick Wallace who is next in line.
Deputy Frances Fitzgerald: Let us not argue about specific figures. It is important that we consider the broad range of issues that affect a workforce of 1,000. As part of the recruitment process under way, an additional 57 staff are being recruited. Most of these will work in child protection, the allocation for which has already increased by 14.

Deputy Charlie McConalogue: The Minister’s explanation does not stand up.

Deputy Frances Fitzgerald: I need the Deputy to understand clearly——

Deputy Charlie McConalogue: I understand the situation very well.

Deputy Frances Fitzgerald: I do not accept that the Deputy does. The recruitment has been completed, but there have been 31 retirements. Mr. Jeyes can, at his discretion, replace those who have retired.

Foreign Adoptions

92. Deputy Mick Wallace asked the Minister for Children and Youth Affairs further to Parliamentary Question No 27 of 22 March 2012, the outcome of the Adoption Authority of Ireland visit to India scheduled for the end of April 2012; if prospective parents trying to adopt from India have been notified of any recent developments; and if she will make a statement on the matter. [24235/12]

Deputy Frances Fitzgerald: On 1 July 2011 the Adoption Authority of Ireland was notified by the Indian National Central Authority, known as CARA, that it would not be accepting dossiers from Irish applicants either until 30 September 2011 or until further notice. It has come to the attention of the Adoption Authority of Ireland that CARA proposes to introduce a new computerised e-access system of online dossier registration. To date, CARA has not invited the AAI to participate in such a scheme. The AAI now proposes to visit CARA in India in mid to late June of this year. Should CARA invite Ireland, in the form of the AAI, to participate in a new inter-country adoption scheme between the two countries, the invitation will be given careful consideration by the board of the AAI, taking into account the advice of the Irish Embassy to India and the Hague Conference Permanent Bureau in the Hague. In the meantime, a number of potential adoptive parents have received referrals of children from India under the old system. There was some difficulty in obtaining the necessary assurances from CARA with regard to these referrals, which caused a delay in the AAI’s agreement to the placement of these children. Fortunately, the AAI has now received a response from CARA which has allowed the processing of these referrals to continue to the next stage. The Adoption Authority keeps people up to date with changes through its website. Currently, the plan is that the AAI will visit India in June to further develop its relationships with CARA.

Deputy Mick Wallace: I thank the Minister for her reply. Originally, the delegation was supposed to go in April, but the Minister is now saying it is likely to be late June. A few of the families involved have been in contact with me. I realise there are problems on all sides and that many aspects on the other end leave a lot to be desired, but from the point of view of the rights of the families, it does appear things could have been handled a bit better. One parent in particular pointed out some areas in which he thought things could be done better by the AAI. For example, the AAI needs to understand there are young children at the centre of this process, as sometimes it seems to lose sight of this. He also said its communications with prospective adoptive parents could probably improve, that it needs to respect the processes established with Hague-compliant countries, that it should start working with more Hague-compliant countries rather than concentrating all its efforts on setting up bilateral arrangements.
with countries that will never be Hague-compliant and have no interest in becoming so, such as Russia, Vietnam and Ethiopia, that it should tap into the wealth of knowledge gathered by prospective adoptive parents, and most importantly, that the delegation to India should seek to repair the damage it has done in some areas. There are some people who have been waiting to adopt from India but are at the mercy of the authority because of red tape. Without understanding it all myself, I get the impression, while admitting these things are complicated and multifaceted, that there seems to be a certain amount of inefficiency. In some ways the authority could be described as dysfunctional. Would the Minister agree?

**Deputy Frances Fitzgerald:** I do not agree. I agree that adoption work and the international relationships among countries participating in inter-country adoption are very complex because we must take into account the law in Ireland and in the other countries, and most countries have very different systems for handling adoption. It is a complex issue which requires major attention to detail. As the Deputy said, the key issue is the best interests of the child. This is about the child, not the parents. Having said that, we want to work with Hague-compliant countries where possible. Where adoptions have taken place from countries that are not Hague-compliant, that is, where there is a history of adoption between Ireland and a particular country, such as Russia or Ethiopia, we are examining the possibilities for bilateral agreements. The Hague Convention was signed only in November 2010, so we are in a relatively new situation with regard to procedures. I want to support the parents as much as possible.

The new CEO of the AAI has taken up his position only in recent weeks. I wish him the very best. I have had a number of meetings with him and with Geoffrey Shannon, the chairman of the board. The board and staff are very committed to their work. There is considerable demand and there are very complex circumstances to deal with.

With regard to India, I have spoken to the Indian ambassador to Ireland and have asked him to give us whatever information he can. I have been using diplomatic channels to assess the circumstances in India. There have been some difficulties in correspondence.

After signing up to the Hague Convention, many countries have stopped the process until they get their own law and processes in order. There has been something of a delay and it has been very tough on some of those who have been caught up in the changes. The circumstances after the Hague Convention are quite different from those that obtained before it. I assure the Deputy the Adoption Authority will be very conscious of the issues regarding communication with those who want to adopt and the of giving high-quality information. I have been in discussions with the board on those issues.

**Deputy Mick Wallace:** On the issue of communication, individuals have been very frustrated about not getting through to and not getting responses from the board, despite incredible efforts. Is it true there is no adoptee, birth parent or adoptive parent on the board? Perhaps I am wrong in believing there is none. Would it not be a good idea to have a board member with such a background?

**Deputy Frances Fitzgerald:** I assure the Deputy the communication issues are being dealt with. Efforts are being made by all concerned to ensure the best possible communication with those who want to adopt.

The representation of the board is laid down in legislation. It could well require legislative change if the nominee did not have the background described. I can examine this and I will correspond with the Deputy thereon.
Acting Chairman (Deputy Olivia Mitchell): The time for Priority Questions has expired. We will now move to Question No. 93 in the name of Deputy Stanley.

Other Questions

Children in Care

93. **Deputy Brian Stanley** asked the Minister for Children and Youth Affairs the number of children on turning 18 years who have left high support units or special care units during each of the past five years; and the number of these children who did not receive aftercare services.  [23955/12]

114. **Deputy Michael McGrath** asked the Minister for Children and Youth Affairs if she will introduce aftercare as a legal right for young persons in care who turn 18 years in line with pre-election commitments; and if she will make a statement on the matter.  [24027/12]

**Deputy Frances Fitzgerald:** I propose to take Questions Nos. 93 and 114 together.

The HSE has advised me that four young people left high support or special care units in each of the past five years on reaching 18 years of age. Therefore, there are 20 young people in total. I can confirm that an aftercare plan was in place on leaving care in each case. This is in line with the policy that young people who leave care with an assessed need should receive aftercare. I am satisfied this policy is being implemented correctly and young people with an assessed need are being offered appropriate aftercare support. I am advised by the HSE that a total of 1,310 young people were in receipt of aftercare at the end of March 2012.

Section 45 of the Child Care Act 1991 places a statutory duty on the HSE to form a view in regard to each person leaving care as to whether there is a so-called need for assistance and, if it forms such a view, to provide services in accordance with the legislation and subject to resources. All young people who have had a care history with the HSE, be it foster care, residential care or high support care, are entitled to an aftercare service based on their assessed needs. The core eligible age range for aftercare is 18 to 21 years. This can be extended until the completion of a course of education in which one is engaged up to the age of 23 years.

The most important requirement for young people leaving care is secure, suitable accommodation, in addition to further education, employment or training and social support. The most vulnerable group of young people leaving care comprises those who have dropped out of education and training and those who have left residential care. Some of these young people may have mental health problems or a disability. Aftercare provision incorporates advice, guidance and practical support. There is, therefore, a need for a proper assessment that identifies a young person’s need for accommodation, financial support, social network support and training and education in the months before his or her 18th birthday. The level of support required will vary for each individual. It is essential that all young people leaving care be provided with the type of transitional support their individual circumstances require. There is no doubt the provision of an appropriate aftercare service is a key element in achieving positive outcomes for young people leaving care. Some 90% of children in care are in foster care and a large number of these remain living with their foster families, supported financially by the HSE on reaching 18 years of age. These young people continue in education and training as planned. That remains a key component of aftercare for young people when they leave care.

The HSE national aftercare service is underpinned by a national policy and procedures document which is being developed in co-operation with the key stakeholders, including the
voluntary sector agencies involved in aftercare provision and my Department. The policy which
was finalised in April 2010 commits to promoting and achieving the best outcomes for young
people leaving care and in ensuring consistency of support for these young people. The HSE
has established an inter-agency national aftercare implementation group to monitor progress
in implementing the national policy and its work is ongoing. The implementation of the policy
and the ongoing provision of aftercare services is being kept under review and I will continue
to engage with the HSE on this matter in the course of the year.

Deputy Caoimhghín Ó Caoláin: There is still no statutory right to aftercare and there are no
guarantees for young people leaving high support units or special care units regarding accom-
modation or support. Am I right in saying that in response to my question the Minister said
that four young people have left either high support or a special care unit in each of the past
five years, a total of 20?

Deputy Frances Fitzgerald: Yes.

Deputy Caoimhghín Ó Caoláin: In respect of the second part of the question, the Minister
said the number of these children who did not receive aftercare services was zero, that they all
received aftercare services.

Deputy Frances Fitzgerald: They all received after care services.

Deputy Caoimhghín Ó Caoláin: The Minister will be aware there has been great concern in
relation to this area for quite a number of reasons that we have articulated here in the past
and, indeed, shared. The logical question is whether there is ongoing monitoring of these young
people as they make their way through very difficult years into adult life. Is there ongoing
monitoring of the level of support? Where the supports were provided, were they appropriate
and successful? Did they ensure and guarantee that those young people had at least the compar-
able opportunity to prepare for the challenges of later years as those placed in foster homes,
the greater number of whom would remain in those foster care settings where there is already
a strong bonding and relationship with the family unit? I am concerned at the absence of a
statutory right to aftercare. Does the Minister plan to ensure this right is provided for? We
teased out this issue during a protracted engagement on previous legislation last year. I believe
it is something that is absolutely required and I would be interested to hear what she has to
tell us in respect of the profile of supports and care provided to the 20 young people of whom
she has advised the House.

Deputy Frances Fitzgerald: It is clear from the information I have given and from other
information we have discussed here that there is an increased focus on aftercare services for
young people leaving care. I congratulate groups such as EPIC which have highlighted the
issue and the young people who have been involved. On Saturday I met a group of young
people in care who are part of the implementation group in respect of the recommendations
from the report published last year. I have set up a group of young people who are in care to
tell us of their experiences and to ensure the recommendations from that report, about the
voice of the child in care, are implemented in the coming year. I have said before, and I repeat
here, that section 45 of the Child Care Act 1991 places a statutory duty on the HSE to form a
view of each child leaving care as to their assessed need for aftercare services. It is important
not to underplay the importance of that because that is the statutory provision that places the
obligation on the HSE to assess the needs of the young person leaving care and to work out
an appropriate plan for him or her.
The information I have received from across the country indicates that increasing levels of resources are being devoted to aftercare services. In addition, the number of those in receipt of aftercare has increased from 800 three years ago to 1,100 today. There has been a steady rise in the number of young people who are leaving care and in respect of whom provision is being made. In response to discussions that took place in the House, I have asked that the HSE routinely collect more quality data for the numbers leaving care each year. The collation of such data would allow us in the coming months and years to consider both the numbers leaving care and the numbers who require aftercare services. Many will remain with foster families.

I do not have details for the 20 young people to whom the Deputy referred, but collating data for them would certainly be a worthwhile exercise. I will see what information I can obtain on these young people. I agree with the Deputy that they are most vulnerable.

**Deputy Caoimhghín Ó Caoláin:** It is because they have been in high support special care units that I am concerned. The fact that they were in those settings means they had particular requirements and high support needs. The position for them is not the same as that for everyone else who reaches the age of 18 years and moves into young adult life. It would be very important to obtain some of the specific details relating to the specific supports which applied to them. I would welcome it if such information was obtained. If possible, I would like to gain some sense of how matters are with these young people. We need to take an ongoing interest in their welfare.

**Deputy Frances Fitzgerald:** I agree. Of course, there should have been an aftercare plan in place for these 20 young people. There was such a plan, but I concur with the Deputy that there is a need for further research of outcomes. There is also a need to carry out additional research of young people in detention. We need to evaluate outcomes as we do not have enough research findings in these areas. I will certainly see if it is possible to obtain data for the 20 young people in question in order to try to assess what actually happened. There was an aftercare plan in place and I would like to discover what progress was made. These young people would, of course, be most vulnerable, as evidenced by the fact that they were placed in special care by the High Court for their own safety.

**Deputy Charlie McConalogue:** My question on this matter is relatively straightforward. I join Deputy Ó Caoláin in emphasising the importance of providing aftercare services once someone leaves the care of the State on reaching 18 years. When they reach that age, young people who were previously in the care of the State will in many cases continue to have needs and we must ensure they are met. Why did the Minister do a U-turn on the first item of legislation for which she had responsibility following her appointment? Why did she go against what her party and the Labour Party had been arguing in favour of just weeks before last year’s general election when what became the Child Care (Amendment) Act was being debated in the House? When she and her party colleagues were on this side of the House, they advocated in the context of the legislation to which I refer the imposition of a statutory requirement on the HSE. However, when she became responsible for ensuring the legislation was passed by the Houses, she performed a complete U-turn. Will she explain why she took that course of action and why Fine Gael and the Labour Party changed their positions on this matter after the election?

**Deputy Frances Fitzgerald:** The answer is very straightforward. The clear advice from the Attorney General confirmed that section 45 was legally sound and placed a statutory responsibility on the HSE to form a view in respect of each person leaving care in the context of whether there was a need for further assistance. If the HSE is of the opinion that there is such a need, it is obliged to provide services in accordance with the section and subject to the
availability of resources. The information I have provided clearly shows that there has been an increased focus on aftercare services, that increasing amounts of money are being spend on these services and that more and more young people are in receipt of services. My initial reply also indicates that there were aftercare plans for all of the children who were in special care and who left such care on reaching 18 years.

The practice has certainly changed. The clear legal advice I received from the Attorney General was that section 45 covered the situation legally and that there was no need for further provision. When we debated what became the Child Care (Amendment) Act, I stated that if there was a gap or if the provisions were not being implemented, we could certainly consider introducing further regulations if such a course of action was deemed necessary. I have discussed this matter directly with managers throughout the country and I am aware that quite a demand has been placed on their resources at a time of major financial difficulty. The information they have made available to me indicates that more and more money is being put aside for aftercare services for young people leaving care.

**Child Abuse**

94. **Deputy Mick Wallace** asked the Minister for Children and Youth Affairs her views on whether the statutory responsibility to report suspicions and allegations of child abuse contained in the proposed Children First Bill and the possibility of sanctions for those who fail to report same may have unintended consequences which will result in resources being diverted away from frontline child protection services; and if she will make a statement on the matter. [24033/12]

96. **Deputy Mick Wallace** asked the Minister for Children and Youth Affairs if she has carried out a cost-benefit analysis of the proposal to introduce mandatory reporting of suspected child abuse contained in the current version of the Children First Bill; and if she will make a statement on the matter. [24034/12]

**Deputy Frances Fitzgerald:** I propose to take Questions Nos. 94 and 96 together.

The Children First National Guidance for the Protection and Welfare of Children, which I published in 2011, provides for clarity and guidance for individuals and organisations in identifying and responding appropriately to child abuse and neglect. It also sets out what organisations which care for or work with children should do to ensure they are safe while in the care of such organisations. The Government has committed, as a priority, to the introduction of legislation to underpin the Children First guidelines and the heads of a Bill have been prepared and submitted to the Joint Committee for Health and Children for its consideration. Quite a number of the organisations which work directly with children have given evidence to the committee in recent weeks. I understand the committee plans to hold further hearings. While the draft heads of the Bill have been prepared, they will only be finalised when the committee has concluded its deliberations. A very broad consultation process is taking place across Departments and agencies. Aspects of the details of the draft heads of the Bill may change and I am open to listening to what the committee and the organisations which either have already or will come before it have to say in this regard. As is the case with all legislation and as part of the preparatory process relating to the Bill, we will be carrying out a regulatory impact analysis which will further quantify the potential costs associated with compliance and enforcement. This will be submitted to the Government when I am seeking approval to draft the Bill.
Experience in other countries indicates that guidance for those responsible for reporting and the effective screening of all reports are important in designing an effective filtering system which deploys resources appropriately, based on child protection criteria. In that context, I will be developing guidance for reporting abuse to assist organisations to deal with issues such as definitions, thresholds and appropriate channels for the reporting of abuse. The guidance will require the designated officers and professionals named in the legislation to consider a number of factors in order to determine whether the concern reaches the threshold of a report under the legislation. It is important to state I have been previously been assured by Mr. Gordon Jeyes, the HSE’s national director for children and family services, that all referrals, when initially received, are assessed and that the action taken is prioritised by risk.

Huge resources have been put in place in the past ten years in respect of Children First. Massive developments have taken place and the HSE and the Garda Síochána work closely together on this matter. The HSE has provided a great deal of training, information and advice on the implementation of Children First. I pay tribute to the organisations — representatives from many of which I have met — which work directly with children and have taken the Children First guidelines so seriously since their introduction. I refer, for example, to the Irish Sports Council, the GAA, groups representing teachers, etc., have all taken the guidelines on board and examined how they apply to their organisations. I recently attended a meeting held in Croke Park when over 200 volunteers from the GAA came together in order to discuss their work on this matter and how they might develop it in the future. The position in this regard in the context of a range of other voluntary organisations is the same. A great deal of work has been done and much experience has been gained during the period in which the Children First guidelines have been in place.

In addition to the existing structures in place to support Children First, there has been an increase in the number of social workers operating in the child welfare and protection area. The recruitment of these additional social workers was recommended in the Ryan report implementation plan and some 220 were taken on.

I, along with the Government and other parties in this House, gave a commitment over the years to put the Children First guidelines on a statutory basis. It was felt it was important to change the culture of ambivalence which we had regarding the reporting of child abuse, one which was most recently seen when the Cloyne report was published. We decided the important thing to do was to be very clear that if someone was concerned about abuse, it should be reported. That is why we have decided it should be placed on a statutory basis.

This is only one part of a wider reform agenda in this area. We also have a range of other actions such as the setting up a new child and family support agency which will be a key element of the reform of this area.

Deputy Mick Wallace: I can assure the Minister the Football Association of Ireland, FAI, has been strongly involved in this and it is the largest participant sport in the country.

Deputy Frances Fitzgerald: I have to support the Deputy on that.

Deputy Mick Wallace: I do not understand this area as well as the Minister does. I note, however, Professor Eileen Munro of the London School of Economics has warned that it may end up draining resources from front-line protection services. Dr. Helen Buckley, Trinity College Dublin, made several points in correspondence with me. For example, the claim that the harm and misery experienced by some of the children who featured in recent high-profile cases were as a result of a failure to report is a misperception. In fact, she points out the majority of these cases had been reported many times to the Health Service Executive social workers but too often there was a failure to respond adequately which is a different issue. She
also points out the proposed legislation will not address some of the systemic weaknesses in child protection practices identified by the research review of recent child abuse inquiries and the National Review Panel reports which include inadequate management oversight, lack of strategic multidisciplinary planning, absence of child-mindedness on the part of adult health and related services and a general dearth of joined-up work between the sectors serving children and families. Reviews have also demonstrated a dearth of local policy on assessment and planning for children in out-of-home care——

**Acting Chairman (Deputy Olivia Mitchell):** Would the Deputy like to put his question?

**Deputy Mick Wallace:** ——and the community which leads to a substandard practice.

I am not pretending to be an expert on the matter but is the Department taking the concerns of these two notable individuals on board?

**Deputy Frances Fitzgerald:** I thank the Deputy for raising this question. I have said all along that reporting is just one aspect of this area. The Children First guidelines, which have been in place for ten years, and the proposed legislation are about working effectively with other agencies, having good quality interagency work and sharing information. That is the kind of culture to which we need to move to provide the best services for children at risk.

Professor Eileen Munro has done interesting work in the UK. I have worked in this area in the UK but it is a different situation to here. I accept the work in this area is very stressful as was highlighted in the report published yesterday. However, what has been missing to some degree in the management of social work services in this country is a clear national policy, the gathering of consistent information and an ability to compare what is happening in one part of the country with another because the data is not consistent or standardised. A significant amount of reform of management has to be done. That is one of the reasons we decided to take child and family services from the HSE and have a separate child and family support agency to deal with this difficult area.

We are also examining how we provide services for children and families. We sometimes forget the large amount of funding the State gives to a variety of agencies which work with children and families. We want to arrive at a position where those working in the HSE on child protection are also being supported by and work with those providing family support.

**Acting Chairman (Deputy Olivia Mitchell):** Thank you, Minister.

**Deputy Frances Fitzgerald:** We want to prevent children coming into care. That is the key approach.

**Acting Chairman (Deputy Olivia Mitchell):** I call Deputy Ó Caoláin for a brief question because I want to go back to the main questioner.

**Deputy Caomhghín Ó Caoláin:** Has the Minister had any cross-departmental engagement on the critical need to increase additional funding support for the implementation of this legislation? There is an across-the-board recognition that there will be an upsurge in reporting. Some spell all sorts of calamitous situations but we all have to be realistic that there will be an increase. The services are already under significant strain. The legislation of itself——

**Acting Chairman (Deputy Olivia Mitchell):** In fairness to the main questioner, could Deputy Ó Caoláin conclude?
Deputy Caoimhghín Ó Caoláin: ——without adequate resourcing will not suffice. Will the Minister please comment on this?

Acting Chairman (Deputy Olivia Mitchell): Deputy McConalogue has a question as well. I ask him to be brief.

Deputy Charlie McConalogue: I commend Deputy Wallace for these two very important questions. They really go to the nub of what is important in improving our child protection system. I am concerned the Minister’s priority is about giving the appearance of improving the system when, in reality, we may be putting more pressure on it and draining resources away from where they are needed. I think it is time for the Minister to give up the charade.

Acting Chairman (Deputy Olivia Mitchell): Have you a question, Deputy?

Deputy Charlie McConalogue: Yes. It is time for the Minister to give up the charade and admit social work numbers have increased. The figures she gave today show they have definitely not.

Acting Chairman (Deputy Olivia Mitchell): Deputy, you are taking someone else’s time.

Deputy Charlie McConalogue: There is mounting evidence that mandatory reporting will put an additional burden on resources. The Minister needs to ensure those resources are made available so an effective child protection system is in place. As Deputy Wallace said, in the serious cases we have experienced in the past, reporting——

Acting Chairman (Deputy Olivia Mitchell): I must stop the Deputy now. I call on Deputy Wallace.

Deputy Charlie McConalogue: ——has not been the issue.

Deputy Mick Wallace: In the case of the new measures creating extra workloads, will additional funding be made available? I know it is a hypothetical question. However, looking at recent statistics from the HSE’s children and family service, of the 29,000 plus reports in 2010, only 5% recorded an outcome of confirmed abuse which is way below the European average. We all realise that adequate funding will be required if we are going to be serious about this.

I compliment the Minister for giving us an answer without reading a script. I can see she is passionate about what she does and she should be complimented for that.

Deputy Frances Fitzgerald: I thank Deputy Ó Caoláin for his comments on this legislation at committee recently. I can assure Deputy McConalogue there is no charade going on. It is far from that. There is actually action for a change on this issue.

Cross-departmental discussions are taking place on additional funding for training. It is one of the issues that will be addressed. Quite a bit of money has been put aside by the HSE for training over the years, as well as by the organisations involved themselves which we expect. If they are providing a service for children, we expect them to contribute to the training and the supports required to make their services safe for the children who use them. I compliment the GAA, FAI and other groups which have put money into this area and trained their staff. We will continue in the interdepartmental group to assess this issue and see what implications may arise.

I do not believe the introduction of legislation to underpin Children First will divert resources. At the end of the day, what is more important? We must ensure that those referrals
[Deputy Frances Fitzgerald.]

of children who are at risk, abused, raped or neglected are made and dealt with adequately.
That is the point of Children First — to remove any ambivalence about reporting. When would
one not want to report such a situation? The committee has the opportunity, in discussions
with the different organisations, to get their views on resources. I am struck reading the reports
of the committee so far at how supportive the organisations are about moving in this direction.
They are the ones who have had front-line experience for ten years and know the issue of
resources. I accept it is a difficult time for everyone when it comes to resources but we must
examine the resources available and ensure they are used as effectively as possible. For
example, family resource centres should function with front-line child protection workers in a
unified approach in assessing these cases and getting the best services to them. There is still
scope for more effective inter-agency work.

Deputy Caoimhghín Ó Caoláin: As a point of information, the Minister is correct in that the
committee is doing good work, with excellent groups coming before it. The structuring of these
Houses means that while we are dealing with the Minister in Question Time today, the commit-
tee is having further deliberations on the Children First guidelines in the basement, meeting
groups coming before it. We have not got the gift of bi-location so that practice should be
avoided.

Deputy Frances Fitzgerald: I agree completely with the Deputy.

Departmental Programmes

95. Deputy Martin Ferris asked the Minister for Children and Youth Affairs the date on
which she will publish her Department’s Early Years Strategy. [23962/12]

Deputy Frances Fitzgerald: My Department is developing a new children and young people’s
policy framework to cover the period from 2012 to 2017. It will build on Our Children — Their
Lives, Ireland’s first children’s strategy, which was published in 2000. This high-level policy
framework will also facilitate the preparation of a number of more detailed strategies, including
Ireland’s first ever national early years strategy. The early years strategy will be developed
during 2012 and cover a range of issues affecting children in their first years of life, such as
health, family support, learning and development and care and education, and it will identify
the structures and policies needed to improve early year’s experience in Ireland.

I have appointed an expert advisory group comprising external experts from a range of
specialties, including paediatrics, early childhood care and education, child protection and
public health nursing, and it is now in place, chaired by Dr. Eilis Hennessy of UCD. The first
meeting will be held shortly. A public consultation will shortly be commenced as part of the
consultation on the overall children and young people’s policy framework. There will be further
focused consultation with key stakeholders later this year with regard to early years, and I
invite the Deputies to be involved in that consultation. I hope there will be a seminar later in
the year on the development of the policy.

The new children and young people’s policy framework is being developed in a holistic way
to comprehend the continuum from infancy, through early and middle childhood, to ado-
lescence through to early adulthood. I intend that this 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 affect-
ing children and young people, such as the impact of new technologies, media and con-
sumerism. It also provides an important opportunity for cross-departmental collaboration to
promote the well-being of children, which is essential to putting in place an holistic strategy that is required.

Additional information not given on the floor of the House.

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. As stated, 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 in the coming weeks.

Deputy Caoimhghín Ó Caoláin: The first children’s strategy document, Our Children — Their Lives, was published in 2000. The Minister is aware that a significant number of intentions forming part of that strategy have not been realised over the intervening 12 years. Will the Minister give us a detailed outline of the areas that have not been addressed or addressed fully? Will she assure us that they will be given priority for consideration and inclusion in the new strategy that will be published shortly?

Deputy Frances Fitzgerald: Of course, it makes absolute sense if we are forming a new strategy to review the old one, examine what has been implemented and consider outstanding issues. The new strategy will be more comprehensive, illustrated by the fact that there was not a focus on the early years which I am now establishing with the policy group; we will have a detailed strategy on those early years. We will examine the areas where there has been good success and where there is ongoing work to be done. I will revert to the Deputy.

Deputy Caoimhghín Ó Caoláin: The report indicated “children will be provided with the financial supports necessary to eliminate child poverty”. We are all well aware of the reality in which we live today, and an end to child poverty has not come about for many children, as they face poverty in daily life experience. There are also measures relating to social exclusion, particularly the fact that many children from socio-economically disadvantaged backgrounds will never realise their full potential. There is a need, in bringing forward a new strategy, to do all that is humanly possible to overcome the imbalance, giving every child a real chance in this society.

Deputy Frances Fitzgerald: I was pleased the Government could give extra resources to my Department last year for child protection and to maintain the early years universal free preschool year. An extra €19 million was provided so those services could be available to young children. That is a protective action for young people and we will continue it so that early years services can be protected.

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 Brendan Griffin — the need to abandon further increases in pupil requirement thresholds in small primary schools; (2) Deputy Richard Boyd Barrett — the postponement of the new school building at Newpark comprehensive school, Blackrock, Dublin, until 2015; (3) Deputy Éamon Ó Cuív — the provision of a new school building for Clifden community school,
County Galway; (4) Deputy Thomas Pringle — the need to reverse the decision to stop treating patients who have been treated at St. Vincent’s University Hospital because they reside outside the hospital’s catchment area; (5) Deputy Jim Daly — the need for an extension to Knockskarea national school, Clonakilty, County Cork; (6) Deputies Pádraig Mac Lochlainn, Gerald Nash and Olivia Mitchell — the need to address the hunger strike of Palestinian prisoners in Israeli jails; (7) Deputy Joan Collins — the proposed closure of City of Dublin VEC funded créches in Ballyfermot, Whitehall and Cabra; (8) Deputy Pat Deering — Garda resources and equipment in east County Carlow; (9) Deputy Charlie McConalogue — the closure of créches at vocational education colleges; (10) Deputy Paschal Donohoe — the impact of an exit by Greece from the eurozone; (11) Deputy Dara Calleary — the impact on the operation of Ireland West Airport Knock of the recent Government decision on Shannon Airport; (12) Deputy Aengus Ó Snodaigh — the need to prevent the closure of the crèche at Ballyfermot college, vocational education college; (13) Deputies Paul J. Connaughton and Billy Kelleher — the provision of services for school leavers with intellectual disabilities; (14) Deputy Michael Conaghan — the closure of child care facilities at vocational education colleges; (15) Deputy Thomas P. Broughan — the selection of a site from the proposed regional wastewater plant in north Dublin; (16) Deputy Martin Ferris — the regulation and licensing of mortgage providers; (17) Deputy Aodhán Ó Riordáin — the future location of the Dublin fire brigade training centre; (18) Deputy Derek Keating — the problems with security procedures at Dublin Airport; (19) Deputy Timmy Dooley — the transfer of maintenance jobs in Aer Lingus from Shannon to Dublin Airport; (20) Deputy Anne Ferris — the extension of the ban on the marketing, sale and distribution of bituminous fuel to Wicklow town; (21) Deputy Joe Higgins — the hunger strike of some 2,000 Palestinian prisoners incarcerated without trial; (22) Deputy Clare Daly — the hunger strike of some 2,000 Palestinian prisoners incarcerated without trial; and (23) Deputy James Bannon — the need to review the cut in funding to St. Christopher’s Services, Longford.

The matters raised by Deputies Martin Ferris, Anne Ferris, Paul J. Connaughton and Billy Kelleher and Deputy Éamon Ó Cuív have been selected for discussion.

Leaders’ Questions

Deputy Micheál Martin: There is deep concern about the eurozone crisis almost on a daily basis, given recent events. There are significant concerns about Greece and its political uncertainty, Spain and Italy, with bond yields rising again. The markets are reacting negatively in a significant way to these events and confidence is being undermined day by day. There is concern about the adequacy of the firewall and if it will be sufficient to curb this crisis. This has been labelled a great recession, the worst we have experienced since the late 1920s, and the eurozone crisis is turning out to be prolonged, with no sign of abatement any time soon. President Hollande of France will meet Chancellor Merkel of Germany this evening, and that represents an opportunity to try to turn this around.

Does the Taoiseach agree that now is the time for Europe to take radical and urgent action? It should be radical in the sense that the European Central Bank should have the mandate to support growth in all its aspects and not just singularly focus on inflation. European funding, whether through reallocation of structured funds or new funding, must be provided to countries with high debt, a raised risk and elevated unemployment, as a true fiscal Union would envisage. We need a massively expanded European Investment Bank to support infrastructural projects that can increase productivity and create jobs on the ground. Does the Taoiseach accept these radical steps are now urgently required to ensure a restoration of confidence across eurozone
countries and that we can once and for all deal decisively with the issues that have hampered Europe’s capacity to recover in recent years?

**The Taoiseach:** This matter concerns every citizen across Europe today. The ECOFIN meeting clearly focused on the question of Greece and the deepening awareness of the potential for a real challenge in Spain. The Minister for Finance and the Minister for Public Expenditure and Reform met representatives of the European Investment Bank today to discuss flexibility issues. There is a blockage in the system in the case of PPPs and a release is required. AIB is the main funder of that process. This is a time not just for assessment of the challenge but also for imagination and ingenuity about what can be achieved.

From the comments made by Christine Lagarde recently, it is evident that the IMF is actively pursuing a number of options for Spain. There is an understanding that what happened in Ireland should not happen again. That means if a situation was to arise for Spanish banks and an assessment had to be carried out in the immediate future of whether they were solvent or bankrupt, given the size of Spain and its economy, it would have enormous implications. As has been pointed out by the Minister for Finance, in the event of action being taken there, Ireland’s interests would be an issue. There is no stomach to allow a second run similar to what happened in Ireland where the sovereign had to borrow from the banks to bail them out and the taxpayer had to pay for it. I note Christine Lagarde’s recent comments. This matter concerns everyone. Clearly, the Government will monitor the situation closely. That is why both Ministers are there.

The Deputy is aware that the French President is being sworn in today and that he is to travel to Berlin. We hope there can be clarity on the range of what he is talking about on the growth agenda. On 23 May the focus will be on the first European summit in the context of the growth agenda. Ireland will prepare its own case and contribute to the debate, as appropriate.

**Deputy Micheál Martin:** The time for monitoring has passed. For the last 12 months I have been calling for many of the measures I have outlined, as have many analysts in Europe and elsewhere. That decisive action is necessary now on a more fundamental level to deal with the crisis. In that context, in every conceivable scenario, the passage of the fiscal treaty is essential. No one disagrees with the need for the balanced fiscal rules as contained in the treaty or to provide for safe and definite access to funding for this country to fund public services in 2014 and 2015. That is essential; we do not need to add to the uncertainty. We do not need to undermine external confidence in the country and thereby undermine potential investment. We do not need the rise in bond yields that a “No” vote would occasion. Ireland should be bringing to the table more urgently the absolute necessity to do something radical and urgent to turn around the story in Europe, with our European colleagues. This involves the mandate of the European Central Bank and also significant transfers to countries with high debt and unemployment levels, as well as significant investment in shovel-ready infrastructural projects. We want a commitment from the Taoiseach and an understanding that that is the Government’s position as we enter a crucial two weeks of negotiations. In my estimation, Europe has one month in which to sort this out to prevent something no one wants from happening.

**The Taoiseach:** The feeling was that Europe had one year or more to get its act together. Clearly, the indications, concerns and anxiety about the Spanish economy have exacerbated. That is all the more reason, as the Deputy rightly points out, it is absolutely imperative that citizens of this country make a strong, clear and confident statement by voting “Yes” in the referendum on 31 May. That will send a message of stability and confidence, showing that the people know the direction in which they want to head and make no bones about stating this strongly and clearly.
The Taoiseach: The Deputy is aware of the Government capital programme which amounts to €17 billion. It includes major infrastructural projects, hospitals, primary care centres, schools and a range of other projects, including the national children’s hospital.

Deputy Niall Collins: Metro North is shovel ready.

The Taoiseach: It is a €17 billion programme. Deputy Adams is aware the Government has introduced new methods of creating employment for people such as the JobBridge scheme, which has now created in excess of 5,000 places, and the Pathways to Work programme, which
allows for people currently on the live register or drawing social welfare to be re-trained, upskilled and to have the opportunity to get into work.

I do not like to see anyone leave the country. No parent does and no one else does either unless people wish to leave by choice, depending on their skills, their requirements for experience or their wish to travel. Unfortunately, emigration is part of everyday life now. This is why, as I stated to Deputy Martin, the relevant Ministers, Deputy Noonan and Deputy Howlin, have been speaking to the European Investment Bank today. There are several areas which need greater flexibility to be shown, and in this regard the Government could avail of new ways of funding infrastructure projects and employment creation opportunities. I have stated to Deputy Adams on many occasions that the Government is overseeing the implementation of more than 200 proposals in respect of small and medium enterprises. It is actively following through on the microfinance agency and the partial loan credit guarantee scheme. The big issue for many businesses is having access to credit from banks in the first place.

The Government is also using and has indicated its preference for the National Pensions Reserve Fund and the setting up of the Irish water company, which will, I hope, create up to 2,000 jobs through the repair of major water conduits and the installation of water meters in due course. The Government has set its plan clearly.

**Deputy Richard Boyd Barrett:** Who is getting that contract?

**An Ceann Comhairle:** I did not call you yet, so stay quiet for one moment, please. Thank you.

**The Taoiseach:** The discussions that are taking place between the Government and the European Investment Bank and the broader discussions that will take place on 23 May with regard to a growth agenda are all focused as a matter of priority on providing opportunities for employment and getting people back to work. I am sure Deputy Adams shares these sentiments although we might not always agree on the individual realities.

I was in Lucan last night. There were a good number of Sinn Féin supporters there and, in fairness to them, we had a good, vigorous discourse about the fiscal stability treaty. I think they got enough of it last night.

**Deputy Timmy Dooley:** How well the Taoiseach does behind closed doors.

**Deputy Gerry Adams:** It must have taken Fianna Fáil eight or nine years before the people had enough of them. It has taken the Taoiseach one year before the majority of people have had enough of the policies the Government is pursuing. The Taoiseach stated emigration is, unfortunately, part of everyday life. This is the single failure of this State and of successive Governments. People who themselves emigrated in the 1950s or the 1980s are seeing their children leave. The Taoiseach is bound to have heard the stories and know people who have loved ones and young people away across the world.

The Taoiseach pays lip service to the proposition of Government-led investment but no one really believes him. He is out of his depth dealing with these issues at the European Union summits and he has been so consistently.

**Deputy Bernard J. Durkan:** We believe Deputy Adams.

**Deputy Gerry Adams:** He has never raised the issue of jobs and investment at the summits. The treaty which the Taoiseach has signed on for has no social or economic merit to it whatsoever.

**An Ceann Comhairle:** Can we have your question please, Deputy?
Deputy Gerry Adams: I asked the Taoiseach to support Sinn Féin’s proposals and, naturally, he dodged the issue. Will the Taoiseach tell us in detail whether he has proposals for Government-led investment? Does the Government have the type of projects or the willingness to get the money from the European Investment Bank and to take the money out of the National Pensions Reserve Fund to get our people back to work? I repeat the figure: nine citizens every hour. By the time we have finished Question Time a further 18 young people will have left the State. That is a disgrace and it is a shame on the Taoiseach, his Government and his Labour Party colleagues.

Deputy Shane McEntee: The Taoiseach should remind him of the jobs in Dundalk.

The Taoiseach: It took a long time to drag out of Deputy Adams some semblance of credit to PayPal for putting 1,000 jobs in his town and constituency. That amounts to a lot of young people, one hopes from that area and other areas, who will be gainfully employed in Deputy Adams’s constituency, but he does not have it in him to give credit to the company which made that decision and to IDA Ireland.

Deputy Gerry Adams: I do: well done, Taoiseach.

The Taoiseach: Deputy Adams does not see the merit of Mylan putting €500 million on the table to employ 500 young people between Dublin and Galway.

Deputy Gerry Adams: He is not even listening.

The Taoiseach: He sees no validity in this and it must be dragged out of him each time because he wants the country to go backwards. He wants this country to follow his proposal.

Deputy Gerry Adams: Deal with the question. The Government should stop giving our money to the banks.

Deputy Arthur Spring: Deputy Adams should deal with the question.

The Taoiseach: Deputy Adams said that the EU and the IMF should take their money and leave these shores.

Deputy Gerry Adams: Were we right?

The Taoiseach: He said the IMF and the EU should go home, leave our shores and leave us in a catastrophe. Deputy Adams has never supported any treaty of the European Union. He wants nothing to do with it because he only wants to face his own party and get it ahead of Fianna Fáil by hook or by crook.

Deputy Pearse Doherty: Please answer the question.

The Taoiseach: I put it to Deputy Adams that the treaty on 31 May is about the future of our country. It is about stopping emigration. Article 1 of the treaty refers to employment, competitiveness and social cohesion. Perhaps Deputy Adams did not read it but Article 1 speaks of social cohesion, competitiveness and employment.

Deputy Gerry Adams: Will the Taoiseach put that in the Constitution?

The Taoiseach: That is the priority of the Government regardless of whether Deputy Adams likes it. The Deputy’s heart is not in this argument because he knows the people, in their
pragmatism and wisdom, will pass this treaty because it gives us certainty and confidence for
the future. It is from this future the jobs to keep our young people at home will come.

**Deputy Pearse Doherty:** The Government is running scared.

**Deputy Leo Varadkar:** Has Deputy Finian McGrath’s time been taken up?

**An Ceann Comhairle:** Deputy Boyd Barrett, it is your turn.

*(Interruptions).*

**Deputy Richard Boyd Barrett:** My heart is very much in the debate about the fiscal treaty. I
hope the Taoiseach will answer directly the questions I have for him. At the outset of the
referendum campaign, the Taoiseach said the “No” side would raise issues external to the
treaty. Exactly the opposite has taken place. The Taoiseach and the Government have
discussed everything except what is actually in the treaty, its provisions and the impact it will have
on our economy and society. Instead, the Taoiseach has made threats about imposing worse
austerity in the next budget, the dire consequences of a “No” vote and the tax policies of the
United Left Alliance, although he refuses to discuss any of these in a debate on national
television in front of the people.

Will the Taoiseach discuss the treaty? The treaty is about deficit and debt reduction. Will
the Taoiseach inform the public and the House about it? What is a structural deficit? What
will our structural deficit be in the year when we exit the EU-IMF programme? What cuts will
be needed in that year and in following years to meet the treaty targets? What will our national
debt be in the year we exit the EU-IMF programme?

**Deputy Leo Varadkar:** We do not have a crystal ball.

**Deputy Richard Boyd Barrett:** What cuts will be required to meet the debt targets in the
treaty?

**Deputy Eric Byrne:** Who will win the Grand National?

**Deputy Richard Boyd Barrett:** What will the impact be on all these forecasts if the Govern-
ment’s current growth projections are too optimistic? How much larger will the cuts be?

*(Interruptions).*

**Deputy Richard Boyd Barrett:** Most important, who will the Government cut and tax? Will
there be more property taxes, water charges, health cuts, special needs cuts, education cuts or
more sales of natural resources?

**Deputy Alan Shatter:** This is coming from the €10 billion man.

**Deputy Richard Boyd Barrett:** The Taoiseach should show us the cuts, tell us who will feel
the pain and how much pain they will feel to meet the targets of the fiscal treaty which the
Government is promoting.

**The Taoiseach:** That is hardly worthy of a response. It is the same old record Deputy Boyd
Barrett has had since he came in here.

**Deputy Finian McGrath:** Answer the question.

**Deputy Joe Higgins:** Answer the question.
Deputy Derek Keating: How many supporters turned up to Deputy Higgins’s meeting last week? It was four.

The Taoiseach: I put it to Deputy McGrath that he should listen very carefully to the residents of his constituency. He should listen very carefully to the people who live there because they are wondering which side Deputy Finian McGrath is on.

(Interruptions).

Deputy Bernard J. Durkan: They will be still wondering after the vote.

The Taoiseach: At least the Deputy is clear that the serial protestors over here has a side, and that is a “No” side, but Deputy McGrath and Deputy Ross, in the leafiest suburbs of Dublin South, would need to make up their minds as to which side they are on.

Deputy Finian McGrath: We will see what is on the table.

(Interruptions).

The Taoiseach: Deputy Boyd Barrett made an allegation that I said the “No” side would raise matters external to the treaty. The bank debt is not the consideration of this treaty.

Deputy Richard Boyd Barrett: I said “national debt”.

The Taoiseach: The Deputy did raise it. His “No” side has raised it on many occasions, and it is now joined by my erstwhile colleague from the west, Mr. Ganley, in dealing with that. The Deputy also raised the question of corporation tax being in danger and likely to be changed.

Deputy Richard Boyd Barrett: No, I have not.

Deputy Joe Higgins: Just answer the question.

The Taoiseach: That is nonsense. People on the “No” side have been raising fears about business and industry here in Ireland.

Deputy Richard Boyd Barrett: The Taoiseach does not know. What is the structural deficit?

The Taoiseach: Deputy Boyd Barrett has said that if the people were to reject this treaty it would require €10 billion extra in taxes. The Deputy might like to point out who his proposition on the “No” side would hurt. He will have to close that deficit in one year. Imagine the catastrophe he will inflict on the Irish economy.

Deputy Colm Keaveney: They would love it.

The Taoiseach: The Deputy is well aware that the structural deficit, which must be taken into account, will remain in the cyclical between growth in the economy and a decline in the economy. He is well aware also that from 2016, Ireland must put forward its plan on our methodology for dealing with that. I have pointed out to the Deputy on many occasions that growth is the key to the future of this country, and I do not accept his charge, the charge of the Socialist group or any of the others who put forward the view that this requires a further €6 billion in taxes and in cuts. That is not the case. When our economy is running with an efficient engine, growth will be the key to dealing with all of that. Rather than the Deputy asking a question as to who will be taxed or who will be cut, I would like to hear his views on what will be the position in 2018 and 2019 when the structural deficit will be the focus of the
methodology put forward by the Irish Government to deal with a country specific response to each individual structural deficit because that is what the treaty states.

**Deputy Richard Boyd Barrett:** That was a master class in political deflection of which Bertie Ahern would be proud. The new Teflon Taoiseach has arrived. The Taoiseach’s definition of “structural deficit” is extraordinary but I would like him to repeat it to ensure we all understand it.

**An Ceann Comhairle:** I would not. I would like a question.

**Deputy Richard Boyd Barrett:** He said the structural deficit was in the cyclical between the growth and the decline of the economy. That is the Taoiseach’s definition of “structural deficit”, and that is the target we must meet according to this treaty. That is not an explanation.

**Deputy Shane McEntee:** It is about growth and jobs.

**Deputy Richard Boyd Barrett:** I asked the Taoiseach simple questions because this is on what we are voting, and it is compelling us to meet those targets. What are the targets?

**Deputy Bernard J. Durkan:** We thought the Deputy knew.

**Deputy Richard Boyd Barrett:** What will the structural deficit be in the year we exit the EU-IMF programme? Going on the Government’s figures, what cuts will be required to meet those targets? What will the national debt be in the year we exit the EU-IMF programme? What cuts will be required to meet the debt to GDP ratio targets in that year and in the following year? The Taoiseach has those figures. What will be the impact on those projections and targets if the growth forecasts are off, for example, by 1% or 2%?

**An Ceann Comhairle:** The Deputy is way over time. I ask him to co-operate with the Chair.

**Deputy Richard Boyd Barrett:** Will the Taoiseach answer those questions? Who will he cut to meet those targets? Which sections of society will be cut? Will it be the unemployed, workers’ incomes, special needs or the vulnerable in society? Who will the Taoiseach cut? Will he answer the question?

**The Taoiseach:** I have already pointed out that the projection for growth this year is 0.7%, and for next year it is 2%, but the structural deficit as measured by the methodology used by the European Commission can change. To illustrate that point, the estimated structural deficit for 2015, as measured by the EU Commission’s methodology in April 2011, was 4.6% but in April of this year the estimate was reduced to 3.5% because of a combination of factors including Government policies such as the Action Plan for Jobs 2012, Pathways to Work and pension reforms. Growth is the key to doing the heavy lifting in so far as the structural deficit is concerned, which refers to the numbers of people unemployed through that cycle. The position is that when we have our deficit reduced to 3% by 2015, the period after that is when the methodology adopted by the Irish Government, as distinct from the European Commission’s methodology, will be used to determine the structural deficit plan. It will be worked out in accordance with the treaty’s recommendation that each country has a specific plan, and that is what we will follow.

**Deputy Richard Boyd Barrett:** Cuts.

**Deputy Finian McGrath:** The Taoiseach did not answer the questions.
The Taoiseach: Far from the Deputy’s catastrophic prediction of a further €10 billion in cuts in one year, which would drive this country over the edge, the people voting “Yes” on 31 May will give a clear signal about our country’s intention of continuing to proceed in the right direction where we can have the growth to provide employment and opportunity to keep our young people at home if that is what they wish to do.

Deputy Richard Boyd Barrett: The Taoiseach will not give us the figures on the cuts.

The Taoiseach: This is not an easy challenge but it will deal with Deputy Adams’s concern about forced emigration.

Programmes for Government

1. Deputy Gerry Adams asked the Taoiseach if he has any plans to review the progress made with the implementation of the Programme for Government. [11048/12]

2. Deputy Gerry Adams asked the Taoiseach if he has any plans to bring forward a revised Programme for Government. [11050/12]

3. Deputy Richard Boyd Barrett asked the Taoiseach his views on progress made in the implementation of the Programme for Government after a year in office; and if he will make a statement on the matter. [11241/12]

4. Deputy Richard Boyd Barrett asked the Taoiseach his plans to review or change any aspect of the Programme for Government; and if he will make a statement on the matter. [11242/12]

5. Deputy Gerry Adams asked the Taoiseach if he will report on the launch on the 7 March of the report into the progress made on the implementation of the Programme for Government. [13812/12]

6. Deputy Gerry Adams asked the Taoiseach if he will report on the publication of a report on the progress the Government has made in its commitments over its first year in office and the priorities it has outlined for the next 12 months. [13923/12]

7. Deputy Micheál Martin asked the Taoiseach if he will detail the procedures whereby the review of the Programme for Government was prepared. [16236/12]

8. Deputy Micheál Martin asked the Taoiseach if he will detail any recent changes he has made to the administrative arrangements which he has put in place to oversee the implementation of the Programme for Government. [16237/12]

10. Deputy Joe Higgins asked the Taoiseach his views on the progress made on the implementation of the Programme for Government after one year in office; and if he will make a statement on the matter. [22692/12]

The Taoiseach: I propose to take Questions Nos. 1 to 8, inclusive, and 10 together.

On 7 March 2012, following one year in Government, the Tánaiste and I launched the Programme for Government Annual Report 2012.
As part of the planning of the annual report, I met with every Minister to discuss his or her area of work in relation to the programme for Government and the progress that had been made.

The report is an honest appraisal of the Government’s work in its first year in office and highlights our achievements in the priority areas of stabilising the economy and our finances, improving our international reputation and focusing on the creation of jobs. I fully believe we have made good progress in all of these areas.

The report contains only those programme for Government commitments which we felt had been either fully or substantially delivered to date and I acknowledge that there are some areas we have not been able to progress as much as we would have wished. We still have a long way to go but the most important thing is that we have taken the first step in the right direction.

In its first year the Government has reformed the banking structure, successfully renegotiated the EU-IMF programme to see savings of €9 billion, and rebuilt the trust and confidence of the international community. This has led to a strong flow of investment decisions by multinational companies, leading to real job creation in Ireland.

Since taking office, the number one priority of the Government has been to get Ireland working again. We have introduced a range of measures in the past 12 months to create as many jobs as possible and to assist those on the live register including the Action Plan for Jobs 2012, Pathways to Work, the Jobs Initiative and JobBridge. All of these initiatives are aimed at getting people back to work and building both their futures and this country’s future.

The Government continues to seek further enhancements to the EU-IMF programme, to free up credit for small and medium enterprises, SMEs, and to push through our reform plans across all sectors. Over the next 12 months, the Government will continue to prioritise job creation, support debt-distressed families, progress investment through NewERA and the Strategic Investment Fund, implement reform, and improve our international standing.

My recent visits to both the United States and China provided an opportunity to promote trade and investment, strengthen existing relationships and build new ones. I conveyed the message that Ireland is open for business and that this is an excellent time to invest in and benefit from Ireland’s recovery.

The Programme for Government 2011-2016 is a five year plan, and there are no plans to revise or develop a new programme. We have made substantial inroads in bringing the programme to fruition and will continue to do so over the coming years. A programme for Government office was established within my Department last year and comprises of two staff from within existing resources along with an intern from the JobBridge programme. The office has an ongoing role in monitoring and driving the implementation of programme for Government commitments across all Departments.

**Deputy Gerry Adams:** I would like to deal with two issues. May I deal with the first before returning to the second?

**An Ceann Comhairle:** Yes.

**Deputy Gerry Adams:** Go raibh maith agat, a Cheann Comhairle. While I welcome publication of the Government’s progress report, the real measure of its first year in office is the 7,000 citizens who pre-registered for a jobs expo held at the RDS in Dublin last weekend. This means 7,000 people paid a pre-registration fee to leave the State. The programme for Government, if I reflect it accurately, contained commitments in respect of a strategic investment bank and jobs fund. Before the general election the Taoiseach promised a €7 billion stimulus package, yet he has not brought forward credible Government-led investment proposals. The pro-
progress report fails to deal with the Government’s broken promises such as its commitments not to put one red cent into banks or increase third level fees and its commitment to make major investments in job creation. Is this the same progress report the Government planned to launch with great razzmatazz on Merrion Square before cancelling the event? I am disappointed the report commits to the failed policy of austerity which is stifling growth and adding more people to the dole queues and emigration trail. I ask the Taoiseach to address the failures I have outlined. I have put to the Taoiseach a genuine, costed proposition for a €13 billion Government-led investment package to get people off the dole queues and back into work. Will he commit to this package or, in the event that he believes it will not work or does not like it, outline a better proposition, given that the programme for Government contained specific propositions to deal with this very issue?

The Taoiseach: In respect of the first 12 months, we have included in the progress report only issues that have either been dealt with fully or very substantially. As I pointed out, there were a number of issues we were not able to develop or did not progress in the way we thought we could.

In respect of the economy and banks, the EU-IMF programme was renegotiated; the reduction of the deficit target for 2011 was exceeded; interest costs were renegotiated to achieve a reduction of more than €9 billion; reliance on ECB funding was reduced; and the cost of bank recapitalisation was €7.5 billion less than estimated.

In respect of employment, as I told the Deputy previously, we published the jobs plan for 2012 which includes more than 250 proposals to be implemented for small and medium enterprises; Pathways to Work was launched, as was the national JobBridge internship scheme which has filled more than 5,000 places; €20 million was provided for a labour market education and training fund; income tax rates did not increase and primary social welfare rates were not reduced; the minimum wage was restored; the corporation tax rate was left unchanged; a targeted reduction in VAT — from 13.5% to 9% — in the hospitality sector has resulted in the creation of more than 11,000 jobs; the lower rate of PRSI was halved on jobs paying up to €356 per week; and NewERA was established alongside the new strategic investment fund.

In respect of international trade which is important for exports and, therefore, jobs, we set up the Export Trade Council and the Global Irish Forum was successful and is being followed through. We also launched a €10 million international start-up fund to encourage overseas entrepreneurs to invest here. In the next two weeks I hope to announce the first positive results of this measure which involves companies which are investing in Europe expressing an interest in setting up here. The same applies to the areas of health and education.

In respect of debt distress and housing, we set up a specific Cabinet sub-committee on mortgage arrears which is to meet again this evening; mortgage interest relief was increased for first-time buyers who had purchased homes between 2004 and 2008; a pilot mortgage-to-rent scheme is under way; €5 million was allocated to alleviate difficulties in unfinished housing estates; and the National Asset Management Agency has made available up to 2,000 properties for social housing. There have also been a number of other reforms.

The Sinn Féin programme sets out the party’s view that it does not want further assistance from the IMF or the European Union and the National Pensions Reserve Fund should be used up to create employment. Some employment could be created using the fund. As I have pointed out, the Government intends to acquire a loan from it for the development of the infrastructure associated with Irish Water which will be of such importance. However, there are other proposals in the Sinn Féin programme which I do not accept.
Deputy Gerry Adams: The Taoiseach sat on the Opposition benches for a long time, during which he asked questions and was not given answers. I would like to think that in his heart of hearts he appreciates that he sometimes waffles, avoids the questions he is asked and offends and insults Deputies who have a mandate and are trying to be constructive. If he does not like the proposition Sinn Féin has put forward, he should tell us the reason. My party argues for Government-led investment and contrary to what the Taoiseach charges every so often, we welcome job creation, as the record of the House will show. I know he is aware of this and that he is, therefore, spoofing. Incidentally, these jobs are being created in the middle of this period of instability. Why can the €7 billion jobs fund promised by the Government not be introduced? I ask the Taoiseach to explain the reason, given that he was elected with a mandate to introduce it. Why has the Labour Party not brought forward the strategic investment bank, one of the commitments on which it was elected?

The Taoiseach went through a list of measures about which I did not ask him. For the record, the Government is also introducing water charges and will use the National Pensions Reserve Fund to cover the cost of installing the meters required to charge people for water. It has also introduced septic tank and household charges, increased VAT and implemented cuts across a range of necessary social protections.

An Ceann Comhairle: Will the Deputy ask some questions, please?

Deputy Gerry Adams: The cut that sticks in my craw is the reduction by 500,000 in the number of home help hours. Elderly people——

An Ceann Comhairle: This is Question Time and I ask the Deputy to put questions.

Deputy Gerry Adams: Gabh mo leithscéal, a Cheann Comhairle, but we are discussing the programme for Government and the Taoiseach will not answer a straight question seeking an explanation of what happened to two specific elements of the programme for Government. If a party such as Sinn Féin makes a common sense proposal for Government-led investment with which the Taoiseach does not agree, he should treat me like an adult, explain the reason it will not work and offer me an alternative and better proposition.

The Taoiseach: I do treat the Deputy like an adult. He has been elected by the good people of County Louth, as is their absolute right, and does his best to serve them in his way. He also puts forward his own propositions, with which I happen to disagree. He speaks of welcoming job creation; it is true that in recent months decisions made by investors and companies abroad have resulted in 1,000 jobs being announced every month.

These have created spin-off opportunities for many small and medium enterprises to provide them with services and products in a competent fashion. The fiscal stability treaty, and a very strong “Yes” vote, will strengthen that confidence.

Deputy Gerry Adams: The Taoiseach knows that is not true.

The Taoiseach: The Deputy states that these jobs are being created at a time of instability. The reputation of the country has been restored in the last 12 months to the point that investor confidence, economic comment and political comment and business leaders now look at Ireland as being a country that is going in the right direction, difficult though that is. If the Deputy seeks to destroy that level of investor confidence by calling for a “No” vote in our own future, then he destroys the very proposition he is talking about. Jobs will only come from confidence and from decisions to invest. People from abroad wish to continue to invest in Ireland due to
the package we offer, based on our demographics, our talent pool, our technology, our tax rates and our track record.

The Government created NewERA which has a role in the valuation of State assets. It renegotiated elements of the memorandum of understanding with the troika on the disposal of State assets, and the use of the resultant funds for job creation and for investment in infrastructure. These will be Government led propositions——

Deputy Gerry Adams: Investments, not propositions.

The Taoiseach: —— in addition to the €17 billion capital fund which has been set aside by the Government over the period of this plan for investment in infrastructure and in much needed facilities, such as the national children’s hospital, school buildings that need to be replaced, and primary health care facilities that need to be provided for people. The programme is over five years and will not be implemented in the first year. Government led propositions include NewERA, the State assets issue, the National Pension Reserve Fund and the implementation of the €17 billion capital programme, which is taxpayer funded and will be used for the development of very necessary facilities all over the country.

Deputy Richard Boyd Barrett: The Taoiseach committed in the programme for Government to protecting the vulnerable and to burden sharing on an equitable basis. The programme also placed a big priority on job creation. Yesterday in Athlone, a man who worked for 30 years in a small business but who recently lost the business challenged the Taoiseach about the Government’s policies, and was told by the Taoiseach that “You could do with a day’s work”. That is a very demeaning and insulting comment to a man who had worked very hard for 30 years. Aside from the need to apologise to Mr. Gordon Hudson for that dreadful comment, does this indicate a new shift in policy from that outlined in the programme for Government? Is the new policy now contempt for people without work and contempt for people who have worked all their lives and who tried to contribute to our society? What about the glib comment on emigration that we heard earlier today? Tens of thousands of our young people are being forced out of the country as they cannot find work here, because the Government has failed to deliver on its promises to get the country working. The Taoiseach now simply describes that as a fact of life, when in fact it is a fact of politics and economics and the disastrous policies of austerity.

Is it the new stance of the Government to be contemptuous of people like Gordon Hudson, contemptuous of the people who are forced out of the country, contemptuous of the fact that one in three young people in this country is without work? Is that just a fact of life? Does the Taoiseach feel any responsibility whatsoever to update the programme to deliver on his party’s campaign slogan to get the country working and the programme for Government slogan to protect the vulnerable and burden sharing on an equitable basis?

The Taoiseach: I am not sure what the Deputy’s question is. He certainly likes listening to himself. This is a free country and a free society. When the Deputy speaks of glib comments and smart remarks, I understand what can happen in times of challenge when people are under stress. I was the victim of several comments, probably from some of the Deputy’s own acquaintances, which are not repeatable in this House.

My philosophy is to make Government decisions that will help this country and its people. Unlike Deputy Boyd Barrett, I really have an interest in creating jobs for our people. Anybody who is out of work and is seeking employment deserves to have the very best opportunity brought about by government decisions and the opportunity to help themselves. The Deputy
has pursued a policy of making reckless comments about the Government’s decisions in all forms. He has put forward the proposition that a “No” vote would require €10 billion extra in taxes, which would mean that many more people would be out of work, more people would suffer from hardship, and many more people would have to leave our country. I frankly do not share his view. While he is quite entitled to express his opinion, I do not share that. I do not deal in glib comments and I do not deal in demeaning attitudes towards anybody. My job, as head of the Government, is to use the resources of the Government and work with the people to create the opportunities for employment. That is why this programme for Government is focused both on rectifying the problems in our own public finances, but having as a priority the opportunity for business to be able to thrive and for people to be able to go to work.

I empathise with everybody who wants to work but who cannot find employment, or who does not have the opportunity to retrain themselves or up-skill themselves to find employment. That is where the emphasis of the Government is being placed, through the JobBridge scheme, Pathways to Work, the jobs initiative and the various facilities that are being made available for small and medium enterprises and for very small businesses to employ new people and create that sense of confidence in our local economies.

**Deputy Richard Boyd Barrett:** Those are fine words, but does the Taoiseach seriously believe that it is appropriate to tell a man who has worked for 30 years in a small business, and who only recently lost that business, that he looks like a man who could do with a day’s work, in response to him expressing his concerns about the impact of austerity policies? Does the Taoiseach not think that was a serious error of judgment and that he should simply apologise for it? What worries me, taken alongside his comments that the high levels of emigration from this country are just a fact of life, is that there is something glib and callous about the way the Taoiseach sees the problems affecting real human beings out there, who are at their wits’ end——

**An Ceann Comhairle:** Can we have a supplementary question?

**Deputy Richard Boyd Barrett:**——because of the failure of this Government to deliver on its promise to protect the vulnerable and to get the country working again. The facts speak for themselves. I do not know people in Athlone, but I understand that Gordon Hudson was not threatening the Taoiseach or anything like that, but was expressing his frustration. This is someone who has worked all his life——

**Deputy Paul Kehoe:** Is it okay to spit at people?

**Deputy Richard Boyd Barrett:**——and cannot believe that he finds himself in this situation now. He is like so many other people who want to work and contribute to society and cannot believe our Government is unable to allow them to contribute their skills and abilities to getting our society out of the mess it is in.

Is the Taoiseach going to help people like Mr. Gordon Hudson and prevent the outflow of our talented, willing and able young people who want to contribute to our society and are being forced out of here or being forced to protest because there is no work for them, or is he going to continue with insulting comments such as, “You look like someone who could do with a day’s work”, when people are looking for work and want work, but cannot find any because the Government has failed them?

**The Taoiseach:** What the Government wants to do for every person, whether employed or unemployed, is to provide the greatest possible opportunity for them to live their lives as they see fit and in their best interests. I share the view of every Deputy regarding people who lose
their employment or whose firms fold. That is no shame on anyone. Companies are formed and go out of business on a regular basis, as the Deputy is well aware. For anyone who was self-employed or had a business which, unfortunately, came to an end, the Government does not regard that as some sort of failure. We want to look on the other side and ask what the Government can do to improve the atmosphere and environment in which jobs can be created and companies thrive. That is why the specific remit of the Minister of State with responsibility for small businesses and the jobs action programme of 2012 is to focus on those small businesses, to enable those that are in business to continue and thrive and to enable new businesses to be set up and get on with whatever they are involved in. That covers a range of issues, including dealing with PRSI, taking people off the unemployment lists and the live register, providing access to credit and so on. It is not a simple matter of waving a wand and putting everything in place. Structures must be put in place and tenders and models arrived at for the implementation of those schemes.

Whether someone is unemployed in Caherciveen, Carlingford, Carnsore or wherever, the focus and priority of the Government is the creation of jobs and job opportunities. That is why we make no secret of the fact that the priority and focus of Government is on getting Ireland back working.

**Deputy Richard Boyd Barrett:** The Taoiseach should have said that to the man in Athlone.

**The Taoiseach:** That is why we need the confidence and strength of the decision of the people on 31 May to send out the message that this is working.

Deputy Boyd Barrett is aware, whether he likes it or not, that public finances have been stabilised, growth has returned to the Irish economy in small measure for the first time in a long time, the independent analyses of growth projections for this year and next year are in the right direction and consumer confidence has risen in the last four consecutive months.

There are very challenging issues outside this country but our decision is to be made by the Irish people ourselves. We want to maintain that level of investment confidence and retain access to the insurance fund of the permanent mechanism for Europe, should that be required in the times ahead. At home, the Government intends to include in our own legislation good housekeeping conditions so that we rectify our public finances and ensure we never return to where we were when the economy ran off the rails.

**Deputy Micheál Martin:** Having listened to the Taoiseach I feel he needs to change the administrative arrangements for overseeing the implementation of the programme for Government. The Taoiseach identified three headline issues. They are consolidation of the public finances, restoration of our international reputation and jobs.

I agree with the Taoiseach that public finances have stabilised. They did not stabilise in the last year. It has not been acknowledged that the budgets of 2009, 2010 and 2011 were fundamental to the consolidation of the public finances. Although Members opposite voted against those budgets and railed against them, they were central to the consolidation and stabilisation of the public finances. One shudders to think what unsustainable fiscal pathway we would now be on if those budgets had not happened. That should be acknowledged when people talk about the consolidation of the public finances, irrespective of the politics of the matter, which were serious and grave as a consequence.

The claim to have restored our international reputation is bogus. There has not been any substantive political or diplomatic initiative. Given the gravity of the eurozone crisis, I have
long been surprised at the lack of head to head meeting with European leaders by the Taoiseach or by the Tánaiste as Minister for Foreign Affairs and Trade.

Much was promised in the area of jobs. In fact, too much was promised on all fronts. As a result, there has been a huge sense of betrayal and underachievement when people compare the last 12 months with the commitments made. Where is the NewERA commitment now? We were told 100,000 jobs would be created under the NewERA proposal. The strategic investment bank was meant to release significant capital funding, in addition to what had already been spent, to create jobs in the economy. There has been no appreciable change in access to credit, either by householders or, more particularly, by business people who wish to create jobs.

At the core of the programme for Government is a pledge to protect front line services. Clearly, this has not happened. The Taoiseach should admit that he has broken that promise. Everyone can see that for schools, gardaí, hospitals and nearly every front line service, the pace of cuts is growing and not receding. I ask the Taoiseach to comment on the fact that, for the first time in years, hundreds of young school leavers with disabilities cannot access placements in centres across the country because the additional funding provided every year to facilitate an increased absorption of students with disabilities from second level has not been provided. This is causing immense distress across the country.

This goes to the heart of what the ESRI said, that the 2012 budget was the most socially regressive of the last four or five years. For some reason the most vulnerable and least well off have been targeted across the board. Women have been targeted in their pension entitlements and in lone parent payments. The decision to cut funding to DEIS schools had to be revisited, for urban but not for rural schools.

Does the Taoiseach accept that the Government has singularly failed in its core commitment to protect front line services and that the least well-off have suffered the most?

**The Taoiseach:** Deputy Martin will appreciate the unprecedented scale of the challenge that faced the Government when it took office. The uncertainty surrounding our corporate tax rate was a cause of a great deal of anxiety for would be investors. It took some time to rectify that. As I said to Deputy Martin on a previous occasion, the Tánaiste recalled every ambassador and consul to explain the nature and philosophy of the priorities being set down by Government. That is reflected in the decisions made by many multinational companies since then. I outlined these to the House in recent weeks. Multinational companies continue to decide to make big investments in Ireland. We want to keep that level of investment flowing in.

It is obvious to everyone that the complaint, from small business in particular, is about access to credit. That is why when the Economic Management Council had a number of meetings with the banks, the two pillar banks gave a commitment to increase lending by €3.5 billion this year. The banks set out their strategy for that. Deputy Martin is aware that it is difficult to force banks to lend at a time of challenge and recession. The entire philosophy and culture has changed in this country. Where small businesses previously went to banks and requested assistance or increased loan facilities, it was always on the basis of property or land but that is not the case any longer. Loans must be based on cashflow projections and the risk assessed by the bank. In that sense quite a lot of small businesses have not had the experience themselves of putting together cashflow projections for six months or 12 months. That has been a cause of some delay as well. We intend to meet with the banks on a regular basis to see how their commitment to the lending of €3.5 billion of new money is being implemented.

I referred to Deputy Adam’s question on NewERA and its function in assessing valuations in respect of State assets that might be potentially considered by Government for disposal. The
The Taoiseach.

creation of jobs through that investment could be considerable. The programme sets out the Government’s belief in the creation of 100,000 new jobs by 2015.

Deputy Martin referred to front line services. While a range of positive actions are taking place across the spectrum of the Department of Health, there is still a long way to go. I pay tribute to the medical teams and all those involved in front line services such as nurses who, in the face of a perceived catastrophe when people left the public service at the end of February, measured up in terms of the implementation of hospital plans for each individual hospital and have carried them through with great effect. We want mental health to be central to the delivery of normal health services. It is clear that in a number of counties where there were big institutions and where significant numbers of nurses left the service the balance between retaining an institutional facility and having a community programme is one that is difficult to get right.

In respect of the disability services, it has been identified that there will be 700 school leavers in 2012 with intellectual disabilities. The HSE is now carrying out intensive work and discussions with non-statutory providers so that the emerging needs of those people can be met. The Disability Federation of Ireland and the National Federation of Voluntary Bodies are working closely with the authorities in that regard. It may be the case that persons with intellectual disability leaving school this year would require a range of activities. Some may require FÁS funded vocational training. Others may require approval to extend their educational placement for a specified time or they might remain in the class or the school for a further year. A further group will require rehabilitative training or day services provided by the Department of Health. The numbers are identified. Not all of the students will require support when they leave school. A small number will be able to move into mainstream employment and education. There is a challenge within the budget that is allocated. The voluntary federations and the HSE are now working intensively with regard to the 700 individuals who have been identified as leaving school this year.

I would be the first to say to Deputy Martin that we still have a long way to go in this and in a number of other areas. However, the Minister, Deputy Reilly, and both of his Ministers of State have made significant decisions that are making an impact but in time that will become more obvious with, I hope, a benefit for everyone.

Deputy Micheál Martin: The answer to the question on the 700 school leavers with disability is absolutely unsatisfactory. The situation has been going on for months. It is a budgetary issue. They did not get a budget this year in terms of the additionality that is required to provide for placements for those young people. That is the problem. It goes to the heart of a failure of prioritisation to ensure there is provision for those with the greatest need. Notwithstanding the significant challenges with which the Government and the Oireachtas have to deal, it is unacceptable that people have been left in limbo without any certainty. It is now May and we are talking about placements for individuals who will leave school in a month’s time who were told they were to get placements months ago.

An Ceann Comhairle: The Deputy must ask a question, please.

Deputy Micheál Martin: I have seen the letters outlining that due to a lack of provision of additional funding a place will not be provided for one’s son or daughter as the case might be. It is a disgrace and it reflects badly on the Government in terms of prioritisation. It is reflected also in the increasing number of special needs assistants who are being cut.

I put it to the Taoiseach that he needs to change the way he is overseeing the implementation of the programme for Government. The promises on health are not being delivered at all. We have had cuts to local services, on which the Taoiseach made promises. The benchmark is
the commitments made in the programme for Government. There is no other benchmark. A commitment was made to protect front line services but the Taoiseach is not protecting such services, in health for example, where waiting times are climbing dramatically because of changes introduced by the Minister, Deputy Reilly. There is no substantive reform agenda. It is directionless. Most people in the health arena acknowledge that when one meets them on the front line.

The Government was put together by parties who had a joint approach to unsecured bondholders. The Minister for Transport, Tourism and Sport, Deputy Varadkar, was perhaps the most celebrated when he said “Not a red cent more”. That was greeted with great acclaim across the country, in particular by the Fine Gael Party and the Labour Party. Could the Taoiseach indicate whether there is any effort under way to implement the particular promise which both he and the Labour Party made or will he take the opportunity to declare formally that the promise has been well and truly abandoned by the Government?

**The Taoiseach:** I do not accept Deputy Martin’s premise that significant change is not being carried through in the health area. The Minister, Deputy Reilly, has introduced the special delivery unit which Deputy Martin is well aware is making a considerable impact in respect of waiting lists and entry to hospital. The Deputy is also aware of the fact that even quite recently the comments on health recognise the value of the care given within the health sector. The comments made by the Minister for Health, Deputy Reilly, have been open and straightforward that waiting times are too long and that people who have to be on trolleys in hospital, unfortunately, do so for too long. The intention is clearly to reduce both the admission times and the times people have to remain on trolleys.

The 2012 budgets were reduced by 3.7% this year in respect of the range of services to be provided. The moratorium on staff recruitment clearly gives rise to challenges in a range of areas. It was also laid out clearly in the 2012 HSE service plan that at least 2% of those reductions should not impact on existing needs and services but had to be generated from other savings and by achieving greater efficiencies. The Deputy is well aware of the range of areas within which greater efficiencies can be carried out and, I hope, will be carried out as people focus on them in the future.

Deputy Martin inquired about unsecured bondholders.

**Deputy Micheál Martin:** Has that commitment been formally abandoned?

**The Taoiseach:** Compulsory burden sharing for unguaranteed and unsecured senior bondholders in wind-down banks requiring additional capital was considered in the first half of 2011. Government discussions with the troika resulted in a change of direction in that regard with the priority now being to seek a reduction in the cost to Irish taxpayers of the long-term financing through the IBRC promissory notes for the bailout of IBRC’s creditors. Discussions are clearly ongoing. The latest €3.6 billion instalment on the promissory note was settled with a 2025 Government bond rather than cash. As I pointed out, what may arise in other countries in their banking sectors may well have an impact in dealing with this matter by an alternative method. The Government cut the cost to the taxpayer of recapitalising the covered banks from an initial estimate of €35 billion in the programme of support to €16.5 billion through a combination of avoiding asset fire sales, burden sharing with junior bondholders and securing private capital investment in the State. In addition, the State is committed to acquiring Irish Life for €1.3 billion to complete the recapitalisation of Irish Life and Permanent. It is expected that the proceeds from the onward sale of Irish Life in due course will reduce the amount the State has committed to bank recapitalisation. The Central Bank and Credit Institutions (Resolution) Act 2011 puts in place a special resolution regime for future bank insolvencies.
**Deputy Joe Higgins:** When the programme for Government stretching from 2011 to 2016 was drawn up, we had not heard to a great practical effect about the austerity treaty the Taoiseach is now pushing on the people. Have the Government and its economic council factored the effects of the structural deficit targets and automatic debt reduction mechanisms mandated in the austerity treaty into the programme for Government and the targets contained therein and how they will be affected by this new element? Does the Taoiseach accept that the automatic correction mechanism mandated in the austerity treaty could involve severe cuts, tax increases or a combination of both in 2015 and onwards? Does he agree that this could have a serious effect in creating further deflation and recession in the economy? Does he accept that the treaty will seriously reduce the flexibility of the Government or whatever Government is in place, if it is bound by these straitjacket regulations, and hand to the European Commission control of the size, timeframe and method of correction? Does he see the contradiction and can he explain to us whether he has factored it in and what he expects the effect will be?

Does the Taoiseach agree that when his party members run posters up poles promising stability and investment in job creation and yet more stability, they are making a fraudulent claim? The Government is bowing down to the sharks in the financial markets which create instability with their speculation and drive for mass corporate profits at the expense of society. Does the Taoiseach accept that these sharks will not give a fig about what is written in the austerity treaty if their punts on Spanish and Italian bonds and so on do not bring in enough profit or if there is a question over them? How does the Government square the fact that these powerful forces, these faceless, unaccountable and unelected financial marketeers, are way outside its control, with its promise of stability if it succeeds in frightening people into voting “Yes”?

The Taoiseach has spoken about growth and pointed to the jobs created by multinationals. I welcome every case in which a worker gets a new job. What does the Taoiseach have to say, however, about the downside of his policy and its impact on the domestic economy? What does he say about the fact that gross national product fell by 2.5% last year? This reflected a huge crisis in the domestic economy which is what dictates and determines the level of unemployment. In that regard, why has the Taoiseach not been screaming about the necessity for growth and investment? Why has he not been screaming in Europe that some of the €1 trillion given by the European Central Bank at 1% interest to European banks should be mandated to be invested in job creation, small enterprises and so on instead of being speculated on sovereign bonds? A few sentences may be tagged onto the austerity treaty to make it look a little better, but does the Taoiseach agree that it is not convincing in the slightest?

**The Taoiseach:** I do not accept the Deputy’s premise that this is an austerity treaty. It is an intergovernmental agreement and treaty about stability. From our perspective, it is about creating the conditions to get Ireland working again. I disagree with the Deputy’s proposition that it is foisting austerity on the people. The country is in a programme until the end of 2013 and the intention is that we will emerge from it and be in charge of our own economic affairs. To do this, we will have to go back to the markets. Markets do not react; they anticipate. One rating agency has indicated that if Ireland was to vote against the treaty, the country would be downgraded. I have heard other rating agencies indicate that if something catastrophic were to happen in Greece, there would be a downgrading of a range of countries. How does the Deputy expect this country to get back to the markets and be able to borrow as a sovereign entity if we downgrade ourselves at the end of the programme from which we expect to emerge?

It is not fraudulent behaviour for a political party to state clearly that the treaty is about stability because that is what it states. The fiscal stability treaty seeks to provide a measure of confidence both in terms of good housekeeping, whereby we put our own affairs in order and
continue the strong line of investment into the country, and by the State guaranteeing itself, through the vote of its citizens, access to the permanent bailout mechanism of the eurozone were it ever to be required. When the Deputy refers to GNP falling by 2.5%, he ignores the fact that employment also rose during that period. The Government’s emphasis is on stimulating the indigenous economy. As I said to Deputies Gerry Adams and Micheál Martin, the focus of the Government is on the jobs action programme because we will only improve confidence in the indigenous economy if small and medium enterprises thrive. They are the key to the growth of the indigenous economy. I had the opportunity to travel to China recently accompanied by representatives of 90 Irish firms, all of them small and medium-sized enterprises. Every one of these companies was able to make its own connections, and contracts to the value of €35 million were signed. The new products being made by these firms will result in jobs being created for young people here.

It is not fraudulent behaviour for any political party to state clearly that this treaty is about stability, as it says in the treaty itself and as suggested in its name, fiscal stability treaty. From that point of view, the markets anticipate things. That is why it is even more important that a strong signal of confidence and strength be given by our people to the fiscal stability treaty which, as Deputies know, refers in Article 1 to employment, social cohesion and competitiveness. They are the fundamentals of a strong economy and a good country. Far from foisting austerity on our people, in empathising with the challenges faced by so many of our people these days, we have no intention of turning back in the direction of where we were last year, when international comment equated Ireland with Greece. We are now in a very different position, heading in the right direction, and a strong “Yes” vote on 31 May will consolidate that and send out a message to those investors who are considering Ireland as a place for investment that they should continue to do so. The sooner that message of strength, clarity and confidence is sent out, the better for all our people. This will allow the Government to refocus its efforts on our own jobs programme for the indigenous economy and participate vigorously in the European summit on growth, which I expect will be the first of quite a number.

Deputy Joe Higgins: Does the Taoiseach agree it is not really about the words that are written down in any treaty? We must deal with the reality. I ask him to deal with reality — which he has consistently refused to do, even up to today — by being concrete and honest with the Irish people about the impact of the structural deficit reduction and overall debt reduction proposals. Can he give us something concrete? Have his economic advisers sat down with him and explained that the impact of implementing these measures from 2015 onwards will be further severe cuts? How would that in any way promote growth in the economy when, as we know, the experience of austerity Europe-wide has been disastrous? Does he agree the tragedy of the people of Greece is that they are the victims of excess and relentless austerity, which is wrecking the economy?

Does the Taoiseach agree it undermines the possibility of a free democratic choice by the Irish people in the referendum on 31 May when he continues to hold a gun to their heads by saying that unless they vote “Yes” they will not have access to European Stability Mechanism funds? Could he today remove that gun from the heads of our people by saying that if the Irish people vote —

An Ceann Comhairle: That is not the question with which we are dealing.

Deputy Joe Higgins: If the Irish people vote “No”, that is a mandate for the Taoiseach to go to his European colleagues and tell them he will not agree to the underpinning of this new fund in EU law until that blackmail clause is removed, which he has the power to do. I ask the Taoiseach to do the Irish people a huge favour and give them the freedom to make a demo-
cratic, free and fair choice rather than forcing them to vote under compulsion and threat, which has been the strategy of his Government and the “Yes” side.

**The Taoiseach:** There is no additional fiscal consolidation required under this treaty.

**Deputy Richard Boyd Barrett:** What?

**The Taoiseach:** From 2016 onwards, as the Deputy is aware, if Ireland has a structural deficit above 0.5% of GDP, it must implement a plan to bring it down to 0.5% of GDP over an agreed period and in accordance with accepted methodology that applies in each individual country. This certainly does not represent an additional cost of anything like €6 billion, about which the Deputy’s colleague has been ranting for some time. It is incorrect to say the only way of dealing with a structural deficit is through expenditure cuts and tax increases. As I have pointed out on many occasions, the Government is dealing with the structural deficit through the obvious methods——

**Deputy Richard Boyd Barrett:** Through cutting. Eight billion euro of cuts.

**The Taoiseach:** ——of addressing structural economic problems — that is, through structural reforms to help people back to work using improvements in technology and change in the structure of our economy. That is how we deal with this. Growth, as I said, will be the big lifter in this regard.

**Deputy Richard Boyd Barrett:** There is the small matter of €3 billion in cuts this autumn.

**The Taoiseach:** I do not accept at all what Deputy Higgins says. We do not have a veto over the ESM. The ESM goes ahead when the contributors of 90% of the funding have agreed to it. Our contribution is about 1.6%, so we do not have a veto over the ESM.

**Deputy Joe Higgins:** Yes, we do.

**The Taoiseach:** In any event, as the Deputy is well aware, the preamble to the treaty states clearly that countries that ratify the fiscal stability treaty will have access to funding from the ESM should they ever need it. These are measures of confidence that I think are fundamental to the way people in this country are now thinking about the treaty. People want to know that the line of investment into our country can continue to be strong. They like to hear that the corporate tax rate will be unchanged. The Deputy will be aware that tomorrow, I think, the Intergovernmental Conference will sign off on the vote taken by the European Parliament recently on the adoption of the protocols to the Lisbon treaty. There will be two countries that cannot actually meet the deadline — France and the Czech Republic — because of the national elections in France in the next month and the Czech Republic’s internal measures.

**Deputy Joe Higgins:** Could the Taoiseach clarify the ESM in one sentence? This would be a big favour.

**The Taoiseach:** Both of these will sign off on the corporate tax rate before the end of the month, which is also of importance for us.

**An Ceann Comhairle:** Deputy, could you sit down?

**The Taoiseach:** If the Deputy is suggesting to me that this country has a veto over the ESM, he is wrong.
Deputy Joe Higgins: Let me put it to the Taoiseach.

An Ceann Comhairle: The Deputy will not be putting anything, because we have completed Question Time for today.

Deputy Joe Higgins: I ask him to finalise the matter in one sentence.

An Ceann Comhairle: I am sorry; the time is up. Everybody got a fair chance. We spent an hour on nine questions.

Deputy Joe Higgins: There is another minute to go, actually.

Deputy Gerry Adams: A Cheann Comhairle, I tabled four of those questions.

An Ceann Comhairle: I know, but we have run out of time. They all cover the same topic. They are questions on which we could stray into talking about all sorts of things.

Deputy Joe Higgins: Is it the case that we do not need to amend Article 136 of the Treaty on the Functioning of the European Union——

Deputy Micheál Martin: It is the nature of Question Time. It does not happen every day.

Deputy Joe Higgins: —— to legally underpin the ESM?

An Ceann Comhairle: Deputy, resume your seat.

Written Answers follow Adjournment.

Order of Business

The Taoiseach: It is proposed to take No. a12, Road Safety Authority (Commercial Vehicle Roadworthiness) Bill 2012 [Seanad] — Financial Resolution; and No. 5, European Arrest Warrant (Application to Third Countries and Amendment) and Extradition (Amendment) Bill 2011 — Order for Second Stage and Second Stage.

It is proposed, notwithstanding anything in Standing Orders, that No. a12 shall be decided without debate; that the proceedings on Private Members’ business, which shall be No. 36, Regulation of Debt Management Advisors Bill 2011 — Second Stage, shall, if not previously concluded, be brought to a conclusion at 9 p.m. on Wednesday, 16 May 2012; and that the Dáil on its rising today shall adjourn until 2.30 p.m. tomorrow.

An Ceann Comhairle: There are three proposals to be put to the House. Is the proposal for dealing with No. a12 agreed? Agreed. Is the proposal for dealing with Private Members’ business agreed? Agreed. Is the proposal that the Dáil on its rising today shall adjourn until 2.30 p.m. tomorrow agreed? Agreed.

Deputy Micheál Martin: I read yesterday that the Minister for Agriculture, Food and the Marine, Deputy Coveney, had spoken about the potential privatisation of Coillte. In the context of the forthcoming forestry Bill, I have extreme concerns about what is being considered. At the moment, Coillte has a land bank of just less than half a million hectares, which is significant not just financially but also in terms of its recreational and amenity potential. Coillte owns 150 recreation sites and ten forest parks and has 1,100 employees. The Minister, Deputy Coveney, seems to have indicated the NTMA is currently evaluating this.

An Ceann Comhairle: Where is this leading?
Deputy Micheál Martin: I want to know when the forestry Bill, the key Bill in facilitating the sale of the trees and assets of Coillte, will be published. Does the Taoiseach envisage the publication of the heads of the Bill to facilitate all-party engagement on the issues and the teasing out thereof? These issues are of significant concern to communities throughout the country. I would appreciate a response to my question.

The Taoiseach: I can confirm for the Deputy that the Bill is very well advanced. It will be taken and published in this session.

Deputy Micheál Martin: That is what I am concerned about. Could we have some indication as to when——

Deputy Gerry Adams: Tá ceist agam faoi reachtaíocht atá fógraithte, the personal insolvency Bill. The scheme was published in January and the Bill was due to be published at the end of April. It is nearly seven months since the publication of the Keane report. There are 100,000 families in mortgage distress and they face real hardship. There seems to be no sign of the publication of the Bill or of Second Stage. Could the Taoiseach outline the reasons for the delay? When does he expect the Bill to be published?

The Taoiseach: I expect the Bill to be published by the end of June. A great deal of activity has occurred in regard to it. There have been meetings between the Office of the Attorney General and the Ministry for Justice and Equality on a range of very complex and quite difficult issues that were identified. Advancements have been made on them and I expect the Bill to be published by the end of June.

Deputy Mattie McGrath: Will the Taoiseach or the Minister for Public Expenditure and Reform, Deputy Howlin, bring forward legislation promised in the programme for Government on the outrageous carry-on of rehiring retired public servants who have taken a gratuity and who have pensions? This is an outrageous development. It has been taking place for years, as we know.

An Ceann Comhairle: What Bill are we talking about?

Deputy Mattie McGrath: I am asking whether a Bill will come forward to deal with this matter.

An Ceann Comhairle: That should not be asked on the Order of Business. It is a matter for a parliamentary question.

Deputy Mattie McGrath: Is it?

Deputy Michael Healy-Rae: When will the noise nuisance Bill come before the House? The Bill is to extend and improve the powers available to enforcement authorities to prevent noise nuisance by allowing for on-the-spot fines and providing mediation between neighbours. When will the statutory central register of credit histories Bill, which is to establish a new credit register that will support more informed lending decisions and development of improved insolvency procedures, while also providing an important tool for banking supervision, come before the House?

The Taoiseach: The second Bill will be later this year. I do not have a date for the first Bill the Deputy mentioned.
Deputy Kevin Humphreys: When will the Protection of Employees (Temporary Agency Work) Bill 2011, which passed through the Seanad in April, be taken? I have been contacted by a number of agency workers who want clarity on when the Bill will return to the Dáil for Report and Final Stages. Has the Taoiseach a timeframe?

The Taoiseach: I understand that Bill has been passed in this House. It was actually sent to the President for signature last week. It should be finalised very shortly, as soon as the President has it signed.

Deputy Timmy Dooley: Last week the Government made an announcement on the future ownership and management of Shannon Airport. It also announced the dismantling of Shannon Development as a development agency for the mid-west. The Taoiseach is well aware of the important role Shannon Development played over many decades in developing and sustaining a significant jobs base in the region. When does he intend to bring forward legislation to dismantle Shannon Development? How does he intend to support the very significant industrial base in the region, which has required the support of a development agency to move through the various phases of job creation? There is considerable concern in the region that the dismantling of the agency and the centralisation within the IDA and Enterprise Ireland of the services it provided will take from the capacity to retain the important base that exists.

The Taoiseach: This decision was made by the Government last week. Clearly, there is a great deal of optimism, confidence and hope for the future of the entire mid-west as a result of the potential that exists. The Minister for Transport, Tourism and Sport and the Minister for Jobs, Enterprise and Innovation are working together to set up an appropriate, competent working group to progress the decision the Government made. If legislation is required to dispense parts of Shannon Development to Enterprise Ireland and the IDA, it will be brought forward in due course.

Deputy Robert Troy: When will the Public Service Management (Recruitment and Appointments) Act 2004 (Amendment) Bill, listed in section C of the Government's legislation programme, come before the House? It is important the House would have an opportunity to debate the fact that senior public servants who retired on generous pensions are being rehired and given attractive packages——

An Ceann Comhairle: When is the Bill due?

Deputy Robert Troy: ——given that the Taoiseach himself does not know how many senior public servants have retired——

Deputy Paul Kehoe: Deputy Troy’s party was very good at it.

Deputy Robert Troy: ——and how many have been rehired.

An Ceann Comhairle: I ask Deputy Troy to resume his seat. When is the Bill due?

Deputy Paul Kehoe: Deputy Troy’s party was very good at it.

Deputy Micheál Martin: There is a Bill.

The Taoiseach: The Deputy is aware that these rehirings are all on the basis of temporary contracts.

Deputy Mattie McGrath: It is scandalous.
The Taoiseach: Some are very specialist. The heads of the Bill to which the Deputy refers are being finalised and will be before the Government in due course. I cannot give the Deputy an exact date.

Deputy Joe Higgins: Could the Taoiseach give a specific timescale for the introduction of the Treaty Establishing the European Communities Act 1972 (Amendment) Bill? The Taoiseach’s legislation programme states it relates to the amendment of Article 136 of the Treaty on the Functioning of the European Union underpinning the legal standing of the treaty establishing the European Stability Mechanism. Why did the Taoiseach tell me a few minutes ago that it was not necessary to have the European Stability Mechanism on a legal basis?

An Ceann Comhairle: That is a different issue altogether. When is this legislation promised?

The Taoiseach: It has been published and will be taken after the referendum.

Deputy Joe Higgins: When will it be taken?

The Taoiseach: After the referendum.

Deputy Joe Higgins: It is necessary to have it ratified before there can be legal standing for the European Stability Mechanism.

The Taoiseach: We do not have a veto on the European Stability Mechanism. I already explained that to the Deputy.

Deputy Joe Higgins: No, the Taoiseach did not. That is the problem.

The Taoiseach: We do not have a veto on the European Stability Mechanism.

Deputy Bernard J. Durkan: I have questions on two promised Bills, the first of which is the landlord and tenant Bill, which is to reform and consolidate the general law on landlords and tenants and which is expected in 2013. Given the degree to which debate has taken place between landlords and tenants, particularly over the past two years, it might be possible to bring the Bill forward. How much work has been done on this Bill? What is the position on the protected disclosure in the public interest Bill?

The Taoiseach: The heads of that Bill were cleared last October. Work is proceeding thereon but I expect it will be early next year before it comes in.

Deputy Bernard J. Durkan: Is the Taoiseach referring to the first Bill to which I referred?

The Taoiseach: Yes.

Deputy Bernard J. Durkan: What about the protected disclosure in the public interest Bill?

The Taoiseach: I am informed it will be this year.

Comptroller and Auditor General (Amendment) Bill 2012: Second Stage (Resumed).

An Ceann Comhairle: A division was challenged on Friday, 11 May 2012 on the question that the Comptroller and Auditor General (Amendment) Bill 2012 be read a Second Time. In accordance with Standing Order 117A(4), that division must be taken now.

Question put:
The Dáil divided: Tá, 36; Níl, 92.

Tá

Adams, Gerry.
Boyd Barrett, Richard.
Calleary, Dara.
Collins, Joan.
Colreavy, Michael.
Cowen, Barry.
Daly, Clare.
Doherty, Pearse.
Dooley, Timmy.
Ellis, Dessie.
Ferris, Martin.
Halligan, John.
Healy-Rae, Michael.
Higgins, Joe.
Kelleher, Billy.
Kitt, Michael P.
Mac Lochlainn, Pádraig.
McDonald, Mary Lou.
McGrath, Finian.
McGrath, Mattie.
McGuinness, John.
McLellan, Sandra.
Martin, Michéal.
Moyne, Michael.
Murphy, Catherine.
O’Caoláin, Caoimhghín.
O’Cuív, Eamon.
O’Fearghaíl, Seán.
O’Snodaigh, Aengus.
O’Brien, Jonathan.
O’Dea, Willie.
O’Sullivan, Maureen.
Ross, Shane.
Smith, Brendan.
Troy, Robert.
Wallace, Mick.

Níl

Barry, Tom.
Broughan, Thomas P.
Bruton, Richard.
Burton, Joan.
Butler, Ray.
Buttimer, Jerry.
Byrne, Catherine.
Byrne, Eric.
Cannon, Ciarán.
Carey, Joe.
Coffey, Paudie.
Conaghan, Michael.
Connaughton, Paul J.
Conway, Ciara.
Coonan, Noel.
Creed, Michael.
Daly, Jim.
Deasy, John.
Deenihan, Jimmy.
Deering, Pat.
Doherty, Regina.
Donohoe, Paschal.
Dowds, Robert.
Doyle, Andrew.
Durkan, Bernard J.
English, Damien.
Farrell, Alan.
Ferris, Anne.
Fitzgerald, Frances.
Fitzpatrick, Peter.
Flanagan, Charles.
Flanagan, Terence.
Gilmore, Eamon.
Griffin, Brendan.
Hannigan, Dominic.
Harrington, Noel.
Harris, Simon.
Hayes, Tom.
Heydon, Martin.
Hogan, Phil.
Humphreys, Heather.
Humphreys, Kevin.
Keating, Derek.
Keaveney, Colm.
Kehoe, Paul.
Kelly, Alan.
Kenny, Enda.
Kenny, Seán.
Kyne, Seán.
Lynch, Kathleen.
McCarthy, Michael.
McEntee, Shane.
McGinley, Dinny.
McLaughlin, Tony.
McNamara, Michael.
Maloney, Eamonn.
Mathews, Peter.
Mitchell, Olivia.
Mitchell O’Connor, Mary.
Mulherin, Michelle.
Murphy, Dara.
Murphy, Eoghan.
Nash, Gerald.
Naughten, Denis.
Neville, Dan.
Nolan, Derek.
Nulty, Patrick.
Ó Riordáin, Aodhán.
O’Donnell, Kieran.
O’Donovan, Patrick.
O’Mahony, John.
O’Reilly, Joe.
O’Sullivan, Jan.
Penrose, Willie.
Perry, John.
Phelan, Ann.
Phelan, John Paul.
Quinn, Ruairí.
Reilly, James.
Ring, Michael.
Ryan, Brendan.
Shatter, Alan.
Sherlock, Sean.
Shortall, Róisín.
Spring, Arthur.
Stagg, Emmet.
I move:

That provision be made in the Act giving effect to this Resolution for the charging of, in accordance with Regulations made by the Minister under section 4 of the Act, a road safety levy to finance the ongoing costs and enforcement regime of the Commercial Vehicle Roadworthiness (CVR) programme, which will form part of the overall fee to be charged in respect of CVR tests.

Question put and agreed to.

Topical Issue Debate

Financial Services Regulation

Deputy Martin Ferris: I have raised this issue on foot of the problems people are encountering in the context of so-called sub-prime mortgages. We are all aware of the general difficulties experienced by people whose mortgages are in arrears as a result of unemployment and reductions in income. These difficulties are greatly exacerbated in the case of certain lenders who charge huge interest rates, impose massive penalties on people who are in arrears and resort to legal proceedings to obtain possession of properties even in circumstances where they have been presented with reasonable offers of repayment.

The lenders to whom I refer should not be allowed to continue to lend money. One such lender is a certain Mr. Weisz, who has been already convicted of a breach of section 27 of the Central Bank Act 1971. His offence related to the illegal solicitation of deposits and was a breach not only of the Central Bank Act but also of the terms of the only licence held by the company, which was issued in the UK. This fact alone should warrant an investigation on the part of Revenue. We also have information relating to the fact that numerous deposits were made to the personal bank account of Mr. Weisz and his wife, Fiona, and not to that of the Wise Finance Company.

Concerns in respect of this matter were raised in the House in 1999. The then Minister, Mary Harney, attempted to tighten up the legislation relating to lenders of this kind. Unfortunately, a number of loopholes still remain.

Mr. Weisz signed an affidavit in the High Court on 28 September 2004 in which he stated that the plaintiff company was a mortgage lender within the meaning of the Consumer Credit Act 1995, when the only licence the company ever held was one issued by the Office of Fair Trading in England. This licence allowed for the granting of credit by non-deposit taking fin-
inance houses and other specialist consumer credit guarantors. Said licence lapsed on 25 May 2004, over four months earlier. I am sure Mr. Weisz was well aware of that fact at the time.

An Leas-Cheann Comhairle: I apologise for interrupting but I would like the conversations taking place in the lobbies to cease. I want to be able to hear what Deputy Martin Ferris has to say and I am sure the Minister of State does as well. Perhaps the Deputies who are talking to one another in the lobbies might continue their conversations outside the Chamber.

Deputy Martin Ferris: Given that the company to which I refer is currently in the process of attempting to repossess properties, particularly a number of farms throughout the country, I request that the Department of Finance and the Central Bank investigate the legal position and status of this company as a matter of urgency. I hope the Minister of State will relay my request to the relevant entities.

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Shane McEntee): I have taken on board everything the Deputy stated and I promise to forward the details to the relevant authorities. Approximately two years ago, I was gob-smacked when discovered the number of people and entities that were in a position to give out mortgages and the number of individuals who simply did not know what type of mortgage they had taken out.

The Central Bank of Ireland has overall responsibility for authorising, regulating and supervising regulated financial service providers. In terms of the provision of mortgages, this includes the regulation of credit institutions — such as banks — retail credit firms and home reversions schemes. A retail credit firm is one which provides credit in the form of cash loans directly to individuals under the Consumer Credit Act 1995. A home reversion scheme is where a consumer agrees to sell a share of his or her home in return for a set price. The Central Bank provides a register of regulated financial service providers on its website www.centralbank.ie. In addition to the requirement to be authorised, mortgage providers are subject to a range of supervision and enforcement provisions set out in statute, including the Central Bank Acts 1942 to 2011. There are a number of other requirements to which mortgage providers are subject, including the code of conduct on mortgage arrears; the consumer protection code; and the Central Bank fitness and probity regime.

A number of measures have been already put in place to protect mortgage holders who are experiencing difficulty with their mortgage repayments. These include the Central Bank code of conduct on mortgage arrears which, among other things, requires each lender to put in place a mortgage arrears resolution process. It also provides that a lender must make every reasonable effort to agree an alternative payment arrangement with a co-operating borrower who is experiencing mortgage difficulties and places a moratorium on legal action by banks against co-operating borrowers.

In its report published last autumn, the interdepartmental group on mortgage arrears concluded that the mortgage problem is complex and that in some cases a response other than a forbearance approach will be required. In particular, it stated that a range of practical solutions tailored to individual circumstances will need to be developed and deployed for people in most need. The Government has accepted the recommendations in the Keane report which relate to this area and has put in place a special committee to ensure a high priority is assigned to their implementation across relevant Departments and agencies. Under the consumer protection code, a regulated entity must ensure that in all its dealings with customers and in the context of its authorisation it acts honestly, fairly and professionally in the best interests of its customers and the integrity of the market; acts with due skill, care and diligence in the best interests of its customers; does not recklessly, negligently or deliberately mislead a customer as to the real or perceived advantages or disadvantages of any product or service; does not exert
[Deputy Shane McEntee.]

undue pressure or influence on a customer; ensures any outsourced activity complies with the requirements of the code which also sets out a range of more detailed provisions relating to mortgages.

The Central Bank Reform Act 2010 gave effect to the new fitness and probity regime being introduced on a phased basis by the Central Bank. Under the new regime, the Central Bank may refuse to approve a proposed appointment to a pre-approval controlled function where it is of the opinion that the proposed appointee is not of such fitness and probity as are appropriate to perform the relevant function. The Central Bank, as part of its role in the ongoing supervision of the financial services sector, may from time to time consider there is reason to suspect the fitness and probity of a person performing a controlled function and may commence an investigation into that person. Under the fitness and probity regime, a person must be able to demonstrate, among other things, that his or her ability to perform the relevant function is not adversely affected to a material degree where he or she has, in any jurisdiction, been convicted of an offence either of money laundering or terrorist financing, or has had a finding, judgment or order made against him or her involving fraud, misrepresentation, dishonesty or breach of trust.

Following on from the Central Bank Reform Act 2010, the Central Bank (Supervision and Enforcement) Bill 2011 was published in July 2011. That Bill draws on the lessons of the recent past in Ireland and abroad and further enhances and strengthens the Central Bank’s regulatory powers to impose and supervise compliance with regulatory requirements and undertake timely prudential interventions. The Bill contains a range of provisions that will enhance the protection of consumers. Further provisions have been proposed for Committee Stage which are the subject of a public consultation process.

The Government has brought forward several reforms to improve the regulatory system. The provision of mortgages and the protection of consumers remain a core focus of the Government’s attention. The Central Bank continues to work with the Department of Finance and other stakeholders to deal with difficulties that arise on the ground and bring forward meaningful proposals to ensure mortgage holders are dealt with in a fair, honest and professional manner.

Deputy Martin Ferris: I thank the Minister of State for his reply. Obviously, he does not have the details I have regarding the Wise Mortgage Company and Mr. Weisz’s finance company. I have been aware of his operation for several years when he attempted to repossess a farm in my constituency. Vulnerable people borrowed money at a rate of 9%, but once they had missed one repayment, it doubled to 18%. It would tend to accumulate over time, making it impossible for the individuals concerned, small farmers in many cases, to pay it back.

When I first named Mr. Weisz in the House, I was assured the loopholes in the legislation would be closed for this sub-prime mortgage lender. In two weeks time, however, he has a case before the Supreme Court. Again, it involves an individual who borrowed a modest amount of money that has accumulated with penalties to an exorbitant sum which the person concerned is unable to pay back. Unless the Supreme Court states the lender, Mr. Weisz’s finance company, was acting illegally, the farm of the individual in question will be repossessed. I am aware of two other farmers whose farms are being repossessed by Mr. Weisz.

Because of a loophole people like Mr. Weisz are not regulated by the Central Bank. Until such time as this is done, vultures like him will continue to exploit the vulnerability of individuals who find themselves in desperate situations and who are doing their utmost to maintain whatever property they have.
Deputy Shane McEntee: I will bring this matter, particularly the specific lender mentioned, to the attention of the Minister for Finance. In my constituency we have had similar cases of people who did not look at where they were getting their mortgage from and now find themselves in serious trouble like that described by the Deputy.

Air Quality Controls

Deputy Anne Ferris: I am raising this matter because I have been contacted by constituents who are concerned about the lack of a ban on the marketing, sale and distribution of bituminous coal, smoky coal as it is generally called, in Wicklow town and the wider Greystones area. I am concerned about this issue as the health implications are significant for those inhaling this smog, as evidenced by the reduction in the number of deaths, estimated to be in the hundreds, when the ban was first introduced in the wider Dublin area in the early 1990s.

I was first contacted about this matter by a father of two young children who suffered from asthma. Their neighbours burn high bituminous coal and the prevailing wind blows the resulting smog straight in through their bedroom windows. The black carbon particulate matter can penetrate deep into the lungs of those who breathe it in. This is clearly not tenable for the family, nor is it tenable for the other elderly residents who have contacted me from Wicklow and Greystones and are concerned about their own health. It is clear that exposure, even below the mandatory levels, can have adverse effects on health, particularly of those prone to respiratory problems.

During the years many other towns and cities have been added to the list of areas in which a ban has been put in place. They include Arklow in 1998 and my home town, Bray, in 2003. The results of these additions have demonstrated a reduction in black smoke emissions in the range of 70% in cities to a minimum of 45% in towns. This is welcome. I would, therefore, certainly like to see an extension of the ban to Wicklow town and Greystones. Not only, as I said, would it have immediate health benefits but there would also be wider policy implications. As a country, we should be reducing our dependence on fossil fuels such as smoky coal that has a high carbon content and relatively inefficient combustion when compared to other fuel sources. In doing so, we could help to tackle climate change and improve energy efficiency. A recent UN report demonstrates that the replacement of coal with smokeless coal for cooking and residential heating offers the prospect of a large potential reduction in emissions. Further reports indicates that by 2020, small-scale residential heating systems will be the source of about half of all black carbon emissions and, therefore, the most dominant form.

I know the Minister for the Environment, Community and Local Government is undertaking a review of the situation, which is very welcome. Given the recent census results which demonstrated a large increase in the population of County Wicklow and that Wicklow town and Greystones were significant urban areas, it is incumbent on us to consider adding them to the list of places where only smokeless fuels may be used. I would not like to see another winter when the level of home heating is at its highest with increased smog levels. We must endeavour to do what we can to protect the health of the most vulnerable members of our communities. I, therefore, urge the Minister to take these points on board when coming to a decision on the results of the review.

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I thank the Deputy for raising this important matter. The ban on the marketing, sale and distribution of bituminous fuel — the smoky coal ban — was first introduced in Dublin in 1990 owing to severe winter smog resulting from the widespread use of smoky coal for residential heating. The ban has proved effective in reducing smoke and sulphur dioxide levels, with research indicating it has resulted in over 350 fewer annual deaths in Dublin since its introduc-
tion. The ban was subsequently extended to other areas and now applies in 20 cities and towns. Air quality monitoring by the Environmental Protection Agency, EPA, has shown that levels of particulate matter are lower in these areas than in towns where the ban does not apply. In its most recent state of the environment report the EPA has concluded the smoky coal ban has had a positive effect on limiting particulate matter emissions from home heating and recommended it should be extended to all urban areas.

A public consultation paper was recently prepared by my Department to inform and assist a review of the smoky coal ban regulations, taking account of the progress made to date, as well as the 2011 census, which evidenced changes in town populations. As well as reviewing the impact of the regulations to date, the consultation paper also identifies relevant considerations relating to their effective implementation in the context of the scientific and societal developments since their introduction. The consultation paper can be viewed on my Department’s website, www.environ.ie.

Among the options explored in the consultation paper is the proposed alignment of the smoky coal restricted areas outside Dublin and Cork with EPA-designated air quality zones so as to provide for greater consistency in overall air quality management. The EPA has divided the country into four zones for the purpose of air quality monitoring and management, as follows: zone A is Dublin; zone B is Cork; zone C comprises other cities and towns with populations greater than 15,000 people; and zone D covers the remaining areas of the country. Based on the latest census data, the alignment of the smoky coal ban regulations with zone C would result in the ban being extended to the towns of Balbriggan, Greystones, Letterkenny, Mullingar, Navan, Newbridge and Portlaoise.

Under the current consultation process, my Department has received submissions supporting the extension of the smoky coal ban to the town of Greystones and its environs. At present, Wicklow town is not proposed for inclusion as part of the alignment with air quality zone C as its population is less than 15,000 people. Although it is open to Wicklow County Council to nominate any town within its functional area for inclusion in the ban, I understand my Department has not received any such request. It should be noted that the closing date for submissions is this coming Thursday, 17 May. Perhaps the Deputy will have the opportunity to ensure a submission is made before that date.

Deputy Anne Ferris: I thank the Minister for his reply and I am delighted that Greystones has been included. As I mentioned, the population in Greystones, Delgany and other areas has grown. The Minister, unfortunately, noted that there has been no application from Wicklow County Council with regard to Wicklow town. That is a pity, and the closing date is on Thursday. I contacted the town clerk in Wicklow this morning to see if she had made a submission but she had not, so I will contact representatives of Wicklow County Council to see if we can get in a submission before Thursday. There is a growing population in Wicklow town, and the town is, unfortunately, quite smoggy. With regard to health and environmental aspects, I would like to see this ban extended to every town and city in the country.

Deputy Phil Hogan: I am glad Deputy Ferris is in contact with the local authority to remind it to put in a submission for Wicklow town. If it does not do so, perhaps the Deputy will make a submission herself.

Special Educational Needs

Deputy Paul J. Connaughton: I thank the Ceann Comhairle for allowing me to raise this topic and the Minister of State for being present. Parents of children with intellectual disabilities who are about to leave school are in a dilemma as they do not know what services, if any, the
children can avail of when school finishes next month. The difficulty is believed to affect more than 700 children, voluntary service providers are pointing out that the reduced funding has resulted in the paring back of services, and there is no capacity to care for further people as there is pressure to find sufficient resources to care for people already within the system.

Many of these children require ongoing speech and language support, physiotherapy or occupational therapy. Parents fear their children will regress if they do not receive the necessary support. Each year, the Department of Health offers funding to provide emergency placements and services for school leavers, but according to recent reports in the media, for the first time there will be no provision of such funding this year. Voluntary services, as we know with all other Departments, have been facing cuts over recent years and are struggling to maintain existing provisions. Support groups have indicated cuts are also exacerbated by the recruitment moratorium and the reduction in front-line services.

Fears are being expressed by parents of people with intellectual disabilities that the current issues will result in a reduced quality of life for those involved. A number of parents in Galway have been told by service providers that there are no places for their children, and transport and respite services are also being reduced. The HSE has stated a commitment to using all available resources in a creative and flexible manner to respond to the needs of these service leavers. I was contacted by a parent in Ballinasloe yesterday whose 18 year-old son at this point does not know what services will be available to him. He is a young man with a great level of needs, and I ask the Minister of State in her reply to state what, if anything, can be done in that case.

**Deputy Billy Kelleher:** I extend my appreciation to the Ceann Comhairle for giving me the opportunity to raise this issue. We need clarity on it as there is great uncertainty among parents and families of people with intellectual disabilities. The previous Deputy indicated that up to 700 children with these special requirements will leave school this year, and they are unsure if places for services will be made available and what funding will exist for those places. The service has already been cut to the bone over recent years. The 4% cut this year, when there is little room left for manoeuvre, will have a direct impact on services. There has been an indication that half the 4% cut will come from administration, but many service providers argue this will not be the case as administration costs cannot be further reduced. There will be a knock-on effect on services.

What assurance will the Minister of State give that the supports and services, especially occupational and speech therapy, language supports and physiotherapy, will remain available? Ms Deirdre Carroll of Inclusion Ireland, an umbrella group representing people with intellectual disabilities and their families, has said many parents and their children face an uncertain future, and it is very disappointing and frustrating for families to be left in limbo. She has argued the onus must be on the Health Service Executive and service providers to formulate a plan to deal with this and not leave parents waiting until the last minute. This sums up the concerns that exist.

I know there is an ongoing review of efficiencies in the shape of a value for money audit but until that report is completed, there is an issue with 700 children leaving school this year to an uncertain position with regard to supports. Will the Minister of State clarify the matter?

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I thank the Deputies for raising this important issue. I recognise the importance of life skills training and day services to people with disabilities who are leaving the education system, and every effort is being made within the available resources to provide services to all 2012 school leavers. Day services for adults with disabilities provide a network of support for more than 25,000 people
who have a wide spectrum of need, ranging from those with severe and profound disabilities who are likely to need long-term specialist service provision to people with lower support needs and greater potential for community participation and inclusions. The HSE, through its occupational guidance service, works with schools, service providers, service users and families to identify the needs of young people with disabilities who are due to complete their second level education. The aim is to address the needs of individuals in one or more of the following ways: health funded rehabilitative life skills training; health funded day services; FÁS funded vocational training; and approval to extend education placement for a specified time.

The provision of work related training is the responsibility of FÁS and the Department of Education and Skills, whereas life skills training and general day services are provided by the HSE. Although the HSE makes every effort to provide services to people over 18 on leaving school, this has always been dependent on the availability and location of appropriate places, coupled with the needs of the individual school leaver. The demand for services for school leavers continues to grow. The HSE expects that approximately 700 school leavers will require services in 2012. Disability services will be required to cater, from within the existing budgets, for demographic pressures such as new services for school leavers and emergency residential placements.

The 2012 budgets have been reduced by 3.7%, not the 4% the Deputy mentioned, and the moratorium on staff recruitment gives rise to challenges in service provision. In addition, the physical capacity to provide further services may not be present in all agencies. The voluntary sector and the HSE are committed to the best use of available resources in a creative and flexible manner, so as to be as responsive as possible to the needs of this cohort. The emerging Department of Health policy direction, the value for money and policy review, coupled with recommendations from HSE national working groups on key service areas, including the review of HSE funded adult day services, emphasise the need for a new model of service provision that, if agreed by the Government, will further the independence of people with disabilities in a manner which is efficient and cost-effective. New Directions, the review of HSE funded adult day services, was published on 29 February 2012 with a detailed implementation plan. A working group will be established this month under the auspices of the national consultative forum to ensure the implementation plan is progressed through a collaborative approach.

I agree with the Deputy’s comment that there should be much earlier intervention rather than having parents and service users worrying up to the last possible moment every year. This cannot continue but the question is why it was not tackled before now.

Deputy Paul J. Connaughton: I thank the Minister of State for her response. Her final point answered what I was going to ask. This has been happening for a number of years now. We are talking about some of the most disadvantaged in our society but we have treated them like this for the past number of years. That is simply unacceptable and I welcome the review. The plan is that this would not happen again and that is welcome. I urge the Minister of State, however, to do whatever she can for the 700 people affected by this now. Some comfort must be given to the parents of those people. In some of the cases, such as those in the Brothers of Charity or Ability West, due to their limited resources, they are able to deal only with those with lesser issues. The problem is those who need this help and support the most are sometimes the ones who are most disenfranchised.

I thank the Minister of State for her response and encourage her to bring some clarity for the 700 currently affected by this in the next seven days.
**Deputy Billy Kelleher:** We could argue over the percentages but in terms of front line cuts, there definitely will be more than 4%. With court cases and increments built into pay already coming out of the budget, there will be major cuts of about 6.5% to front line services. The 3.7% flagged by the Minister of State is the overall figure but the figure for front line services is much greater and there will be a major reduction in those services.

The Minister of State was critical of the supports we gave to people with intellectual disabilities previously. Benchmarking this Government’s progress on something it was critical of shows there are no great aspirations to move forward this issue to ensure we do not have continual crises at the end of every year. Can the Minister of State give me an assurance that this time next year, we will not be standing here raising this issue again of school leavers not being made aware of the supports and services being made available to them, so there will be a rolling fund, year in, year out? The HSE holds back money from this fund until later in the year, creating grave uncertainty for vulnerable people.

**Deputy Kathleen Lynch:** I will tell both Deputies what I have told the service providers who have been in to see me on this issue. Both the forum and the HSE are working hard to ensure as many people as possible will have a place. There is a multiplicity of places available and different people need a different response.

I do not agree that certain organisations are at the pin of their collar as a result of cuts. There are questions to be asked about administration. The budget for disability is enormous: €1.5 billion in the Department of Health and unknown amounts in the Departments of Social Protection and Education and Skills, as well as FÁS. It is about pulling together all of that. This afternoon I was in discussions with an official to talk about putting in place a framework similar to that in mental health to pull all of that under one umbrella to ensure the crises we have seen, be it in respite, school leaving or continuing care, do not recur. We must put together an implementation plan to ensure the considerable resources that are being spent are spent wisely.

I give credit to the previous Government — I have no difficulty with that — but in some cases the process does not deliver good services. We must ensure those with disabilities make choices themselves. There is a small cohort of people who will not be able to make those choices but the majority will, and we must allow that to happen. Equally, however, we must look at the administration. When people talk about front-line services being cut, why is that? Some organisations have multiples of CEOs. They then divide up into other organisations. There is no difference in administration in disability services between organisations. Why must every area have its own backroom staff and administration? This must be about the person with the disability and that is what we are working hard to deliver. That is why the HSE, the forum and other service providers want to see this resolved so we are not constantly crisis driven. We have done that in the area of mental health and we must start doing it in the area of disability.

**Schools Building Programme**

**Deputy Éamon Ó Cuív:** Clifden community school serves a very extensive area of west Connemara, from Maam Cross to Clifden and from Roundstone to Leenane. It is now the only second level school in this area with the closure of Kylemore Abbey school.

In the school catchment area, there are primary schools in Roundstone, Ballyconneely, Aillbrack, Clifden, Cashel, Kingstown, Claddaghduff, Cleggan, Letterfrack, Tully, Eagles Nest, Inishbofin and Lettergesh. Virtually all of these schools saw upgrades in the standard of their accommodation in the term of the Fianna Fáil Governments of recent years through the devolved schemes, the summer works scheme, and the emergency works scheme. This included
Deputy Éamon Ó Cuív.

major works on Cashel, Cleggan, Claddaghduff, Eagle Nest and Inishbofin schools. We had on completion of this programme proceeded to the progression of the building of a replacement building for Clifden community school and had made significant progress on it before leaving office. To be honest, I thought we had brought this project to the point of no return. How wrong could I be in underestimating the anti-rural bias of this Government?

On 7 February, nearly a year after coming into office, the Minister for Education and Skills informed me in a parliamentary reply that:

The major building project at the school referred to by the Deputy is at an advanced stage of architectural planning. The design team are currently working on finalising the stage 2(b) submission (detailed Design and Tender Documents) which will then be forwarded to my Department for review. Thereafter, officials from my Department will be in contact with the Board of Management with regard to the progression of the project.

The Department will shortly publish an outline five year programme on the projects to be constructed in that time. The school building projects currently in architectural planning, including the project at Clifden Community School will be considered in the context of that programme, taking into account the funding available, the building costs involved and the progression of other major projects required to meet demographic needs.

When I got this reply my antennae immediately told me that we were heading for trouble and that the Minister was about to put this file in what the late Monsignor Horan used to refer to as the “MAD file”. The acronym MAD stands for “maximum administrative delay” and means that files are not rejected outright but they never progress either. I alerted the school authorities and the parents organisation, CSI, immediately to inform them of my concerns in the vain hope that the local Government Oireachtas Members could persuade the Minister to include this school in the five year building plan.

When the Minister announced the five year plan, Clifden community school had disappeared off the radar for the next five years. On examining the criteria for selection laid down by the Minister, as outlined in a recent freedom of information request, the priority for new builds of schools are “projects that will provide for significant additional capacity to meet demographic growth.” Amazingly in this prioritisation there is no mention of sub-standard buildings or unsuitable prefabricated buildings, both of which exist in Clifden. In a reply to a question from me on 18 April, the Minister clarified that as far as he is concerned there is no minimum standard laid down for school buildings by his Department. In simple terms, if there is a roof over their heads, the Minister did not even consider the unsuitability of the building or otherwise.

I call on the Minister today to redress a wrong done by him and his Department to this school, its pupils, teachers and parents, and to reverse his unjustifiable decision not to proceed with the building of a new school at Clifden community school. I also call on him to have the common decency to meet a delegation from the school, something he has refused to do and something I and others will continue to pursue through the elected Government Deputies in the area.

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): I am taking this topical issues debate on behalf of my colleague, the Minister for Education and Skills, Deputy Ruairí Quinn. I thank the Deputy for raising the issue relating to Clifden community school, County Galway. I welcome the opportunity it affords me to outline to the Dáil the Government’s strategy for capital investment in major primary and post-primary education.
projects in the coming five years. It also allows me to clarify the current position of the new school building project for Clifden community school.

The Deputy may find it helpful if I first set out the context within which decisions relating to meeting the accommodation needs of schools must be considered during the coming years. Total enrolment is expected to increase by approximately 70,000 students between now and 2018. This will involve an increase of more than 45,000 pupils at primary level and 25,000 students at post-primary level. Thereafter, enrolment at post-primary level is expected to continue to rise until at least 2024.

On 12 March this year the Minister, Deputy Quinn, announced details of 219 new, major school building projects which will proceed to construction during the next five years as part of a €2 billion capital investment programme. These new projects are in addition to the 56 major school building projects already announced for 2012. The projects announced will account for the bulk of the capital funding available each year from 2012 to 2016. Many of these schools will serve a significant rural hinterland.

**Deputy Éamon Ó Cuív**: In east Galway.

**Deputy Ciarán Cannon**: To meet the needs of our growing population of school-going children, the Department must establish new schools as well as extending or replacing several existing schools in areas where demographic growth has been identified. The delivery of these new schools, together with extension projects to meet future demand, will be the main focus for the Department’s capital budget for the coming years. The design of the proposed new school building for Clifden community school has been developed based on a long-term projected enrolment of 425 pupils. The current enrolment is a little above 400 pupils and enrolment levels have been relatively stable during recent years. Full planning permission for the new school was granted in February last year. Currently, the school’s design team is working on finalising the stage 2(b) submission, which includes completing the detailed design of the school and the preparation of tender documents. This will be then forwarded to my Department for review.

Given the need to ensure that every child has access to a school place, the delivery of major school projects to meet the demographic demands nationally, as well as demands in Galway, will be the main focus for capital investment in schools in the coming years. The five year programme is focused on meeting these demographic needs. In this context it was not possible to advance all applications for capital funding concurrently. All school building projects, including the project for Clifden community school, will continue to be advanced incrementally over time within the context of the funding available. In light of current competing demands on the Department’s capital budget, however, it is not possible to progress the project at Clifden community school to tender and construction stage at this stage.

**Deputy Éamon Ó Cuív**: Before he became a Minister, Deputy Ruairí Quinn, stated his wish to eliminate prefabricated buildings. The Minister of State is aware, as is the Minister, even more so because he visited the school to announce the leaving certificate results last year, that totally sub-standard prefab buildings are in use in Clifden community school. I put the following questions to the Minister of State and if he cannot give me the answers today perhaps he will get them for me again. Is there an objective building standard which the Department considers unsuitable and which, if met, the building is deemed to be in need of replacement, irrespective of the demographics? The question applies to prefab buildings as well. How many schools are at stage 2(b)? What is the total cost involved in allowing schools that are at stage 2(b), schools that have progressed that far and which have received planning permission, to go to construc-
Deputy Éamon Ó Cuív: Will the Minister of State indicate how many schools are included in the five year plan within a ten mile radius of Athenry, County Galway?

Deputy Ciarán Cannon: The Deputy referred to prefab buildings and their replacement. He may recall that recently the Minister, Deputy Quinn, announced funding to the tune of €35 million to begin a prefab building replacement programme throughout the country.

Deputy Dara Calleary: That was in place already.

Deputy Ciarán Cannon: This was the first time such funding was committed and it will help towards eliminating the significant stock of prefab buildings that grew up during the last Government’s tenure.

Deputy Dara Calleary: No, it was not.

Deputy Ciarán Cannon: I undertake to respond to Deputy Ó Cuív directly when I have the detail to hand on the responses sought in terms of the minimum standard of accommodation and other such questions. As Deputy Ó Cuív pointed out earlier, Clifden community school is the only second level school in that area, which has a large geographic footprint. There are some 14 primary schools in the feeder area. The question of whether there are sufficient census data and other school enrolment data to warrant Clifden community school being included on the original five year capital programme is difficult to assess.

The conclusion drawn by the building unit, however, is that the census data and school enrolment numbers for all feeder schools for Clifden community school do not warrant it being on the list at this stage. It is the Minister’s intention that all school building projects, including the project for Clifden community school, will continue to be advanced incrementally over time within the context of the funding available. I thank the Deputy for allowing me the opportunity to address the matter.

Deputy Éamon Ó Cuív: They call it the MAD file.

Estimates for Public Services 2012: Message from Select Committee

An Leas-Cheann Comhairle: The Select Sub-Committee on Jobs, Enterprise and Innovation has completed its consideration of the following Revised Estimate for Public Services for the service of the year ending on 31 December 2012 — Vote 32.

European Arrest Warrant (Application to Third Countries and Amendment) and Extradition (Amendment) Bill 2011: Order for Second Stage

Bill entitled an Act to provide for the application of provisions of the European Arrest Warrant Act 2003 to states other than Member States in certain circumstances; to amend the European Arrest Warrant Act 2003; to amend the Extradition Act 1965, the Extradition (Amendment) Act 1987 and the Extradition (Amendment) Act 1994; to give effect to Article 2 of Council Framework Decision 2009/299/JHA of 26 February 2009 amending Framework Decisions 2002/584/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA and 2008/947/JHA, thereby enhancing the procedural rights of persons and fostering the application of the principle of mutual recognition to decisions rendered in the absence of the person concerned at the trial; and to provide for matters connected therewith.
Minister for Justice and Equality (Deputy Alan Shatter): I move: “That Second Stage be taken now.”

Question put and agreed to.

European Arrest Warrant (Application to Third Countries and Amendment) and Extradition (Amendment) Bill 2011: Second Stage

Minister for Justice and Equality (Deputy Alan Shatter): I move: “That the Bill be now read a Second Time.”

I am pleased to introduce the Bill, the main objective of which is to apply the provisions of the European Arrest Warrant Act 2003 to states other than EU member states. It also makes procedural and technical amendments to the 2003 Act and the Extradition Acts from 1965 to 2001, and gives effect to an EU framework decision, 2009/299/JHA, on the mutual recognition of judgments rendered in the absence of the defendant.

Before dealing with the detail I wish to make some general comments on the European Arrest Warrant Act. I am keenly aware that this is the third Bill to amend the legislation since its enactment in 2003. It is worth recalling the circumstances in which the EU framework decision on surrender, to which the Act gives effect, was negotiated. While negotiations on a simplified system of surrender between EU states had been ongoing since 1999, they were given added impetus following the 11 September 2001 terrorist attacks on the United States. The terrorist attacks not only highlighted the importance of effective EU measures on internal security but also put considerable pressure on the EU to produce substantial legislative action in a very short period. Thus the European arrest warrant, EAW, framework decision was agreed with unprecedented speed. The speed of negotiation and the compromises involved resulted in a somewhat less than perfect final text. In transposing the instrument into Irish law, Ireland, like other member states, was faced with legislatively for an altogether new concept of an inter-court surrender process. Given the deadline for entry into force, the Bill was drafted with some haste and was rushed through the Oireachtas. In these circumstances it is hardly surprising that practical experience of the operation of the EAW combined with court interpretations of the Act meant that from an early stage the need for amendment became clear.

The Act was amended in 2005 and again in 2009 and is once again being amended now. I consider this piecemeal approach to be most unsatisfactory. It is unfair to the courts, to legal practitioners, to our fellow Member States and to the subjects of EAWs. I am initiating a fundamental review of the legislation which will thoroughly examine our European arrest warrant procedures to determine how they can be simplified and streamlined.

It is likely that the review will take some time and, in the interim, I am anxious to ensure Ireland is in a position to discharge its international obligations in regard to extradition and surrender. It is for that reason that I am proceeding with the Bill to make those amendments which cannot await the outcome of the review.

The Bill has three main parts. Part 2 allows the European arrest warrant system to be extended to non-EU states. Part 3 makes a series of amendments to the European Arrest Warrant Act 2003, while Part 4 makes a series of amendments to the Extradition Act 1965. I will deal with each Part in turn.

Part 2 enables the provisions of the European Arrest Warrant Act 2003, referred to as the EAW Act, to be extended to non-EU countries. The Act gives effect to the EU framework decision on the European arrest warrant. It replaced extradition arrangements between EU member states which were, by and large, conducted on a government to government basis with
a system of surrender based on arrest warrants issued and executed by judicial authorities of member states.

The key element of Part 2 is section 2(1) which provides that the Minister for Foreign Affairs and Trade, following consultation with me, as Minister for Justice and Equality, may, by order, apply all or any of the provisions of the EAW Act to a non-EU country where there is an agreement between the European Union and that country on surrender. There is currently one such agreement, the 2006 agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on surrender procedures. Ireland will be in a position to give effect to the agreement when the Bill is enacted. The terms of the agreement are almost identical to those of the framework decision on the European arrest warrant. Rather than repeat these provisions in detail in a separate statute, I have opted for the approach of enabling the provisions of the EAW Act to be extended, by order, to third countries. One advantage of this approach is that the provisions of the European Arrest Warrant Act are familiar to the courts and practitioners and have been clarified in numerous judgments during the years. Also, I understand agreements similar to the Norway and Iceland agreement are likely to be concluded by the European Union with other countries in the future. The present approach will allow the terms of the European Arrest Warrant Act to be applied to such countries without the need for further primary legislation.

Any extension of the EAW Act to non-EU countries is subject to some important limitations. Under section 2(3), an order applying the EAW arrangements to a third country may only be made where there is an EU agreement on surrender in force with that third country. Such an agreement would require a high degree of mutual trust between the European Union and the country concerned. A further limitation is that under section 2(4), an order applying the EAW Act to a third country must reflect the terms of the agreement to which it gives effect.

Part 3 contains a number of amendments to the European Arrest Warrant Act 2003. Since the EAW system came into force in 2004, the number of European arrest warrants received in, and issued by, Ireland has increased year on year. The seventh and most recent annual report on the operation of the European arrest warrant, which I laid before the House, is for 2010. It shows that 161 persons were surrendered to other member states in 2010, up from 69 in 2009. Of those surrendered, 87 were sent to Poland, while 34 were sent to the United Kingdom. Ireland received 373 EAWs in 2010, up from 326 in 2009. The offences cited included murder, rape, drug trafficking, assault and robbery. Ireland issued 51 warrants in 2010 and 26 persons were surrendered to it during that year. While the 2011 figures have yet to be finalised, I understand the upward trend is continuing.

As the volume of warrants increases, officials and practitioners gain greater practical experience of the operation of the EAW system. Also, the courts have had the opportunity to provide important interpretations of the law in their judgments. My Department monitors these developments continuously and, in consultation with the Office of the Attorney General, identifies where amendments to the Act could be made to improve the operation of the European arrest warrant. The amendments in this Part arise from that process. Many of them are of a purely technical or linguistic nature and, rather than detailing all the changes, I will comment on the more substantive provisions.

Section 5 deletes a reference to the European Union framework decision from the Act, the reason being to clarify that the framework decision does not have direct effect in Irish law. There are similar deletions in sections 8 to 10, inclusive, and 15 and 16 of the Bill.

Section 6 amends the form of the European arrest warrant as part of the transposition into Irish law of the 2009 EU framework decision on judgments in absentia. The framework decision
European Arrest Warrant

15 May 2012.

Bill 2011: Second Stage

requires that where the requested person was not present at his or her trial, the European arrest warrant must contain certain information on the proceedings. The amendment provides for this.

Sections 9 and 10 contain the most important changes made by the Bill to the European Arrest Warrant Act. These sections amend sections 15 and 16, respectively, of the Act. These sections are the heart of the Act and critical to the operation of the surrender procedure. They set out the procedure the High Court is to follow in ordering the surrender of a requested person. Section 15 applies to cases where the requested person consents to surrender on foot of the European arrest warrant, while section 16 applies where the person has contested the European arrest warrant.

The main purpose of the amendments is to provide a procedure which ensures that at all stages in the surrender process the requested person is subject to the supervision of the court. Within the new section 15, the amended section 15(3) removes the option for the person whose surrender has been ordered by the High Court to request that the surrender order come into effect early. The original provision created operational difficulties in meeting the time limits specified for the carrying out of the surrender order. However, I now believe it is desirable to allow for “fast track” surrender where this does not create operational difficulties. I will bring forward an amendment on Committee Stage to provide for this.

The amended section 15(4)(c) will bring greater clarity to the position of a person who is placed in custody on foot of an order for surrender. It provides that where the court orders the surrender of a person, it must also order that he or she be detained for a period not exceeding 20 days by the end of which period he or she must, normally, be surrendered. The current text merely provides that the person be committed to prison pending the carrying out of the order.

The amended section 15(4)(d) is important. It provides that if a person is not surrendered by the end of the 20 day period mentioned, he or she must be brought before the High Court again as soon as practicable after the deadline passes. Alternatively, if it appears to the central authority which deals with the administrative and logistical aspects of surrender that it will not be possible to surrender the person by the deadline, he or she must be brought before the High Court before the deadline expires.

The amended section 15(5) sets out the powers of the court in dealing with a person brought before it under the previous subsection. If the court is satisfied that the person was not or will not be surrendered by the deadline owing to circumstances beyond the control of Ireland or the issuing state, it will, with the agreement of the issuing judicial authority, fix a new surrender date and order the detention of the person for up to ten days after the new date. This new provision will bring the Act closer to the relevant provisions of the framework decision. A new section 15(5A) is inserted which provides that if the person is not surrendered within ten days of the new date fixed, he or she must be discharged. The new section 15(5B) provides that where the period for surrender has expired and the person has not been surrendered, he or she will be deemed to be in lawful custody from the expiry of the period up to the appearance before the court. There will, therefore, be no period in the process in which the person’s detention will be other than lawful.

Section 15(7) is new. It clarifies that it is within the jurisdiction of the High Court to grant bail to a person where an appeal has been lodged to the Supreme Court against an order for surrender. This had been the subject of some doubt and it is best to bring legal certainty to the matter.

Section 10 makes a number of amendments to section 16 of the 2003 Act. That section deals with procedures where the person has contested the European arrest warrant. Many of the
amended provisions are identical to those included in the amended section 15. I do not propose to take up the time of the House in repeating my comments on the previous section which apply equally to this section, including where I have indicated a proposed Committee Stage amendment.

Having considered the text of section 16(4)(b) in the overall context of the substantial amendments to the section, I believe it is no longer necessary or appropriate. I intend to move an amendment on Committee Stage to delete it from the Bill.

Sections 11 to 22, inclusive, make a range of changes to the 2003 Act, including some which are technical in nature or consequential on changes referred to. I will confine my comments to the more important changes.

Section 11 amends section 18 of the European Arrest Warrant Act which sets out the circumstances and procedure whereby the High Court may postpone the surrender of a person on humanitarian grounds or where the person is being prosecuted for an offence here or serving a sentence in the State. The new text applies the provisions of the section to all persons serving a sentence in the State, whether the sentence was imposed in the State or elsewhere. This means that the section will apply to prisoners who have been transferred here to serve their sentences.

I have been made aware of operational difficulties in the working of this section and I intend to bring forward an amendment at Committee Stage to address the matter.

Section 18 is, as matters stand, a purely technical amendment to section 30 of the Act which deals with cases where an extradition request and a European arrest warrant are received in respect of a person. However, I should signal that it has been brought to my attention recently that the substantive text of the section could create difficulties. I am, therefore, preparing an amendment for Committee Stage which will address the problem.

Section 19 simplifies the procedure for the issue of a European arrest warrant by Irish courts. The current provisions require that the court be satisfied that the person in respect of whom a warrant is sought is not in the State. In practice, this can be difficult to state with absolute certainty and thus the revised provision omits this requirement.

As applications for a European arrest warrant can only be made by or on behalf of the Director of Public Prosecutions, the DPP should be in a position to request the issue of a European arrest warrant subject only to there being a domestic warrant in existence.

Section 22 amends section 45 of the Act, which sets out the grounds on which the State may refuse surrender if the person to whom the warrant refers was not present at the trial which led to the sentence being imposed. Again, this amendment is part of the transposition of the EU framework decision on judgments in absentia. Having reflected on this provision and consulted the Attorney General, I will bring forward an amendment on Committee Stage which will better reflect the relevant provisions of the framework decision.

I turn now to Part 4 which amends the Extradition Act 1965. The Act provides the statutory basis for our extradition arrangements with countries other than member states of the European Union. As with the amendments to the European Arrest Warrant Act, these arise from operational experience and court interpretations. The most important changes are in section 25, which substitutes sections 15 to 17, inclusive, of the 1965 Act. The existing section 15, which prohibits extradition where the offence is regarded as having been committed in the State, is not being re-enacted. The transnational nature of crime nowadays means that a provision such as this is no longer appropriate. The revised text of section 15 clarifies the position regarding extradition where there are proceedings in contemplation or pending in the State for the same offence as that for which extradition is sought. I intend to move an amendment to this section
on Committee Stage to provide for more precise wording in the amended text of section 15(1)(b).

The revised text of section 16 deals with persons who are convicted in their absence. It is appropriate that we should have such a provision in our legislation. The revised text of section 17 clarifies the position on the refusal of extradition where the principle of ne bis in idem, or double jeopardy as it is commonly referred to, applies. It provides that the question of whether a judgment is final is to be determined by the law of the state where the judgment was handed down.

The other changes in Part 4 are mainly procedural or technical, including changes that should lead to more efficient handling of extradition applications. Section 24, for example, repeals a provision in the 1965 Act on evidence by affidavit and will thus address difficulties in practice in dealing with states whose legal systems do not embrace the concept of affidavits.

A further change with a focus on efficiency is section 26, which deals with the documents to support a request for extradition. It provides that a reproduction or copy of the relevant documents will suffice and allows for the inclusion of identification material with a request for extradition, where it is available. In similar vein, section 31 extends the range of documents that can be received in evidence without further proof to include any evidence in writing received from a requesting country. It also enables documents to be authenticated by being signed or sealed by the appropriate authority.

Section 28 inserts a new provision in the 1965 Act which provides the High Court with a general power to adjourn proceedings under the Act and remand the person sought in custody or on bail in the course of such proceedings.

Section 30 inserts a new section 36A in the 1965 Act which deals with identification material. It authorises the Garda Síochána to fingerprint, palm print or photograph persons arrested under the Act for the sole purpose of verifying the person’s identity. Identification material of this type is often sent with extradition requests and until now the Garda Síochána had no power to take similar identification material for comparison purposes. The new section sets out the procedure for taking the identification material, including the use of reasonable force where necessary and authorised.

In addition to the proposed Committee Stage amendments already mentioned, I will propose some further amendments to various sections, which are essentially of a linguistic or technical nature. I appreciate this area of the law is somewhat complex and look forward to Deputies’ comments on the Bill, which I commend to the House.

Deputy Dara Calleary: I thank the Minister for introducing this administrative and technical Bill, which aims to facilitate the efficient processing of European extradition warrants. The creation of pan-European freedom of movement, goods and capital has, unfortunately, generated transcontinental criminal movements. The legislation aims to clear up and consolidate existing legislation and further empower the authorities to deal with the increasing number of European extradition warrants.

It is an irony of having in place a proper justice system that the criminals who often seek the system’s protection use its checks and balances to delay the administration of justice. As legislators, we must seek to strike a balance between protecting the rights of all accused persons, while also ensuring that those who seek to avoid justice cannot hide behind anything of an administrative or procedural nature in our laws. The Bill, once amended in the manner outlined by the Minister, achieves this balance and, as such, the Fianna Fáil Party will support it.

The range of technology and new forms of criminality, including cybercrime, that has evolved since the introduction of the European arrest warrant system in 2003 challenge legislators to
produce legislation that is sufficiently strong and effective to keep ahead of those criminal minds which seek to exploit technology for all the wrong reasons. For this reason, it is important to design our laws in a manner that retains checks and balances and produces provisions that are administratively lean enough to respond to threats we cannot yet foresee but which may form part of the criminal fraternity’s armory only 12 months from now.

It is difficult to believe that only 20 years ago Members of this House, specifically members of my party, used to drive themselves apoplectic over the issue of extradition. Those who can no longer recall those days, which does not include the Minister and Leas-Cheann Comhairle as they were Members at the time, should watch the scenes portrayed in the “Reeling in the Years” programme broadcast last Sunday night. That Deputies are discussing extradition in a relatively businesslike manner is an indication of how far relations on this island and with our neighbouring island have improved and demonstrates the overall success of the European wide extradition model. In that respect, I acknowledge and share the concerns the Minister expressed about piecemeal changes to the system.

The majority of the extradition requests received and issued by Ireland are governed by the European arrest warrant procedure. According to the European Commission, the total number of European arrest warrants issued by member states between 2005 and 2009 was 54,689. These resulted in the surrender of 11,630 suspects, giving a 21% success rate. The figures indicate that while the system is widely used, it is subject to checks and balances to ensure it is not abused. As the Minister noted, 161 persons were surrendered by the State to other member states in 2010.

I share the Minister’s concerns that the review of the European arrest warrant process since 2003 has been piecemeal and welcome his commitment to undertake a review of our entire suite of extradition laws. This review should consider the administrative burden the European arrest warrant system places on the judicial and Garda authorities and ascertain whether technology can be used to reduce this burden.

The provisions outlined by the Minister, specifically those relating to sections 9 and 10, constitute a considerable tightening of practice in the European arrest warrant system. Vague aspirations on deadlines are being tightened up and strict limits are being imposed. I assume this will be accompanied by very rigorous training for everybody involved in this system, and that prior to the President signing this legislation with its amendments into law, they will be made aware of these changes. There cannot be a situation where there is an overlap between the implementation of this legislation and the very substantial changes in practice that come with it for somebody possibly evading justice.

The EAW procedure, since its inception, has considerably changed the nature of extradition within the Union. As the Minister has said, it came into place rather suddenly, following long discussion immediately in the aftermath of the events of 11 September 2001, and there has been a need for considerable changes since. There was a degree of vagueness in the EAW procedure that was, looking at it now, quite surprising in a legal document, but it was seen at the time as a necessary response to the events of that day. As with any outrage, distance means we tend to forget the horror and look at what could have been done in hindsight. Now we have a chance to do that in this review.

If we enact this Bill, it will give effect to various Council decisions which govern situations where people have been tried in their absence. This is a growing trend in criminal law. The decision is designed to enhance the procedural rights of such persons while simultaneously promoting the principle of mutual recognition of judicial decisions rendered in their absence. It establishes precise and consistent grounds for non-recognition by member states of decisions
rendered *in absentia*. I also welcome the changes the Minister is bringing in regarding identification material. This Bill, if enacted, will allow the Garda to take fingerprints, palm prints and photographs, but only for the purpose of identifying a person arrested under the 1965 Act.

The key provision in the Bill is the extension of the provisions of the European Arrest Warrant Act 2003 to third countries, when previously it had only applied to designated EU member states. If enacted, the provisions of the 2003 Act may be applied to third countries, but only where an agreement on surrender is in place between the third country and the EU, such as the agreement on the surrender procedure between EU member states and Iceland and Norway. The extent of the application to third countries will be restricted. The extension is to be welcomed as we trade and do more business. Unfortunately, legitimate trading can be accompanied by criminal activity and we must ensure our armoury is fully up to date.

I welcome the various commitments made by the Minister in respect of amendments. I think they strengthen the Bill, but he might give the House a timeframe, in what is a very productive legislative schedule in his Department, as to when he will bring in a full review of the legislation. I presume it will not happen this session and the chances of it happening in the next session are quite limited. Will the review be legislative-based, or does the Minister intend to have a public consultation on it? Any other details are welcome.

Deputy Jonathan O’Brien: I would like first to apologise for being late. I am having one of those days where I wish there were an extra four or five hours in it. I am sure the Minister has had many such days, but I apologise for missing the start of his speech. From listening to it on the monitor and from what I gathered when I arrived, I know the purpose of the Bill is to expand the provisions of the original European Arrest Warrant Act 2003 to states other than those designated EU member states. I am sure the Minister is aware that when the original Bill came before the House, our then spokesperson on justice, Deputy Ó Snodaigh, opposed it for several reasons. At the time we raised a number of concerns about the Bill which we felt needed to be addressed for us to give it our support. Unfortunately, they were not forthcoming as the Bill progressed through the House. As a result, we opposed the original Act in 2003, as I am sure we opposed the two further amendments in 2005 and 2009. I can see the Minister smirking and I am sure he is asking what is new there.

From speaking to Deputy Ó Snodaigh about this Bill and from doing my own research on it, I know that some of the concerns raised back then were raised by a number of organisations, including the Irish Human Rights Commission. The commission produced a position paper and furnished it to the then Minister for Justice, Equality and Law Reform in 2003, raising some of the concerns it had with the Act. The commission believed the original Act diminished some of the protections for individuals regarding extradition, and in some cases could violate their human rights. The commission was correct to put those concerns forward and to relay them to the Minister at the time. The commission also believed the EU framework decision which gave rise to the European arrest warrant was based on a flawed presumption of effective and equivalent protections of accused persons’ rights between EU member states. At the time, we agreed with that assessment and we still agree with it today.

I know the Minister has moved to address some of the concerns in this Bill and he has indicated some of the amendments he will put forward. That said, the system as constructed currently is flawed. There is room for improving the whole European arrest warrant system. I am sure the Minister will disagree with that analysis, but it is important to point out that in the absence of any human rights proofing of legislation, we can only assume that the fundamental rights of individuals could be compromised. The Minister will argue probably that we are looking at some technical changes to the original Bill, and that there is really not much to worry about, but we must look at the system as it currently operates. There is no doubt the
current system is very rigid in its operation. For the system to be effective, we must place full trust in the standards and procedures of other EU states and, if this Bill is passed, in third party states. We are in favour of working with other states, and in the interests of public safety and justice, we need to address some of the concerns raised about how the European arrest warrant system is operated.

The current system is neither robust enough nor human rights centred. Therefore, bringing in any legislation which proposes to extend it beyond designated EU states is wrong. We would be better off spending our time trying to fix some of the flaws in the current system. The Minister will probably not take my word for that, but in March 2011, Mr. Thomas Hammarberg, the Council of Europe commissioner for human rights, described the overuse of European arrest warrants as a threat to human rights:

There has, however, been repeated criticism of the manner in which the EAW has functioned in a number of concrete cases.

This criticism must be taken seriously. Human rights organisations have expressed concerns about the imprisonment of innocent persons, disproportionate arrests, violations of procedural rights and the impossibility in some countries for an innocent person to appeal against a decision to be surrendered. The problems appear to have worsened with the increase of the number of EAWs [...]

The EAW has been used in some cases for which it was not intended, sometimes with harsh consequences on the lives of the person concerned. It is thus high time to reform a system that affects thousands of persons every year.

We heard some of the figures from Deputy Calleary. More than 50,000 European arrest warrants have been issued.

Mr. Hammarberg was correct in his analysis. To press home the point, I cite the example of a Polish schoolteacher and grandfather who lived in Bristol. A European arrest warrant was issued for him to face trial in Poland on a charge of theft, dating to his withdrawal of money from bank over and above his agreed overdraft limit. We would all agree that the framework decision was not intended to deal with cases such as this.

The European Commission, in its third implementation report, acknowledged that there were serious problems with the European arrest warrant system and made a number of recommendations to remedy its defects. For Sinn Féin to support the Bill we would have to see some changes to it. There would have to be a guarantee that the current elements of unfairness would be eradicated and that the rights contained in the European Convention on Human Rights and the Charter of Fundamental Rights would be compatible with any system related to European arrest warrants.

For this to occur, there would need to be a number of changes. We would need to introduce a measure to prevent the misuse of European arrest warrants, especially for minor offences. We would need to introduce a proportionality test for assessing the warrants to prevent the possibility of an infringement of the human rights of the individual being sought. We would also need to allow states to refuse a surrender when it is felt that the fundamental rights of the individual are not guaranteed. The system must be constructed in order that the surrender of a person subject to a European arrest warrant can be deferred until the issuing state is trial ready. People must not be compelled to spend unnecessary time in pre-trial detention.

The original framework decision on which the European arrest warrant, EAW, system was constructed was based on a flawed presumption that there were effective equivalent protections.
between member states. In the absence of a fundamental change to the EAW system, there is
too much risk associated with it. Last year, members of the European Parliament held a plenary
session on this issue. The consensus of the session was that while EAWs were a vital tool in
combating cross-border crime, there was an urgent need to reform how the system operated in
the interest of justice. Fair Trials International has termed the scope of the current EAWs as
a controversial no-questions-asked system which has removed traditional safeguards against
unfair extradition. It would be a grave mistake to allow this extremely flawed system to be
expanded beyond the borders of the EU without first addressing some of the concerns raised,
not only by Sinn Féin but also by the Human Rights Commission, Fair Trials International,
the Council of Europe Commissioner for Irish Human Rights and by MEPs in the plenary
session of the European Parliament when it debated the system last year. We need to address
some of those concerns.

While Sinn Féin is opposed to the Bill and will attempt to amend it, we agree that a system
is needed to allow the extradition of individuals from one member state to another. However,
such a system must be robust and human rights compliant. If it is not, it will lead to miscarriages
of justice. We will have to address this issue as the Bill progresses through the Houses.

Proportionality is recognised, rightly, as a fundamental principle of EU law and it must be
applied to the European arrest warrant system. Without the application of standard pro-
portionality tests the system will continue to be abused. While we recognise the need to intro-
duce measures to address cross-border crime, this cannot be done at the expense of human
rights. That is where we differ from the Minister. We need legislation that is sufficiently robust
to deal with those who engage in international crime and use borders to escape justice, but we
cannot compromise the human rights of individuals to find an easy solution to this problem.

In his opening speech, the Minister alluded to the fact this process was rushed at the begin-
ning and a review is now taking place. We welcome that. I hope there will be an opportunity
for Opposition parties to contribute to that review, to give our opinions and propose possible
solutions. If there is, we will be more than happy to contribute to that process.

**Deputy Clare Daly:** With the agreement of the House, I will share my time with Deputy
Mattie McGrath.

**An Ceann Comhairle:** A slight difficulty arises here. The Order of Business says the Minister
and spokespersons for the main parties may speak for 30 minutes. It does not allow for the
sharing of time. I made this point on Friday last. The order goes on to say the speech of
each other Member shall be 20 minutes. There is a distinction between the time allowed to a
spokesperson and to an ordinary Member.

On this occasion, I will ask the permission of the House to allow the sharing of time but I
ask that the Technical Group clarify this matter so that it can be built into the order. On Friday,
I had to disallow the sharing of time, even though the Deputy who was sharing was able to
speak immediately afterwards. This is a technical point.

The arrangement is that a spokesperson is speaking on behalf of his or her party or group,
as distinct from speaking as a Member. That is why additional time is given to them. I simply
wish this matter to be clarified. I do not want to have this discussion every time a spokesperson
wishes to share time.

**Deputy Clare Daly:** We will have the matter clarified.

**An Ceann Comhairle:** Is it agreed that Deputy Daly would share time with Deputy Mattie
McGrath? Agreed.
Deputy Clare Daly: Thank you, a Cheann Comhairle. I am surprised we are discussing the implementation of a procedure that, as Deputy O’Brien said, has been identified as controversial and is under the spotlight, with repeated demands for the European arrest warrant, EAW, system, as it currently operates, to be reformed. In that context, to seek to expand the system to unspecified countries sets a dangerous precedent to which I strongly object. The aim of the Bill, in essence, is to expand the geographical scope of this controversial, no-questions-asked, system of extradition which currently operates between EU countries. It was obviously introduced in response to the events of 11 September 2001. The reality is that the procedure has removed political discretion on extradition decisions and also many of the legal barriers that existed. If one country demands an extradition under this procedure, another country must more or less grant it.

I was in contact with the Irish Council for Civil Liberties today on the matter. On foot of that it contacted its colleagues in Fair Trials International, a well-respected human rights charity, as the Minister is well aware, which provides assistance to people who have been arrested in another country and who fight to campaign and reform in cases of cross-border injustice. Fair Trials International issued a press release today to express its concerns on the fast-tracking of extraditions being applied to countries outside the European Union. Its chief executive stated:

People should not be torn from their homes and families and shipped off to foreign prisons without a proper judicial process. Even within the EU, no-questions-asked extradition has resulted in serious cases of injustice. It would be a huge mistake to expand these flawed arrangements beyond Europe.

Despite this, that is what the Minister proposes with the Bill. The organisation has worked with victims of abuse under the existing European arrest warrant. It highlights many instances of people who have been imprisoned in other countries awaiting trial and identifies the fact there is a growing recognition throughout Europe that the arrest warrant is in need of reform. It does not make sense that we are expanding the system to other countries. That does not add up. The Irish Council for Civil Liberties said today it shares the concerns expressed by Fair Trials International. That is something we must take on board in considering the legislation.

Given the intention is to expand the legislation to jurisdictions outside the European Union, we can only be guided by what has happened under the legislation to date. Fair Trials International compiled a major report last year based on its analysis of the European arrest warrant seven years after its introduction. It has argued the case for reform. The European Commission itself issued a report expressing concern about the way in which the European arrest warrant was being used across Europe and highlighted the disproportionate use of arrest warrants in minor cases. That is no wonder when one examines some of the case studies that have been highlighted under the use of the procedure.

Deputy O’Brien referred to the case of a Polish schoolteacher, but there are other examples of how the arrest warrant we are seeking to extend has operated. A young man from England who is referred to as Patrick Connor — that is not his real name — was arrested in Spain with two friends in connection with counterfeit euro. He had no counterfeit euro on him and he had no idea that his friends did or how some ended up in the apartment in which they were staying. The amount of money in question was €100 in two €50 notes. Patrick and his friends were arrested, released and returned to the UK. Four years later he was arrested on foot of a European arrest warrant and extradited back to Spain. He was held in a maximum security prison in Madrid and faced the prospect of a two year wait for pre-trial detention. He decided to plead guilty. He spent nine weeks in prison before coming home to finish his studies with his life blighted by a criminal record.
Many similar cases have been highlighted. I will not go through them all but they have been plentiful. A 40 year old British secretary was arrested on foot of one such warrant in 2008 in connection with an arrest in Portugal in 1996 — 12 years earlier — in regard to a partner’s use of counterfeit money while on holidays, again worth less than €100. Those are examples of the type of cases for which the warrant has been used or, more appropriately, abused.

It has also been pointed out that issues arise in extradition cases dealt with in this country. In the case of Sean Garland, for example, if the arrest warrant had been made on foot of a European arrest warrant within the EU instead of an extradition warrant from the United States, then under the terms of the Bill he would have been handed over with no questions asked. Given the controversy attached to the case in any event, the large cross-party support for Mr. Garland and the serious civil liberties issues that were highlighted, the fact that he could have been caught in the net had the legislation been in place shows the flaws that exist in the process. We must take those points on board.

I note the Minister has said he will introduce changes on Committee Stage, but that is not enough. I seek a commitment from him that when the Bill is considered on Committee Stage, organisations such as the Irish Council for Civil Liberties, Fair Trials International and other human rights organisations would be invited to make submissions before we would consider transposing and extending the legislation. Deputy O’Brien alluded to a number of important points in terms of the reforms that must be addressed before there could be any question of extending the legislation to other jurisdictions in which we have no guarantee of the standards that exist. Some of the cases highlighted focus on issues such as proportionality. Previously, people have been extradited for minor offences and incidents which took place a long time ago, such as the two I highlighted. It is a lunatic situation that the cases have been brought under the remit of a European arrest warrant.

A report to the President of the European Council has noted that European arrest warrants have even been issued for offences such as the possession of three ecstasy tablets, the theft of two car tyres and, in another incident, the theft of a piglet. Much as I am an animal rights advocate and supporter, that is a little excessive in anyone’s book. There must be a discussion at national level and European level on the proportionate use of the European arrest warrant before we seek to expand it to other jurisdictions.

We must examine the procedure whereby when a state fails in its application for extradition, there has been a tendency for it to reissue applications long after the event. There must be some type of in-built mechanism to prevent states from seeking time and again to extradite the same person when an adjudication has been made that it should not take place. In other instances we have seen cases of other means being used to try to get a person extradited. We must also examine the risk involved to a person whose extradition has been sought if he or she goes on holidays to a jurisdiction where he or she could be exposed to the chance of being extradited more easily. These are important civil liberties issues which are not addressed in any way but are exposed under the existing arrangement.

It has been pointed out that there is no guarantee of legal representation in extradition cases for people in this country or in the country to where the extradition is sought. There must be an in-built mechanism in the legislation in that regard. The necessity to seek further information or proof is crucial. Nobody would be put on trial in this country in the absence of a proper arrest warrant, proper procedure and evidence. All of those are requirements in law and natural justice before a person would be brought to trial, but they are not required under the European arrest warrant procedures. If a country asks, we can extradite a person. We must ask where and on what basis a person is being extradited. We must examine the process. We can pinpoint
examples that might seem far-fetched but there have been cases where a person has been taken from one country to another on ridiculous grounds.

There are no considerations in the Bill for domestic law in the sense that something might be a crime abroad but is not one in this country and that people here would not consider it an offence. I refer, for example, to the crime that exists in Thailand of lèse majesté. Insulting the royal family is a crime there. There have been attempts to extradite people back to Thailand for that reason — luckily, not Irish people. Will it be possible to do so if we extend the provisions of the international arrest warrant? If a woman shows a bit too much flesh sunbathing in a country where it is unlawful to do that, would she face an arrest warrant? Perhaps it would even apply, for example, to the heinous crime of a woman driving a car in countries where that is unlawful. There have been ludicrous applications for extradition based on the existing European arrest warrant within the boundaries of Europe. Extending that to other countries would be very foolish without the necessary safeguards for which many human rights groups throughout Europe have campaigned. Why would one seek to transpose an extension of a measure that is already flawed? I urge the Minister to take these points on board before the Bill proceeds any further.

Deputy Mattie McGrath: According to the Minister, the main objective of the Bill is to apply the provisions of the European Arrest Warrant Act 2003 to states other than European Union member states. It also makes procedural and technical amendments to the 2003 Act and to the Extradition Acts 1965 to 2001, inclusive, and gives effect to Council Framework Decision 2009/299/JHA on the mutual recognition of judgments in the absence of defendants. I have always been of the view that the first duty of any state is to protect its citizens. The right to a fair trial is surely a fundamental right of any person in this State. This Bill, however, will potentially sacrifice the safeguards of due process for the sake of expediency. As a member of the legal profession, the Minister surely knows more than I about due process. However, it is clear to me that it is something to which each citizen of this State is entitled. In fairness, the rights of citizens are generally upheld in this country and, as such, I would urge the Minister to make haste slowly.

I am not sure where the rush is coming from to implement these provisions. The Minister has cited the need fundamentally to overhaul the provisions in this area, but I am concerned he may be using that as a cover to put his own flavour in a very serious way on this important legal and human rights issue. I hope he will heed advice to proceed with caution. When groups such as the Irish Council for Civil Liberties — I do not always agree with the views put forth by the council but it is a body everybody respects — Fair Trials International and many other non-governmental organisations are expressing serious concerns about this proposal, the Minister must be obliged to take those concerns on board. Representatives of the various groups should be invited to a meeting of the Oireachtas Committee on Justice, Defence and Equality to put forward their proposals for the Bill before it proceeds further. I urge the Minister not to guillotine the debate on the Bill. The Government’s record is poor in this regard, with almost 78% of all Bills introduced by it being subjected to the guillotine. This is far too serious an issue to be treated in that way. The legislation should not be brought further in the absence of a broad consensus that is sensible of the serious repercussions of proposals in this area and which takes account of the legal implications. We are all aware of cases where people have been extradited to various countries where they are locked up for years awaiting trial, may receive little or no legal representation, are given no access to interpreters and so on. It is a very lonely place in which to find oneself. Some people are extradited for offences they committed unknowingly. We must be 100% sure before we go down the road of extraditing our citizens to countries where they might encounter such treatment.
I am entirely supportive of extradition in respect of serious crimes, where it is done legally. The equation of a common judicial space with common laws has untold merits in bolstering the capacity of law enforcement authorities to combat crime across international and EU borders. However, alarm bells must go off when one considers that the scope of this Bill is draconian in the extreme, a view held by a broad range of members of the Judiciary, legislators, academics and non-governmental organisations across Europe. Were their concerns taken into account in the drafting of the Bill? The Minister said he was dissatisfied with previous amendments to the law and has undertaken, in these proposals, to implement a fundamental change. However, I must question his motives. The Bill places far too high a degree of trust and good faith in the criminal justice systems and human rights standards of other countries. Any such act of faith cannot be taken lightly. We can only vouch for our own justice system and our own rules concerning trials, the preparation of a book of evidence, defence procedures and the right to legal representation. We can have absolutely no influence over what happens in other countries. To allow citizens of this State to be extradited to another country in the absence of a requirement for a solid case against them, in accordance with our own laws and procedures, would be very dangerous.

Under European arrest warrant law, local police are obliged to arrest a suspect without any evidence of a crime being presented. Surely that should be a no-go area, especially in respect of third party countries whose justice systems would not meet our standards. In this State the Office of the Director of Public Prosecutions may take a year or more before deciding whether to proceed with a prosecution. It is an understandable source of concern and frustration to complainants that there is no transparency in regard to these decisions. There is no way to know what is presented in evidence to the DPP other than on the hearsay of a Garda superintendent, for instance, or by some other type of leak. As such, it is very difficult to understand the DPP’s decisions and the rationale behind them. There are enough concerns about procedures within this State without adopting what is proposed in the legislation.

The Bill provides for a no-questions-asked approach to extradition and is, therefore, fundamentally flawed. A person can be picked up and handed over to the authorities of another country, without any tangible evidence of a criminal offence, for those authorities to do what they will. That cannot sit right with anybody. Citizens can be arrested and extradited for crimes they do not even know they have committed or for such minor offences as referred to by others. We might even be talking about an administrative error at a border crossing or an error on a passport. I have had cases where people have been held up unduly because of an incorrect spelling on their passport. That could happen to any of us or to any one of our family and friends.

The Bill must be pressure tested and there must be engagement with all of the groups that wish to have a say. The Minister cannot consult the Judiciary on such matters but, as I said, there have been comments by judges, legislators, academics and non-governmental organisations throughout Europe. We should allow representatives of these groups to present their concerns at the justice committee and to propose amendments to the Bill. We all recall the very high-profile case concerning Sean Garland, which went on for a long time before being resolved. I was never a supporter of Mr. Garland, but I signed the petition opposing his extradition because, first, he was a sick and elderly man and, moreover, there were no assurances as to what type of trial he would receive. There was a perception abroad that this individual was guilty and had to be proved innocent, the very opposite of the fundamental principle of our democracy that one is innocent until proven guilty.

In this country one can receive legal aid, or employ barristers if one can afford them, to fight to prove one’s innocence. It is much more difficult if one is extradited to a country where laws are not as fair as we understand them here and must try to prove one’s self innocent of charges
as one is labelled guilty before ever coming to court. It is a serious matter. The no-questions-asked approach is a non-runner as far as I am concerned.

The subject of a warrant is prohibited from raising issues concerning what he or she is being accused of in the executing state, a situation which surely paves the way to injustice. We can question our warrants here and ensure they are right and proper. We do not know what kinds of warrant will come from states seeking extradition. There is a large number of such cases at present under the European arrest warrant system. There undoubtedly has been a rapid increase in the use of European arrest warrants, with a record 326 warrants received in this country in 2009, which obliged citizens of Ireland and other countries to try to clear their names abroad. In the same period there were 69 completed surrenders. That is a worrying figure. As has been mentioned previously, a report by the President of the Council of Ministers noted that European arrest warrants had been issued for such trivial offences as the possession of a tiny number of ecstasy tablets and the theft of a piglet, or a banbh, as I would call it. It is worrying that these are so trivial. This is not coming from me; it is from the President of the Council of Ministers. In such situations we certainly should sit up and think. Discussion at national and European level on the appropriate issuance of European arrest warrants is crucial. If that many were issued in 2009 — 326 — and 69 were allowed, it does not take a genius to conclude that not many are being allowed, but why are so many being issued and on what grounds? Why do we acquiesce to them, and why do we want to widen their scope? Why do we want to make it easier?

Significant details that are contained in the Bill presuppose the guilt of the requested person without the necessity to prove or produce evidence. We need tangible evidence, and for anyone to be tried in this country — or in the neighbouring jurisdictions — the DPP or similar body must be satisfied beyond reasonable doubt that crimes have been committed. We must be fairly sure that if the State decides to try somebody it has a reasonable chance of success. There is a presumption that laws were infringed or broken. I am worried about that.

The removal of double criminality as a feature of this legislation also gives rise to serious questions. Some of the offences under the European arrest warrant lists are readily identifiable as criminal offences and share common if not identical requirements for their commission throughout member states. Others are noticeably vague. A considerable number of such laws are the subject of debate, such as the offence of Holocaust denial in Germany, and there are disparities in the extent of crimes such as conspiracy in different countries. The use of language and people’s attitudes are vastly important in determining what constitutes a crime. Legal experts have argued that the Bill could result in requests for the surrender of persons for offences unknown in the country that receives the request, which would be unthinkable. This is skating on thin ice as far as I am concerned. It is totally at variance with the presumption of innocence until proven guilty, which we should be supporting.

The Minister says we need reform, which is probably true, but I question the rush to supersede all reforms that have already taken place in just a couple of amendments. Root and branch reform is required. I question what is behind this, who is driving it and from where it has come. There is no guarantee that the people we might allow to be extradited under this system, whether our citizens or others, will get a fair trial or due process. As Deputy Daly said, a person could be placed under such extreme pressure that he or she would admit to an offence that he or she did not commit simply to finish the ordeal and get home to his or her country. That would be most unsatisfactory, and would be a terrible ordeal through which to put a citizen of Ireland or any other country in the absence of a tangible reason for doing so.

I look forward to further debate on this. I hope the Minister will provide an opportunity for a broad discussion and allow the NGOs and organisations I mentioned, as well as legal
representatives and members of the Judiciary, to make their points. We must have balance at all times. There is no point in throwing the baby out with the bath water. I am concerned about this legislation. I thank you for your forbearance, a Cheann Comhairle, and look forward to more debate on this issue.

Deputy Bernard J. Durkan: I wish to share time with Deputies Connaughton and Heather Humphreys. I thank my colleagues for allowing me to go first, as I have to travel some distance to a meeting. In fact, I should be on the road now.

I welcome the Bill to the House. Like other speakers, I am concerned about ensuring that civil human rights are recognised and accorded in all situations appertaining to the execution of warrants, particularly when a person is being extradited from one jurisdiction to another. We have often seen instances in which the country where the alleged crime was committed had different attitudes from those that prevail here. It is important that we make absolutely certain this legislation is foolproof, so that anybody who falls within the remit of the Act receives his or her full entitlements in terms of natural justice, due process and recognition of his or her human rights. That applies in all instances.

An issue I have raised on numerous occasions in the House in recent years is that of organised crime and international criminal gangs. They are growing in stature and importance to such an extent that in some jurisdictions they challenge the power and authority of governments. We are in a worldwide community. We no longer live in our own little haven of peace and security. We are now subject to forces outside as well as within. Sometimes, there is an accord between the forces within and those outside, particularly on issues such as the drug trade, and there are all kinds of abhorrent abuses. It is essential that our legislation is as watertight as possible to ensure that in this jurisdiction we present the strongest possible and most robust defence against the elements of criminality. My reason for saying this is that everyone in the House knows of numerous examples of people who are living in the lap of luxury outside this jurisdiction having committed various heinous crimes within it. The number of such people is increasing. Similarly, there are probably people here, the crimes of whom we are not aware. The lesson to be learned is that whatever extradition agreements and arrangements we have, states inside and outside the European Union must expect reciprocal arrangements because there is no sense having in place an extradition arrangement unless it works in both directions and over as wide a geographic area as possible.

I do not need to illustrate the kinds of problems we have had in this jurisdiction in the past 20 years in regard to the illegal drugs trade and serious crime in general. While it is all very fine for us to wring our hands and tear out our hair over every set of circumstances that arises, we must ultimately decide what we think about these issues and what we believe should be done to address them. It is a question of whether we have the guts to address them.

The Bill contains references to remanding in custody. I presume that, in these cases, the prisoner is always remanded in custody. The bail laws in this country are being flouted left, right and centre. It is utterly appalling to witness what has occurred in recent years. Prisoners on bail have reoffended not only once but twice. Even after having been prosecuted for reoffending, they offend. The circumstances are laughable.

There has been a degeneration of respect for law and authority. Criminals before the courts regularly give two fingers to the cameras and show contempt and disdain for everything for which the State stands and for the people who represent it. It is sad to see this. How often have we seen prisoners who are being photographed outside court offering two fingers to the cameras? This is the best they have to offer. They are giving two fingers not only to the cameras but also to the State and law-abiding citizens. While I, like everybody else, am most anxious that due process take place and that people’s human rights be recognised and provided for, I
Deputy Bernard J. Durkan.

believe we must consider closely how we deal with these circumstances. Unfortunately, we seem to have developed a *laissez-faire* attitude to crime in general. This evolves with the passage of time.

Since I first became a Member of this House, there have been quite considerable grounds for individuals, including those who might look forward to a life of crime, concluding that crime pays after all, that it is not a bad idea and that everybody should become involved. I do not want to go down the road that many might expect me to go down in the climate in which we live; suffice it to say there is a considerable body of opinion in the country that suggests some of those who have sought refuge outside this jurisdiction might well have a case to answer. It is believed that, while due process should prevail, those people have a case to answer none the less.

The Bill repeals certain aspects of the 2003 Act, thus illustrating how quickly legislation can become dated. Some Acts are more than 100 years old while others are found to be deficient in the space of two or three years and do not work as intended. Legislation should not become deficient so quickly in most circumstances.

The Bill states:

A new section 15(5A) is inserted which provides that the person must be surrendered to the issuing state concerned not later than 10 days after the new date fixed, or else discharged. This provision is also intended to reflect more closely the provisions of the Framework Decision.

I can well understand this provision. It prevents the State from abusing the system technically in order to achieve a particular result. I have no difficulty with that.

Section 14 states:

The following is substituted for section 21 of the Act of 2003:

“21.—(1) The Minister may direct that a person remanded in custody under this Act or detained in a prison or remand institution pursuant to an order under subsection (1) or (2) of section 15 or (1) or (2) of section 16 be removed to a hospital or any other place if the Minister considers that in the interests of the person’s health [...]”

I presume this implies the Minister must have regard to medical opinion. My comments are not at all a reflection on the present Minister or any other. In the future, a Minister might, at a whim, decide a person should be transferred to a hospital, whence he might manage to escape. We need good solid grounds for decisions and to have professional information and backup to justify decisions.

This is the kind of legislation about which one could talk for much longer than five or ten minutes. I am sure my colleagues are saying the same thing and hope I will sit down soon.

Deputy Paul J. Connaughton: I thank the Ceann Comhairle for the opportunity to speak on this very important Bill. In recent years, we have heard much talk about the impact of globalisation on world commerce, finance and food production. However, the phenomenon of globalisation is also very pertinent in the world of crime. Recent weeks have seen a number of high-profile cases involving jewellery theft and Internet fraud. Irish people deserve to be protected from unscrupulous criminals irrespective of where they operate.

I welcome a number of the Bill’s provisions in particular. The Bill gives effect in Irish law to an agreement between the European Union and both Norway and Iceland, and it contains
significant technical amendments on the European Arrest Warrant Act 2003 and the extradition Acts. The technical amendments contained in the Bill give welcome clarity regarding procedures involved in both the procurement and enforcement of an arrest warrant and extradition procedures. For example, the requirement that a court must be satisfied that a person sought is not in the State is being removed, making it easier for Ireland to issue warrants on future dates. The Bill refers to judgments *in absentia* and the conditions that must be met when the court is considering a request for surrender where a person was tried in his or her absence.

A rise in the incidence of international crime, such as Internet crime, results in the need for greater clarity on the extradition legislation. Methods need to be updated, including to take cognisance of modern methods of document transmission.

I welcome the power for An Garda Síochána to take fingerprints and palm prints, and to photograph a person’s arrest under the Act. Amendments to this Bill also provide, for the first time, for the admission in evidence without further proof of material in this regard if it is received from a country requesting extradition.

In recent days, there has been some media coverage of the prospect of a cashless society. While it is anticipated that this would make certain crimes, such as bank robberies, less attractive, it may change the way such robberies are carried out, with greater emphasis being placed on moving sums of money online and introducing heretofore unimagined access to money. Apart from reducing the opportunities for such crimes, we, as legislators, must ensure anybody involved in crime, be it online or on the street, will face the full rigour of the law. We must strive to ensure every possible barrier to law enforcement is removed.

It is worth noting that, at a time when much of the commentary in Ireland surrounding Europe appears to be negative and highlights the strictures that EU membership brings, EU law enforcement is one of the major benefits of the painstaking process of capacity building within the Union. Imagine a scenario in which international agreements were not in place or in which Ireland had to negotiate arrests and extraditions with other countries on an individual basis, as opposed to enjoying the fruits of the labours of its fellow members in the Union. Such scenarios would offer huge benefits to the international criminal as Irish police would have neither the capacity nor the resources necessary to conduct an international trawl for mobile criminals crossing jurisdictions and language barriers. EU membership brings with it significant benefits, just one of which is the ability of police forces across the Continent to work under shared international agreements with a view to thwarting the efforts of imaginative and innovative criminals.

I welcome the provisions of the Bill, which are timely and sensible and which make the job of law enforcement easier, be it through the enforcement of arrest warrants or a more streamlined extradition process.

**Deputy Heather Humphreys:** I welcome the opportunity to speak on the European Arrest Warrant (Application to Third Countries and Amendment) and Extradition (Amendment) Bill 2011. The objective of the Bill is to apply the European Arrest Warrant Act 2003 to states other than EU member states. Since its enactment, the European Arrest Warrant Act has allowed for a more efficient method for extradition, as formal extradition procedures were replaced with a system of surrender, based on mutual recognition and respect for the judicial decisions of fellow member states. It is important that there is a level of mutual respect among member states for the laws of neighbouring countries. We have free movement of goods and people in the EU. It is, therefore, important that our laws also reflect the common objective that if a person commits a crime he or she should be punished accordingly and without delay. In this regard the introduction of the European Arrest Warrant, EAW, was a welcome development. The European arrest warrant is a standard form which can be sent directly from one
judicial authority to another requesting the arrest and surrender of a person in order that he or she can be prosecuted or jailed. This procedure is in operation in all member states and should a state receive a request for the surrender of a person, that request must be complied with. This ensures there is a sense of certainty in regard to extradition matters. As we are aware, the extradition of a person can be often a complicated, divisive and time consuming process. While I fully accept that every person must have the right to due process, it is incumbent on us all to ensure those who break the law are not allowed to use legal loopholes and technicalities to avoid punishment.

I commend the Minister on bringing forward the Bill as a matter of urgency as it will amend section 15 of the Extradition Act 1965 whereby extradition will not be granted where the offence for which it is requested is regarded, under the law of the State, as having been committed in the State. This provision has been at the centre of a high profile case in recent years and it is important that clarity is brought to the issue to ensure there is no ambiguity should any similar cases arise. Ireland cannot be seen to protect criminals due to outdated legislation. To allow such a situation to continue would cause damage to our reputation internationally.

That the Minister has stated there will be a fundamental review of all the legislation is welcome. I ask him to review the fact that all cases for extradition must be heard in the High Court. Originally the Extradition Act 1965 provided that the District Court would be the court of first instance in extradition cases. This was changed by the Extradition European Union Conventions Act 2001 which provided that all extradition hearings were to be heard before the High Court. At the time the following explanation was given:

All extradition proceedings are being moved to the High Court. This is a change from the present law where the initial application for the extradition of persons from the State is made to the District Court. Since nearly all extradition cases end up in the High Court, in any event it is considered that the consolidation of all extradition proceedings in the High Court would provide for a more efficient and expeditious hearing of such cases. Since 1994, all bail applications in extradition cases must be taken in the High Court.

According to section 9 of the European Arrest Warrant Act, the High Court became the executing judicial authority in Ireland for the purpose of Council Framework Decision 2002/584/JHA on the European arrest warrant and the surrender procedures between member states. The Framework decision does not specify a particular court of judicial authority in respect of European arrest warrants, rather it states that, “The issuing judicial authority shall be the judicial authority of the issuing member state which is competent to issue a European arrest warrant by virtue of the law of that state.” As I have outlined, this is currently the High Court.

At the time the legislation was changed the majority of cases were politically based extradition cases on foot of requests from Northern Ireland and Great Britain and nearly all of them were subject to a judicial review. Given that we have peace on the island and circumstances have, thankfully, changed and there are few politically based extradition requests from Northern Ireland and Great Britain, I ask the Minister to consider amending the legislation in order that the District Court could, once again, could deal with extradition cases, except in a point of exceptional public importance where it could be referred to the High Court. It would mean considerable cost savings for the Exchequer if extradition cases could be dealt with in the District Court. It would also mean these cases could be dealt with more quickly and efficiently.

I commend the Minister on the efficient manner in which he has brought forward this technical and complicated legislation.
Deputy Thomas Pringle: I welcome the opportunity to contribute to the European Arrest Warrant (Applications to Third Countries and Amendment) and Extradition (Amendment) Bill 2011. I note from the Minister’s contribution that this is not the end of the process and that he is initiating a comprehensive review of the European arrest warrant legislation to ensure it is streamlined for the legal practitioners and the subjects of the European arrest warrants. I note the review will take some time and that the legislation probably will be amended, following the review, at a later date.

As many Members have said, the Bill is technical and it is difficult to assess its implications. An important factor that must be taken into account is the rights of the subjects of the European arrest warrants to ensure those rights are protected and that they receive due process.

In researching the issue, it appears that what may not be an offence in Ireland under Irish law could be an offence in another member state under French, Dutch or German law and that an application can be made for an arrest warrant for an offence committed in Ireland. That is a provision about which I am concerned as it could impinge on the rights of people resident here if that process was allowed to proceed. If something happened in Ireland that was deemed to be an offence in France, an application could be made for an extradition warrant to have a person extradited to France to face trial on that issue. A high profile case fed into the reasons the legislation is being amended, where the Director of Public Prosecutions and the Garda decided not to proceed with a case against a person and that prevented his or her extradition under a European arrest warrant to face trial in another jurisdiction. I am concerned about the implications of that and hope to tease it out further on Committee Stage because it is important for the rights of people who may be subject to an extradition warrant.

An important aspect of the Bill is that it provides for an extension of European arrest warrants to third countries. I note it is intended to apply to countries with which there are agreements, such as Australia and the US. Where a particular crime may not be a crime in Ireland but may have been committed in Ireland by a person from another jurisdiction where it is a crime, I would be concerned about the implications and the potential to move people to those jurisdictions on foot of European arrest warrants. That issue needs to be examined carefully.

As the review of the legislation will continue, it is likely that further amending legislation will be brought forward. I note from the Minister’s contribution that he will table a number of amendments on Committee Stage. It will be important to discuss what might be the implications of those amendments.

Debate adjourned.

Private Members’ Business

Regulation of Debt Management Advisors Bill 2011: Second Stage

Deputy Sean Fleming: I move: “That the Bill be now read a Second Time.”

With the agreement of the House, I wish to share time with Deputies Calleary, Cowen, Browne and Dooley.

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

Deputy Sean Fleming: I welcome the opportunity to introduce this Bill on behalf of the Fianna Fáil Party. My party colleague, Deputy Michael McGrath, was due to introduce it but
he is attending a public meeting in County Louth at which he is promoting a “Yes” vote in the referendum to be held on 31 May next. The Deputy will obviously be studying the transcripts of this evening’s proceedings, particularly in the context of the response from the Government side. He will bring the debate to a close tomorrow evening, at which point he will reply to the various points raised.

I wish to pay special tribute to my friend and colleague, Senator Thomas Byrne, who did most of the work in terms of drafting the legislation. The Senator put a great deal of effort into putting the Bill together last year following the collapse of a number of businesses to which I will refer in greater detail later. I thank Senator Thomas Byrne for his outstanding work on this comprehensive 11-page legislation, which deals with all the relevant issues and which relates to a vast variety of areas that have remained unregulated up to now. There is general agreement in society that the overall area of debt management requires regulation.

I take this opportunity to acknowledge what I believe to be the Government’s general acceptance of the Bill. I understand the Government will allow it to proceed to Committee Stage for a detailed debate. I appreciate that the Government is not taking the usual knee-jerk reaction of opposing something because it is coming from this side of the House. This is a good and detailed proposal and it has attracted the support of a large number of people. The Government is wisely allowing the Bill to proceed. I look forward to ample time being allocated for a detailed debate on Committee Stage. I am not stating that the first draft of the Bill is perfect and, like all legislation, I am of the view that it can be improved and amended. Fianna Fáil will take on board all the points made during the Second Stage debate in the context of evaluating what amendments might be tabled on Committee Stage. It would be good if the Bill could be passed into law before the House rises for the summer recess. With the Government’s support, this will hopefully be achieved.

The Title to the legislation states this is a “Bill entitled an Act to make provision in relation to debt management advisors and for the authorisation and supervision of debt management advisors by the Central Bank of Ireland and the Minister for Finance and to provide for related matters.” The details of what the Bill involves are spelled out in full in the text. However, its key provisions are that debt management advisers will be subject to regulation by the Central Bank and will be required to have an authorisation therefrom—the definition of such a debt management adviser includes individuals offering advice on people’s credit or debt; a debt management adviser will be required to set out all fees at the point of engagement; and a debt management company will inform all potential clients of the services offered by the Money Advice and Budgeting Service, MABS.

The latter is an important aspect because MABS provides advice to people but does not manage their cash. MABS provides an excellent service and there has been an increasing level of demand for this in recent times. An obvious alternative to what is proposed in the legislation would be to increase the number of MABS companies. However, there are already 53 independent MABS companies which have voluntary boards of management, which employ 277 money advice staff and which operate on a nationwide basis. The Bill will ensure that debt management companies will be obliged to inform all potential clients of the services offered by MABS in order to give them the option to approach the latter in the first instance if they so desire. In order for what is envisaged to be successful, it is important that people should be aware of their options. If everyone were to seek the advice of MABS, it is obvious that there would be serious additional resource requirements.

Under the Bill, debt management advisers would be prohibited from handling clients’ moneys. MABS would, however, be excluded from this prohibition. The Bill stipulates that the Central Bank should publish a code of practice concerning debt management advice within six
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May 2012.  

Advisors Bill 2011: Second Stage

months of its coming into force. It also sets out the penalties that will apply to persons found guilty of an offence under its provisions. Those are the key points which arise in respect of the legislation.

A great deal of comprehensive analysis, discussion and consultation took place during the drafting process relating to the Bill. Fianna Fáil has brought this legislation forward in order to place the spotlight on a sector which has expanded dramatically in recent times but which remains unregulated. This lack of regulation has resulted in consumers’ money being put at unnecessary risk. Vulnerable consumers are being taken advantage of by some unscrupulous, cowboy operators. The Bill will bring debt management advisers and household budgeting services under Central Bank regulation, provide for transparency in respect of the setting of fees and protect customers by prohibiting debt management advisers from handling client funds.

We are not seeking to outlaw the debt advice industry or to make it impossible for those within it to operate. There are, however, growing levels of concern with regard to these companies, particularly in respect of the fees they charge and in the context of transparency. There is a legitimate role for professional advisers in this area but the sector is urgently in need of regulation to ensure that consumers are protected. Many distressed borrowers signed up to seemingly attractive offerings of some providers in this area and subsequently found themselves in further financial trouble and in a less secure position. Up-front fees of as much as €750 are common and ongoing monthly fees of 15% of the customer’s payment go to the advisory firm in some cases. In other words, there is an immediate payment and then the companies or entities involved charge up to a further 15% to manage people’s credit card debts and payments relating to hire-purchase agreements, energy bills, the household charge, etc. In some instances, the first three months’ worth of payments may go to the adviser and the customer may not be aware that it has not gone to the company or entity to which it is due. During this period, additional interest and penalties may accrue. The Bill will require that advisers set out all fees clearly at the beginning of the process. As already stated, the sector will be governed by a code of practice to be published by the Central Bank within six months of the legislation being enacted.

There have been a number of high profile cases in this area, such as that relating to the collapse of Home Payments Limited in August 2011. Many people will remember the latter being the subject of many television news reports at the time. Home Payments Limited owed its customers €6.17 million when it ceased trading, a fact that highlights the disastrous consequences for ordinary people when something goes wrong in a sector that is entirely unregulated.

At present, people who offer advice on debt are considered to be offering a customer rather than a financial service. This means that they are not subject to regulation by the Central Bank and the Financial Regulator, although they can be prosecuted under consumer protection laws, including the legislation relating to misleading advertising. The real reason we have brought forward the Bill is as a result of the fact that offering advice on debt is considered a customer service. As a result, consumer law applies and, in some cases, such law is not the strongest in the context of enforcement before the courts. It would be to the benefit of consumers if the service to which I refer was recategorised as a financial service because it would then come under the remit of the Central Bank and the Financial Regulator.

It is difficult to ascertain the prevalence of these companies although an Internet search shows dozens of providers purporting to offer debt advice. One industry source suggested individuals who were previously operating as mortgage brokers have moved into the area of debt advice. It is ironic that those responsible for brokering deals with some of the more
expensive mortgage companies, for which they received commission while getting people in large debt, are now coming back as the cavalry to rescue these very people while charging them for managing their debts.

While there is general agreement at political level for the need to introduce this legislation, it has also been raised in other arenas. The Law Reform Commission published a consultation paper on personal debt management and debt enforcement in September 2009 which made provisional recommendations for reform. It concluded a strong case existed for the introduction of a regulatory system for debt management companies as vulnerable clients and the potential for predatory practices raised concerns. As stated earlier, some of these advisers are cowboy operators with only an Internet presence and no face-to-face meetings. The commission also recommended standards should be established with regard to the quality of advice given by requiring a minimum level of training and skills following consultation with the industry.

The Free Legal Advice Centres also commented on commercial debt advice companies:

Whilst responsibility for ensuring that inappropriate cases do not come to court must rest with the creditor, the State must ensure that proper money and indeed legal advice are available to enable early resolution of debt cases to take place. Whilst we have been unfortunate in this country to have outdated debt enforcement and bankruptcy procedures, money advice has been consistently funded. However, that service [MABS] and its hard-pressed staff is now severely stretched to cope with increased demand and must distinguish itself and even compete with some debt management companies offering services in return for fees. The existence of State funded money advice and a for-profit sector is not necessarily mutually exclusive but unless such companies are properly regulated and monitored, there is a significant danger that already vulnerable clients desperate for solutions to their financial problems will grasp at expensive straws.

In the Dáil recently, the Minister for Finance noted “consumers can confirm whether or not a financial service provider is authorised by checking the register of financial service providers on the Central Bank’s website”. However, in practical terms few will actually do this. It is actually difficult to navigate that part of the regulator’s website and find out under which category an adviser falls.

There are legitimate providers in the industry and there is a role for debt advice. We are not seeking to outlaw the industry but want it regulated. The Debt Management Association of Ireland stated any new regulation must cover areas including training, marketing, advertising and publicity, information to be provided to customers, dealing with vulnerable customers, their contract terms and their accounts.

The segregation of clients’ money from commission fees is another important issue. We examined bonding these debt management companies to ensure customers would be protected. However, having considered it in detail, we do not believe this would be a sufficiently robust way of dealing with this issue. Instead, we believe regulation by the Central Bank is the best way.

There has been a positive response from the industry to our proposals. A broad consensus exists that this sector needs to be regulated. The Central Bank, the National Consumer Agency, Free Legal Advice Centres, the Law Reform Commission and Deputies on all sides of the House agree on this. If the Minister is not opposing the Bill, I hope he will make time available in order that it can be swiftly progressed. We all want to see a situation where potentially vulnerable customers are not subject to unnecessary and unjustified financial risk. This Bill provides the means to ensure this is the case.
Deputy Dara Calleary: I join Deputy Sean Fleming in thanking our colleagues, Deputy Michael McGrath and Senators Byrne and MacSharry, for the work they have put into this Bill. It is interesting to note this Bill was taken in the Seanad last year. It was promised at the time it would be brought forward this year. However, it has not as we come towards the midpoint of this session. I endorse Deputy Sean Fleming’s point that, while we welcome the Government accepting the legislation, we need to see it passed before we break for the summer. It is not too much to ask that the Bill be enacted when we break for the summer two months from now.

Up to 1.5 million people owe money on an unsecured credit product such as a credit card or personal loan. Senators Byrne, MacSharry, Darragh O’Brien and Deputy Michael McGrath have introduced a suite of measures such as family home protection. While there is a significant focus on mortgage debt, we have a major problem with unsecured debt. This is the area rogue operators are targeting and which our legislation is trying to regulate. Conor Pope in *The Irish Times* described the field of debt management as:

A less exciting version of the Wild West and there are no rules governing the dozens of companies which have set up in recent years offering to help people scale the personal debt mountains they have created through a combination of reckless borrowing and reckless lending.

We all know the advertisements for these companies which are generally targeted at a UK audience but are relevant here. Unfortunately, in recent months with the publication of the personal insolvency Bill, a new trend of advertisements is running, claiming the Government insolvency Act will wipe 75% off one’s debt. These are promises that cannot be achieved. It is not just politicians saying this but MABS. MABS, a fantastic organisation and the unsung hero of dealing with the carnage of people’s personal debt stories, has stated it would be extremely unusual, if ever, that debtors with personal debts achieve write-offs of this scale.

Various consumer credit codes are in place for financial institutions contacting individuals, but these are really only there in spirit. When a person is put under pressure about unsecured debt by a financial institution, he or she will seek some relief from a debt adviser. Unfortunately, there are some unscrupulous companies in this space, those that we are trying to put manners on in this legislation, which will feed that need. While the consumer is looking for short-term relief, unfortunately due to the lack of regulation, these advisers will only add to the consumer’s debt burden.

In the case of Home Payments Limited, the consumers had their cash cleaned out, leaving them exposed to further debts with utility and other companies for which they had signed payment arrangements, thus compounding their problems entirely. The difficulty with Home Payments was, because it provided the service under the radar for many years, the age profile of those affected was older. Many of those affected had no capacity to get their money back or pay their bills. We surely should have learned from this. As Deputy Sean Fleming said, it happened last summer. With the reams of financial legislation introduced in this House since September, we should be able to put in some checks and balances in the debt management advice area.

When the history of the past ten years is written, part of it will deal with legislation and the protection it afforded. We have already discussed banking regulation or the lack thereof, and everybody would agree on the matter. It was not just an Irish problem as it was evident across Europe and the world. We have a chance to start putting in place regulation so we do not return to this scenario in ten or 15 years. God forbid this crisis would ever recur to this magnitude but if any crisis comes about, there should be a protection in place for future borrowers and con-
sumers from a complete lack of regulation in the bank or in this sector. We have a chance, before this sector takes complete hold of people’s lives and futures in this economy, to regulate it, and we should take that opportunity quickly.

We do not know how many hundreds of families around the country tonight have been sold a pup by signing up to arrangements made by debt management companies, paying interest rates way in excess of what they should be in a completely unregulated set-up. There is no consumer law or prohibition on consumer contact in this regard. We do not know where these people will go if a company decides to close shop, and we could be leaving families and people exposed to debts from utilities, credit cards and banks; essentially, they would go back to square one.

In January, the Minister for Finance, Deputy Noonan, stated he had received advice from the Central Bank and agreed that debt management and advice service firms should be subject to regulation. He asked his officials to prepare the necessary legislation, which would be brought forward as a Committee Stage amendment to the Central Bank (Supervision and Enforcement) Bill 2011. That did not happen and we have had to force this Bill on the agenda tonight to try to elicit some action.

I refer to Deputy Fleming’s proposal, and the entire protection it affords, which we can see through if we want to. Unfortunately, more and more people will seek these services. We are looking for every debt management adviser, DMA, to be subject to regulation by the Central Bank and to be required to have an authorisation. We include a pretty tight definition of a DMA, which includes people offering advice on a person’s credit or debt or providers of household budgeting services. Fees should be laid out before entering into an arrangement, and the fee for the service should be laid out in a clear and understandable fashion for everybody. Debt management companies should inform all potential clients of the services offered by the Money Advice and Budgeting Service, MABS, which is a public service that does fantastic work. Those services should be made available to everybody. As a House, we must agree that MABS needs more resources in the form of people and funding. The DMAs should be prohibited from handling client moneys, and client money would be protected by keeping it out of the equation. The Central Bank should publish a code of practice concerning DMAs within six months of the enactment of the Bill, and there is a range of penalties outlined in the Bill.

If we can get through Committee Stage of this, it would send out a very strong signal that we will not tolerate cowboy or wild west behaviour and will instead offer protection to those people who are under a significant burden of personal debt. As Mr. Conor Pope mentioned, the less exciting version of the wild west should get a sheriff.

**Deputy Barry Cowen:** As my colleagues have noted, the area of debt management advice and household budgeting services is largely unregulated, and this is a growing cause of great concern among us and throughout the country. Many distressed borrowers have signed up to what seemed attractive offerings with some providers and found themselves in further financial trouble and a less secure position. We are not seeking to outlaw the debt advice industry or make it impossible for operators to function but as we have said, there are growing levels of concern about these companies and, in particular, the fees they charge and the transparency that is evident. It has been reported that some financial institutions have gone as far as to say they would not deal with many debt management companies, which is a great cause of concern and brings about the reason we are here this evening, following on from what was brought to the Seanad last year.
Currently, those offering advice are considered to be offering a customer service, as has been noted by Deputy Fleming, rather than a financial service. Consequently, they are not subject to regulation by the Central Bank and the Financial Regulator, although they can be prosecuted under consumer protection laws, including legislation dealing with misleading advertising, as mentioned by Deputy Calleary.

This Bill would bring debt management advisers under Central Bank regulation, providing for transparency in fee setting and protecting customers by prohibiting debt management advisers from handling client funds. I will deal with the Money Advice and Budgeting Service, MABS, as it is relevant to the responsibilities of the Minister for Social Protection. The obvious alternative to debt advisers is MABS, and as Deputy Calleary alluded to, its personnel are the unsung heroes in the past number of years who have worked tirelessly to deal with some crazy issues in a professional, capable and understanding manner. There are 53 independent MABS companies with voluntary boards of management employing some 277 money advice staff, operating nationwide.

In 2010, the MABS helpline took over 27,700 calls, compared to 24,737 calls in 2009, with 16,620 calls in the first half of 2011. They are the most recent figures and they indicate close to a 20% increase year on year. If that is the case, we can expect at least in the region of 40,000 calls this year. The demographic profile of MABS clients has remained relatively stable, with almost 70% social welfare recipients, growing from 63% in 2007. The majority are aged between 26 and 40 and female, with over 60% having children. The number of budget negotiable clients is increasing, which means MABS is now negotiating arrangements with creditors for a higher proportion of clients.

Recently in the Dáil the Minister for Social Protection stated she was satisfied that MABS had sufficient resources to continue to provide a high quality personal service to assist people in overcoming their indebtedness and managing their finances. Our Bill would ensure a debt management company would inform all potential clients of the services offered by MABS but in order for that to be successful and be taken in the way it is intended, additional resources must be made available to local MABS branches. Deputy Calleary mentioned this.

Although I quoted the Minister, I do not believe her comment reflects reality; the requirements of the service should be audited. Representatives should come before a committee or the Minister should come before the Dáil and state categorically that sufficient funds, services and facilities are available to the staff which will allow them to carry out the functions for which MABS is designed. Based on the figures made available to us and members of our party when we prepared this legislation, the numbers of people seeking the service are rising at such an alarming rate that they cannot be matched by levels of funding and personnel.

In supporting this Bill, I ask the Minister of State to indicate to the Ministers for Social Protection and Finance the strong message from this side of the House that additional funds and services are required at the coal face. It is incumbent on this Government, if it is as compassionate as it portrays itself to be, to implement those amendments in order to meet the needs of those who deserve these facilities. In the absence of such action, the prevalent rogue trading which forces exorbitant fees and further indebtedness on those whom they seek to represent will only continue to gain momentum. We are closing one loophole in bringing forward a Bill like this, and we would make it law for such characters to inform people of the facilities that can be availed of from the State.

For that to be practical and professional, it is imperative the Minister for Finance and the Minister for Social Protection come forward with new proposals and updated facilities, services and funds to give the service that is necessary.
Deputy John Browne: I thank Deputy Michael McGrath and Deputy Seán Fleming for bringing this Bill before the House. It gives us an opportunity to debate the serious situation for families who are severely indebted. It is also an opportunity for the Government to accept this Bill, which it has done, and to implement it as quickly as possible. If the Government feels changes must be made to the Bill, so be it, but it is important, as Deputy Calleary said, that it is enacted between now and the summer so people have the chance to sort out their difficulties.

The area of debt management, advice and household budgeting services is largely unregulated at present and is a growing cause of concern. Many distressed borrowers have signed up to what are seemingly attractive offerings but then found themselves in further financial trouble and in a less secure situation. This cannot be allowed to continue. We are not seeking to outlaw the debts advice industry, or to make it impossible for it to operate, but there are growing levels of concern about these companies, particularly the fees they charge and the lack of transparency. It is important the Minister of State looks at the exorbitant fees being charged and that the whole situation is made more transparent. Some financial institutions have gone as far as refusing to deal with debt management companies. Some mortgage brokers have, in fact, gone into debt management, a matter of concern to me. The mortgage brokers operated during the boom and secured loans for people who could never meet the repayments.

The banks are not very helpful to those customers who have found themselves in financial difficulties. People are being bullied, getting phone calls in the morning and late at night. In many cases, the banks gave out loans to people without any investigation of the family’s ability to pay them back. As a Deputy who has represented Wexford for many years, many people come into my clinics in serious financial difficulties. Often, when their difficulties have been teased out, the problem is that they should never have received the loan in the first place; they were never in a position to meet the repayments but got a 100% loan on a low income and were never going to be able to meet that repayment. Now the banks are looking for their pound of flesh, and bullying people into making repayments they cannot make, driving them further and further into serious financial difficulties.

The banks should provide advice centres for their customers. At present, if I ring the bank in Wexford, I am told an issue is being dealt with in Dublin. No one knows better than the local bank manager of the circumstances of a family in the area. When I try to ring the bank in Dublin to arrange a meeting, I get short shrift and rarely do I get the meeting. In some areas in Wexford, some bank managers are very helpful and supportive but when it is necessary to go to Dublin to resolve a problem, it becomes impossible. The banks must provide an advice centre in every county where local families can discuss their loans and see how the situation can be resolved.

Deputy Cowen mentioned MABS, which has been a great organisation in good and bad times. The difficulty is the lack of staff in the MABS offices. There is a very good MABS office in Wexford headed by Mr. Nicky Rossiter but he and his staff can only do so much. The demand for the services of MABS, however, is way above what it was previously. The service does its best to resolve difficulties. I tell people to discuss their problems with the staff of the MABS advice centre in Wexford, who are doing a great job in providing a service. The Minister of State is tonight representing the Minister for Finance, the Minister for Public Expenditure and Reform and the Minister for Social Protection. These are the Ministers who will provide the staff and resources and the Minister of State must bring the message back to them that we need extra services and support in the MABS offices to ensure ordinary people, not those who
are well off but those on social welfare benefits or on low incomes, who find it impossible to meet repayments, receive the necessary advice and assistance.

About 40% of those who owe money or who are in serious debt have not gone to anyone at present. It is important that we have a public awareness campaign to tell people in financial difficulties to go to the local MABS office and their bank manager to discuss their difficulties because the problem will not go away. It is important people are advised to go as quickly as possible.

In some circumstances people might not be able to get out of their problems because of the fall off in the value of houses. I have come across cases where people who owed the bank €200,000 handed back their house to the bank, the bank sold the house for €150,000 and then continued to seek the balance from the customer. It is important that people, before they hand back the keys, try to do a deal with the lender to write off the balance. In many circumstances the person should never have received the loan in the first place and the banks are not blameless.

The Regulation of Debt Management Advisors Bill is a move in the right direction. They must be regulated and brought within a legislative process. They cannot be allowed to charge exorbitant fees or prey on the vulnerability of families that owe huge amounts. That is what is happening, they are preying on the vulnerability of ordinary people, charging them exorbitant fees and giving them the wrong advice. In many cases, the families end up owing more money than they did initially.

I welcome the Bill. It is essential legislation. The Government promised a personal insolvency Bill but we are still waiting for it. Perhaps when the Minister of State is replying, he might tell us if the Bill will be introduced before the summer recess because we need it as quickly as possibly, particularly in conjunction with the Bill we are putting forward tonight. Between the two Bills, there is some hope for those families who owe money and who are finding it difficult to deal with banks and building societies.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Perry): I thank Deputy Michael McGrath for introducing this Bill and Deputy Séan Fleming for his speech this evening. I support its provisions in principle. These provisions reflect the Government’s published amendments that will ensure proper regulation of this sector. I listened actively to the last speaker. I am advised that the insolvency Bill will be published by June.

Deputy Jerry Buttimer: Hear, hear.

Deputy John Perry: The protection of the consumer——

Deputy Dara Calleary: Will it be June of this year?

Deputy John Perry: Yes, that is the advice I have been given.

Deputy Jerry Buttimer: It is the fault of those in Fianna Fáil. They are the reason we need it.

Deputy John Perry: Protection of the consumer is paramount. The Government is committed to ensuring that a robust system of regulation is in place for debt advice, debt budgeting and debt management firms. Following the failure of Home Payments Limited last summer, the Central Bank inspected the bill payment and debt management sector to assess whether firms providing these services are carrying out any activity that falls to be regulated by it and to
ascertain whether consumer funds were at risk. Following identification of 12 companies providing these services, the first phase of the Central Bank’s review concluded with the bank writing to several firms notifying them that their activities are subject to regulation by the Central Bank and requiring that immediate steps be taken to provide additional protection for client funds.

Some debt management firms which process payments on behalf of clients are subject to regulation under the EU payment services directive. The directive was transposed into domestic legislation by the European Communities (Payment Services) Regulations 2009 and came into effect in November 2009. Any firm that provides payment services, as defined by the legislation, requires authorisation to trade from the Central Bank. Payment services covered include credit transfers, direct debits, standing orders, money remittance, debit and credit card transactions and certain services provided by mobile phones and other digital and information technology devices. The companies subject to regulation by the Central Bank must determine whether they wish to apply for authorisation from the Central Bank or, alternatively, whether they wish to change business model. The payment services regulations set out the respective rights and obligations for the users and providers of payment services. The regulations provided, however, for the granting of certain exemptions which may have caused some confusion in the sector.

I wish to provide the House with some background to the issue highlighted by Deputy Michael McGrath’s Bill. Deputies will be aware that the Law Reform Commission’s consultation paper, Personal Debt Management and Debt Enforcement, was launched in September 2009. The Law Reform Commission’s interim report in May 2010 concluded that money advice undertakings should be subject to a regulatory regime. While the risks associated with debt advice and debt budgeting management firms have come to public attention in the wake of the failure of Home Payments Limited last year, it appears a small number of private firms have been providing these services for some years. Clients of these firms are often more vulnerable than consumers generally and many are struggling and in difficulty. Thus, they need to rely more on third parties to assist them in managing their financial affairs. The Central Bank has conducted research into this sector and has identified three categories of firms.

The first category, debt advice firms, provide advice on legal rights and bankruptcy. They also advise on the best options available to consumers based on their individual circumstances. They do not take payments from consumers although it must be assumed that consumers pay for the advice. The Central Bank has advised that the majority of these firms do not appear to charge for debt advice provided but charge if the individual undertakes a debt management or settlement plan. In such circumstances, these firms would be deemed to be operating as debt advice or debt management firms. Fees and charges appear to generally consist of a lump sum fee of €800 and a monthly fee of €30 or 15% based on the percentage of overall debt. In the case of firms providing debt advice only, the consumer continues to pay the creditors directly. The Central Bank has estimated that there may be in the region of 30 to 40 such firms operating in the State.

The second category covers budgeting firms. These firms provide advice and money management services to consumers. They may also take money from consumers on a monthly basis, sufficient not only to pay bills due but also to cover bills arising in the coming months. Therefore, the amounts of money at risk can be greater than one month’s payments. This activity raises concerns since it could be viewed as deposit-taking, as per the definition of banking
business in the Central Bank Act 1971. It appears there is a small number, possibly two or three, of such firms operating in the State.

The third category covers debt management firms. These firms provide advice, money management services and debt management services to clients. They assist consumers who are struggling with debt and try to negotiate a more favourable repayment schedule with lenders and creditors etc. These firms take payments from consumers and use the money to pay off the debt owed to various creditors. This activity raises concerns since it could be viewed as deposit taking as per the definition of banking business in the Central Bank Act 1971. The amount paid over by the consumer is the total monthly repayment due to creditors and, therefore, this is the amount at risk to the consumer until the bill is paid. If the monthly amount is not paid, the creditor will be aware of it and will seek the payment from the consumer. It appears there may be approximately 20 such firms operating in the State in this area.

As I stated at the outset, I support the objectives of the Private Members’ Bill, which amount to the effective regulation of this sector and the protection of vulnerable consumers. Deputies will be aware that the Central Bank (Supervision and Enforcement) Bill 2011 is currently before the House. Last month, the Government approved the inclusion of provisions for the regulation of debt advice, debt budgeting and debt management firms on Committee Stage. To this end a consultation document was published on the Department of Finance website at the end of April. The document outlines the proposed regulation of the sector and requests observations on the proposals to be submitted by Friday, 25 May. The window for receipt of observations will close on that date. Discussion on the matter is ongoing between the Department and the Central Bank. The Minister for Finance will examine the proposals in the Private Members’ Bill and he will ensure its objectives are taken into account in the finalisation of Committee Stage amendments.

The Government has published proposals for legislation to regulate this sector. Part V of the Central Bank Act 1997 will be amended to provide for a regulatory regime for the services of debt management firms and bill payment firms which currently fall outside existing regulatory regimes. This will be achieved by incorporating a new category of regulated business into the existing regulatory framework in Part V, thereby extending the application of provisions of Irish financial services law which apply to regulated financial service providers to debt management and debt advisory firms. This means that existing provisions in Part V of the Central Bank Act 1997 relating to the imposition of conditions and the revocation of authorisations, etc. will apply to the firms in question.

These firms will be subject to the range of Central Bank powers. They will be subject to fitness and probity powers under the Central Bank Reform Act 2010 and to administrative sanctions powers under the Central Bank Act 1942. They will be subject to direction-making powers under the Central Bank (Supervision and Enforcement) Bill 2011 once it is enacted. It is proposed to amend the existing definition of money transmission services in Part V of the Central Bank Act 1997 to cover money transmission services provided by such debt management firms where such money transmission is not covered by any existing regulatory regime. This will ensure it is made clear that where debt management firms provide such services they will fall to be regulated.

The proposed regime will cover those persons or firms which provide debt management services to consumers for remuneration. This includes those who provide advice on budgeting or other similar advice on money management issues to consumers in respect of their financial
affairs. It includes those who provide advice to consumers about the discharge of their debts to any creditor. It includes those who negotiate with any creditor or creditors the terms for the discharge of a consumer’s debt. Finally, it includes those who take over the consumer’s obligations to discharge a debt to any creditors of that consumer.

I assure the House that Deputies will have a further opportunity to debate this issue when the Government brings forward its proposed amendments to the Central Bank Acts, which will take account of the ongoing public consultation. I commend Deputy McGrath on using valuable Private Members’ time to highlight this important matter. I assure the House that when enacted, the Government’s provision for regulation of this sector will be robust and one in which consumers will have confidence. I assure the House also that the Central Bank will have the necessary powers to ensure compliance. That will be welcomed by all sectors.

I listened carefully to Deputy Cowen’s comments about MABS and agree that it is a critical service. The facilitation of MABS for the consumer is important in terms of the huge demand for its services. I support the Deputy’s view and will raise it with the Minister, Deputy Noonan.

Deputy Browne made the point that the pillar banks should have an advisory role to advise people who have restructuring requirements and that they would enter into meaningful negotiations with them and give them a sympathetic ear. That is an important service from the point of view of banking and also the MABS service. Those points are well made and I will convey them to the Minister, Deputy Noonan.

I compliment all Deputies on their valuable contributions to which I listened carefully. It is important that we do not lose sight of the consumer. There is immense pressure on a huge number of people but this Bill will be important in that regard. I am certain that once the consultation is concluded the Minister, Deputy Noonan, will be concerned to get the legislation into this House as quickly as possible. That will be made clear tomorrow evening when the debate is concluding.

I thank Deputy Fleming for moving this important Bill. We are very conscious of the need for such a Bill.

**Deputy Tom Hayes:** I welcome the opportunity to speak on this Private Members’ Bill. The Bill seeks to create a new regime for the regulation of debt management, including debt payments. It is a sensible Bill on which I compliment the proposers because it deals with an issue that affects a huge number of people. Being in debt troubles families and creates a great deal of pressure. The use of Private Members’ time to introduce this legislation is worthwhile and is something from which we should learn. Both the Opposition and the Government should be commended for doing something so simple.

In early August last year we saw the collapse of Home Payments Ltd. That company helped households to budget and spread out their payments over two different companies. The National Consumer Agency estimated that thousands of people were affected after their household budgeting service ceased to trade. The biggest fear expressed by consumers at the time of the company’s collapse was that they would be hit twice by losing their money while still owing their banks and utility providers directly.

What was evident once the company ceased trading was that there was no protection or regulatory framework in place to protect those vulnerable customers who had made the decision to pay into that company weekly or monthly and for it to handle their household bills.
Those people were trying their best to meet their debts, as all people do. Along with the Minister of State, Deputy Perry, I support the objectives of the Private Members’ Bill which are to provide for effective regulation of this sector and protect its vulnerable customers.

Everybody in this House is aware of the huge number of people who are in financial difficulties. I support the efforts of the Minister, Deputy Noonan, on that issue. He has already brought proposals to Government for regulation of such firms. At the end of April the Minister for Finance issued a consultation document on the proposed Committee Stage amendments to the Central Bank (Supervision and Enforcement) Bill 2011. I understand it is the intention of the Minister, on the conclusion of that consultation stage, to bring forward legislation to regulate those firms. I see no reason the Minister will not ensure the objectives of this Bill are taken into account at this stage.

The Government is already facing up to this problem and has already in place proposals to regulate debt management. I hope the Government will be sensible and listen to the proposals from all sides of the House on this Bill.

It is already proposed to amend the Central Bank Act 1997 to provide for a regulatory regime for the services of debt management and bill payment firms that currently fall outside the existing regulatory framework. That will be done by incorporating a new category of regulated business. I welcome that, as I am sure will the Opposition, as it will ensure budgetary and debt management firms will be subject to the powers to which other institutions are subject in other legislation such as fitness, probity and administrative sanctions and powers by the Central Bank in the various items of legislation.

In these difficult economic times it must be acknowledged that people might be availing of the services provided by these companies now and in the future. It is important to ensure, therefore, that a robust and consumer driven regulatory regime is put in place to protect consumers and that we do not have a repeat of what happened to the customers of Home Payments Ltd.

MABS has provided a huge number of services in the past but in recent years the pressure on the staff in MABS has been enormous. Most public representatives have dealt with MABS. Its staff give a very fine service but it, in turn, must have the support of proper regulation. People can be good at managing their household and rearing their children but some people need help and advice on handling their finances.

When the Minister is considering the regulation I ask him to ensure it contains a section on handling banks. On several occasions I have seen at first hand people who were under huge financial pressure going to financial institutions for help. When people are in a weak position they need that support, and some of that should be built into the regulation to ensure that when they put in an effort they are offered a cut in interest or whatever. That would make it easier for people. If people are given some sort of a break when times are difficult and they are under pressure they can deal with their family finances.

**Deputy Ciara Conway:** I welcome the opportunity to speak on this Private Members’ Bill and thank our colleagues for bringing it forward. They must have read the Official Report of past Dáil debates because I raised this issue almost 12 months ago and was invited by the Taoiseach at that time to make a submission on it. The issue had been brought to my attention in my work with MABS about which many Members have spoken in the debate.
When most people look for information their first port of call is Google but if one “Googles” MABS, unregulated debt management agencies are the ones that pop up first. They also advertise themselves as being State sponsored. Both the Financial Regulator and the Department of Finance have expressed grave concern that those firms can do that. In terms of the way they operate, they ask people to forecast how much they are earning and to come up with an online plan as to how they will be able to pay back their debt. People do that because it is anonymous. They feel great shame when they are unable to manage their own finances and they submit their details online. That is followed up by a call from an agent from one of these firms and it is only then that a cost is discussed.

I do not have any proof but I have been told anecdotally that many of the people who have reinvented themselves as debt management agents are the very people who got our citizens in this trouble in the first place. They were mortgage brokers in a former life. I do not want to be ageist but how many people of my age who entered the property market in the past ten years were told by a mortgage broker that they could rent out a room or two, which would increase their income on paper and allow them to borrow more than they could actually repay? These same individuals have rebranded themselves as debt management agencies and now charge people for the honour and privilege of using their services.

This debate should be used to inform people that the Money Advice and Budgeting Service, MABS, is the only State sponsored and endorsed organisation for dealing with debt. Not even in their wildest dreams would some have believed it would ever become necessary to negotiate with the MABS, a wonderful and professional organisation which is aware of people’s needs and handles cases in a most sensitive manner.

Government measures to deliver on the regulation of the debt management sector are welcome but not before time. I commend the Minister for Finance for including debt management agencies within the scope of the Central Bank (Supervision and Enforcement) Bill 2011 because until now such companies have fallen outside the scope of legislation.

People will often choose the services of a debt management company having seen an advertisement on a website because online interaction affords them anonymity. Help is available, however, not only from the Money Advice and Budgeting Service but also from private banks which offer free debt restructuring services. People should seek help as there is no shame in doing so.

While there is a place for regulated companies of this kind in the case of persons who can afford their services, they do not provide an answer for those who do not have resources. Unscrupulous private debt management agencies are taking advantage of some of the most vulnerable families and young people. I welcome the progress made thus far on this issue and will follow with great interest developments in the coming weeks and months.

[Deputy Jerry Buttimer:] I welcome the Minister of State, Deputy John Perry, and the Bill. While I compliment the Deputies opposite on their contributions, lest they believe they can get away scot-free, I remind them that the reason this Private Members’ Bill is before the House is the arrogance shown by the Fianna Fáil Party during its 14 years in power, the “spend all” mentality it displayed and the lack of regulation, accountability and probity associated with those years. It is an appalling tragedy that we are dealing with the issue of debt. We must bear in mind that the most important person in this scenario is the consumer, each of whom rep-
represents a family with a husband, wife and children. Debt is having a profound effect on the quality of life of ordinary citizens. People did not go berserk or mad and must be placed at the centre of our efforts.

Let us reflect for a moment on the issue under discussion, namely, debt management and the impact of debt both psychologically and on relationships. The very fabric of society is being attacked and undermined by debt. At the bottom of this issue is not a cold computer print-out or statistic on a spreadsheet but human lives. For this reason, I welcome the Minister of State’s statement that a personal insolvency Bill will be brought before the House.

Just this week in Cork, Bord Gáis cut off people’s gas supply for non-payment of bills, while the “Neil Prendeville Show” revealed that a young child was attending school malnourished. No child should be attending school malnourished in 21st century Ireland. No one’s gas or electricity supply should be cut off and no house should be repossessed by a bank that we own. One does not need to be a genius to accept that logic. Let us cast aside for a moment the political jerseys we all wear. As civic leaders and individual citizens, we must raise families, run GAA clubs and other sports groups and rebuild the country. It is also imperative that we vote “Yes” in the referendum on 31 May.

While I welcome the introduction of regulation for debt management companies, we must also address the role of the debt adviser, which is, unfortunately, extending. As Deputy Tom Hayes noted, it is important that advice on debt issues is provided for citizens because we must enable people to manage and cope. For the past week callers have been contacting local radio programmes in Cork to discuss how they are unable to manage. I refer to Cork because I come from the city but the problem transcends Cork, as Deputy Barry Cowen is aware.

Deputies meet people in their weekly constituency clinics or while canvassing who are struggling because their discretionary income is being fast eroded. Given the strain debt is imposing on people, the fundamental premise of the Bill is important. I am pleased the Minister recognises the need to address this unregulated business and welcome the contribution of the Minister of State. I look forward to the publication of Government legislation in time. However, as the Minister of State noted, legislation on the regulation of debt advisers cannot be introduced in isolation but must be enacted in conjunction with reform of personal insolvency legislation. The personal insolvency Bill is important because debt management and settlement plans are only one part of the equation.

Utility companies, banks, credit unions and other lending institutions must work with people. They need to appreciate that many citizens are experiencing economic difficulties as a result of personal debt arising in many cases from decisions to purchase property at inflated prices or, in some cases, as a result of extending themselves beyond their means. It is important that forbearance is shown when dealing with those who are making genuine efforts to address their difficulties. The Minister of State who has responsibility for small and medium-sized enterprises encounters many people who are making great efforts to continue in business and maintain and create employment. We must work with such individuals rather than focusing solely on the banks and financial institutions. We must address the circumstances of householders, families and businesses.

Addressing personal indebtedness requires regulation in conjunction with reform of our antiquated personal insolvency legislation. I am heartened, therefore, that the Government is taking action in this regard. It must remain a priority and action must be taken promptly because
a rolling stone gathers no moss. The Deputies opposite may not like it, but it is their fault that we are in our current position and that so many have emigrated or are unemployed.

Deputy Dara Calleary: The Fine Gael Party was a cheerleader.

Deputy Jerry Buttimer: They must never be allowed to forget their legacy. It falls on the Government and the Opposition to ensure we get the country back to work. Some of the Deputies who will speak later talk much but offer little. It is important that we continue the journey.

Deputy Pearse Doherty: The Deputy always brings a smile to my face when he speaks. He is continuing with the rhetoric he used in the Seanad.

Deputy Jerry Buttimer: The Deputy was missing for a long time. He is welcome back. Was he sidelined?

Deputy Pearse Doherty: No, as the Deputy is well aware, I was absent for a couple of weeks after my father passed away and I have been involved in the campaign against austerity. While he is correct about the legacy of the Fianna Fáil Party, the Government will leave the same one. Its actions in the past year are the reason people are emigrating. That said, I welcome the opportunity to debate this Bill. We, in this institution, face many problems which appear insurmountable and divisive. Occasionally, however, an issue arises on which we all agree and which should, on the face of it, be simple to fix. The regulation of debt management agencies is one such issue. It is crucial we tackle this now and do not leave it any longer. To do so puts more vulnerable people at risk of agencies which are operating as rogue agencies or are operating ineptly.

In 2009, the Law Reform Commission called for regulation of debt advisers and set out proposals on legislation for the issue. Groups like these have always existed but there is no doubt their number has increased and they have become more prominent in recent years. This is a response to the economic crisis which has seen more people struggling with the cost of living. I heard the Deputy speak of people in his constituency in Cork who are struggling to get by, and I am not sure if he was talking about his Fine Gael colleague, but he will understand that if she is struggling on €96,000 per year, then people who have lost their job and who have seen their disposable income cut by the previous Government and this Government are finding it very difficult to get by, and they have turned to these agencies to manage their debts. The previous Government not only drove most of these people into debt, but also during the 14 years in which they governed, as it watched these agencies increase and prey on vulnerable people, it refused to regulate them.

In 2010, the Department of Finance said it had no plans to regulate the sector, despite receiving submissions on the issue from financial commentators. My own colleague at the time, former Deputy Arthur Morgan, raised the agencies issue on numerous occasions, but to no avail. The money advice and budgeting service warned that debt advisers were making false claims that they could have 75% of debts written off for heavily indebted consumers. In preparing for this debate, I did a Google search of debt management companies and I saw one firm’s advert stating: “The Irish Government Insolvency Act Can Wipe Up to 75% Of Your Debt”. That is what these agencies are doing on the Internet: preying on vulnerable people. The Minister of State knows as well as I do that no such Act exists. We talk about false
This issue came to boiling point under the previous Government. It was warned about it in 2009 and in 2010, yet now in 2012 it is bringing forward a proposal on it in opposition. That said, we have to leave aside Fianna Fail’s attempt to rewrite history and this Government’s foot dragging on the issue, and we must deal with this issue now because it is too important to delay it. The collapse of Home Payments Limited and Dunne and Maxwell, trading as Your Money, highlighted the urgent need for regulation of debt management agencies. These firms sell debt management plans to distressed consumers who are often already in crisis. Since 2009, under the European payment services directive, firms such as these should be regulated and authorised by the Central Bank. However, regulations allow firms to establish whether they should be authorised. Being authorised would undermine the profit model of such agencies which depend on hefty fees deducted from money handled for consumers.

The Consumer Association of Ireland has weighed heavily into the debate, stating it is seriously concerned at the lack of consumer protection. We know there is huge money in the debt management game. The reporting skills of some financial journalists have exposed universally high fees of as much as €750 for an upfront fee and average monthly fees of €50. If that was the only problem, we might be able to deal with it, but the risk of these companies actually shutting up shop and losing people’s money has already come to pass in some cases. Dunne and Maxwell disappeared overnight, leaving hundreds of customers not knowing how much they owed to debtors. The Central Bank and the National Consumer Agency have been proactive in seeking to assist these people by asking their creditors to deal with them sympathetically, but that is not enough. Prevention is better than cure.

The people who were victims of Dunne and Maxwell should have been aware the director of the company previously had his credit licence revoked in Britain because he had undisclosed convictions. The customers with the company were not aware anything was wrong until the Central Bank wrote to them and warned them about lodging their money with the company. It emerged afterwards that the director of Dunne and Maxwell had his licence for a previous debt management company investigated and revoked by the British Office of Fair Trading as far back as 2005. Having had his licence revoked in Britain, this man could move his business interests legitimately to Ireland and suck people into trusting his company, and there was no one from the State to protect the ordinary people. The Home Payments collapse left 2,300 customers owed more than €6 million. I know of one constituency case where a woman lost €2,000 to the company. This woman was doing her best to manage her debts in straitened times and this was a heavy blow. The company collapsed last year, but the woman only received a letter last week from the liquidators asking her to account for how much she had with the company. In the interim, she has had to deal with a range of outstanding bills she thought were being taken care of, but from an even worse financial position this time.

These human stories make the headlines when the event happens, but afterwards, the people involved are left to their own devices. They are left with the aftermath and very little is done to help them. It must have particularly stung the customers with Dunne and Maxwell that such a thing could also happen to them after the experience of Home Payments. There is nothing to say it cannot happen again. A customer of Dunne and Maxwell told the newspapers she had paid in excess of €1,000 to the company a few years ago to pay a loan on her behalf, but was
contacted four months later by debt collectors for the lender to say no money had been received, meaning she was even deeper in arrears.

Many customers of these two companies not only lost money on deposit but also found out the agencies had not been paying their bills for months. The experience in Britain has been these companies offer poor advice, do not offer solutions in the best interests of the consumer, and instead offer advice which is the most profitable to the agency. The fees are consistently high, with the agencies’ fees front-loaded and the customers’ creditors not receiving any bill repayments until at least after the first two months, while the agencies are engaged in cross-selling both debt management and loans. It should not have been rocket science for us in this State to look at what was happening across the water and to legislate to protect our own citizens from these agencies. The Law Reform Commission has all the work done on legislation, a fact acknowledged even by the Central Bank. There is, therefore, no need for the Government to stall on the issue. Sinn Féin will engage constructively on any Bill that will put it on the agenda. We support the Bill before the House.

Furthermore, we want the Government to start taking the issue of personal debt as seriously as it is taking the issue of bank debt. Since it took office, it has put €24 billion of the people’s money into the banks. Meanwhile, there are over 100,000 households in mortgage distress. We have people struggling with credit card bills and turning to moneylenders to make ends meet. These moneylenders can legally charge interest rates of up to 188% per annum. I questioned the Minister for Finance time and again on this issue, but he is doing nothing about it. The biggest initiative taken in the last year was to ask moneylenders to tell customers the loan to which they were signing up, at 188%, was a high interest loan. This is wrong. The system has to change.

The reason people are accessing moneylenders and debt management agencies cannot be ignored. Over the course of four years we have had five austerity budgets which have severely impacted on the living standards of ordinary people and a large section of society. I cannot say every section of society because not everyone has been impacted on. We know certain people at the upper echelons have been protected. We have seen social welfare cuts, increased taxes lessening take home pay and growing bills. The Government plans more of the same type of austerity measures for the next three years and, let us be honest, if the treaty is passed on 31 May, for a number of following years.

Sinn Féin agrees there is a need for deficit reduction, but there is a way of doing this. One can, as the Government and its predecessor believe, cut and tax the lowest paid, or one can, alternatively, introduce a fair tax system, eliminate spending waste and, more important, invest in job creation to get people off the dole and back paying into the Exchequer.

For years we have been warning that the Government’s approach is not only harming the economy but also forcing people into debt. The social consequences are something we do not talk about enough. We talk about figures and how the State’s books will look at the end of the day, but the social consequences of this policy are atrocious. Earlier this morning my party leader spoke about the number of people who were emigrating every day. Yesterday I asked the lady who works in my office about her weekend. She said she had been to a going-away party. Three people from her parish left yesterday to go to Australia. I spoke to someone else in the neighbouring parish who told me six people had left yesterday. I spoke to a young lad in my office to gain work experience. He plays in a band and says he is flat out as a result of
playing at going-away parties. Everyone is going to Australia. These are the social con-
sequences of what is happening.

We have heard about the austerity treaty and why we should support it. The parties which
are now cheerleaders for it are the same one which ensured the debt was placed on the people.
Fianna Fáil, Fine Gael and the Labour Party have all supported austerity policies, and the debt
management agencies about which we are talking are the outplaying of their political choices.

The strain people are under is evident in every county in the State and it is essential that the
Government does what it can to reduce it and assist people to get help. As a first step, we must
ensure the Money Advice and Budgeting Service has sufficient resources to be the first point
of call for people struggling to meet debts in order that they do not fall victim to moneylenders
or fraudulent debt management agencies. I support the contents of the Bill and appeal to the
Government to deal with this problem now. Let us not have more headlines in the newspapers
about people who were caught out and lost their savings. This measure is long overdue. I
commend the Bill to the House.

Deputy Mattie McGrath: I am delighted to be able to speak to the Bill brought forward by
my namesake, Deputy Michael McGrath. I commend him, as I commend anyone who makes
a reasonable effort to lessen the savage impact bank lending and lending of all forms have had
on the nation, the people and families. This lending is continuing unabated.

The Bill is an effort to regulate those who have set up as money advisers, of whom there are
hundreds. There are all kinds of experts. However, if we check their credentials, we find they
do not have many. Of those who do, we ask where they were during the boom. They were the
ones who advertised that anyone who could not get a mortgage should come to them. They
massaged figures and presented repayment structures to encourage people to borrow more
money than they could repay and more than they wanted or needed. Having received bonuses
on the big loans they forced people to take out, they are now back as money advisers. Deceit
and fraud are widespread and we are allowing them to go unregulated. The Minister of State,
Deputy John Perry, is a business man and knows about bankers and lending. He has been in
office for one year and two months and had the opportunity, with his Government colleagues,
to do something about this problem, but he has not done anything.

We are completely preoccupied with paying off the unsecured debts of failed banks which
robbed the people. Bank robbers used to be outside the banks, but they were working inside
during the boom years. They robbed from within and put their hands in my pockets and those
of everyone else. We are now being forced to pay the unsecured debt, but there is no support
for ordinary Seán Citizen and his wife and family who are struggling with their debts to rogue
banks and cowboy operators. In the last number of budgets one austerity measure after another
was imposed, for what? It was to pay back the unsecured loans of bankers and gangsters who
had left our shores and gone abroad where they had wealth. Even when they face the courts,
they will still have their wealth.

I do not know what kind of democracy this country is or what the people think of us, but
morale is low among the people. It behoves every Member of the Oireachtas to deal with this
problem. People with shady pasts who had had their licences revoked elsewhere came to our
shores and set up as lenders and advisers. Small business people face a plethora of legislation
and regulations. This morning, at the meeting of the British-Irish Parliamentary Assembly, we
heard from companies about nonsensical regulatory legislation in the European Union and the
[Deputy Mattie McGrath.]

British Isles, but there is no legislation to deal with the cowboys and multimillionaire bankers who robbed the State or the smarmy brokers who said, “I can get you a mortgage, with a new SUV and a foreign holiday included in the package.” These brokers received their commission, of course. They escaped unscathed, while ordinary people are hurting and a number have committed suicide. Ordinary, decent, law-abiding people who wanted to pay their way and were doing so were caught in the trap set by predators who went from door to door and advertised easy mortgages. Lack of regulation allowed the cowboys to move in and they are still there. I often wonder if the lunatics are in charge of the asylum. No one wanted to deal with this problem and no one has dealt with it.

Debate adjourned.

The Dáil adjourned at 9 p.m. until 2.30 p.m. on Wednesday, 16 May 2012.
The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].

Questions Nos. 1 to 8, inclusive, answered orally.

Question No. 9 resubmitted.

Question No. 10 answered with Question No. 1.

Questions Nos. 11 to 87, inclusive, resubmitted.

Questions Nos. 88 to 96, inclusive, answered orally.

Preschool Curriculum

97. Deputy Willie O’Dea asked the Minister for Children and Youth Affairs the steps she is taking to ensure the Aistear curriculum is being followed by pre school providers; and if she will make a statement on the matter.  [24010/12]

110. Deputy Brendan Smith asked the Minister for Children and Youth Affairs the steps she is taking to ensure that the Siolta Framework for Early Learning is implemented; and if she will make a statement on the matter.  [24014/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I propose to take Questions Nos. 97 and 110 together.

Implementation of Aistear, the Early Childhood Curriculum Framework is being led by the National Council for Curriculum and Assessment (NCCA).

The NCCA have set in place a range of activities to disseminate the materials and resources of Aistear to all those working with children in the 0-6 age range. For example, the online Aistear Toolkit provides a wealth of information and resources such as audio and visual podcasts. Additionally, a network of Aistear Tutors are delivering professional development activities for infant class teachers through the education centre network nationally. My Department is in discussion with the NCCA on the model of support that should be used for other practitioners in the early years sector. This is more challenging because, while the primary school sector is relatively homogenous with a workforce holding the same qualifications and teaching
the same primary school curriculum, the early years sector is more diverse and operates across a wide range of curricula and philosophies.

As a preparatory step, the NCCA has been developing resources on Aistear for use in the early years sector and are working with Early Childhood Ireland on developing exemplars of good practice which will be added to the Aistear Toolkit resource.

Implementation of Síolta, the National Quality Framework for Early Childhood is being overseen by the Early Years Education Policy Unit of the Department of Education and Skills, which is co-located with my Department.

Early years settings can engage with Síolta on either a formal or an informal basis.

Informal use of Síolta usually involves early years settings using the resource materials developed as part of the framework, such as the Síolta Setting Manuals and Research Digests, as tools for internal review of practice. In addition, organisations such as the City and County Childcare Committees, education and training institutions, Voluntary Childcare Organisations and other community, voluntary and private organisations have also availed of these materials and have provided information sessions to early years service providers. This has been a valuable support to the introduction of the Free Preschool Year, as services contracted to deliver this scheme are obliged to ‘...adhere to the Principles of Síolta...’ in delivery of their programmes. It is welcome that so many support agencies have used the Síolta materials as the foundation for a range of quality improvement activities. Such activity clearly demonstrates the commitment of the sector to quality improvement.

Formal engagement with Síolta means participation in the Síolta Quality Assurance Programme (QAP), with the support of a Síolta Coordinator/Mentor. The Síolta QAP is designed to allow early years settings to be externally evaluated and validated for their achievements in delivering high quality provision.

A field test of the Síolta QAP is currently underway. A number of organisations including the Voluntary Childcare Organisations and Prevention and Early Intervention Programmes are participating in this process. Suitably qualified staff, within these organisations, have been trained by the Early Years Education Policy Unit to provide support for pre-school services to participate in the Síolta QAP. The 134 services that are participating in the field test represent the broad spectrum of pre-school services in Ireland including sessional pre-school services, full daycare, infant classes in primary schools and childminders.

An evaluation of the field test was commissioned by the Department of Education and Skills and completed in 2011. The evaluation was conducted in parallel with the ongoing development of the programme in the field and its recommendations are contributing to the continuing review and refinement of the Síolta QAP materials, processes and supports.

Validation is the final stage of the Síolta QAP. Since the beginning of 2012, an increasing number of early years settings have reached the final stage of the QAP and have submitted their quality portfolios for validation. It is anticipated that the remaining participants in the field test of the Síolta QAP will proceed to submit quality portfolios in the coming months and a review and evaluation of the validation tools and processes will be conducted. Once complete, the research and development phase for the Síolta QAP will be concluded.

**Inter-Country Adoptions**

98. **Deputy Billy Kelleher** asked the Minister for Children and Youth Affairs the number of inter country adoptions approved in 2011 by Irish residents adopting from Hague ratified countries; and if she will make a statement on the matter. [24021/12]
Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): In accordance with the Adoption Act, 2010, which came into effect on 1 November 2010, intercountry adoptions can be effected with other countries which have ratified the Hague Convention or with which Ireland has a bilateral agreement. Ireland currently has no bilateral agreements in respect of intercountry adoption. The Adoption Authority of Ireland (AAI) has responsibility for making entries into the Register of Intercountry Adoptions. The AAI has provided the following information based on Irish residents adopting from Hague ratified countries:

<table>
<thead>
<tr>
<th>Country</th>
<th>No. of Adoptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>China</td>
<td>4</td>
</tr>
<tr>
<td>India</td>
<td>2</td>
</tr>
<tr>
<td>Kazakhstan</td>
<td>6</td>
</tr>
<tr>
<td>Mexico</td>
<td>7</td>
</tr>
<tr>
<td>Philippines</td>
<td>1</td>
</tr>
<tr>
<td>South Africa</td>
<td>1</td>
</tr>
<tr>
<td>Thailand</td>
<td>1</td>
</tr>
<tr>
<td>USA</td>
<td>17</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>39</strong></td>
</tr>
</tbody>
</table>

Since the establishment of the AAI in November 2012 the AAI have visited Vietnam, Florida and Bulgaria with a view to developing administrative agreements with these Hague ratified countries. The AAI have initiated desk top examinations of the legislation with other Hague countries such as Kazakhstan, Panama, South Africa, Lithuania, Thailand, and Philippines with a view to assessing the compatibility of Irish adoption legislation.

Furthermore I took the opportunity to visit Vietnam in recent months and met with the Vietnamese authorities, my visit coinciding with a visit of a delegation from the Adoption Authority of Ireland to Vietnam to discuss administrative matters in relation to intercountry adoptions on foot of Vietnam’s recent ratification of the Hague Convention. The Authority has prepared and submitted to the Vietnamese authorities a suggested scheme of administrative arrangements to be established between Ireland and Vietnam for the resumption of intercountry adoption between the two States. The Authority is awaiting the response of the Vietnamese authorities to this proposal.

### Foster Care Services

99. **Deputy Pádraig Mac Lochlainn** asked the Minister for Children and Youth Affairs her plans to ensure that the 14.4% of unapproved foster carers who are not relatives of the foster child will be approved by the foster care panel under Part III of the Child Care (Placement of Children in Foster Care) Regulations, 1995; and if she will make a statement on the matter. [23969/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** Under the Child Care Act, 1991 (as amended) the Health Service Executive (HSE) has a statutory duty to promote the welfare of children who are not receiving adequate care and protection. If a child is in need of care and protection and is unlikely to receive it at home, the HSE has a duty to ensure they receive appropriate care. The majority of children in care are in foster care.

Prospective foster carers or applicants undergo an assessment and training process to establish their suitability and competence as future foster carers. The assessment procedure is carried out by a social worker from the local fostering team and includes Garda vetting, a medical...
assessment, personal interviews in the applicant’s home and if the applicant(s) have children, the social worker will also talk to them about being part of a foster family. Garda vetting includes adult children and extended family members residing in the home. The applicant(s) will also be asked to provide referees who will be interviewed by the social worker as part of the assessment process. The social worker then prepares a report, which is shared with the applicant(s) and their views are represented. This report is then presented to the Foster Care panel for approval, including a recommendation as to the age of the child and type of foster care suitable to the applicant(s).

At the end of December 2011, the HSE reported that 3,138 of the 3,769 foster carers in the country were approved by the foster care panel. 85.6% (i.e. 540) of the unapproved foster carers were relatives of the child in care. The HSE has advised me that assessments of all foster carers are being completed for presentation to foster care panels. In particular, this includes the 91 unapproved foster carers (or 14.4% of the total) who are not related to the children being fostered. This process is being monitored across the country and reported to the Office of the National Director for Children and Families.

Youth Services

100. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the extent to which she has access to the necessary resources to develop a comprehensive range of youth support services in line with any deliberations she has had with existing service providers in this area; if any particular issues have arisen; and if she will make a statement on the matter. [23987/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** My Department provides a range of funding schemes, programmes and supports to the youth sector. These include the Youth Service Grant Scheme, the Special Projects for Youth Scheme, the Young Peoples Facilities and Services Fund (Rounds 1 and 2) and certain other provisions including the Local Youth Club Grant Scheme, Youth Information Centres, European Youth in Action Programme (administered by Léargas — The Exchange Bureau) and Gaisce — the President’s Award.

The main objectives of my Department are to develop and implement coherent, coordinated and relevant youth policies and strategies to support the youth sector in providing effective non-formal education and developmental opportunities for young people through which they can enhance and develop their personal and social skills and competencies. Funding of some €56.806m for current expenditure and €1.5m for capital expenditure is available from my Department in 2012 to support the provision of youth services and programmes. In determining financial allocations to initiatives and schemes in 2012 officials from my Department have met with representatives of the youth sector on an ongoing basis with a view to determining how best to minimise the impact of the reduction in the 2012 budget on youth services. It is intended to hold further meetings with these representatives during 2012 in order to assist the Department in formulating its thinking for the allocation of funding in 2013 in a cohesive and effective manner having regard to the difficult fiscal situation in which we find ourselves. As Minister for Children and Youth Affairs, I am committed to the development of a new youth policy framework which my Department is currently progressing. Through this work a clear policy framework will emerge that will aim to enhance the development, participation and support of young people. I intend that the policy framework will also facilitate and promote co-ordination and coherence across departments and front line youth services and will set out the priorities.
rationale and criteria for future funding programmes. This will ensure that the funding available in future years will be used as effectively as possible.

**Child Care Services**

101. **Deputy Pearse Doherty** asked the Minister for Children and Youth Affairs the number of children who were identified by the Health Service Executive as having parents or guardians who were financially unable to cope during each of the past five years; the type of supports that will be provided by the Child and Family Support Agency for families in this situation; and if she will make a statement on the matter. [23971/12]

120. **Deputy Peadar Tóibín** asked the Minister for Children and Youth Affairs if she will confirm that no child has been taken into care due to a parents financial inability to cope during each of the past ten years; and if she will make a statement on the matter. [23972/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 101 and 120 together.

Under the Child Care Act 1991 children should, in the first instance, be supported to remain with their families. Children should only be taken into care where the HSE has identified abuse or the risk of abuse, including neglect that cannot be prevented or resolved without the child being received into care.

The various factors which can result in parental inability to cope include: physical or mental health problems, disability, drug or alcohol problems, and in some cases financial difficulties. However, a parental inability to cope financially is on its own not a reason for a child to come into care and the HSE has confirmed that no child has been taken into State care in the past ten years solely on the basis of lack of finance. Family support services work with parents where there are difficulties with budget management to support them to provide a stable family situation for their children.

My officials regularly meet with officials from the Department of Social Protection. At a meeting held in September of last year, this specific matter was discussed as part of a broader agenda. There was agreement on the need to avoid any situation occurring where a child is admitted into care solely due to financial reasons. Should such a situation arise, my officials will work with the Department of Social Protection and the HSE to ensure that children are only received into care on the basis of risk to their safety and welfare that cannot be alleviated by financial support alone.

**Children’s Rights Referendum**

102. **Deputy Peadar Tóibín** asked the Minister for Children and Youth Affairs if she will confirm that the referendum on children’s rights will be a stand alone referendum; and if she will make a statement on the matter. [23973/12]

130. **Deputy Jonathan O’Brien** asked the Minister for Children and Youth Affairs the date on which she will hold the referendum on children’s rights; and if she will make a statement on the matter. [23960/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 102 and 130 together.

The Referendum on Children’s Rights is a Programme for Government priority. The Government is satisfied that the nature of this referendum is such that it will be conducted on
a stand alone basis to support fullest debate and engagement by the public on the issue in the bests interests of children.

A draft wording of the proposed Constitutional amendment is being prepared by the Office of the Attorney General in co-operation with my Department and is focused on ensuring that this reflects the deliberations and conclusions of the Joint Committee on Children and the Constitution and the commitment given in the Programme for Government.

The precise timing of the Referendum on children’s rights during 2012 will be determined in light of progress on the ongoing preparatory work and, as I have previously stated, it is the intention that the referendum will be held this year.

Youth Services

103. Deputy David Stanton asked the Minister for Children and Youth Affairs further to Parliamentary Question No. 32 of 3 November 2011, the progress that has been made in her Department’s review of the operation of the Youth Work Act 2001 and the National Youth Work Development Plan; and if she will make a statement on the matter. [23990/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): As the Deputy is aware two policy developments the Youth Work Act, 2001 and the National Youth Work Development Plan 2003-2007 have provided the impetus for much of the development in the youth work sector in recent years. The Youth Work Act was introduced in 2001 and outlines a number of structural arrangements for the organisation and administration of youth work policy and provision.

While the Youth Work Act established a structure for youth work, the National Youth Work Development Plan outlined an action plan for the development of the youth work sector for the period of 2003-2007.

My Department is currently developing an overarching Children and Young People’s Policy Framework for 2012-2017. The new Policy Framework will provide the basis for more detailed strategies including an Early Years Strategy and a new Youth Policy Framework. It is intended that the Youth Work Act, 2001 will be reviewed in the context of the development of the Youth Policy Framework.

Children’s Residential Centres Inspections

104. Deputy Jonathan O’Brien asked the Minister for Children and Youth Affairs the inspection regime and standards to which non-statutory private or voluntary run residential centres for children are subject; and if she will make a statement on the matter. [23961/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): All children’s residential centres are inspected to ensure that the children living in the centre are receiving the care and protection that they require. The HSE registers and inspects non-statutory voluntary and private children’s residential centres. Inspections are undertaken against the National Standards for Children’s Residential Centres, which are available on my Department’s website at www.dcy.ie.

The process of assessing standards of care in the centres is undertaken by a HSE monitoring officer visiting the centre and gathering information through interviews and meetings with the centre management, staff members and young people, analysis of case files and centre records and contact with guardians, social workers and other professionals as appropriate. Any issues of concern are brought to the attention of the centre manager as appropriate.
Child and Family Support Agency

105. **Deputy Micheál Martin** asked the Minister for Children and Youth Affairs if she will provide a progress update on the establishment of the new Child and Family Services Agency; if she will confirm if the agency is on track to be established on 1 January 2013; and if she will make a statement on the matter. [24025/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The commitment to establish a new Child and Family Support Agency is at the heart of the Government’s reform of child and family services. The establishment of a single agency, underpinned by legislation and incorporating key children and family services, will provide a focus for the major reforms already underway. This reform programme contains a number of critical elements:

- The continued and urgent implementation of a comprehensive change programme to improve the quality and consistency of child welfare and protection services;
- The introduction of legislation to place Children First on a statutory basis;
- The establishment for the first time of a dedicated budget for children and family services, providing transparency and accountability for the use of resources to meet national priorities;
- The transition of existing HSE child protection and welfare and services into the new Agency;
- The merger of the existing Family Support Agency with a budget of over €26 million into the Child and Family Support Agency;
- Consideration of the potential for further rationalisation of services for children under the new Agency.

A comprehensive change programme is currently being implemented under the leadership of Gordon Jeyes, as National Director of Child and Family Services. The change programme is designed to significantly enhance the level and consistency of child welfare and protection services. This change process will continue into the new Child and Family Support Agency where Gordon Jeyes will be the first Chief Executive. In addition, an open recruitment process is underway with a view to putting in place the other key senior personnel to lead the Agency.

I established a Task Force to advise my Department in regard to the necessary transition programme to establish a Child and Family Support Agency. The Task Force has undertaken a considerable body of work in preparation for the new Agency. I met with the Task Force at their twelfth meeting held last month for an update on this work, which is also being advanced through two sub-groups. In the coming weeks I expect to receive the advice of the Task Force on a number of key issues which are critical to my decisions on legislative proposals regarding the new Agency and in particular, a vision for the Agency, governance arrangements and appropriate services for inclusion in the Agency.

As I have outlined, extensive work is underway in my Department, in the HSE, and through the Task Force I set up last September to prepare for the establishment of the Child and Family Support Agency. I am satisfied that we are making excellent progress in terms of the necessary preparatory work required to meet the Government’s ambitious timetable which will see the Agency assuming full statutory responsibility for services for children and families early in 2013.
Children and Young People’s Policy Framework

106. **Deputy Michael Colreavy** asked the Minister for Children and Youth Affairs if she plans to publish a new national youth justice strategy; and if she will make a statement on the matter. [23966/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The Deputy will be aware that my Department is developing a new Children and Young Peoples Policy Framework. It will build on *Our Children — Their Lives*, Ireland’s first children’s strategy which was published in 2000 and will cover the period from 2012 to 2017. The new 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. It is intended 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 bring together key policies of relevance to children and young people that are instanced in the Programme for Government including those relating to prevention and early intervention initiatives, early childhood education, breaking the cycle of disadvantage through area based approaches to address child poverty, addressing youth homelessness and aftercare provision, and addressing issues around anti-social behaviour.

I can inform the Deputy that, within the context of this new Policy Framework, it is my intention, in collaboration with the Minister for Justice and Equality, arising from our respective responsibilities under the Children Act 2001, to develop and publish a follow-up National Youth Justice Strategy. Meanwhile, of course, we continue to pursue the youth justice commitments in our programme for government and, as the Deputy will be aware, I have recently made significant announcements with regard to ending the practice of detaining children in St Patrick’s Institution.

Adoption Legislation

107. **Deputy Mary Lou McDonald** asked the Minister for Children and Youth Affairs the date on which she will publish legislation regarding adoption; and if she will make a statement on the matter. [23964/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I, and officials of my Department, are continuing a substantial engagement with the Attorney General and her officials to progress the Government’s commitment to a referendum to amend the Constitution to ensure that children’s rights are strengthened along the lines recommended by the Joint Committee on Children and the Constitution (JCCAC). The immediate focus of this engagement is the preparation of a draft wording to be put to the people for consideration during the current year. The process is strongly focused on ensuring that the proposed wording of the Constitutional amendment reflects the deliberations and conclusions of the Joint Committee and the commitment in the Programme for Government.

In parallel with bringing forward the proposed constitutional change in favour of children’s right, there is a need to provide clarity around related proposals for legislative change regarding adoption. Work is ongoing in this regard and the matter has been the subject of comprehensive legal and administrative analysis including by officials of my Department. Consideration of the policy issues which will arise from the proposed amendment to the Constitution in relation adoption is at an advanced stage. Draft Heads of Bill and the General Scheme will reflect the policy in this area. One of the policy objectives of the proposed legislation is to provide for the situation of children of marriage who remain in long term foster care without the option of adoption. Some of these children are in need of a permanent alternative family and adoption
would be in their best interests. It is intended to publish the draft legislation on adoption policy at the same time as the draft wording for the proposed amendment to the Constitution.

The Referendum on Children’s Rights is a Programme for Government priority. The Government is satisfied that the nature of this referendum is such that it will be a stand-alone matter, to allow for fullest attention and engagement by the public in the interests of children. As already indicated, I intend to be in a position to seek approval from Government for the proposed wording with a view to holding the referendum this year.

**Review Group on Child Deaths**

108. **Deputy Robert Troy** asked the Minister for Children and Youth Affairs when she received the Independent Report into the Deaths of Children in the Care of the State; the reason she has not moved to publish same; and if she will make a statement on the matter. [24018/12]

123. **Deputy Thomas P. Broughan** asked the Minister for Children and Youth Affairs when the report of the independent review group into the deaths of children in State care will be published; if any proposals are currently being drawn up by her to respond to this report; and if she will make a statement on the matter. [23790/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 108 and 123 together.

The final report of the Independent Review Group on Child Deaths was sent to my Department in March, 2012. In line with my long-stated intention to publish the report, it was referred to the Office of the Attorney General for advice with regard to publication, bearing in mind the very sensitive matters being addressed in the report, and the importance of preserving the anonymity of the deceased.

On the basis of the Attorney General’s advice I would hope to publish the report shortly, and to outline my response to the report and its recommendations.

**Missing Children’s Hotline**

109. **Deputy Aengus Ó Snodaigh** asked the Minister for Children and Youth Affairs if she plans to allocate funding to the Irish Society for the Prevention of Cruelty to Children for the operation of the 116000 number if the ISPCA fails to secure funding from the European Commission; and if she will make a statement on the matter. [23958/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** Under EU telecoms rules agreed in 2009, the 116000 number is reserved in all EU member states for a missing children hotline. My Department established and is leading a cross-sectoral Project Team, including representatives of my own Department, the Department of Justice and Equality, ComReg and An Garda Síochána to advance this matter.

The position is that Comreg, who have responsibility for allocation of this number in Ireland, received an application to operate the Hotline from the ISPCC. Following cross departmental consultation and an examination of the issues involved by the Project team, Comreg has now allocated the number to the ISPCC. The operation of Hotline is now a matter for the ISPCC who have made an application for funding to the European Commission and a decision on this application is pending. Any decision regarding alternate funding for the service should this application not succeed will be a matter for consideration by the project team should such an eventuality arise.
In the coming months the Project Team will be working to ensure that the Hotline becomes operational in a timely manner and operates in a way that supports and augments existing arrangements to secure child protection.

Question No. 110 answered with Question No. 97.

Child Protection

111. **Deputy John McGuinness** asked the Minister for Children and Youth Affairs when she received the fifth Report of the Special Rapporteur on Child Protection and the reason she has not published same; and if she will make a statement on the matter. [24029/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The Report of the Special Rapporteur on Child Protection was received by my Department on the 7th of February this year. The report has been distributed to relevant Ministerial colleagues for observations on the range of issues highlighted by the report. Once this consultation process has been completed my Department will make the necessary arrangements to have the report laid before both Houses of the Oireachtas.

Child Abuse Prevention Training

112. **Deputy Pearse Doherty** asked the Minister for Children and Youth Affairs if her attention has been drawn to the fact that the European Economic and Social Committee made a recommendation in 2006, SOC/412, that child sexual abuse prevention training should be mandatory for all professionals and volunteers working with children, especially in law enforcement, health and education; her plans to introduce this regime here; and if she will make a statement on the matter. [23970/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I am aware of the Committee recommendation referred to by the Deputy.

The revised Children First National Guidance for the Protection and Welfare of Children, published in 2011, provides greater clarity and guidance for individuals and organisations in identifying and responding appropriately to child abuse and neglect. It also sets out what organisations which care for or work with children should do to ensure they are safe whilst in the organisation.

With the publication of the revised Guidance, staff within the HSE have been required to attend briefing sessions to ensure that they know their responsibilities. The HSE’s one day Children First Basic Level training programme has also been standardised. HSE Children First Information and Advice Officers have also provided standardised briefing sessions to staff working in the voluntary and community sector.

In addition, the HSE and An Garda Síochana work collaboratively to ensure that the statutory authorities provide a clear standard understanding of their roles and functions. The HSE and An Garda Síochana provide joint standardised training in Children First for social workers and gardaí. An Garda Síochana lead out joint specialist interviewing training for social workers and gardaí.

The Government has committed, as a priority, to the introduction of legislation to underpin Children First and the Heads of the Bill have been prepared and submitted to the Committee for Health and Children for their consideration. The implementation of this legislation will require that all staff working directly with children, including volunteers, receive child protec-
tion training and that named Designated Officers are trained and understand their roles and responsibilities for reporting.

**Youth Services**

113. **Deputy Richard Boyd Barrett** asked the Minister for Children and Youth Affairs if she has any contingency plans to deal with the fall-out of the cuts affecting disadvantaged young persons, cuts to drugs services, travellers education services, the canal regional youth services and other youth projects; and if she will make a statement on the matter. [23996/12]

126. **Deputy John Halligan** asked the Minister for Children and Youth Affairs if she has any contingency plans to deal with the fall-out of the cuts affecting disadvantaged young people, cuts to drugs services, travellers education services, the canal regional youth services and other youth projects; and if she will make a statement on the matter. [23997/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 113 and 126 together.

The Youth Affairs Unit of my Department provides a range of funding schemes, programmes and supports to the youth sector. These include the Youth Service Grant Scheme, the Special Projects for Youth Scheme, the Young Peoples Facilities and Services Fund (Rounds 1 and 2) and certain other provisions including the Local Youth Club Grant Scheme, Youth Information Centres, European Youth in Action Programme (administered by Léargas — The Exchange Bureau) and Gaisce — the President’s Award. These programmes support the delivery of youth services to some 500,000 young people by approximately 1,100 youth work personnel and a volunteer base which is estimated to be of the order of 60,000.

The main objectives of my Department are to develop and implement coherent, coordinated and relevant youth policies and strategies to support the youth sector in providing effective non-formal education and developmental opportunities for young people through which they can enhance and develop their personal and social skills and competencies. Funding of some €56.806m for current expenditure and €1.5m for capital expenditure is available from my Department in 2012 to support the provision of youth services and programmes to young people throughout the country including those from disadvantaged communities.

In light of the significant reduction in the overall current budget for the youth sector the emphasis has been on preserving front line youth services. In determining financial allocations to initiatives and schemes in 2012 officials from my Department have met with representatives of the youth sector on an ongoing basis with a view to determining how best to minimise the impact of the reduction in the 2012 budget on youth services.

With the support of the Centre for Effective Services (CES), the Youth Affairs Unit is currently developing an overarching Youth Policy Framework (YPF). The Framework will clarify and enhance coherence, connectivity, coordination and delivery in youth services and related out-of-school time services for young people in the 10-21 year age range. In that context, it is my intention that this framework will facilitate and promote co-ordination and cohesion across Departments and services which will enable the most effective use of the resources available.

*Question No. 114 answered with Question No. 93.*

**Services for Children with Disabilities**

115. **Deputy Catherine Murphy** asked the Minister for Children and Youth Affairs in view of the difficulties facing parents in obtaining State supports for children with intellectual and
or physical disabilities, if she is satisfied that the right to participation in all aspects of life for these children is not affected; and if she will make a statement on the matter. [23992/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): While my Department has a role in working to harmonise a range of policies that impact on the lives of children, it does not have a function in relation to the provision of services or supports for children with intellectual or physical disabilities. At Government level, responsibility for such supports lies with my colleague the Minister for Health, and, in relation to education supports, the Minister for Education and Skills.

Garda Vetting of Personnel

116. Deputy Pádraig Mac Lochlainn asked the Minister for Children and Youth Affairs the number of persons employed to work directly with children by the Health Service Executive who are still waiting for Garda vetting; and if she will make a statement on the matter. [23968/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Garda Vetting Liaison Office was established in the HSE in late 2007. Since that time, all employees recruited through the HSE National Recruitment Service are Garda vetted.

The issue of retrospective vetting of employees will be addressed in the context of the forthcoming National Vetting Bureau legislation, currently being prepared by the colleague the Minister for Justice and Equality.

Social Work Staff

117. Deputy Dara Calleary asked the Minister for Children and Youth Affairs the number of social workers that have retired since 1 January 2012; the number of these posts which have been replaced; and if she will make a statement on the matter. [24004/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The latest information available from the HSE indicates that 45 HSE employees that are classified within the social work grades across all care groups have retired since the 1st January 2012. It should be noted that these figures cover HSE statutory employees only and do not include staff who may have retired from voluntary or nominated organisations. The HSE has informed me that it has approved the recruitment of 57 replacement social work staff across all care group areas since January 2012. These posts are at various stages of recruitment.

Child Poverty

118. Deputy Aengus Ó Snodaigh asked the Minister for Children and Youth Affairs if she has met with, or plans to meet, the Department of Finance to urge them to ensure that children’s rights are protected in the forthcoming budget and the place ending child poverty as a goal in the budget; and if she will make a statement on the matter. [23959/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): Tackling child poverty is a priority for Government and a goal of the National Action Plan for Social Inclusion 2007-2016, coordinated by the Department of Social Protection. Children are more likely to be poor if they are living in lone parent households with low labour market participation and dependant on income support. The departments of Social Protection, Jobs, Enterprise and Innovation and Education and Skills, are working to deliver a range of measures aimed at getting people back to work.
My Department works closely with the Department of Social Protection in a ‘whole of Government approach’ to tackling poverty in the population. The Department is represented on the Advisory Group on Tax and Social Welfare established by the Minister for Social Protection to examine issues to do with the interactions of the tax and welfare systems so that they provide good incentives for parents to take up and remain in work and thereby contribute to the reduction of poverty and child poverty, in particular. As Minister for Children and Youth Affairs, improving children’s outcomes is my primary objective. The development of the Children and Young People’s Policy Framework, 2012 -2017, as the overarching framework under which policy and services for children and young people will be developed and implemented in the State, is an important initiative for cross departmental collaboration to secure this objective. Early childhood care and education programmes, in particular those that are aimed at low income families, are priorities to enhance children’s opportunities for social and educational development and to support parents undertaking training and participating in employment. The network of 107 family resource centres that are funded by the Family Support Agency, under the remit of my Department have an important role in this regard. These programmes and the results of pilot projects to enhance children’s development in Tallaght, Northside and Ballymun, which are jointly funded by my Department with a philanthropic organisation, will inform the Government’s plans to develop a new area based approach to child poverty.

My priority, as Minister for Children and Youth Affairs, is to enhance the role of early intervention and support programmes for the most vulnerable children and their families in the context of the new Child and Family Support Agency.

Under the new performance accounting arrangements, work is already under way at official level on the Estimates process for 2013. I have also met with my colleague, the Minister for Public Expenditure and Reform Brendan Howlin T.D., to discuss issues such as improving the Children’s Detention Centre facilities in Oberstown, Co. Dublin and, as a result, I was delighted to announce recently that additional funding has been approved for this project in 2013-2015. I would expect that other issues will arise in the coming months as the budgetary process advances and that further bi-lateral meetings will take place.

Inter-Country Adoptions

119. Deputy Sean Fleming asked the Minister for Children and Youth Affairs the steps she has taken to facilitate the inter country adoption process between Ireland and Hague compliant countries since taking office; and if she will make a statement on the matter.  [24019/12]

125. Deputy Jerry Buttimer asked the Minister for Children and Youth Affairs if she will provide details of her policy position on intercountry adoptions; and if she will make a statement on the matter.  [23792/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I propose to take Questions Nos. 119 and 125 together.

The Adoption Act, 2010, which was commenced on 1st November 2010, coincided with Ireland’s formal ratification of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. The purpose of the Adoption Act, 2010, is to improve standards in both domestic and intercountry adoption.

The Adoption Authority of Ireland (AAI) is an independent statutory body charged with implementing the Adoption Act, 2010. The Authority has responsibility for the direct operational implementation of legislation and Government policy. It has a quasi-judicial role and is independent in its decision-making functions.
The Authority has responsibility for the management of the various stages of the intercountry adoption process including the forwarding of applicant adoption packs under Article 15 of the Hague Convention, the receipt of the proposed match under Article 16 and the approval of the match under Article 17 (which provides that a child may be placed with the prospective adoptive parents). The issuing of an Article 23 certificate by the country of origin is the confirmation process between contracting States that the adoption has been made in accordance with the Hague convention. The AAI has no role in this process but relies on the certificate as part of the recognition process under Hague.

In considering matters relating to intercountry adoption the Authority must satisfy itself that the adoption complies with the terms and conditions of the 1993 Hague Convention, which is a co-operative agreement drawn up to allow countries to mutually support one another in protecting the best interests of children in the intercountry adoption process. 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 intercountry adoptions in those countries. The AAI has been extremely proactive in developing relationships with their counterparts around the world and this will continue. The building of such relationships will help to bring greater clarity to the intercountry adoption process generally, including the timescales involved for adopting from different countries.

Since the establishment of the AAI in November 2012 the AAI have visited Vietnam, Florida and Bulgaria with a view to developing administrative agreements with these Hague ratified countries. The AAI have initiated desk top examinations of the legislation with other Hague countries such as Kazakhstan, Panama, South Africa, Lithuania, Thailand, and Philippines with a view to assessing the compatibility of Irish adoption legislation.

Adoptions from non-Hague ratified countries, such as Russia and Ethiopia, effected under the transitional arrangements provided for in the Adoption Act 2010, are ongoing and are currently being examined, and recognised, by the Adoption Authority of Ireland (AAI). These transitional arrangements may lead to adoptions from Ethiopia taking place up to the end of October 2012. The Adoption Act 2010 also contains provision for a one year extension to declarations of eligibility and suitability to adopt which may lead to a one year extension to this date. Russia and Ethiopia are not signatories of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. In these circumstances, adoptions from such countries which are not covered by the transitional arrangements referred to above would require a bilateral agreement. The negotiation of bilateral agreements on intercountry adoption with states who have not ratified the Hague Convention is governed by Section 73 of the Adoption Act 2010 which states that “the Authority, with the prior consent of the Minister, may enter into discussions with any non-contracting state concerning the possibility of the Government entering into a bilateral agreement with that State”. Any bilateral arrangements which might be entered into would be required by law to meet the minimum standards set out in the Hague Convention. The AAI has visited both Russia and Ethiopia in the last 6 months in relation to bilateral agreements.

The Adoption Act, 2010, which provides the legislative framework for adoption in Ireland, is designed to provide a framework to ensure that all adoptions are effected in the best interests of the child and to the highest possible standard. The phrase ‘in the best interests of the child’ is absolutely key in this regard. It must not be forgotten that intercountry adoption is a service for those children who cannot be raised by their birth parents or cared for in their own country. The interests of the child must always be paramount throughout the adoption process. This is best achieved through the full implementation of the highest national and international stan-
dards governing adoption practice. This is the primary concern for the Adoption Authority of Ireland in conducting its business as it relates to intercountry adoption.

It should be noted that the AAI has been allocated €3.3m in State funding this year in recognition of the new responsibilities set out in the Adoption Act, 2010. This is an increase of some 35% of the level of funding provided in 2011.

*Question No. 120 answered with Question No. 101.*

**Child Care Services**

121. **Deputy Michael Moynihan** asked the Minister for Children and Youth Affairs if she intends to introduce a Scandinavian system of childcare here; and if she will make a statement on the matter. [24032/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The Government currently supports the provision of early childhood care and education through three support programmes — the Early Childhood Care and Education (ECCE) programme, the Community Childcare Subvention (CCS) programme and the Childcare Education and Training Support (CETS) programme. These programmes are administered by my Department.

The Early Childhood Care and Education (ECCE) programme, introduced in January 2010, provides a free pre-school year to all eligible children in the year before commencing primary school. Almost every pre-school service in the State is participating in the programme, ensuring it is available to children in all areas. About 65,000 children, that is approximately 95% of children in the year before school, are availing of the free pre-school provision at this time. In line with the Programme for Government, my Department has made a significant commitment to maintaining the universal free pre-school year and to developing early childhood care and education as resources allow. In this context the funding for the pre-school year has been increased from €166 million in 2011 to €175.8 million in 2012 to cater for changing demographics, and provide for the increased number of children in the relevant age cohort.

It is my objective to incrementally develop the ECCE programme over the term of this Government as resources permit. A key element of this is the implementation of the Workforce Development Plan by the Early Education Policy Unit of the Department of Education and Skills, which is co-located in my Department.

Officials from my Department worked closely with the Department of Education and Skills in the development of the National Literacy and Numeracy Strategy, and I welcome the recognition of the role of early childhood care and education. The Strategy was formally launched by my colleague, the Minister for Education and Skills, last year. My Department is committed to incentivising the early years sector to acquire additional skills in oral language competency development for young children once this minimum qualification requirements of the ECCE programme have been met.

In developing the ECCE programme the focus will be on improving the quality of childcare services.

The Community Childcare Subvention (CCS) programme supports community-based childcare services by enabling them to provide childcare at reduced rates to disadvantaged and low income families. These not-for-profit facilities provide childcare at cost price with reductions to qualifying parents based on the level of subvention they are entitled to under the programme.

Under the Childcare Education and Training Support (CETS) programme, which was introduced in September 2010, funding is provided by my Department to participating childcare services in return for the provision of free childcare places to qualifying students and trainees.
The eligibility criteria under which students and trainees qualify under the programme is determined by FÁS and the VECs. Approximately 2,800 full time equivalent childcare places are currently funded under the programme.

I am pleased that all three support programmes are being retained despite the ongoing need to reduce Government expenditure. While there has been some revision to payment rates and subvention levels I am satisfied that the programmes are being implemented in a way which generates efficiencies and improvements in outcomes, within available resources.

In December 2011, the Government announced a new National Childcare Investment Programme (NCIP) Capital Funding 2012 grant. This grant will provide capital funding of €6m this year to both community and private childcare providers currently participating in one or more of the above funding programmes: CCS programme; CETS programme and ECCE programme. The capital grant, which provides funding up to €50,000, is available for small maintenance/renovation work or equipment, will ensure that childcare services are in a position to continue in the future to deliver quality care and education as required under the programmes.

Future developments relating to early years care and education will be considered during preparation of the new National Early Years Strategy 2012. This Strategy will be developed during 2012 and will cover a range of issues affecting children in their first years of life.

**Child and Family Support Agency**

122. **Deputy Gerry Adams** asked the Minister for Children and Youth Affairs if she has met with her Ministerial counterparts in the north of Ireland to discuss the matter of joint cooperation in the work of the Child and Family Support Agency. [23952/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** Co-operation in the area of child welfare and protection services has been a feature of North/South engagement over the past number of years, and is reported on by respective Ministers to the regular North/South Ministerial Council Plenary and Sectoral meetings. To date work in this area has been concentrated on five areas:

(i) the establishment of the North South Child Protection Hub, a dedicated on-line child protection resource;

(ii) the development of an “Inter-Jurisdictional Protocol for the Transfer of Child Care cases between Northern Ireland and the Republic of Ireland”;

(iii) a review of vetting and barring arrangements in both jurisdictions;

(iv) the development of a joint communication strategy to promote awareness of child welfare and protection; and

(v) promoting internet safety in the area of child welfare and protection.

My most recent meeting with my counterpart Minister Edwin Poots took place on 2 February 2012 where we launched new protocols on cross border cooperation on child protection.

The next North/South Ministerial meeting is currently scheduled to be held later this month, at which myself and Minister Edwin Poots will discuss proposals for co-operation across a number of additional areas. The aim will be to build on the good work which has already been undertaken to date. The new Child and Family Support Agency, and in the interim the HSE,
will have a very important role to play in advancing practical co-operation with our colleagues in Northern Ireland in this important area.

The Department of Health, Social Services and Public Safety has been kept informed by my Department of the planned establishment of the Child and Family Support Agency.

*Question No. 123 answered with Question No. 108.*

**Juvenile Offenders**

124. **Deputy Seán Crowe** asked the Minister for Children and Youth Affairs the arrangements in place for the transfer of children still in St. Patrick’s Institution, Dublin, to another more suitable location; and if she will make a statement on the matter.  [23976/12]

136. **Deputy Clare Daly** asked the Minister for Children and Youth Affairs if she will provide an update on developments regarding juvenile detention policy and facilities.  [23993/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 124 and 136 together.

The Programme for Government includes a commitment to end the practice of sending children to St Patrick’s Institution. This is the central principle of current policy in the area of juvenile detention and facilities. By agreement with the Minister for Justice and Equality, I assumed legal responsibility for the children detention schools on the Oberstown campus in Lusk, Co Dublin in January 2012 and considerable progress has been made toward meeting the commitment of the Government in this area. I am pleased to report that on 2 April 2012, following agreement with the Minister for Public Expenditure and Reform I announced an investment package of approximately €50 million in capital funding for the project to expand the detention places and facilities on the Oberstown campus. This will involve the delivery within two years of sufficient new facilities at Oberstown to accommodate all children that are subject to detention by the courts, ending the requirement for anyone under 18 years to be sent to St. Patrick’s Institution.

On the same date, I also announced a number of interim measures to be carried out in advance of the Oberstown project. These measures included the following:

— From 1 May 2012 newly remanded or sentenced 16 year old boys may be sent to the Children Detention Schools in Oberstown. Since that date, it has no longer been necessary for 16 year olds to be sent to St. Patrick’s Institution by the courts.

— Enhanced provision of specialist therapeutic services for children in residential institutions, in both the children detention schools and special care units operated by the Health Service Executive. A specialist multi disciplinary service is being established for this purpose with the recruitment of a director for this service already underway.

— The introduction of amendments to the Children Act to provide for the management of all facilities on the Oberstown campus (i.e. Oberstown Boy’s School, Trinity House School and Oberstown Girl’s School) on an integrated basis.

With these measures, good progress is being made on Government policy in the area of juvenile detention and facilities.

*Question No. 125 answered with Question No. 119.*

*Question No. 126 answered with Question No. 113.*
Social Work Staff

127. **Deputy Martin Ferris** asked the Minister for Children and Youth Affairs if she has replaced the 31 social worker staff that retired in February 2012; and if she will make a statement on the matter. [23963/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The latest information from the HSE indicates that 31 social work staff in the children and families care group availed of the early retirement scheme. The HSE is actively reviewing the impact of recent retirements at national and regional level. The National Director of Children and Families Services, Gordon Jeyes, will apply his discretion over the course of the year to the filling of vacancies, having regard to identified need and subject to services being delivered within available resources.

The HSE has informed me that it has approved the recruitment of 48 replacement social work staff across all care groups since February 2012. These posts are at various stages of recruitment.

Children and Young People’s Policy Framework

128. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs the date on which she will publish her National Children and Young People Policy Framework; and if she will make a statement on the matter. [23951/12]

**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. 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 views of a wide range of interests including children themselves will shape the development of the children and young people’s policy framework over the next six months. It will be informed by the results of a consultation, in 2011, in which almost 67,000 children and young people throughout the country participated; 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, and the views of the National Children’s Strategy Implementation Group which includes nominees of Government departments and state agencies that develop policies and deliver services for children and young people.

A further public consultation will take place so that the new policy framework will be informed by the experience and expertise of other stakeholders in matters of interest to children and young people. The arrangements for this consultation are at an advanced stage, and details will be available shortly. The framework will be finalised and published later this year, following an analysis of the consultations.

Inter-Country Adoptions

129. **Deputy John Browne** asked the Minister for Children and Youth Affairs when she intends to sign a bilateral agreement with the Russian authorities to allow families to legitimately adopt children from Russia. [23793/12]
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 intercountry adoption process. It sets out minimum standards regarding intercountry 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 intercountry 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 bi-lateral 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.

Question No. 130 answered with Question No. 102.

Adoption Legislation

131. Deputy Clare Daly asked the Minister for Children and Youth Affairs the progress made regarding legislation dealing with adoption. [23994/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): Considerable progress has been made in drafting the Heads of Bill for the Adoption (Information and Tracing) Bill 2012. The proposed legislation has been included in the legislative programme for my Department for 2012 and it is one of a number of Bills which I intend to introduce in the Oireachtas during the course of this year. It is not possible to give a publication date at this stage.

Child Care Services

132. Deputy Gerry Adams asked the Minister for Children and Youth Affairs her plans to
provide supports for transgender children; if she has met with the Department of Health on this matter. [23953/12]

133. **Deputy Brian Stanley** asked the Minister for Children and Youth Affairs her plans to provide supports for lesbian, gay and bisexual children; and if she will make a statement on the matter. [23954/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 132 and 133 together.

It is not clear from the questions what supports are being referred to and responsibility for dealing with supports for lesbian, gay, bisexual and transgender young people is likely to fall to a number of Departments. Within my Department, the Youth Affairs Unit of my Department funds BeLonGTo, a voluntary organisation working with lesbian, gay, bisexual and transgender young people. In 2012 the funding allocated to BeLonGTo is €98,437.

**Child and Family Support Agency**

134. **Deputy Mary Lou McDonald** asked the Minister for Children and Youth Affairs the number and type of additional posts that will be created for the establishment of the new Child and Family Support Agency; and if she will make a statement on the matter. [23965/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** Approval was granted by the Department of Public Expenditure and Reform for the recruitment of a number of key posts to make up the management team for the new Agency. A recruitment process is underway for the following posts; Chief Operations Officer, Head of Corporate and Human Resources, Head of Finance, Head of Policy and Planning, Head of Quality Assurance.

**Legislative Programme**

135. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs if she has met with the Department of Social Protection to discuss the impact that the Social Welfare Bill will have on children and young persons. [23950/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I meet my Government colleagues regularly, both collectively and also bilaterally on specific shared issues. I met with Minister Burton only last week to discuss a number of issues relating to the impact on children and families of the changes made in the Budget. In addition in view of the strong links between the work of our two Departments there is ongoing liaison at official level, including a high level group that meets on a quarterly basis.

*Question No. 136 answered with Question No. 124.*

**Ombudsman for Children**

137. **Deputy Dessie Ellis** asked the Minister for Children and Youth Affairs if she will consider expanding the role of the Ombudsman for Children to allow for the Ombudsman to take complaints from those up to age 21 years as her northern counterpart does; and if she will make a statement on the matter. [23956/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The Ombudsman for Children Act 2002 defines a “child” as a person under the age of 18 years. The remit of the Ombudsman for Children is defined accordingly. I am aware that the Northern Ireland
Commissioner for Children and Young People also defines a child or young person as a person under the age of 18 but extends that definition to include a person under the age of 21 with a disability within the meaning of their Disability Discrimination Act. The Ombudsman for Children produced a report in March of this year on the operation of the Ombudsman for Children Act 2002. She made a number of recommendations for legislative change. One such recommendation is that the definition of “child” in section 2 of the 2002 Act should be amended to include young people under the age of 21 who have a disability within the meaning of section 2 of the Equal Status Act 2002 and young people who have left the care of the Health Service.

My Department is currently reviewing the Ombudsman for Children’s Report with a view to identifying appropriate future changes.

Social Work Staff

138. **Deputy Seán Crowe** asked the Minister for Children and Youth Affairs her plans to adequately resource social workers and ensure that they have manageable case loads in the context of forthcoming changes to the child protection regime. [23977/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The Government has made additional budgeting provision of €19m for child welfare and protection services compared to the funding made available last year. This compares to a reduction of €14m which was made in the HSE’s 2011 National Service Plan which was approved in December 2010. The additional funding made available for 2012 provides further impetus to the comprehensive reform of service delivery which is underway and which is aimed at generating the best possible outcomes for vulnerable children and families.

My Department will continue to work closely with the HSE throughout the year to ensure that the priorities set out in the HSE National Service Plan are implemented where they relate to children and family services. We have set an ambitious programme of work, one which is designed to significantly strengthen the policy, legislative and practice framework. Our shared goal is the delivery of appropriate, effective and consistent services, notwithstanding the very challenging and demanding circumstances in which these services are delivered.

As regards caseloads, the HSE through a document titled “The Induction of Social Workers: A Policy and Guidelines for Children and Families Social Services” provided guidance on the management of caseloads by recommending limited caseloads, supervision and support for the newly qualified social worker. The induction policy was signed off for implementation in December 2010 and is due to be reviewed and evaluated before the middle of 2012.

As part of the ongoing reform process, a methodology for workload management for all social work staff is also being developed.

Child Care Services

139. **Deputy Dessie Ellis** asked the Minister for Children and Youth Affairs the date on which the Health Service Executive will publish their external review of alternative care services; and if she will make a statement on the matter. [23957/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The HSE commissioned an independent consultant to undertake a review of the demand and existing capacity of alternative care placement services, including Special Care, High Support, Foster Care, Residential Care, Emergency Care, Out of Hours, Aftercare and Separated Children Seeking Asylum. The purpose of the review was to audit the current need and current capacity for alternative care services and to establish the projected need for care placements in the HSE for the
period 2011 to end 2013. It also made recommendations regarding the development of services to meet the projected needs for the period 2011-end 2013. I am advised by the HSE that the review was conducted for management information purposes to inform future policy direction. The HSE have advised that the report can be made available on request.

**Departmental Staff**

140. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the extent to which she has secured adequate resources including legislative and administrative provision in regard to the achievement of her priorities for her Department; and if she will make a statement on the matter. [24045/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** My Department is currently engaged in a Workforce Planning exercise to compare our current workforce with future workforce requirement relative to the delivery of commitments under the Programme for Government and other strategic objectives of the Department. This exercise is examining how best to have the right people with the right knowledge, skills and competencies deployed appropriately. It is taking account of all managed movement into, around, and out of the Department including retirement, recruitment, promotion, secondment, transfers and redeployment opportunities.

As part of this process, specific skills in the area of legal, financial, research, economic, change management and human resources have already been identified as requiring development. Officials of my Department are in discussion with the Department of Public Expenditure and Reform in this regard with a view to addressing this requirement from within approved numbers and within the overall existing Vote provision for my Department.

**Census of Population**

141. **Deputy Patrick O’Donovan** asked the Taoiseach his plans to carry out the next national census on schedule in 2016; and if he will make a statement on the matter. [23670/12]

**Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe):** Census 2011 took place on 10th April 2011 and the first definitive results of that census were published on 29th March 2012, less than one year after Census Day. This publication, entitled “This is Ireland Highlights from Census 2011 Part 1”, is the first of two volumes of highlights from the 2011 census data and presents results on overall population change. It includes high-level analysis across a range of themes including geographic distribution, age, marital status, households and families, migration, nationality, foreign languages, ethnicity, Irish language, religion and housing. A second volume of highlights, due for release in June, will present an overview of socio-economic results.

On foot of the Report of the Special Group on Public Service Numbers and Expenditure Programmes, the CSO recommended that the need for a census in 2016 be subject to review, an approach which was endorsed by the Steering Committee for the Comprehensive Review of Expenditure. A review was undertaken during the latter part of 2011 when the CSO consulted with a range of users to establish how census data is being used and to seek views on the need for a census in 2016. The CSO also reviewed various implementation options for conducting a census. The outcome of the consultation with users and review of implementation options for Census 2016 will be considered by Government shortly.
The Government is committed to the publication of accurate and timely statistics and is aware of the value of statistics to informed decision making in Ireland. The availability of good quality statistics has an important role to play in advancing policy priorities.

**Public Sector Staff**

142. **Deputy John Deasy** asked the Taoiseach the number of public servants that retired in Waterford city and county since the beginning of the year; and the number of those that have been retired by the State. [23772/12]

**The Taoiseach (Enda Kenny):** My Department is located in Dublin only and the questions raised are not relevant to it.

**Ministerial Staff**

143. **Deputy Billy Kelleher** asked the Taoiseach the staffing levels of the private offices and constituency offices of Ministers and Ministers of State in his Department; the salary of each; the same figures for this time in 2011; and if he will make a statement on the matter. [23773/12]

**The Taoiseach (Enda Kenny):** The details requested are set out in the tables beneath.

### Private Office (Taoiseach)

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<tr>
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<td>€80,051</td>
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<tr>
<td>1</td>
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### Constituency Office (Taoiseach)

<table>
<thead>
<tr>
<th>Number</th>
<th>Grade</th>
<th>Pay (May 2012)</th>
<th>Pay (May 2011)</th>
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Private Office (Government Chief Whip)

<table>
<thead>
<tr>
<th>Number</th>
<th>Grade</th>
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<th>Pay (May 2011)</th>
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<td>(Private Secretary)</td>
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Constituency Office (Government Chief Whip)

<table>
<thead>
<tr>
<th>Number</th>
<th>Grade</th>
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<th>Pay (May 2011)</th>
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Private Office (Minister of State for European Affairs)

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<th>Pay (May 2011)</th>
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<tbody>
<tr>
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<td>Higher Executive Officer Higher Scale Non-</td>
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<td>€46,426-€57,251</td>
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<tr>
<td>PPC</td>
<td>(Private Secretary)</td>
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<tr>
<td>1</td>
<td>Clerical Officer Standard Scale PPC</td>
<td>€23,177-€37,341</td>
<td>€23,177-€37,341</td>
</tr>
</tbody>
</table>

Notes:
1. Some of the established civil servants working in the Private Offices receive allowances in addition to their basic salaries in accordance with normal civil service rules, e.g. Private Secretary Allowance.
2. Where pay increases occurred for Personal Secretaries, Personal Assistants and Special Advisers, it was due to incremental progression in line with Department of Public Expenditure and Reform guidelines on remuneration for these grades.
3. The Tánaiste and Minister for Foreign Affairs and Trade and the Minister of State for European Affairs also have a number of staff who work in my Department but who are employed by the Department of Foreign Affairs and Trade.
4. The Chief Whip’s Private Secretary at the Department of Defence works in my Department but is employed by that Department.

Regulatory Impact Assessments

144. **Deputy Terence Flanagan** asked the Taoiseach the number and description of any regulatory impact assessments that have been undertaken by his Department on legislation or proposed legislation since 9 March 2011; the stage in the legislative or policy development process at which the RIAs have been carried out; the number of RIAs that have been published by his Department over the same period, the manner of publication involved; and if he will make a statement on the matter. [23783/12]

The Taoiseach: No regulatory impact assessments have been undertaken by my Department on legislation or proposed legislation since 9 March 2011.

Emigration Statistics

145. **Deputy Pádraig Mac Lochlainn** asked the Taoiseach if there are any plans to instruct the Central Statistics Office to gather and publish more detailed information on emigration
Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe): Statistics on emigration are included in the CSO’s annual Population and Migration Estimates release, published in September each year. The principal source of information for these statistics, incorporating both emigration and immigration, is the Quarterly National Household Survey (QNHS). The published estimates are classified by sex, broad age group, origin and destination, and nationality. The provision of emigration data at a more detailed level, such as by county, is not currently possible due to measurement issues associated with sub-populations (in this particular case emigrants) in sample surveys of this nature.

The emigration estimates are analysed along with data available from other migration indicators such as the number of work visas issued to Irish citizens for the main countries of destination via the relevant embassies and agencies; however this data is only available at a State level and so is also unsuitable for the provision of county based estimates.

The next issue of the Population and Migration Estimates in September 2012 will cover the period April 2007 to April 2012.

Constitutional Convention

146. Deputy Patrick Nulty asked the Taoiseach if he will ensure that the issue of same sex civil marriage is considered in the forthcoming constitutional convention; and if he will make a statement on the matter. [23838/12]

The Taoiseach: The Programme for Government contains a commitment to establish a Constitutional Convention and lists items for it to consider, including same sex marriage.

The Government has approved the establishment of the Convention and has published on www.merrionstreet.ie its proposals for the Convention’s structure, the items it is to consider, etc. These include same sex marriage.

The Government proposes that the Convention be set up by Resolutions of the Houses of the Oireachtas. These Resolutions will be introduced in the present Oireachtas session.

Appointments to State Boards

147. Deputy Timmy Dooley asked the Taoiseach the appointments made by him to State boards under the remit of his Department since March 2011 that were advertised; and if he will make a statement on the matter. [24252/12]

The Taoiseach: The National Economic and Social Council (NESC) is an advisory Council which provides guidance to Government on strategic issues for Ireland’s economic and social development. Appointments to the Council are made in accordance with the provisions of the National Economic and Social Development Office Act 2006 as amended by the National Economic and Social Council (Alteration of Composition) Order 2010. I appoint members specifically on the basis of nominations from business and employer interests, the Irish Congress of Trade Unions, farming and agricultural interests, the community and voluntary sector and the environmental sector. It would not be appropriate to advertise these positions as they are nominated in a representative capacity. I may also appoint up to six public servants of whom at least one shall represent the Taoiseach and one shall represent the Minister for Finance. Historically, the Chairperson and Deputy Chairperson posts are filled from my Department at Secretary General and Assistant Secretary level.
These appointments represent relevant Departments to ensure the Council’s work is integrated with Government policy-making and would not be suitable for public advertisement.

Finally, a number of independents were appointed in June and July last year. The independent nominations to NESC were not advertised last year, as I was satisfied with the quality of nominees which had already been identified, mainly from the academic sector. However it may be appropriate to advertise the positions in the future. I am satisfied that these appointments were appropriate, bearing in mind the key strategic role of the NESC.

**Constitutional Amendments**

148. **Deputy Richard Boyd Barrett** asked the Tánaiste and Minister for Foreign Affairs and Trade the funds that were used to publish the stability treaty pamphlet that has been delivered to homes around the country; the amount the pamphlet cost; and the company that was used to deliver it. [23724/12]

150. **Deputy Willie Penrose** asked the Tánaiste and Minister for Foreign Affairs and Trade in respect of the booklet which has been furnished to each household in relation to the European Fiscal Stability Compact, the location at which this document was printed; if it was printed by an Irish company; and if he will make a statement on the matter. [23784/12]

151. **Deputy Willie Penrose** asked the Tánaiste and Minister for Foreign Affairs and Trade in respect of the booklet which has been furnished to each household in relation to the European Fiscal Stability Compact, where this particular document was printed; if it was printed by an Irish Company; and if he will make a statement on the matter. [24116/12]

152. **Deputy Willie Penrose** asked the Tánaiste and Minister for Foreign Affairs and Trade in respect of the booklet which has been furnished to each household in relation to the European Fiscal Stability Compact, where this particular document was printed; if it was printed by an Irish Company; and if he will make a statement on the matter. [23602/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I propose to take Questions Nos. 148 and 150 to 152, inclusive, together.

The Government negotiated the Stability Treaty acting on behalf of and in the interests of the Irish people. For that reason, the Government has a duty to inform the public and has organised the most comprehensive information campaign ever held in relation to a European referendum in order to explain this Treaty to the public.

The largest element of the Government’s information campaign involves the delivery of a copy of the Treaty to every household in the country. The Stability Treaty Guide was printed by an Irish company based in Dublin. An Post were responsible for the delivery of the Treaty Guide to every household and that process is almost complete. These contracts were awarded in accordance with all relevant rules relating to public procurement.

Exact costs are not yet finalised, however the total cost of the Treaty Guide in terms of design, printing and distribution is in the region of €600,000. The necessary budget has been allocated to the Department of the Taoiseach.

**UN Commission on Population and Development**

149. **Deputy Anne Ferris** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on the UN Commission on Population and Development resolution on the theme Adolescents and Youth; and if he will make a statement on the matter. [23742/12]
Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello):
The 2012 session of the UN Commission on Population and Development was held last month in New York. The theme of this year’s session was “Adolescents and Youth”. Ireland was represented by officials from my Department. As is customary, there was close coordination between the Department of Foreign Affairs and Trade and the Department of Health in relation to Ireland’s input into the Commission both in advance of, and during, the session.

The theme of the 2012 session was particularly timely, given that the number of adolescents and youth globally has reached an all time high of 1.2 billion. It was very encouraging to see so many youth representatives attending the Commission and contributing to its deliberations.

The Commission focused in particular on the global challenge in meeting the sexual and reproductive health needs of young people and adolescents, in line with the commitments made by the international community at the 1994 International Conference on Population and Development (ICPD). Maternal mortality, HIV prevalence and the unmet need for contraception are all particularly high amongst the 15 — 19 year age group, most notably in sub-Saharan Africa. Providing reproductive health care services and information to young people is therefore vital for progress towards key international development goals, including the Millennium Development Goals.

I was pleased that the Commission was able to adopt unanimously a comprehensive and forward-looking Resolution on the theme of Adolescents and Youth. The Resolution emphasises the key importance of gender equality and the empowerment of women and girls, urges governments to ensure access by young people to sexual and reproductive health care services, focuses on the need for comprehensive evidence-based education on human sexuality and sexual and reproductive health for young people and reiterates the importance of strengthening HIV prevention, treatment and care for young people. These priorities are very much in line with Ireland’s own approach to meeting the needs of adolescents and young people, both domestically and as part of the Government’s Official Development Assistance programme.

Questions Nos. 150 to 152, inclusive, answered with Question No. 148.

Human Rights Issues

153. Deputy Patrick O’Donovan asked the Tánaiste and Minister for Foreign Affairs and Trade if he will make a statement regarding the his position on the humanitarian situation in the South Kordofan region of Sudan [23727/12]

154. Deputy Anne Ferris asked the Tánaiste and Minister for Foreign Affairs and Trade in view of the serious and humanitarian needs of the affected population in South Kordofan and the Nuba Mountains, if he will call for full humanitarian access to be facilitated by the Governments of Sudan and South Sudan; and if he will make a statement on the matter. [23894/12]

Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello): I propose to take Questions Nos. 153 and 154 together.

The Government shares the grave concerns expressed by both Deputies for the welfare of the people in South Kordofan and the Nuba Mountains in Sudan. Prolonged fighting since the beginning of June 2011 between the Sudanese Armed Forces (SAF) and the Sudanese People’s Liberation Movement-North (SPLM-N rebel group), in Sudan’s South Kordofan State has claimed an untold number of lives and has severely affected over 300,000 people. This year some 33,000 people have fled South Kordofan and have sought refuge in neighbouring South Sudan, putting pressure on already limited humanitarian response capacity in that young nation. Ireland, together with our EU partners is responding to the situation and is supporting
efforts to bring an end to the continuing conflict in the region. Ireland remains particularly concerned about the issue of humanitarian access for NGOs and international relief agencies to the areas affected by conflict. We have raised the issue of access at a number of EU and international fora. In January last, and with Ireland’s encouragement, the European Union urged the Government of Sudan to allow safe and unhindered access for international humanitarian workers to all civilians and reiterated its readiness to provide humanitarian assistance to all those in need. The EU also emphasised that the ongoing conflicts in Southern Kordofan, Blue Nile and Darfur remain obstacles to moving forward with the full range of support that the EU would like to provide to Sudan. Last month, the EU called on the Government of Sudan and the SPLM North to engage in an inclusive political process to resolve the conflict in Southern Kordofan and Blue Nile. On 2 May, the United Nations Security Council adopted a Resolution condemning the recent cross-border conflict between Sudan and South Sudan including support to proxy forces and aerial bombardment. The Resolution called on both parties to immediately cease all hostilities within 48 hours of the adoption of the resolution, to withdraw their forces to their side, to activate previously agreed on security mechanisms and to resume negotiations under the auspices of the African Union High-Level Implementation Panel (AUHIP), under threat of sanctions. Despite challenges, humanitarian agencies are managing to gain limited access to some vulnerable communities in South Kordofan. Both the World Food Programme (WFP) and the United Nations Children’s Fund (UNICEF) have provided assistance to displaced people and affected host communities. The Department of Foreign Affairs and Trade, through the Irish Aid programme, has recently allocated €2 million in funding for the UN-managed Common Humanitarian Funds for both the Republic of Sudan and South Sudan. These funds are being used to help UN agencies target the most critical humanitarian needs across both countries, including in areas beset by conflict and affected by displacement from Blue Nile and South Kordofan.

A further €1.22 million has been made available to Irish NGOs for programmes in Sudan and South Sudan under the annual Humanitarian Programme Planning (HPP) funding scheme. We stand ready to provide further support as access conditions improve and the needs on the ground become clearer. I can assure Deputies that Ireland will continue to closely monitor the situation in South Kordofan and the Nuba Mountains, and along with our EU partners we will continue to call for unrestricted humanitarian access to affected civilians.

**Regulatory Impact Assessments**

155. **Deputy Terence Flanagan** asked the Tánaiste and Minister for Foreign Affairs and Trade the number and description of any regulatory impact assessments that have been undertaken by his Department on legislation or proposed legislation since 9 March 2011; the stage in the legislative / policy development process at which the RIAs have been carried out; the number of RIAs that have been published by his Department over the same period; the manner of publication involved; and if he will make a statement on the matter. [23498/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** Legislation brought forward by my Department does not normally impact significantly on the regulatory environment and no regulatory impact assessments have been undertaken by my Department on legislation or proposed legislation since 9 March 2011.

**Appointments to State Boards**

156. **Deputy Timmy Dooley** asked the Tánaiste and Minister for Foreign Affairs and Trade...
the appointments made by him to State boards under the remit of his Department since March 2011 that were advertised; and if he will make a statement on the matter. [24246/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): There are no State boards under the aegis of my Department.

**Middle East Peace Process**

157. **Deputy Finian McGrath** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will support the Palestinian hunger strikers before the political situation gets out of control. [24322/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I have followed closely the hunger strikes undertaken by a large number of Palestinian prisoners in Israeli custody. I have stated publicly my view that the widespread use by Israel of administrative detention should cease, and that the punitive conditions imposed on prisoners while Gilad Shalit was in captivity should be ended. EU Missions in the Palestinian territories — including our Mission in Ramallah — made a public statement expressing concern at the hunger strikes and the use of administrative detention last week. Our Embassy in Tel Aviv also conveyed my views directly to the Foreign Ministry. In addition, officials in my Department conveyed to the Israeli Ambassador my view that a solution must be found which will enable the strikes to come to an end without a tragic outcome.

I am very pleased, therefore, by the announcements from both Israeli and Palestinian officials that agreements have been reached on the issues under contention, and that all prisoners have accordingly agreed to end their hunger strikes. Details will emerge in due course, but it is understood that Israel has extensively reviewed the issues raised by the prisoners, and is to reduce its recourse to administrative detention, as well as to make changes in prison conditions, including ending solitary confinement for many prisoners, and permitting family visits from Gaza. The prisoners have for their part made various undertakings. It will be possible at a later stage to assess what long-term changes have been made.

I very much welcome the outcome to this episode. I welcome Israel’s response to the representations made to it and its agreement to what are apparently substantive changes in practice. It is also important to acknowledge the very helpful role played by the Egyptian Government in mediating between the two sides.

**EU Directives**

158. **Deputy Dominic Hannigan** asked the Minister for Finance the consideration he is giving to implementing EU directive 2003/96/EC; if he has had any contact with the Department of Transport, Tourism and Sport regarding implementing the directive; and if he will make a statement on the matter. [23663/12]

Minister for Finance (Deputy Michael Noonan): Directive 2003/96/EC of 27 October 2003 restructuring the Community Framework for the taxation of energy products and electricity (usually called the “Energy Tax Directive”) came into force on 1 January 2004. When the Directive came into force, our national law was substantially in conformance with its immediately applicable requirements. Legislative action has been taken since then on a number of further requirements arising under the Directive, including the taxation of coal, electricity and natural gas. As this Directive is a taxation Directive contact with the Department of Transport, Tourism and Sport regarding its implementation is not necessary.
Illicit Trade in Tobacco

159. Deputy Michael Creed asked the Minister for Finance his proposals, if any, to increase the judicial penalties on conviction for illicit trade in tobacco as recommended by the Advisory Group for Small Business; and if he will make a statement on the matter. [23709/12]

Minister for Finance (Deputy Michael Noonan): The penalties for the smuggling of tobacco products are laid down in section 119 of the Finance Act 2001, and those for the illegal sale of unstamped tobacco products are contained in section 78 of the Finance Act 2005. Where a conviction under section 119 of the 2001 Act occurs following a summary prosecution, the fine that may be imposed is €5,000. A Court may also impose a term of imprisonment not exceeding 12 months, either instead of, or in addition to, the fine. For convictions following prosecution on indictment, the fine is an amount not exceeding €126,970 or, where the value of the tobacco products involved in the offence is greater than €250,000, not exceeding three times the value of the products. The Court may also impose a term of imprisonment not exceeding 5 years, as an alternative, or in addition, to the fine.

In the case of a conviction under section 78 of the 2005 Act following a summary prosecution, a Court may impose a fine of €5,000 or a term of imprisonment not exceeding 12 months, or both. The penalty following conviction on indictment is a fine not exceeding €126,970 or imprisonment for a term not exceeding 5 years, or both a fine and a prison term.

The specific penalty to be imposed in any particular case is a matter for the Courts. Section 130(2) of the 2001 Act permits a trial judge, in his or her discretion, to mitigate a fine incurred for an offence under excise law, provided that the amount mitigated is not greater than 50 per cent of the amount of the fine.

The fines for excise offences have been increased in recent years: those that apply in the event of a conviction on indictment were increased substantially by the Finance Act 2010, with the amount of €126,970 replacing the previous amount of €12,695. There are no proposals for further increases in the penalties at present, but the position will be kept under review taking account, among other considerations, of practical experience of the operation of the increased fines provided for in the 2010 Act.

Tax Collection

160. Deputy Finian McGrath asked the Minister for Finance the position regarding tax in respect of a person (details supplied) in Dublin 9. [23715/12]

Minister for Finance (Deputy Michael Noonan): I have been advised by the Revenue Commissioners that, following the receipt of information from the Department of Social Protection, the person concerned was issued with a letter regarding his DSP income on December 30 last. Based on the information now available to Revenue, his tax is correct for 2012. On the question of arrears, Revenue have advised me that they are examining those cases with the largest non-DSP income and those cases who apply for a review first, having regard to resource and other constraints. Their approach is to make contact with those taxpayers who are of interest to them, and to invite them to submit a tax return. Their advice to taxpayers who are not contacted, is that there is no need to do anything at the moment and Revenue may be in touch with you. In the meantime, neither interest nor penalties are accruing on any undercharge that might apply.

Motor Taxation

161. Deputy Michael Healy-Rae asked the Minister for Finance the position regarding car registration (details supplied); and if he will make a statement on the matter. [23796/12]
Minister for Finance (Deputy Michael Noonan): The Deputy may be aware that this proposal was contained in SIMI’s submission to the Public Consultation on adjusting the current CO₂ bands and rates in line with technological advances in motor vehicles. The Consultation process is still on-going.

Value Added Tax Rates

162. Deputy Jim Daly asked the Minister for Finance his views in relation to the VAT reduction given to the service industry in 2011; if he is satisfied that the reduction has been of benefit to the industry; if he intends to extend this programme at the upcoming review date; and if he will make a statement on the matter. [23809/12]

Minister for Finance (Deputy Michael Noonan): The Finance (No. 2) Act 2011 provided for a second reduced VAT rate, of 9%, on a temporary basis in respect of certain tourism-related services and goods for the period 1 July 2011 to 31 December 2013. This measure is aimed at contributing towards boosting tourism and the creation of additional jobs in that sector. Initial analysis of the effectiveness of 9% VAT rate indicates that employment numbers in the tourism and restaurant sector have increased, prices have reduced and Tourism Ireland is targeting growth in overseas visitor numbers in 2012. In this context I have decided not to make any amendment to the rate and have provided assurance to the tourist industry that the 9% rate will continue throughout 2013 as currently legislated for.

National Asset Management Agency

163. Deputy Michael P. Kitt asked the Minister for Finance the position regarding the National Asset Management Agency scheme to effectively guarantee home buyers against future price falls; if the scheme will be extended to other properties outside Dublin, Cork and Meath; and if he will make a statement on the matter. [23980/12]

Minister for Finance (Deputy Michael Noonan): NAMA launched its 80:20 Deferred Payment Initiative on 8 May 2012. This initiative is being made available initially on a pilot basis in respect of 115 houses located in residential developments in counties Dublin, Meath and Cork. Further details on the Initiative including eligible properties are available on NAMA’s website, www.nama.ie. I am informed by NAMA that the pilot scheme will be subject to an evaluation as to its outcome and that it may in future extend the Initiative to additional residential units and, if so, it is envisaged that these would be located across the range of regions in which its debtors control units which may be suitable.

Tax Collection

164. Deputy Brian Walsh asked the Minister for Finance his views on the proliferation of the practice of so called phoenix businesses, whereby a company enters liquidation and quickly resumes business under the auspices of a new company in order to avoid debts; if he can quantify the amount of revenue lost as a result of this practice; and if he will make a statement on the matter. [23683/12]

Minister for Finance (Deputy Michael Noonan): It is important at the outset to recognise that businesses do fail, and that it is a normal part of business and entrepreneurship. That said, tax compliance is vital in delivering to the Exchequer the tax revenues properly due to the State in a cost effective and efficient fashion and in ensuring a level playing field for businesses generally. Maximising the levels of timely voluntary compliance and providing an appropriate response to late or non-compliance is the responsibility of the Revenue Commissioners. Revenue draws a clear distinction between genuine inability to pay and deliberate and calcu-
lated non-payment and non-compliance. With regard to phoenix type activity, i.e. contrived non-compliance, the apparent cessation of a business and its re-emergence in another guise where there has been significant tax default, I am advised by Revenue that they have a targeted, risk-focussed approach to the early identification of phoenix entities and to the intensive deployment of enforcement measures quickly and effectively where non-compliance arises. There are close to 700 businesses currently actively monitored as part of Revenue’s phoenix programme.

In Section 126 of the Finance Act 2012, I provided further protection for the Exchequer in high-risk situations, such as in phoenix cases, where the payment of fiduciary taxes is at risk. The section provides for security to be given to the Collector-General in specific high-risk cases and is a significant deterrent to the potential for the abuse of limited liability and non-payment of tax.

I am satisfied that the priority given by Revenue to limiting the capacity of phoenix entities to accumulate tax debts is effective and that the additional powers provided in Finance Act 2012 are a significant development in the task of dealing with the phoenix syndrome.

In relation to companies that go into liquidation, the Deputy will be aware that there is a legal requirement on a liquidator under section 56 of the Company Law Enforcement Act 2001 to report on the conduct of company directors to the Director of Corporate Enforcement within six months of his appointment. Unless relieved by the Director of the obligation to make the application, the liquidator will subsequently apply to the High Court for a section 150 order under the Companies Act 1990 to restrict the activities of such directors. There are also further remedies available to liquidators under company law in cases where directors are found to have behaved dishonestly or fraudulently. These include possible actions to have directors disqualified or made personally liable for some or all of the debts of the company. I am advised by Revenue that they may, in appropriate cases, provide financial support to liquidators to pursue such actions.

Illicit Trade in Tobacco

165. **Deputy Michael Creed** asked the Minister for Finance the progress that has been made to address the issue of the illicit tobacco trade; if he will be sanctioning the introduction of scanners at Irish ports to detect this illegal trade as suggested by the Advisory Group for Small Business; and if he will make a statement on the matter. [23685/12]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners, who are responsible for the collection of tobacco products tax, and for tackling the illicit trade in tobacco products, that they attach a high priority to combating tobacco smuggling and have adopted a comprehensive strategy, underpinned by annual action plans, for this important work. This 3-year (2011-2013) strategy, which is published on Revenue’s website www.revenue.ie, includes a number of programmes, which are designed to complement each other in targeting the supply and demand sides of the market for contraband tobacco in Ireland. Key elements in this strategy include developing and sharing intelligence on a national, EU and international basis, development of analytics and detection technologies, and ensuring optimum deployment of resources at point of importation and within the country, in order to intercept the contraband product and to prosecute those involved. Interception at the point of importation is achieved through a combination of risk analysis, profiling, intelligence, and the screening of cargo, vehicles, baggage and postal packages. Revenue enforcement officers also target this illicit trade at the post-importation level by carrying out intelligence-based operations and random checks at retail outlets, markets and private and commercial premises.
In 2011, Revenue’s campaign against the illicit tobacco trade resulted in the seizure of 109 million cigarettes, valued at €46 million, and over 11,000 kilograms of tobacco, valued at €4 million. In addition, 101 convictions relating to tobacco smuggling, and 57 convictions concerning the sale of unstamped tax products, were obtained. To date in 2012, Revenue officers have seized 49 million cigarettes valued at €21 million and 1,436 kilograms of tobacco valued at €531,320. In addition 27 convictions relating to tobacco smuggling, and 29 convictions concerning the sale of unstamped tobacco products were obtained.

Revenue consistently monitors ongoing developments in available x-ray and other technologies, and the selection and deployment of detection equipment is constantly reviewed. The actual technology selected and the operational deployment of that technology is a matter for the Revenue Commissioners.

Revenue currently has two mobile X-ray container scanning systems. One scanner is based in Dublin Port and the other at Rosslare Ferry Port. Revenue deploys the scanners on a risk assessment basis at various locations throughout the country. Revenue is satisfied that the container ports in the State are adequately serviced by these scanners and has no plans to acquire additional container scanning systems. In addition to the container scanners, Revenue also uses smaller static baggage/parcel scanners, which are deployed at all major ports, airports and postal depots.

Revenue are at an advanced stage in a tendering process for the supply of a mobile X-ray van, which will enhance its scanning capability at airports, ports and warehouses, and they expect to enter contract negotiations for the purchase of the van shortly. The cost of the purchase of the van will be part funded under an EU grant programme.

Income Taxation

166. Deputy Eoghan Murphy asked the Minister for Finance the rate at which a flat tax on income would have to be if all existing tax credits, allowances and reliefs were abolished, with the first €15,000 of earnings exempt of tax for every income earner, to achieve a target yield equal to the amount currently raised from income tax, the universal social charge and employee’s PRSI. [23692/12]

Minister for Finance (Deputy Michael Noonan): I am advised by the Revenue Commissioners that if the combined Budget estimate of €16.84 billion expected in 2012 from income tax, USC and employee’s PRSI was to be raised by applying a single flat rate of tax on the basis outlined by the Deputy, the rate of tax required, based on projected 2012 incomes, would be 27%. This tentative estimate is based on the assumption that a full flat tax system is introduced and that the existing income tax, USC and employee PRSI structures would be replaced in their entirety by the system outlined by the Deputy. In such an event, the personal tax credits and allowances and tax reliefs in general would no longer apply. This is normally a feature of flat tax systems. For example, contributions to approved superannuation schemes would no longer attract tax relief and mortgage interest relief and medical insurance relief which are provided at source would cease to apply. Other schemes and reliefs which it is assumed would be abolished for the purpose of this costing include capital allowances, property reliefs generally, the various savings related tax reliefs, tax relief on redundancy payments, the business expansion scheme and film relief. To the extent that any of these reliefs were continued, the costs would be higher.

The flat rate figure is an estimate from the Revenue tax-forecasting model using actual data for the year 2009 adjusted as necessary for income and employment trends for the year 2012. It is, therefore, provisional and likely to be revised.
Banking Sector Regulation

167. **Deputy Eoghan Murphy** asked the Minister for Finance further to Parliamentary Question No. 225 of 24 April 2012, if he will provide a list of all entities holding authorisations and all credit institutions. [23693/12]

**Minister for Finance (Deputy Michael Noonan):** I would like to inform the deputy that the information he is seeking is available on the Central Bank of Ireland website in the form of a publicly-available register. The relevant links are attached below for your convenience.


Mortgage Arrears

168. **Deputy Eoghan Murphy** asked the Minister for Finance the number of persons who currently have a distressed mortgage; the level of distress; and the way that this is determined. [23694/12]

**Minister for Finance (Deputy Michael Noonan):** The Central Bank publishes statistics on principal private residential mortgage arrears, restructures and repossessions. The latest available data is for the period ended December 2011 and it indicates that 70,911 mortgage accounts are in arrears of over 90 days. This amounts to 9.2% of total residential mortgage accounts extended by regulated mortgage lenders. The data also indicated that 74,379 accounts were restructured at the end of December 2011. Of this total, 36,797 are not in arrears and are performing as per the restructured arrangement. The balance of restructured accounts (37,582) has arrears of varying categories (arrears of both less than and greater than 90 days). Overall, therefore, 107,708 residential accounts are either in arrears of over 90 days or have been restructured and are performing as at the end of December 2011.

Irish Bank Deposits

169. **Deputy Eoghan Murphy** asked the Minister for Finance the amount of money currently on deposit in Irish banks household deposits and others, excluding foreign owned deposits. [23695/12]

**Minister for Finance (Deputy Michael Noonan):** The Central Bank of Ireland (CBI) publish a comprehensive data set on a monthly basis in relation to deposits at Irish banks, both Covered and non Covered institutions. These data from part of the bank’s Monthly Banking Statistics which are unconsolidated and reflect data on the assets and liabilities of within-the-State offices of credit institutions. There are three tiers of balance sheet published by the CBI each month. They are a) Credit institutions — Aggregate balance sheet (which is labeled table A4); b) Credit institutions — Domestic Group (table A4.1) and c) Credit institutions — Covered Group (table A4.2). Table A4 has the widest coverage of institutions and is effectively the banking “system” in Ireland. The other two are sub-sets of table A4, with the Domestic Group representing those banks and credit unions which have significant business with Irish resident households and non-financial corporations in terms of credit and deposits. The Covered Group (table A4.2) which has the narrowest scope, represents only AIB, Bank of Ireland, EBS, IBRC (formerly Anglo Irish and Irish Nationwide) and permanent tsb. At each balance sheet tier, there are three different measures of deposits that can be tracked or quoted and this can sometimes cause confusion. The “Private Sector Deposits” category is the narrowest measure and the one that tends to get the most focus however. To this one can add General Government deposits and deposits from Monetary Financial Institutions (MFI’s) to get “Depo-
sits from Irish Residents” and when non resident deposits are added one reaches a figure that is best described as “Total Deposits”.

Private sector deposits across the entire Irish banking system amounted to €163.1bn at the end of March 2012. The CBI provides a further breakdown of these deposits into various categories. Within this figure, Household deposits amounted to €92.1bn, deposits held by Non Financial Corporations (NFC’s) amounted to €29.7bn, Other Financial Intermediaries were €30.1bn and finally Insurance Corporations/Pension Funds accounted for a further €11.1bn. Unsurprisingly the Irish Covered Banks account for a large share of these Private Sector Deposits — around 64% or €103.9bn.

To aid analysis and interpretation of deposit trends at the Irish Covered Banks, the Department of Finance recently began publishing a consolidated dataset on deposits. This dataset is sourced from the Central Bank of Ireland but unlike the data referred to above, it excludes intra-company exposures and also includes deposits held in foreign subsidiaries. The most recent data set for end March 2012 showed that deposits at the Covered Banks on this basis were circa. €149bn. This figure has increased from around €147bn at year end and has been on a slow rising trend since the Autumn of last year. Further details on this dataset or indeed on the CBI statistics can be found at http://banking.finance.gov.ie/wp-content/uploads/Deposit—Note—Mardataset.pdf and www.centralbank.ie.

Flood Relief

170. **Deputy Eoghan Murphy** asked the Minister for Finance the position regarding insurance (details supplied) [23701/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Irish Insurance Federation that flood insurance cover is currently available to approximately 98% of householders in Ireland. Neither the Central Bank nor I, as Minister for Finance, can compel insurance companies to quote for business. The decision to provide any specific form of insurance cover, and the price at which it is offered, is a commercial matter based on the assessment of the risks involved. There are no provisions in the Central Bank’s Consumer Protection Code to compel an insurance company to accept a particular insurance risk. However, I wish to inform you that the Minister of State with responsibility for the Office of Public Works (OPW) and his officials are engaged in discussions with the Irish Insurance Federation (IIF) in relation to the difficulties experienced by certain householders in obtaining insurance cover for flood risk.

These discussions have allowed a sharing of information and understanding about the scope and scale of the work undertaken by the OPW on flood risk management and, in particular, on the mapping of areas subject to flood risk nationally which will emerge from the OPW’s Catchment Flood Risk Assessment and Management programme (CFRAM). This programme is a national initiative to systematically identify, assess, document and report on the most significant flood risks throughout the country. This work is being undertaken on OPW’s behalf by specialist consultants and is organised into six separate regional or catchment areas. These comprehensive studies will recommend an integrated management plan and prioritised measures to address flood problems in areas where there is significant risk in each major catchment in the country.

The discussions between the OPW and the IIF have also focused on how the insurance industry can best address the issue of the provision of flood insurance where incidences of difficulties in obtaining flood insurance are being raised. The insurance industry considers that this incidence is marginal and has indicated that where it arises the causes are complex with each case being assessed in light of the particular circumstances applying. The OPW and the
[Deputy Michael Noonan.]

IIF are keen to establish a sustainable means of sharing information on areas vulnerable to flooding and on identifying flood defence works carried out or funded by the OPW and the impact of those works in reducing the risk of flooding in areas where flooding previously occurred. A number of issues are being clarified with a view to agreement being reached on a viable basis on which information can be provided.

In tandem with these developments, the Irish National Flood Forum, which is a voluntary body representing communities affected by flooding, plans to undertake a survey to gather as much information as possible from their member organizations. Details of what will be involved should be available shortly on the Forum’s website www.irishnationalfloodforum.com. The information gathered by the Forum will be a useful input into the deliberative process on this subject.

**Tax Collection**

171. **Deputy Joanna Tuffy** asked the Minister for Finance if he will supply a table for the tax year 2011 showing by range of gross income, the sources of single pensioners, pensioner couples and all pensioners’ incomes distinguishing between the following categories as shown in table 4.1 of the Green Paper on Pensions: income from work and self employment, other direct income investments, income and so on, occupational or personal pensions, social welfare pensions, other benefits, total gross income, tax and social contributions, net disposable income, the table should also show the number of cases in each range of gross income; and if he will make a statement on the matter. [23711/12]

**Minister for Finance (Deputy Michael Noonan):** The position is that the figures in the table referred to by the Deputy were derived from EU-SILC data based on a survey carried out by Central Statistics Office (CSO). To obtain an update of the figures in the manner requested in the question, the Deputy should direct her question directly to the CSO. While the Revenue Commissioners do not maintain statistics on aged income earners in the same manner or detail as are contained in the EU-SILC report, the following is a table provided by the Revenue Commissioners showing the projected distribution of the incomes of income earners aged 65 or over for 2011:

<table>
<thead>
<tr>
<th>Range of Gross Income</th>
<th>Gross Income €</th>
<th>Number</th>
<th>Income Tax €</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-10,000</td>
<td>85,658,906</td>
<td>20,583</td>
<td>0</td>
</tr>
<tr>
<td>10,001-20,000</td>
<td>654,280,837</td>
<td>43,101</td>
<td>753,037</td>
</tr>
<tr>
<td>20,001-30,000</td>
<td>1,109,449,002</td>
<td>44,886</td>
<td>20,335,869</td>
</tr>
<tr>
<td>30,001-40,000</td>
<td>1,057,974,956</td>
<td>30,496</td>
<td>40,732,685</td>
</tr>
<tr>
<td>40,001-50,000</td>
<td>903,500,418</td>
<td>20,265</td>
<td>62,352,373</td>
</tr>
<tr>
<td>50,001-60,000</td>
<td>673,200,109</td>
<td>12,332</td>
<td>73,761,798</td>
</tr>
<tr>
<td>60,001-70,000</td>
<td>490,125,631</td>
<td>7,578</td>
<td>68,533,899</td>
</tr>
<tr>
<td>70,001-80,000</td>
<td>377,500,418</td>
<td>5,063</td>
<td>61,595,676</td>
</tr>
<tr>
<td>80,001-90,000</td>
<td>277,429,654</td>
<td>3,275</td>
<td>51,663,151</td>
</tr>
<tr>
<td>90,001-100,000</td>
<td>205,907,495</td>
<td>2,175</td>
<td>41,926,615</td>
</tr>
<tr>
<td>100,001-150,000</td>
<td>560,429,216</td>
<td>4,691</td>
<td>129,087,181</td>
</tr>
<tr>
<td>over 150,000</td>
<td>1,143,530,946</td>
<td>3,494</td>
<td>307,633,222</td>
</tr>
<tr>
<td>Overall Total</td>
<td>7,538,988,065</td>
<td>197,938</td>
<td>858,375,507</td>
</tr>
</tbody>
</table>
The tax amounts mentioned in the table relate to income tax but do not include the Universal Social Charge.

The figures are estimates from the Revenue tax-forecasting model using actual data for the year 2009 adjusted as necessary for income and employment trends in the interim. These are, therefore, provisional and likely to be revised.

It should be noted that the income ranges shown in the above tables relate to Gross Income as defined in Revenue Statistical Report 2010.

It should also be noted that a married couple who has elected or has been deemed to have elected for joint assessment is counted as one tax unit.

Social and Affordable Housing

172. **Deputy Seán Ó Fearghaíl** asked the Minister for Finance if he will ensure that a HPL1 Form is completed in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [23722/12]

**Minister for Finance (Deputy Michael Noonan):** I have been advised by the Revenue Commissioners that form HPL1 was processed on 2 May 2012. The completed form has been returned to the person concerned.

Tax Reliefs

173. **Deputy Noel Grealish** asked the Minister for Finance when will the commencement order for tax relief for energy efficient works in the main home, Section 477A of the Tax Consolidation Act 1997, be signed; and if he will make a statement on the matter. [23739/12]

**Minister for Finance (Deputy Michael Noonan):** Section 477A of the Taxes Consolidation Act 1997 was introduced in Finance Act 2011 and provided for income tax relief at the standard rate for expenditure incurred by individuals on a range of works carried out to improve the energy efficiency of residential premises situated in the State. The underpinning legislation for the scheme was subject to Commencement Order. However, that legislation, on review, was found to have flaws and would have required amendment before it could be implemented.

As part of the announcement in the Jobs Initiative in May 2011, the Government undertook to provide further funding for the grants available under the Better Energy Homes scheme operated by the Sustainable Energy Authority of Ireland (SEAI). Because of these circumstances, I decided to review the requirement for a co-existing tax incentive for similar works and, following this review, I decided not to proceed with the introduction of the tax relief scheme.

Fuel Rebate Scheme

174. **Deputy Joanna Tuffy** asked the Minister for Finance the position regarding calls by representatives and members of the Irish haulage industry for fuel rebates; and if he will make a statement on the matter. [23781/12]

**Minister for Finance (Deputy Michael Noonan):** The Deputy may be aware that a working group was set up between officials of my Department, the IRHA and some members of the Oireachtas. This working group is discussing a number of issues of concern to the haulage industry. I am sure the Deputy will understand that I cannot pre-empt the outcome of those discussions which are ongoing.
I should point out that a fuel rebate system, as sought by the IRHA, could not under EU law be restricted to Irish licensed hauliers but would have to be extended to all vehicles intended exclusively for the carriage of goods by road with a maximum permissible gross laden weight of not less than 7.5 tonnes. In addition, the rebate would have to include the carriage of passengers by a motor vehicle of category M2 or category M3 as defined in Council Directive 70/156/EEC.

**European Stability Mechanism**

175. **Deputy Thomas Pringle** asked the Minister for Finance his views on the following matter (details supplied) regarding the European Stability Mechanism; and if he will make a statement on the matter. [23843/12]

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 our share of 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.

**Investment Banks**

176. **Deputy John Paul Phelan** asked the Minister for Finance the position regarding the development of an Irish investment bank; and if he will make a statement on the matter. [23851/12]

Minister for Finance (Deputy Michael Noonan): I assume that the Deputy is referring to the Strategic Investment Fund (SIF), the establishment of which was announced by the Government in September 2011. The SIF will channel commercial investment from the National Pensions Reserve Fund (NPRF) towards productive investment in the Irish economy. As well as money from the NPRF, the SIF will seek matching commercial investment from private investors and target investment in areas of strategic significance to the future of the Irish economy.

I am informed by the National Treasury Management Agency, as Manager of the National Pensions Reserve Fund, that the NPRF announced in November 2011 a commitment of €250 million to a new Irish infrastructure investment fund which is seeking up to €1 billion from
institutional investors in Ireland and overseas and which will invest in infrastructure assets in Ireland, including assets designated for disposal by the Government and commercial State enterprises and also new infrastructure projects. Marketing of this fund in Ireland by Irish Life Investment Managers and abroad by AMP Capital commenced in the first quarter of 2012. Normally the period from commencement of marketing of an investment fund targeting illiquid assets to closure of financial commitments by investors in such a fund can extend up to one year. In parallel, AMP Capital, the infrastructure manager of the fund, has commenced a process of building a pipeline of appropriate investment opportunities.

The NPRF has also committed €450 million to finance the national roll out of domestic water meters. In addition, the NPRF is actively supporting the development of the market for venture capital in Ireland through its continued participation in Innovation Fund Ireland in conjunction with Enterprise Ireland. On 15 March 2012, the Minister for Enterprise, Jobs and Innovation announced the commencement of the second call for expressions of interest from appropriately qualified international venture capital managers.

Further involvement of the NPRF in the SIF is expected to require the amendment of the investment policy of the NPRF, which is set out in the National Pensions Reserve Fund Act 2000. Officials of my Department are liaising with the National Treasury Management Agency, which is the Manager of the NPRF, in identifying and drafting the necessary amendments to the legislation and I expect to bring forward proposals for amending legislation as soon as possible once that work is completed.

Public Liability Insurance

177. **Deputy Terence Flanagan** asked the Minister for Finance if he will deal with the following matter (details supplied) regarding public liability insurance; and if he will make a statement on the matter. [23856/12]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy is aware public liability insurance is not a compulsory requirement in Ireland at present. However, it is deemed an essential insurance cover by many bodies that authorise others to conduct work on their behalf, e.g. many primary contractors will refuse to allow sub contractors onto a site without proof that they hold adequate public liability cover, even though it is not a legal requirement.

There are currently no proposals to make public liability insurance compulsory. It should be noted that any decision of this nature would have implications for the small business sector and therefore would first require consultation with the relevant stakeholders.

Tax Reliefs

178. **Deputy Michael Healy-Rae** asked the Minister for Finance his views on whether persons (details supplied) should receive a refund of capital gains tax; and if he will make a statement on the matter. [23857/12]

**Minister for Finance (Deputy Michael Noonan):** I am informed by my colleague, the Minister for the Environment, Community and Local Government, that the responsibility for zoning lands for specific purposes is a matter for planning authorities through their development plans and local area plans. Under the Planning Acts, the making, reviewing and varying of a development plan, and the making, amending or revoking of a local area plan is a reserved function of the elected members of the planning authority for the area. The legislative framework also provides for appropriate public consultation procedures.
Under section 10(8) Planning and Development Act 2000 there is no presumption in law that any land zoned in a particular development plan (including a development plan that has been varied) will remain so zoned in any subsequent development plan. Furthermore, under Section 19(6) Planning and Development Act 2000, as amended, there is no presumption in law that any land zoned in a particular local area plan must remain so zoned in any subsequent local area plan.

Where property is transferred from one generation to another by way of a gift, the person making the transfer could have a Capital Gains Tax (CGT) liability — s/he is deemed to have disposed of the property at market value. Under the self-assessment tax system, the individual’s liability would have been calculated on figures provided by the person disposing of the land and/or his tax agents. The individual may also have been able to claim various reliefs and exemptions from CGT on the disposal, depending on the circumstances. There is no CGT liability if a property transfers on a person’s death.

The CGT paid by the person disposing of the property can be used as a credit against any Capital Acquisitions Tax (CAT) liability on that same event of the person receiving the property as a gift. The person receiving the gift can also claim the relevant group tax-free threshold (currently €250,000 for gifts/inheritances from parents to children, and up to €542,544 in previous years) and possibly other CAT reliefs.

The determination of tax charges by reference to the value at the time a taxable event takes place is central to the taxation system. Values may increase or decrease over time subsequent to taxable events. Departing from this basis of determination could lead to unacceptable levels of uncertainty within the taxation system.

**Banking Sector Restructuring**

179. **Deputy Gerry Adams** asked the Minister for Finance if he intends to proceed with plans to move tracker mortgages from State owned banks such as Permanent TSB and Allied Irish Bank to Irish Bank Resolution Corporation. [23915/12]

181. **Deputy Gerry Adams** asked the Minister for Finance his plans for further restructuring of the State owned banking sector. [23917/12]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 179 and 181 together.

As the Deputy can appreciate, officials from the Irish Authorities are in constant on-going dialogue, with all of the covered institutions with a view to considering and implementing structures and solutions which would seek to advance the overall financial system. As and when further measures are agreed/solutions emerge I will inform the Houses as appropriate.

As part of this process the Government has specifically committed to a number of issues including:

- A review of the arrangements that were put in place to capitalise IBRC — formerly Anglo Irish Bank and Irish Nationwide.

- Submission of a Restructuring plan for Irish Life and Permanent to the European Commission by end June 2012.

The purpose of the review of the Promissory Notes is to determine if there was a way to reduce the overall cost to the State. Part of the capitalisation of IBRC was provided using promissory notes as consideration.
While the development in relation to the end March Promissory Note payment is positive, we must continue to work towards the greater benefits which would derive from the re-engineering of the promissory note. There are potential improvements for the banking sector which could also stem from the ongoing technical discussions.

It is for these reasons that we must look at the recent developments as an initial step in a process. This is a medium term project. The Government is focused on developing an alternative solution to the promissory note arrangement in IBRC. It is too early at this stage of the process and indeed it would be inappropriate to predetermine what a successful outcome will look like or to indicate how the various stakeholders have or may react to various proposals. The Government’s aim is to arrive at a successful conclusion that is in the interests of Ireland and the EU.

**Banking Sector Restructuring**

180. **Deputy Gerry Adams** asked the Minister for Finance if his Department, Allied Irish Bank or Permanent TSB has had any contacts with a company (details supplied) in relation to his plans for further restructuring of the State owned banking sector. [23916/12]

**Minister for Finance (Deputy Michael Noonan):** I can confirm that neither I nor any officials from the Banking Division of my Department have had any contacts with that company in relation to Government plans for further restructuring of the State owned banking sector.

I am also informed by AIB and PTSB that they also have not had any contact with that company in relation to further restructuring of the State owned banking sector. While the banks have provided confirmation in this case it should be noted that disclosures in relation to commercial matters such as these are commercially sensitive for the banks and are not generally disclosed.

*Question No. 181 answered with Question No. 179.*

**National Car Testing Service**

182. **Deputy Jerry Buttimer** asked the Minister for Finance if he will provide, in soft copy and hard copy format, full details of the arrangements between the Revenue Commissioners and the National Car Testing Service for the carrying out of a range of vehicle registration functions by the NCTS on behalf of the Revenue Commissioners and in particular details in relation to the tendering process by which the contract was awarded, further details of the contract between the Revenue Commissioners and the NCTS and full details of all management and or operational guidelines issued by the Commissioners to the NCTS; and if he will make a statement on the matter. [23938/12]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that section 131 of the Finance Act 1992 (as amended by section 104 of the Finance Act 2010) provided for the appointment of a “competent person” to carry out certain functions relating to the registration of vehicles in the State on behalf of the Revenue Commissioners, while section 109 of the Finance Act 2010 provided for the authorisation of such competent person in respect of the collection and payment of the tax to the Revenue Commissioners. Statutory Instrument 400/2010 outlines the timeframe and the conditions under which used vehicles brought into the State must be registered.

The Deputy may wish to note that following a procurement process carried out during 2008 by the Road Safety Authority and which the Revenue Commissioners were party to, in accordance with the public sector procurement rules, Applus Car Testing Limited were awarded the
[Deputy Michael Noonan.]

tender. Subsequently Revenue appointed Applus Car Testing Limit as the “competent person” and authorised them to carry out specified registration functions in relation to the operation of VRT. They have been performing those functions in the State since 1 September 2010. All management and operational guidelines issued to Applus are governed by both the primary and secondary legislation outlined above. The VRT manuals, which are available on the Revenue website, (http://www.revenue.ie/en/tax/vrt/index.html) outline in detail the requirements for registering vehicles in the State.

Mortgage Interest Rates

183. **Deputy Peter Mathews** asked the Minister for Finance his plans regarding an increase to interest rates on standard variable mortgages; and if he will make a statement on the matter. [23988/12]

**Minister for Finance (Deputy Michael Noonan):** The lending institutions in Ireland, including those in which the State has a significant shareholding, are independent commercial entities.

Ultimately the pricing of financial products, including standard variable mortgage interest rates, is a commercial decision for the management team and board of each lending institution, having due regard to their customers and the impact on profitability, particularly where the cost of funding to each lending institution, including deposit pricing, is under pressure.

Neither the Central Bank nor I have any responsibility for any variation in the variable mortgage interest rates charged by Financial Institutions. However, as I have indicated in replies to previous Parliamentary questions on this subject, the Central Bank has advised me that it will continue to engage with specific lenders which appear to have standard variable rates set disproportionate to their cost of funds.

Mortgage Interest Rates

184. **Deputy Peter Mathews** asked the Minister for Finance his plans to advise Irish Life and Permanent to decrease its interest rate on standard variable mortgages in view of the fact that AIB was directed not to increase its interest rate on standard variable mortgages. [23989/12]

**Minister for Finance (Deputy Michael Noonan):** As has been stated previously, I have no role in the day-to-day commercial and operational decisions, which include these matters. Ultimately, the pricing of financial products, including standard variable mortgage interest rates, is a commercial decision for the management team and board of IL&P, having due regard to their customers and the impact on profitability.

Notwithstanding the fact that the State is a significant shareholder in IL&P, I must ensure that the bank is run on a commercial, cost effective and independent basis to ensure the value of the bank as an asset to the State, as per the Memorandum on Economic and Financial Policies agreed with the EU Commission, the ECB and the IMF. Relationship Frameworks have now been agreed that clearly define the nature of the relationship between me and each of the covered institutions. Those Frameworks were published on 30 March 2012 and can be found at: http://banking.finance.gov.ie/presentations-and-latest-documents/.

It should be noted however that PTSB recently announced a 0.5% reduction in its standard variable rate effective from yesterday and it now stands at 4.69% bringing the rate more in line with those charged by other institutions in the Irish mortgage market.

European Financial Stability Fund

185. **Deputy Finian McGrath** asked the Minister for Finance if Ireland can avail of European
Financial Stability Facility funding up to July 2013; and if €248 billion is still left in that fund. [24047/12]

**Minister for Finance (Deputy Michael Noonan):** Access to funds under the European Financial Stability Fund (EFSF) can be granted following an application to the EFSF for financial assistance. This assistance will be granted on the basis of a Financial Assistance Facility Agreement. Such an agreement, will be conditional upon the relevant euro-area Member States entering into a Memorandum of Understanding (MoU) with the European Commission, acting on behalf of the euro-area Member States. Any MoU entered into will be subject to conditionality, such as budgetary discipline, economic policy guidelines and their compliance with the terms of such an MoU.

The EFSF has been created as a temporary institution. The EFSF Framework agreement as amended provides that “Euro-area Member States which are potential borrowers may only request and enter into Loan Facility Agreements up to 30 June 2013 (provided that loans may be disbursed after this date under Loan Facility Agreements entered into prior to this date).”

It also provides that EFSF guarantors shall only be required to issue a guarantee to facilitate the financing under Loan Facility Agreements entered into on or prior to 30 June 2013.

In accordance with its Articles of Association, the EFSF will be liquidated on the earliest date after 30 June 2013 on which there are no longer loans outstanding to a euro-area Member State and all Funding Instruments issued by EFSF and any reimbursement amounts due to Guarantors have been repaid in full.

This means that after June 2013, EFSF would not enter into any new programmes but will continue the management and repayment of any outstanding debt and will close down once all outstanding debt has been repaid.

The Eurogroup’s statement of 30 March 2012, provides that the ESM will be the main instrument to finance new programmes as from July 2012. Its lending capacity will be €500 billion. The EFSF will, as a rule, only remain active in financing programmes that have started before that date. For a transitional period until mid-2013, it may engage in new programmes in order to ensure a full fresh lending capacity of EUR 500 billion for the ESM during the initial set up period.

These arrangements form part of a number of initiatives. All these initiatives were made to improve the governance of the euro area through enhancements of the Stability and Growth Pact, the new macro-economic imbalances procedure, the Euro Plus Pact and the Fiscal Compact enshrined in the new Treaty on Stability, Cooperation and Governance in the Economic and Monetary Union. Finally, robust firewalls have been established. This comprehensive strategy has paid off and led to a significant improvement of market conditions.

Ireland’s EU-IMF programme of financial support runs until end 2013. Funding will continue to be granted to Ireland under this programme provided that Ireland continues to comply with the relevant Memorandum of Understanding agreed with the troika.

The ESM will fund any programme through borrowing on the financial markets and lending the funding to programme countries. The capital base, both paid in and callable, provides the back up for the borrowing.

**Banking Sector Regulation**

186. **Deputy Gerry Adams** asked the Minister for Finance if the Central Bank of Ireland will confirm whether the outsourcing of servicing of residential mortgages for Permanent TSB or any other covered financial institution is considered a controlled function or pre-approval con-
trolled function under the meaning of the Central Bank Reform Act 2010; and if he will make a statement on the matter. [24080/12]

187. **Deputy Gerry Adams** asked the Minister for Finance if the Central Bank of Ireland will confirm whether the outsource services which IBRC is seeking after their published pre-qualification questionnaire are services which the Central Bank of Ireland deem as a controlled function or pre-approval controlled function under the meaning of the Central Bank Reform Act 2010; and if he will make a statement on the matter. [24081/12]

188. **Deputy Gerry Adams** asked the Minister for Finance if the Central Bank of Ireland will confirm whether the current agreement between a company (details supplied) and Allied Irish Banks is defined as a controlled function or pre-approval controlled function under the meaning of the Central Bank Reform Act 2010; if he will confirm, if it is considered a pre-approval controlled function, whether Allied Irish Banks obtained the prior written approval from Central Bank of Ireland to appoint the company for the outsourcing services as required under the Central Banks Guidance on Fitness and Probity Standards for outsourcing to an unregulated entity; if he will confirm whether as per the Central Bank of Ireland Guidance on Fitness and Probity Standards 2011 the Central Bank assured itself that persons in the company performing the pre-approval controlled functions were compliant with the fitness and probity standards; if he will confirm whether those persons included any of the shareholders of the company; and if he will make a statement on the matter. [24082/12]

189. **Deputy Gerry Adams** asked the Minister for Finance if he will confirm whether the Central Bank of Ireland, in their consideration of compliance with Section 3.3.2(c) of the Fitness and Probity Standards Code, a person’s performance of a function in a regulated financial service provider that received State financial support, only concerns financial service providers which received State financial support and not non-Irish State financial support; and if he will make a statement on the matter. [24083/12]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 186 to 189, inclusive, together.

I have been informed by the Central Bank of Ireland that they are precluded under section 33AK of the Central Bank Act 1942, from disclosing information on individual financial service providers.

The Fitness and Probity Regime applies to regulated financial service providers. Under section 21(1) of the Central Bank Reform Act 2010 a regulated financial service provider shall not permit a person to perform a Controlled Function unless:

a) The regulated financial service provider is satisfied on reasonable grounds that the person complies with the Fitness and Probity Standards 2011 (“Standards”), and

b) The person has agreed to abide by the Standards.

A person to whom the Standards apply shall comply with them at all times. Specifically a person is required to be:

a) competent and capable;

b) honest, ethical and to act with integrity; and

c) financially sound.
The standards do not apply to persons performing functions with respect to a regulated financial service provider where that function is carried on by another person (e.g. outsourced) and all of the following conditions are satisfied:

a) there is in place a written agreement between the regulated financial service provider and the entity to which the function is outsourced, for the carrying on of that function; and

b) the entity to which the function is outsourced is a financial service provider who is regulated either the Central Bank of Ireland or another financial regulator in another jurisdiction.

Otherwise, the standards apply.

The meaning of Controlled Functions and Pre-approval Controlled Functions are set out in the Central Bank Reform Act 2010 (sections 20 and 22) Regulations 2011, S.I. No. 437 of 2011 as amended by Central Bank Reform Act 2010 (sections 20 and 22) (Amendment) Regulations 2011, S.I. No. 615 of 2011.

In determining whether an individual is performing a Controlled Function or a Pre-approval Controlled Function, regulated financial service providers should assess the role and functions of each individual in line with the definitions prescribed in the Regulations. The regulated financial service provider should consider the responsibilities of the specific function and determine the specific competencies expected of a person performing that specific Controlled Function. Pre-approval Controlled Functions are by definition also Controlled Functions.

The Central Bank have informed me that if a person performed a function in a regulated financial service provider, which if performed at present would be subject to fitness and probity standards, and that regulated financial service provider received State financial support, consideration shall be given to the competence and skills demonstrated by that person in that function and to the extent, if any, to which the performance of his or her function may have contributed to the necessity for such State financial support.

The Central Bank takes into account all relevant matters in its assessment of a person’s competence and capability and this would include their performance, where appropriate, in a financial service provider which received non-Irish State financial support.

State Banking Sector

190. **Deputy Gerry Adams** asked the Minister for Finance his views on whether it was appropriate for the current chief executive of State owned IBRC to send a supportive text message to a person (details supplied) on 27 January 2012 revealing IBRC board minutes at a time when the person was challenging another State owned institution the National Assets Management Agency thus preventing the sale of €800 million of NAMA debt; if he will confirm the reason NAMA and IBRC are adopting competing positions when both institutions are in wind down and the sole objective of both institutions is to sell assets and minimise losses for the taxpayer; and if he will make a statement on the matter. [24084/12]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy is aware the Board of the bank is responsible for the day to day operation of the bank including communications with the bank’s customers. Nonetheless when the matter of the text communication was raised in the context of the UK Court hearings I wrote to the Chairman of the bank seeking assurances in relation to the matter.

I have been informed by the bank that IBRC uses multiple forms of communication when communicating with clients and text messaging is a normal means of communicating with
people quickly and efficiently in certain circumstances, in particular with clients who travel regularly and who do not have immediate access to email.

The CEO communicated with this performing client of the Bank in this manner following a Board decision that impacted on his relationship with the Bank. This was, in the opinion of the bank, an appropriate and necessary communication to confirm to the client the outcome of the Board’s deliberation with regard to the future of his loans. The CEO has the full support of the Board in relation to this matter.

Furthermore, IBRC is a separately regulated State entity with a specific mandate to ensure the maximum return to the Irish taxpayer in the management of its business. The bank’s decisions are based on its total client exposure and the optimum re-structuring of its loans to secure maximum recovery for the State. IBRC therefore does not and should not, in normal course business, make decisions based on independent courses of action chosen by NAMA.

Ministerial Transport

191. **Deputy Gerry Adams** asked the Minister for Finance the annual cost of the new scheme introduced for the provision of drivers for Ministers in 2011 and to date in 2012; if he will provide a comparison of the annual cost of the provision of civilian drivers and the Ministers using their own cars with the previous scheme of Garda drivers and State cars. [24085/12]

**Minister for Finance (Deputy Michael Noonan):** In response to the Deputy’s question the annual costs for the new scheme introduced for the provision of drivers for Ministers are a matter for each Department. In relation to the use of my car for Ministerial travel under this scheme, the total cost for the period May 2011-May 2012 has been €129,867.81. This cost includes mileage (which is to cover car related expenses), the salaries paid to civilian drivers, travel and subsistence paid to the drivers and Employer PRSI contributions in respect of the two drivers. This amount is significantly below the €280,000 average annual cost under the previous domestic Ministerial transport regime for each Minister.

Departmental Correspondence

192. **Deputy Michael Healy-Rae** asked the Minister for Finance his views on correspondence regarding volunteering and community groups (details supplied); and if he will make a statement on the matter. [24107/12]

**Minister for Finance (Deputy Michael Noonan):** The Deputy’s question raises a number of issues which are quite complex and which appear to fall under the responsibility of a number of Departments. From an initial analysis, it appears these Departments include the following: Jobs, Enterprise and Innovation; Justice and Equality; and Environment, Community and Local Government. As a result, it is not possible to provide the definitive position on this matter within the available time for your question. However, I will ensure the matter will be investigated by my officials in conjunction with officials in the other Departments so that the required material can be provided to the Deputy in due course.

National Asset Management Agency

193. **Deputy Michael Healy-Rae** asked the Minister for Finance his plans to take persons, who paid an inflated price for property three, four and five years ago and who now see the same properties being sold for a fraction of that cost, out of the situation in which they find themselves in view of the new proposal by the National Assets Management Agency regarding
a deferred payments on new properties being sold; and if he will make a statement on the matter. [24126/12]

**Minister for Finance (Deputy Michael Noonan):** NAMA launched its 80:20 Deferred Payment Initiative on 8 May 2012. This initiative is being made available initially on a pilot basis in respect of 115 houses located in residential developments in counties Dublin, Meath and Cork. Further details on the Initiative including eligible properties are available on NAMA’s website, www.nama.ie. I am informed by NAMA that the pilot scheme will be subject to an evaluation as to its outcome and that it may in future extend the Initiative to additional residential units and, if so, it is envisaged that these would be located across the range of regions in which its debtors control units which may be suitable.

Regarding the issue of mortgage difficulty, last summer the Government’s Economic Management Council established an inter-departmental group to consider further actions that could be deployed to address the increasing problem of mortgage over-indebtedness. This group, which was chaired by Mr. Declan Keane, produced its report at the end of September and it was subsequently published by Government last October. The report concluded that blanket debt forgiveness schemes would not be an effective use of scare resources and that interventions should best be utilized to assist people address temporary repayment difficulties or, if necessary in more difficult cases, for banks and the State authorities to develop and provide more sustainable options on a case by case basis. The Government has accepted the “Keane Report” recommendations as the most appropriate general way to address the problem of significant mortgage arrears. A high level steering group of senior officials, chaired by the Secretary General of my Department, is now overseeing the implementation of these measures.

On the wider issue of mortgage affordability, and in line with the commitment in the Programme for Government, I announced in Budget 2012 that I was increasing mortgage interest relief to 30 per cent for first-time buyers who took out their first mortgage in the period 2004 to 2008. This was the period during which house prices were at their peak.

I have sought to be as flexible as possible within the constraints pertaining. Under the current tax legislation Mortgage Interest Relief is granted from the date the first mortgage interest payment is made. The legislation has been amended for this particular measure to also include mortgage draw-down as a qualifying event for the rate increase. This means that a mortgage holder will qualify for the increased rate if they made their first mortgage interest payment in the period 2004 to 2008 or if they drew down their mortgage in that period.

**National Asset Management Agency**

194. **Deputy Michael McGrath** asked the Minister for Finance the percentage and nominal value of loans in the National Assets Management Agency that are income generating at present; the percentage of the income being generated that comes from rental income paid on commercial property leased by Government Departments, State agencies and other public bodies. [24224/12]

**Minister for Finance (Deputy Michael Noonan):** I have been informed by NAMA that it estimates it received income in respect of 33% of its loan portfolio, representing a nominal value of €23.55 billion of the total nominal value of the portfolio of €71.19 billion. It is estimated that for 21% of the loan portfolio (a nominal value of €15.05 billion), loans are fully performing in accordance with their contractual obligations; for an additional 12% of the loan portfolio (a nominal value of €8.5 billion), loans generate some income but not sufficient to meet fully their contractual obligations as per loan agreements.
NAMA advise me that it has been working to capture as much of the underlying rental income generated by assets as possible.

In relation to the percentage of income that originates as rental income from commercial property leased by Government Departments, State agencies and other public bodies, NAMA advises that it cannot readily identify the type of client paying rental income to debtors. However, the amount of rental income being paid to NAMA debtors by State agencies is not thought to be substantial.

**Liquor Licensing Laws**

195. **Deputy Michael McGrath** asked the Minister for Finance further to Parliamentary Question No. 135 of 13 March 2012, in considering whether or not to facilitate the issuing of a publican’s licence to a new person or entity, the Revenue Commissioners take account of outstanding tax liabilities owed by the previous holder of the licence or if the Revenue Commissioners is willing to facilitate the issuing of the licence to a new person or entity provided the normal conditions are in place irrespective of whether the previous licence holder still has significant tax liabilities arising from the holding of the licence. [24227/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that all persons or entities who wish to obtain a publican’s licence must hold a valid tax clearance certificate. Tax compliance issues, including the matter of outstanding liabilities, are dealt with through the tax clearance process. If an old licensee, who owes tax, and a proposed new licensee, are connected persons within the meaning of Section 1094(3) of the Taxes Consolidation Act 1997 then a tax clearance certificate cannot be obtained by such a new proposed licensee. Accordingly, in these circumstances a proposed new licensee will not be in a position to obtain a Publican’s Licence.

If there is not a connection between the parties, as provided for in Section 1094(3) Taxes Consolidation Act 1997, then the tax liabilities of the original licensee have no implications for the granting of a new licence to a different unconnected party or entity.

**Appointments to State Boards**

196. **Deputy Timmy Dooley** asked the Minister for Finance the appointments made by him to State boards under the remit of his Department since March 2011 that were advertised; and if he will make a statement on the matter. [24245/12]

**Minister for Finance (Deputy Michael Noonan):** In the period in question the following appointments were made by me as Minister for Finance to bodies under the remit of my Department:

**NTMA Advisory Committee**

Mr. John Moran, Secretary General, Department of Finance, was appointed to the National Treasury Management Advisory Committee on the 6th March 2012. The post was not advertised because it has been the norm to appoint the Secretary General of the Department of Finance to the Advisory Committee since the establishment of the National Treasury Management Agency.

**National Pensions Reserve Fund Commission**

Mr. Maurice Keane was reappointed to the NPRF Commission with effect from 5th February 2012. The post was not advertised as it was a reappointment.
Irish Fiscal Advisory Council

The Fiscal Council was established in June 2011. The five members of the Council (Messrs. Sebastian Barnes, Alan Barrett, Donal Donovan, John McHale and Ms. Roisin O’Sullivan) were appointed with effect from 7th July 2011. The posts were not advertised.

National Asset Management Agency

Mr. John Mulcahy was appointed to the Board of the National Asset Management Agency. He was not appointed under the new procedures for board appointments as he was an internal appointment from within the National Asset Management Agency. Mr. Mulcahy is head of Asset Management within the National Asset Management Agency.

Public Procurement Contracts

197. Deputy Luke “Ming” Flanagan asked the Minister for Education and Skills the reason a construction company must have a turnover of €700,000 or greater in order to tender for the construction of primary schools; in view of the overall reduction in construction costs of recent years, if he will consider reducing this threshold and thus open up opportunities to smaller builders who have been hardest hit by the construction downturn; and if he will make a statement on the matter. [23682/12]

Minister for Education and Skills (Deputy Ruairí Quinn): Public procurement guidelines direct that the principles of fairness and openness apply when Public Bodies acquire goods or services. The following information must be made available as part of a tendering process:

(i) qualitative selection criteria (i.e. minimum mandatory requirements) to include evidence of financial standing and technical capability;

(ii) award criteria to include the lowest price or most economically advantageous tender using various criteria such as price, period for completion, running costs, technical merit, etc.

(iii) detailed reasons to unsuccessful candidates as to why their application was rejected.

The Department’s guidelines provide proportionate minimum standards for qualification and advocate the use of open procedures for projects valued less than €2.5m. This ensures that indigenous parties have equal access to the market.

An Stráitéis 20 Bliain don Ghaeilge

198. D’hfhiafraigh Pearse Doherty den Aire Oideachais agus Scileanna cén uair a hfoilseofar beartas a Roinn don Ghaeltacht ag eascairt as obair an Ghrúpa Oibre Ardleibhéal idir an Roinn Ealaíon, Oidhreachta agus Gaeltachta agus an a Roinn chun díríú ar chur i bhfeidhm na Stráitéise 20 Bliain don Ghaeilge i réimse gnímh an oideachais, ar Grúpa é a bunaíodh in Earrach na bliana 2011 faoi mhír 5.5 de Phlean forfheidhmíthe na Roinne Ealaíon, Oidhreachta agus Gaeltachta don bhliain 2011 maidir leis an Stráitéis 20 Bliain don Ghaeilge, 2010-2030. [24219/12]

Minister for Education and Skills (Deputy Ruairí Quinn): Ag eascairt as an obair a rinne an Grúpa Ardleibhéal, tá oifigigh as an Roinn Óideachais agus Scileanna ag comhoibrú go dlúth le hhoifigigh as an Roinn Ealaíon, Oidhreachta agus Gaeltachta faoi chur i bhfeidhm na Stráitéise 20 Bliain. Tá roinnt bearta bainteach le hoideachas atá sa Stráitéis ar siúl cheana féin agus tacóidh siad seo leis an oideachas i gceantair Ghaeltachta. Níl sé i gceist faoi láthair polasaí sainiúil a fhoilsiú a eascraíonn as obair an ghrúpa.
Back to Education Initiative

199. **Deputy Tom Fleming** asked the Minister for Education and Skills if he will provide an update on the back to education initiative; the number of the available 3000 places that were taken up; the number in each county; and the progress and potential for the participants to access work. [24232/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** The aim of the Back to Education Initiative (BTEI) is to target adults with less than upper second level education in a range of part-time learning opportunities which lead to certification at Levels 1-6 on the National Framework of Qualifications (NFQ).

In 2011 there were just over 32,000 BTEI participants, of whom just over 4,100 availed of the 3,000 additional BTEI places provided under the Jobs Initiative. The vast majority (over 3,000) are continuing in BTEI courses. The rest have progressed to other further education provision or into employment.

A county-by-county breakdown of participants in the BTEI under the Jobs Initiative is set out below:

<table>
<thead>
<tr>
<th>VEC</th>
<th>No. Jobs Initiative participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carlow</td>
<td>32</td>
</tr>
<tr>
<td>Cavan</td>
<td>193</td>
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<tr>
<td>Clare</td>
<td>239</td>
</tr>
<tr>
<td>Cork City</td>
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<tr>
<td>Cork County</td>
<td>212</td>
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<tr>
<td>Donegal</td>
<td>118</td>
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<tr>
<td>Dublin City</td>
<td>534</td>
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<tr>
<td>Dublin County</td>
<td>312</td>
</tr>
<tr>
<td>Dun Laoghaire</td>
<td>39</td>
</tr>
<tr>
<td>Galway City</td>
<td>56</td>
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<tr>
<td>Galway County</td>
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<tr>
<td>Kerry</td>
<td>315</td>
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<td>Kildare</td>
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<tr>
<td>Kilkenny</td>
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<tr>
<td>Laois</td>
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<td>Leitrim</td>
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<tr>
<td>Limerick City</td>
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<td>Limerick County</td>
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<tr>
<td>Longford</td>
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<td>Louth</td>
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<td>Mayo</td>
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<td>Meath</td>
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<td>Monaghan</td>
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<td>Offaly</td>
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<td>Roscommon</td>
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<td>Sligo</td>
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<tr>
<td>Tipperary North</td>
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<td>Tipperary South</td>
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<tr>
<td>Waterford City</td>
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<td>Waterford County</td>
<td>77</td>
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Questions—15 May 2012.

<p>|</p>
<table>
<thead>
<tr>
<th>VEC</th>
<th>No. Jobs Initiative participants</th>
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<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Westmeath</td>
<td>59</td>
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<tr>
<td>Wexford</td>
<td>117</td>
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<tr>
<td>Wicklow</td>
<td>75</td>
</tr>
<tr>
<td>Total</td>
<td>4,121</td>
</tr>
</tbody>
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**Schools Building Projects**

200. **Deputy Peter Mathews** asked the Minister for Education and Skills the reason for a delay in construction of a school (details supplied) in County Dublin; and if he will make a statement on the matter. [23641/12]

210. **Deputy Peter Mathews** asked the Minister for Education and Skills if his attention has been drawn to the fact that a school (details supplied) in County Dublin is not responsible for the delays in the building project, that as the only non-fee paying Protestant school in south County Dublin, the demographics of the area justify a new building; and if he will make a statement on the matter. [23747/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 200 and 210 together.

The major building project for the school referred to by the Deputy was included in the five year construction programme and is listed to proceed to construction in 2015/2016.

For the purposes of the 5 Year construction programme new school building projects as well as major extensions have been prioritised on the basis of meeting demographic needs in areas where such needs have been identified.

Due to the financial constraints imposed by the need to prioritise the funding available each year for the provision of new school accommodation to meet the increasing demographic requirements it has not been possible to advance all projects to construction concurrently. The project is therefore scheduled for construction in 2015/16.

**Higher Education Grants**

201. **Deputy Peter Mathews** asked the Minister for Education and Skills the options available for furthering their education in respect of a person (details supplied); and if he will make a statement on the matter. [23642/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Under my Department’s Free Fees Scheme, students who have previously pursued but have not completed a course of third level study and subsequently resume third level studies are not eligible for free fees for the equivalent period of time spent on the first course of study where the third level course concerned attracted exchequer funding. In such cases exchequer funding includes fees, maintenance, tax relief, subsidy towards course cost etc. Where undergraduate students do not meet the eligibility criteria of the Scheme such students must pay the appropriate tuition fee as determined by the relevant third level institution.

To satisfy the terms and conditions of the student grant scheme in relation to progression, a student must be moving from year to year within a course having successfully completed the previous year or be transferring from one course to another where the award for the subsequent course is of a higher level than the previous course.

The objective of this policy is to help as many students as possible to obtain one qualification at each level of study. Given the level of demand on the student grant budget from first time
students and students that are progressing with their studies to a higher level, there are no plans at present to change the arrangements in place.

I would advise the student in question to apply to his local grant awarding body to establish his eligibility or otherwise for a grant.

Section 473A, Taxes Consolidation Act, 1997, as amended by Section 11 of the Finance Act 2011, provides for tax relief, at the standard rate of tax, for tuition fees paid in respect of approved courses at approved colleges of higher education including certain approved undergraduate and postgraduate courses in EU Member States and in non EU countries. Details are available on the Revenue Commissioners’ website at www.revenue.ie.

Departmental Bodies

202. **Deputy Niall Collins** asked the Minister for Education and Skills if he will outline the composition and persons involved in the Department’s Legislative Council; and if he will make a statement on the matter. [23649/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Department does not have a Legislative Council.

Public Procurement Contracts

203. **Deputy Joanna Tuffy** asked the Minister for Education and Skills the steps being taken to ensure that the schools built under the school building programme, and the replacement buildings for prefabs, provide jobs for tradespeople local to the construction being carried out; and if he will make a statement on the matter. [23651/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** It is a key principle, enunciated in the Public Procurement Guidelines, published by the NPPPU, that the public procurement function is discharged honestly, fairly, and in a manner that secures best value for public money. Contracting authorities must be cost effective and efficient in the use of resources while upholding the highest standards of probity and integrity.

The Guidelines require a competitive process carried out in an open, objective and transparent manner to achieve best value for money in public procurement. This is in line with EU Treaty principles and EU Directives on public procurement. The recently published Department of Finance Circular 10/10 was designed to provide small and medium enterprises with a level playing field for competing for public contracts.

Essential principles to be observed in conducting all procurement functions include non-discrimination, equal treatment, transparency, mutual recognition, proportionality, freedom to provide service and freedom of establishment. The Directives impose legal obligations on public bodies in regard to advertising and the use of objective tendering procedures for contracts above certain value thresholds.

In common with the rest of the Public Sector, capital works projects in schools are tendered under the standard Public Works Contracts as required by the Department of Finance and the Government Contracts Committee for Construction (GCCC). These contracts do not include provisions concerning the employment of local labour.

School Accommodation

204. **Deputy Sandra McLellan** asked the Minister for Education and Skills when a decision will be made regarding an extension to a school (details supplied) in County Cork; and if he will make a statement on the matter. [23652/12]
Minister for Education and Skills (Deputy Ruairí Quinn): An application for additional accommodation has been received from the school referred to by the Deputy. This application is currently being assessed and my Department expects to convey a decision on this application to the school authority shortly.

Residential Institutions Redress Scheme

205. **Deputy Joan Collins** asked the Minister for Education and Skills the position regarding payments in respect of a person (details supplied). [23679/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The Education Finance Board is an independent statutory body established pursuant to section 23 of the Commission to Inquire into Child Abuse (Amendment) Act 2005. My officials have forwarded your request to the Board requesting that it respond directly to you in relation to this matter.

Higher Education Grants

206. **Deputy Michael Creed** asked the Minister for Education and Skills the procedures to be followed when a person wishes to appeal a higher education grant refusal when this decision has also been upheld on appeal to the local authority; and if he will make a statement on the matter. [23684/12]

Minister for Education and Skills (Deputy Ruairí Quinn): Where the appeals officer from the awarding authority decides to reject the appeal, the applicant may appeal this decision to my Department or the independent appeals board, as appropriate.

Higher Education Grants

207. **Deputy Eoghan Murphy** asked the Minister for Education and Skills the position regarding a maintenance grant in respect of a person (details supplied) in Dublin 4. [23699/12]

Minister for Education and Skills (Deputy Ruairí Quinn): To satisfy the terms and conditions of the student grant scheme in relation to progression, a student must be moving from year to year within a course having successfully completed the previous year or be transferring from one course to another where the award for the subsequent course is of a higher level than the previous course.

The objective of this policy is to help as many students as possible to obtain one qualification at each level of study. Given the level of demand on the student grant budget from first time students and students that are progressing with their studies to a higher level, there are no plans at present to change the arrangements in place.

In the scenario presented by the Deputy, a student who already holds a Level 8 undergraduate qualification and intends to pursue a second undergraduate degree at the same level is not considered to be in progression and cannot be considered for funding, regardless of whether grant aid was made available to pursue the previous qualification.

However, tax relief at the standard rate of tax may be claimed in respect of tuition fees paid for approved courses at approved colleges of higher education including approved undergraduate and postgraduate courses in EU Member States and in non-EU countries. Further information on this tax relief is available from the Revenue Commissioners.

In relation to the issue of independent living, the position is that a student may be assessed as an independent mature student if he/she has attained the age of 23 on the 1st of January of the year of first entry to an approved course or of re-entry following a break in studies of at least three years and is not ordinarily resident with his/her parents from the previous 1 October. Otherwise he/she would continue to be assessed on the basis of his/her parents’ income.
School Staffing

208. **Deputy Finian McGrath** asked the Minister for Education and Skills the position regarding staffing arrangements in respect of a school (details supplied) in Dublin 5. [23720/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** When the moratorium on the filling of posts of responsibility was introduced the Government exempted Principal and Deputy Principal posts in all primary and post-primary schools and these posts continue to be replaced in the normal manner. The impact of the moratorium is therefore limited to Assistant Principal and Special Duties allowances payable to teachers on promotion. Vacancies at this level arise due to retirements in the specific grades and typically also from the knock on effect of filling Principal and Deputy Principal posts.

Some further limited alleviation was announced in August 2011 for schools that are acutely affected by the impact of the moratorium at Assistant Principal level. The alleviation arrangements are set out in the published Department Circular 53/2011. Applications for alleviation were received from 153 primary schools and the individual schools were notified directly of the outcome. The Department of Public Expenditure and Reform is currently conducting a review into allowances across the public sector. It is expected that this review will be finalised shortly.

Third Level Staff

209. **Deputy Anne Ferris** asked the Minister for Education and Skills if he will provide a breakdown of all unauthorised allowances to each of the senior academics for the 2005 to 2011 period; and if he will make a statement on the matter. [23740/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I would like to refer the Deputy to the letter from the Secretary General of my Department to the Public Accounts Committee of 28 November 2011.

The letter states that the Higher Education Authority (HEA) has conducted an exercise to determine definitively the quantum of monies at issue in respect of unauthorised payments to senior staff in each of the universities. The exercise encompassed payments made in respect of all post-holders in the university sector comprehended by the Review Body on Higher Remuneration in the Public Sector between June 2005 and February 2011 inclusive.

The following table sets out the extent of unauthorised allowances based on information provided to the HEA by each university. The amounts identified in each case should be treated as provisional. They are currently being verified by the Office of Comptroller and Auditor General (C&AG) to test the completeness and accuracy of the calculations produced. Unfortunately, I am unable to provide the information in the format requested by the Deputy as this exercise has not been finalised and presented to the Public Accounts Committee. It is hoped that this will be completed soon.

<table>
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<th>Amount</th>
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*Question No. 210 answered with Question No. 200.*
Higher Education Grants

211. Deputy Simon Harris asked the Minister for Education and Skills the grants available to Irish students who have been accepted for post graduate study at universities in Northern Ireland; and if he will make a statement on the matter. [23814/12]

Minister for Education and Skills (Deputy Ruairí Quinn): In the context of the necessary but difficult expenditure reduction measures announced in Budget 2012, new students entering postgraduate courses, including those in Northern Ireland, from the 2012/13 academic year onwards will not be entitled to maintenance payments under the Student Grant Scheme. Existing postgraduate students will not be affected.

However, those students who meet the qualifying conditions for the special rate of grant will be eligible to have their post-graduate tuition fees paid up to the maximum fee limit under the Student Grant Scheme.

In access terms, the requirement to pay a fee is considered to be a greater obstacle to entry than lack of maintenance support at postgraduate level. This is why I opted to maintain the fee-payment ahead of maintenance payments for postgraduate students.

In addition, a further limited number of students who would previously have qualified under the standard grant thresholds will qualify to have a €2,000 contribution made towards the costs of their fees. However, there will be a new income threshold for this payment which will be lower than the standard grant threshold. The income threshold for this level of grant is currently being determined in the context of the formulation of the student grant scheme for the 2012/13 academic year. Tax relief is also available on postgraduate tuition fees. Details in relation to this relief are available from the Revenue Commissioners.

In addition to this, the Fund for Students with Disabilities (FSD) provides funding to higher education institutions for the provision of services and supports for full-time students with disabilities, including those pursuing post graduate study at universities in Northern Ireland.

While it is regrettable that any changes need to be made to student supports, I believe this approach will continue to provide resources for a relatively wide number of post-graduate students and allow us to maintain the high level of supports provided to undergraduate students.

Adult Education

212. Deputy Dan Neville asked the Minister for Education and Skills if the appropriate funding will be provided for the continuation of the services being provided at a centre (details supplied) in County Limerick. [23819/12]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): The centre referred to by the Deputy is a Senior Traveller Training Centre (STTC).

In line with the Traveller Education Strategy and the 2008 Value for Money (VFM) Review of Youthreach and STTCs, it was announced in Budget 2011 that an integrated further education provision for Travellers would be implemented through the phasing out of STTCs by June 2012.

The full range of Adult and Further Education part-time and full-time programmes, such as Adult Literacy, Community Education, Back To Education Initiative (BTEI), Youthreach, the Vocational Training Opportunities Scheme (VTOS) and Post Leaving Certificate (PLC), have been and will continue to be open to Travellers.
Residential Institutions Redress Scheme

213. Deputy Michael Healy-Rae asked the Minister for Education and Skills his views on correspondence (details supplied) regarding the Residential Institutions Redress Board; and if he will make a statement on the matter. [23822/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The correspondence, inter alia, calls for the Residential Institutions Statutory Fund Bill 2012 to be voted down and suggests that not one survivor will benefit directly from the Fund only service providers. As the Deputy will be aware, this Bill has been drafted following the unanimous agreement of an all-party motion passed in Dáil Éireann in the aftermath of the 2009 Ryan Report publication. The Bill is intended to establish a Statutory Fund for the benefit of survivors in line with the spirit of the motion agreed by the Dáil.

As the Deputy will be aware, the Second Stage Debate on the Bill commenced last week. The Fund will be operated by a Board, whose membership will include four former residents. The Bill provides that on application to it, the Board can 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 an eligible former resident and can pay a grant to such former resident, to assist them to avail of an approved service.

The classes of services from which the Board can determine the approved services to be provided 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.

In determining criteria, the Board will take account of the individual circumstances of eligible former residents and it will 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.

I do not accept the suggestion that the Fund will only benefit service providers, clearly the services provided must be targeted to the specific needs of the individual applicant to the Board.

Disadvantaged Status

214. Deputy Brendan Smith asked the Minister for Education and Skills if he will consider a review of schools concerning DEIS status and the mechanisms he has in place for schools to qualify for DEIS; and if he will make a statement on the matter. [23830/12]

Minister for Education and Skills (Deputy Ruairí Quinn): A key priority for my Department is to prioritise and target resources in schools with the most concentrated levels of educational disadvantage. That challenge is significant, given the current economic climate and the target to reduce public expenditure. This limits the capacity for any additionality in the DEIS programme. In this context, I have no immediate plans to undertake the type of review to which the Deputy refers.
Questions— 15 May 2012.  Written Answers

The process of identifying primary and second-level schools for participation in DEIS was managed by the Educational Research Centre (ERC) on behalf of my Department and supported by quality assurance work co-ordinated through the Department’s regional offices and the Inspectorate in 2005.

Furthermore a review mechanism was put in place in 2005 to address the concerns of those schools that did not qualify for inclusion in the School Support Programme under DEIS but regarded themselves as having a level of disadvantage which is of a scale sufficient to warrant their inclusion in the programme.

A Report on the First Phase of the Evaluation of DEIS was published by the Education Research Centre, on behalf of my Department, in January 2012. In addition, a national composite report on the effectiveness of DEIS planning in primary and post-primary schools was also published by the Inspectorate of my Department in January 2012. These evaluations demonstrated positive outcomes for both schools and children participating in the DEIS programme.

Vocational Education Committees

215. **Deputy Brendan Smith** asked the Minister for Education and Skills when he intends to issue a circular to provide for by-elections for staff representatives to vocational education committees; and if he will make a statement on the matter. [23831/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** My Department proposes to proceed with by-elections to fill vacancies for representatives of staff and parent representatives in a number of vocational education committees as early as possible in the next school year. It is intended to issue a circular well in advance of the election date, which has yet to be determined.

Education and Training Boards

216. **Deputy Brendan Smith** asked the Minister for Education and Skills the provision he intends to make for learner/service user representation on the boards of the new education and training boards; and if he will make a statement on the matter. [23832/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** In October 2011 the General Scheme of an Education and Training Boards Bill was referred to the Oireachtas Joint Committee on Jobs, Social Protection and Education. The General Scheme was also published at that time. Following discussions with my Department and relevant stakeholders, the committee prepared a report which I responded to at a meeting of the committee on 25 January 2012. The composition of the new education and training boards is one of the issues which was raised by stakeholders with the Oireachtas Joint Committee on Jobs, Social Protection and Education and identified in Chapter 3 of the Joint Committee’s report.

The General Scheme has now been referred to the Office of the Parliamentary Counsel to the Government for formal drafting. The issue of the composition of the new bodies is being considered as part of the drafting process.

Third Level Courses

217. **Deputy Brendan Smith** asked the Minister for Education and Skills if he will report on the implementation of the Strategy on Internationalisation of Irish Education; if he is satisfied that sufficient progress is being made; and if he will make a statement on the matter. [23833/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Government is strongly committed to promoting Ireland as a centre for international education. The Programme for
Government sets out an ambitious target of doubling international student numbers over the coming five years, through full implementation of the international education strategy, Investing in Global Relationships. International education is also identified in the Action Plan for Jobs as a crucial sector for growth.

Significant progress is being made in implementing the strategy. Some key recent developments include:

— The new international brand and marketing campaign for Irish education, Education in Ireland, is being managed by Enterprise Ireland and has been rolled out in a number of key markets, including the USA, China and Russia.

— Enterprise Ireland is undertaking a range of other initiatives, including social media marketing and a pilot Student Ambassador programme to promote Ireland to international students.

— I will shortly be formally launching a new international scholarship scheme targeting high-performing students in our key markets with a view to significantly raising Ireland’s profile.

— The High Level Group on International Education, which is chaired by my Department, has agreed a set of priority markets, and market-specific plans are being developed on a rolling basis. Inter-governmental relationships are also being strengthened with these partner countries, through the signing of memorandums of understanding and exchange of high level visits.

— Education missions form a crucial part of our overseas outreach. The most recent mission was led by Minister of State Ciaran Cannon to China, and further missions are planned for later this year.

— My Department is also supporting the hosting of the Annual Conference of the European Association for International Education in Dublin later this year. Over 4,500 leading professionals in international higher education from more than 85 countries will participate in this conference, which will provide a unique platform to promote awareness of Ireland among sectoral professionals.

**Higher Education Grants**

218. **Deputy Patrick Nulty** asked the Minister for Education and Skills the position regarding grants for postgraduate students in the coming academic year; if he will review the decision to end maintenance payment under the student grant scheme for students entering new postgraduate courses from the 2012/2013 academic year onwards with a view to re-instating the payment; and if he will make a statement on the matter. [23834/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Deputy will be aware that, in the context of the necessary but difficult expenditure reduction measures announced in Budget 2012, new students entering postgraduate courses from the 2012/13 academic year onwards will not be entitled to maintenance payments under the Student Grant Scheme. However, those students who meet the qualifying conditions for the special rate of grant will be eligible to have their post-graduate tuition fees paid up to the maximum fee limit under the Student Grant Scheme.
Existing postgraduate students will not be affected. In addition, a further limited number of students who would previously have qualified under the standard grant thresholds will qualify to have a €2,000 contribution made towards the costs of their fees. My Department estimates that this will help an additional 4,000 postgraduate students. There will be a new income threshold for this payment which will be lower than the standard grant threshold. The income threshold for this level of grant is currently being determined in the context of the formulation of the student grant scheme for the 2012/13 academic year.

In access terms, the requirement to pay a fee is considered to be a greater obstacle to entry than lack of maintenance support at postgraduate level. This is why I opted to maintain the fee-payment ahead of maintenance payments for postgraduate students. My priority as Minister for Education and Skills is to preserve access to undergraduate higher education courses despite the difficult circumstances in our public finances. As a result, no changes were made to the eligibility criteria for undergraduate students in the recent Budget. It is also worth emphasising that 41% of all undergraduate students currently receive a grant and pay no student contributions.

The Student Assistance Fund will continue to be made available through the access offices of third-level institutions to assist students in exceptional financial need. Tax relief is also available on postgraduate tuition fees.

As the Government had factored in the savings from the changes in the student grant scheme to the public expenditure programme for 2012 onwards, I regret that I am not in a position to reverse or vary them.

**Schools Building Projects**

219. **Deputy John Paul Phelan** asked the Minister for Education and Skills the position regarding the funding for a much needed extension to a school (details supplied) in County Kilkenny; and if he will make a statement on the matter. [23852/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The delivery of the proposed extension at the school in question has been devolved to Co. Kilkenny VEC and I understand that the VEC will shortly commence the process of appointing a Design Team.

220. **Deputy John Paul Phelan** asked the Minister for Education and Skills if he is continuing to allocate devolved grants for extensions to school buildings; and if he will make a statement on the matter. [23853/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I wish to advise the Deputy that as outlined in the Five Year Plan and in view of the need to ensure that every child has access to a physical school place, the delivery of major school projects to meet significant demographic demands nationally will be the main focus for capital investment in schools in the coming years. The Five Year school building programme is focused on meeting those demographic needs. This announcement represents major advances in how the school building programme is publicised, and will provide certainty to patrons and school communities concerning the major school building projects that my Department is in a position to progress.

I also wish to advise the Deputy that where an immediate enrolment need in an area has been identified e.g. the appointment of an additional teacher and where school’s existing accommodation cannot provide for this growth, the Department will be prepared to consider applications by schools for capital funding for additional classrooms mainly on a devolved basis.

Any applications for grant aid for additional school accommodation can only be considered in the context of the challenges that I have outlined above.
State Examinations

221. **Deputy Maureen O'Sullivan** asked the Minister for Education and Skills if all examination superintendent invigilator work is remunerated at the same rate per hour per day regardless of level of exam or location of venue; and if he will make a statement on the matter. [23854/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations including organising the holding of examinations, determining procedures in places where examinations are conducted including the supervision of examinations and making arrangements for the marking of work presented for examination.

In view of this I have forwarded your query to the State Examinations Commission for direct reply to you.

School Staffing

222. **Deputy Derek Nolan** asked the Minister for Education and Skills further to Parliamentary Question No. 84, if whistle blowers can be facilitated with respect to reporting appointments of retired teachers; as set out in Circular 0031/2011; and if he will make a statement on the matter. [23858/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Under Circular 31/2011 each principal must report to his or her board of management on a regular basis on the fact that a list of unemployed registered teachers is being maintained, and the circumstances in which he or she has had to engage a registered teacher in receipt of a pension under a public service pension scheme or an unregistered person. Records relating to recruitment and appointment must be made available by the school for inspection by the Department and a copy of such a record must be furnished to the Department upon a request being made for this. My Department is monitoring the appointment of retired teachers on an ongoing basis.

Institutes of Education

223. **Deputy Kevin Humphreys** asked the Minister for Education and Skills the role being played in the educational system here with the development of Chinese Confucious Institutions; the funding streams available to universities and colleges through these institutions; if he will explain the detail, role, purpose and benefit of the Confucious Institutions; and if he will make a statement on the matter. [23866/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Confucius Institutes are an initiative of the Chinese Government, intended to promote study and awareness of Chinese language and culture worldwide. There are two such Institutes in Ireland, both based in universities: the UCC Confucius Institute and the UCD Confucius Institute for Ireland. As autonomous institutions, both universities have their own direct relationships with the Chinese authorities regarding funding and management of the Institutes.

I welcome and support the role played by the Confucius Institutes in promoting awareness of Chinese language and culture in Ireland, in particular the work they are doing locally and nationally with schools, through the provision of Chinese teachers and support materials. The Confucius Institutes in Cork and Dublin have been working with schools over a number of years, supporting Chinese Culture and Language learning on a school by school basis. A Transition Unit was developed by the UCD Confucius Institute based on its experience of working with Irish schools. It is designed to introduce students to both traditional and modern aspects
of Chinese culture and to support students learning some of the Chinese language, integrated into the teaching of each topic.

**Higher Education Grants**

224. **Deputy Finian McGrath** asked the Minister for Education and Skills the reason a third level student (details supplied) was treated in such a manner. [23868/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The decision on eligibility for a student grant is a matter for the relevant grant awarding authority.

The Deputy will appreciate that in the absence of all of the relevant details that would be contained in an individual’s application form and supporting documentation, it would not be possible for me to say whether or not a student should qualify for a grant. Where a grant application is refused, the reason for the refusal is given by the grant awarding authority. An applicant may appeal the decision to the relevant awarding authority. Where the appeals officer decides to reject the appeal, the applicant may appeal this decision to my Department or the independent appeals board, as appropriate. No appeal has been received in my Department to date.

**Special Educational Needs**

225. **Deputy Aodhán Ó Riordáin** asked the Minister for Education and Skills the annual allocation of funds to the National Behaviour Support Service; the nature of resources required by this service; if any qualitative analysis has been undertaken by the National Behaviour Support Service; and if he will make a statement on the matter. [23899/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The allocation of funds to the National Behaviour Support Service (NBSS) is €2,041,927 for 2012. This funding covers the full cost of the service including the employment of 1 National Co-ordinator, 4 Assistant National Co-ordinators, 7 Regional Development Officers, 1 Literary Development Officer, 1 Speech and Language Therapist, 1.75 Occupational Therapists and 1 Research Officer.

No overall qualitative evaluation of the NBSS has taken place. However qualitative research has been undertaken in the areas of the Behaviour Support Classrooms and Academic Literacy, Learning and Study Skills which show that preventative strategies and early intervention approaches adopted by teachers in their classroom and as part of wider school systems, structures and practices avoid the creation of a “wait to fail” model for student interventions. There is ongoing research in Whole School, Targeted Intervention and Intensive, Individualised Behaviour as part of NBSS’s three levels of support.

**Higher Education Grants**

226. **Deputy Brendan Griffin** asked the Minister for Education and Skills when the result of an appeal will be known in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [23913/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** An appeal from the person in respect of whom details were supplied by the Deputy is due for consideration at the next sitting of the Student Grants Appeals Board which is scheduled for the 7th June 2012.

**Special Educational Needs**

227. **Deputy Brendan Griffin** asked the Minister for Education and Skills when an examin-
Minister for Education and Skills (Deputy Ruairí Quinn): The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations including organising the holding of examinations and determining procedures in places where examinations are conducted including the supervision of examinations. I can inform the Deputy that the Commission operates a scheme of Reasonable Accommodations in the certificate examinations. Applications for such accommodations are submitted by schools on behalf of their students.

In view of the above I have forwarded your query to the State Examinations Commission for direct reply to you. I wish to inform the Deputy that in all cases where a school/parent or student is dissatisfied with any aspect of the SEC’s decision in relation to an application for reasonable accommodations, they have access to an Independent Appeals Committee. All members of the Appeals Committee are drawn from outside the SEC. The remit of the Appeals Committee covers appeals against all elements of a decision taken by the SEC. All appeals are considered in light of published principles.

Bullying in Schools

228. Deputy Kevin Humphreys asked the Minister for Education and Skills if he will provide a list of the organisations and individuals invited to participate in the Forum on Bullying; the issues related to bullying that are expected to be examined; if he will provide a copy of the agenda for the meeting; if cyber bullying will be considered; if a specific budget will be put in place to implement any measures that come out of the Forum or will the measures be examined on a cost neutral basis; and if he will make a statement on the matter. [23931/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I recently announced details of a forum to explore ways to tackle the problem of bullying in schools. This Anti-Bullying Forum is due to take place on the 17th of May 2012 and will bring together a range of experts, support groups and representatives of the schools sector including parents and students. It is envisaged that there will be a range of speakers on the day of the Forum which will include contributions from my Department, the National Anti-Bullying Coalition (NABC), an acknowledged academic or other expert in the field of anti-bullying and contributors from the school sector from the various perspectives of school principal, parent and pupils. The Forum will also give other stakeholders an opportunity to give their views. The agenda for the Forum and the list of organisations attending the Forum will be made available on my Department’s website shortly.

The objective of the Forum will be to explore with all the relevant stakeholders how best to tackle bullying in schools and to consider what changes or updating of existing practices and procedures are required to achieve this having regard to what is feasible to implement in the current financial climate. The work of the Forum and any recommendations from it must be cognisant of the current very difficult and challenging budgetary environment that is resulting in all areas of the public sector, including schools, having to operate on a reduced level of resources for the foreseeable future. Bullying is a problem I take very seriously and I hope that the Forum will provide an opportunity to set out a roadmap on how best to tackle all forms of bullying in our schools.

I have also established a working group on tackling bullying in schools, including homophobic bullying, cyber bullying and racist bullying. The outcomes and recommendations from the Forum will assist the working group in its deliberations. This working group includes representatives of the Department of Education and Skills and the Department of Children and Youth...
Affairs, and will draw upon the expertise of a range of organisations throughout their work. In accordance with the commitment in the Programme for Government, the first phase to be addressed by the Working Group will be homophobic bullying.

School Enrolments

229. **Deputy Brendan Smith** asked the Minister for Education and Skills the number of pupils that are expected to need school places in junior infants in September 2012 in Ashbourne, County Meath. [23982/12]

230. **Deputy Brendan Smith** asked the Minister for Education and Skills the number of junior infants classes expected to be needed to accommodate junior infants in September 2012 in Ashbourne, County Meath. [23983/12]

231. **Deputy Brendan Smith** asked the Minister for Education and Skills if there will be enough places in the various ethos based multi denominational and non-denominational schools to cater for the needs and requirements of parents in Ashbourne, County Meath for pupils starting school in September 2012; and the ratio of pupils expected to attend each school in the town. [23984/12]

232. **Deputy Brendan Smith** asked the Minister for Education and Skills the reason research was carried out among parents of prospective pupils in Ashbourne County Meath to ascertain their preference with regard to the ethos of schools in the town. [23985/12]

233. **Deputy Brendan Smith** asked the Minister for Education and Skills the reason the projected school enrolment needs for Ashbourne, County Meath over the next ten years. [23986/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 229 to 233, inclusive, together.

The need for additional school provision in Ashbourne was identified by analysis carried out by the Forward Planning Section of my Department, using enrolment data and demographic trends. My Department put in place an application and patron selection process for the establishment of new schools to cater for increasing demographics in Ashbourne.

Applications for patronage of the new schools were received from An Foras Patrúnachta and from Educate Together, both of whom are well established national patron bodies. Both patron bodies proposed to establish multi-denominational schools. Given that all existing schools in Ashbourne were Catholic in ethos, the provision of multi-denominational schools would increase diversity and parental choice in the area. Following consideration of these applications, approval was given for the commencement of a new Gaelscoil which opened in September 2011 and a new Educate Together School which will open in September 2012.

Prior to September 2011 there were three primary schools in Ashbourne town, all of which were under Catholic patronage. During 2010 and 2011 the Department had been examining the question of increasing the number of primary school places in Ashbourne to cater for the expected increase in enrolments. As part of that consideration the Department consulted with the patron of the three Catholic schools regarding extending the capacity of those schools. The patron indicated that, following local consultation in Ashbourne, the consensus was that the parish should not be involved in further primary school provision in the area.

With the commencement of the two new primary schools in Ashbourne there will be capacity for at least seven junior infant classes across the five schools in Ashbourne for September 2012. Five of these junior infant classes will be provided in schools with a Catholic ethos and two...
will be provided in schools with a multi-denominational ethos. The two newer schools also have the potential to take a second class group of junior infants each if necessary. This additional capacity at junior infant level should be more than sufficient to meet the projected demand for places in Ashbourne based on the analysis of child benefit data for the area.

School Staffing

234. **Deputy John McGuinness** asked the Minister for Education and Skills if a resource teaching post will be allocated to a school (details supplied) in County Kilkenny; and if he will make a statement on the matter.  [24055/12]

**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 of NCSE approved resource hours in accordance with the arrangements outlined above and set out in more detail in the Department Circular.

Higher Education Grants

235. **Deputy Peter Mathews** asked the Minister for Education and Skills his plans to reintroduce postgraduate grants or if there is a plan to bring in a student loan scheme to finance postgraduate studies; and if he will make a statement on the matter.  [24063/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** 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. Existing postgraduate students will not be affected while pursuing their current course.

In making these changes, I have provided for fee support for those students who meet the qualifyng conditions for the special rate of grant — they will continue to 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. However, there will be a new income threshold for this payment which will be lower than the standard grant threshold. The income threshold for this level of grant is currently being determined in the context of the formulation of the student grant scheme for the 2012/13 academic year.

Tax relief is also available on postgraduate tuition fees. Details in relation to this relief are available from the Revenue Commissioners.
In addition to this, the Student Assistance Fund will continue to be made available through the access offices of third-level institutions to assist students in exceptional financial need. Also the Fund for Students with Disabilities (FSD) provides funding to both further and higher education institutions for the provision of services and supports for full-time students with disabilities.

My Department is continuing to explore a range of possibilities for the provision of supports to assist students pursuing studies at postgraduate level.

As the Government had factored in the savings from the changes in the student grant scheme to the public expenditure programme for 2012 onwards, I regret that I am not in a position to reverse or vary them.

**Regulatory Impact Assessments**

236. **Deputy Terence Flanagan** asked the Minister for Education and Skills the number and description of any regulatory impact assessments that have been undertaken by his Department on legislation or proposed legislation since 9 March 2011; the stage in the legislative/policy development process at which the RIAs have been carried out; the number of RIAs that have been published by his Department over the same period; the manner of publication involved; and if he will make a statement on the matter. [23496/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Department has carried out work on two RIAs in the period since 9 March 2011. The Education (Amendment) Bill 2012 was published on 9 January 2012. A screening RIA for this Bill was finalised in December 2011 and is available to download on the Department’s website. The RIA for the Qualifications and Quality Assurance (Education and Training) Bill 2011 was published at the same time as the Bill in July 2011. The RIA is also available on the Department’s website.

**Schools Building Projects**

237. **Deputy Seamus Kirk** asked the Minister for Education and Skills the position regarding a building project at a school (details supplied) in County Louth; and if he will make a statement on the matter. [24078/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The building project referred to by the Deputy is currently at an early stage of Architectural Planning.

The Design Team was recently appointed and commenced Stage 1 (Preliminary Sketch Design) of the design process. My Department is awaiting a status update and completion of preliminary design works from the Board of Management and their Design team.

**Special Educational Needs**

238. **Deputy Tony McLoughlin** asked the Minister for Education and Skills the number of special need hours in total, relating to the number of pupils, that have been authorised for a school (details supplied) in Dublin 12 for the forthcoming academic year 2012/2013; and if he will make a statement on the matter. [24109/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I wish to advise the Deputy that all primary schools, including the school referred to by the Deputy have been advised of their revised General Allocation Model (GAM) allocation for the coming school year, based on the number of mainstream classroom teaching posts in the school in the proceeding year, which itself is based on school pupil enrolments. In relation to any additional allocation of resource teaching time for children with low incidence special needs, which is not provided for through
general allocation, I wish to advise that the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs) for allocating resource teachers and Special Needs Assistants (SNAs) to schools to support children with special educational needs. The NCSE operates within my Department’s criteria in allocating such support, which now includes a requirement for them to have regard to an overall cap on numbers of posts available.

Schools have been advised to make applications to the NCSE for low incidence resource teaching and SNA support for the 2012/13 school year by 16th March, 2012. Schools will subsequently be advised by the NCSE of their allocation for the 2012/13 school year, based on the number of valid applications received. It is open to schools to contact their local SENO in this regard, using the contact details available on www.ncse.ie.

Third Level Remuneration

239. **Deputy Pat Deering** asked the Minister for Education and Skills the different salary scales for the different grades of lecturer in the National University of Ireland Maynooth; and the increments or reductions they have received since 2008 [24114/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The information sought by the Deputy is in the table:

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Teaching Qualifications

240. Deputy Tony McLoughlin asked the Minister for Education and Skills in relation to the teaching of mathematics, his views that school management should deploy teachers who do not meet the qualification criteria for teaching mathematics as set down by the Teaching Council into the teaching of mathematics when there are more suitable qualified teachers in the school who might be deployed instead, and in cases where those teachers are already deployed in departments which are currently overstaffed. [24122/12]

241. Deputy Tony McLoughlin asked the Minister for Education and Skills in schools in which pupils are set by ability in mathematics, across both junior and leaving certificate programmes, resulting in a division between honours and ordinary level classes and also further divisions of the ordinary level classes into progressively less able groups, his views on whether it is appropriate to deploy particular teachers in a school to teach exclusively lower or lowest ordinary level/foundation levels sets, or should teachers be deployed across a range of ability sets; and if he will make a statement on the matter. [24123/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 240 and 241 together.

In the first instance, I would point out that the deployment of teaching staff in the school is a matter for the school management authorities. I acknowledge, however, that the proportion of Mathematics teachers without a major qualification represents a challenge to the system. This is, however, also a feature of education systems in other jurisdictions. The results of a survey of mathematics teaching undertaken by the Teaching Council, in 2011, shows that 66.4% of maths teachers are fully qualified to do so, 31.1% have undergone some studies in maths and only 2.5% of teachers teaching maths have no third level qualification/studies in maths.

Last September proposals were announced to introduce a course for teachers of Mathematics who may not have a formal qualification in the subject to upskill to the recognised levels. The tendering competition is now over and the assessment process is at an advanced stage. Arising out of this competitive process, I hope that the first courses will commence during the forthcoming school year. The course/s will aim to provide teachers with suitable mathematical content knowledge along with appropriate pedagogical strategies in line with the new Project Maths initiative. The provision of the training programme addresses the following recommendation of the Report of the Project Maths Implementation Support Group: “The Department of Education and Skills should work towards ensuring that all post primary students at all levels are taught mathematics solely by teachers who hold a qualification in mathematics by 2018.
Post graduate courses for existing teachers should be provided on a scale and level commensurate with this objective.”

It will provide unqualified maths teachers with the opportunity to upskill their knowledge of mathematics and study the strategies best suited to the new Project Maths syllabuses. Providing for high quality teaching and learning of mathematics is of key strategic importance to the State. In addition, schools have been asked to make every effort to deploy teachers who hold a qualification in mathematics to teach mathematics, which is particularly important in the formative years of junior cycle.

I believe that class grouping should be designed to enhance the students’ appreciation and understanding of mathematics and should serve to provide all students with an appropriate level of challenge but in a manner that is a positive learning experience for the student. A growing number of schools now place students in mixed-ability classes until the composition of the higher and ordinary-level cohorts is decided. The groupings within these levels should, where appropriate, contain a mix of abilities. It is essential that any decisions taken in this regard are educationally sound and focus on the students’ educational experience and on enhanced outcomes. Ultimately it rests with the individual school to develop, in partnership with its stakeholders, an educationally sound rationale, for the manner in which class groups are composed, which recognises the need for all of its students to achieve to the highest level possible.

School Staffing

242. Deputy Gerry Adams asked the Minister for Education and Skills the position regarding an appeal in respect of a school (details supplied) in County Louth; the number of teachers the school will have for September 2012; and if he will make a statement on the matter. [24131/12]

Minister for Education and Skills (Deputy Ruairí Quinn): 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.

Special Educational Needs

243. Deputy Clare Daly asked the Minister for Education and Skills if he will direct the chief executive officer of the National Council for Special Education to respond to the questions raised by email to the CEO (details supplied) dated 21 March 2012. [24144/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The National Council for Special Education (NCSE) was set up as an independent statutory body to improve the delivery of education services to persons with special educational needs arising from disabilities with particular emphasis on children. I have requested the NCSE to respond directly to the Deputy in relation to the Deputy’s question.
Schools Building Projects

244. **Deputy Michael McGrath** asked the Minister for Education and Skills the position regarding a request by a school (details supplied) in Cork for an increase in the size of a general purpose room as part of the design stage of a planned new school building (details supplied); and if he will make a statement on the matter. [24153/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The building project for the school referred to by the Deputy is at an early stage of architectural planning. My Department is currently considering the school’s request for an increase in the size of the GP room and will revert to the school authority shortly with a decision on the matter.

Schools Building Projects

245. **Deputy Dominic Hannigan** asked the Minister for Education and Skills the stage of the proposed development of a new building for a school (details supplied) in County Meath; and if he will make a statement on the matter. [24177/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** In view of the need to ensure that every child has access to a school place, the delivery of major school projects to meet the demographic demands nationally will be the main focus for capital investment in schools in the coming years. The five year programme announced recently is focused on meeting those demographic needs.

The building project for the school referred to by the Deputy is currently at an early stage of architectural planning. The Stage 1 submission, which incorporates Preliminary Design, was recently lodged with my Department and is currently being reviewed. When this is complete, my Department will revert to the Board of Management and their Design Team and assuming no other issues arise the project will proceed to the next stage of architectural planning. School building projects currently in architectural planning, including the project referred to by the Deputy, will continue to be advanced incrementally over time within the context of the funding available. However, in light of current competing demands on my Department’s capital budget, it is not possible at this time to indicate when this project will progress to tender and construction stage.

Appointments to State Boards

246. **Deputy Timmy Dooley** asked the Minister for Education and Skills the appointments made by him to State boards under the remit of his Department since March 2011 that were advertised; and if he will make a statement on the matter. [24243/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** In accordance with Government policy, expressions of interest have been sought through the Public Appointments Service (PAS) from suitably qualified and experienced persons for consideration for appointment to the following boards of Bodies operating under the aegis of my Department: Leárgas Ltd — The Exchange Bureau; The Higher Education Authority; The Qualifications and Quality Assurance Authority of Ireland (to be newly established); The National Council for Curriculum and Assessment (NCCA); The State Examinations Commission (SEC); The Teaching Council.

To date, appointments have not been made to Leárgas or to the Qualifications and Quality Assurance Authority of Ireland. Vacancies on other boards of Bodies under the aegis of my Department that arise during 2012 will continue to be advertised on my Department’s website. The Deputy should note that in making any direct Ministerial appointments, I am not necessarily confined to those who make such expressions of interest but will ensure that all of those appointed have the relevant skills and competencies for the positions.
School Curriculum

247. **Deputy Brendan Smith** asked the Minister for Education and Skills his views on a report by a person (details supplied) which criticised the subject matter of project maths and the inadequate training of teachers; and if he will make a statement on the matter.  [24256/12]

248. **Deputy Brendan Smith** asked the Minister for Education and Skills his views on the recommendations from a recent report on project maths from a college (details supplied); which, if any, of these recommendations he will implement; and if he will make a statement on the matter.  [24257/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 247 and 248 together.

The detailed comments in the “Interim Report on Project Maths” prepared by the School of Mathematical Sciences in UCC will be considered by the National Council for Curriculum and Assessment which is the body responsible for the development of the Project Maths syllabus. The research was completed last November and the focus of their analysis is on an earlier version of syllabus which has now been updated. Ongoing engagement with third level mathematics and engineering departments has been a feature of the NCCA’s work in developing the syllabus. Indeed, the lead author of this UCC study, Dr. James Granell, is the nominee of the Irish Universities Association (IUA) to the NCCA’s Board of Studies for Maths.

While there will always be differing views on curricular reform, Project Maths has been welcomed by FORFAS, the Expert Group on Future Skills Needs, Engineers Ireland and industry interests. Implementation of the change is supported through a Project Maths Implementation Support Group, as an industry/education partnership. This Group reported in 2010 on how stakeholders from business, second level and higher education can work together to achieve the objectives of Project Maths and its recommendations are being progressed. Project Maths implementation is supported by a comprehensive investment in professional development for teachers, at a cost estimated to be in the region of €3.3m per annum.

In addition, the Department has tendered for the development of a post graduate course for teachers who need more intensive support. A wide range of resources for the project are available on www.projectmaths.ie. The support for teachers is supplemented by evening courses in the Education Centre network and by summer courses in the National Centre of Excellence for Maths and Science Teaching and Learning in the University of Limerick.

Teaching Qualifications

249. **Deputy Brendan Smith** asked the Minister for Education and Skills the engagement he has had or intends to have with teachers in relation to the progress of project maths; if teachers are satisfied with the content of the course and that their professional development is sufficient; and if he will make a statement on the matter.  [24258/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Implementation of the revised mathematics syllabuses began in all schools in 2010. The syllabuses were developed by the National Council for Curriculum and Assessment (NCCA), which has a representative structure including organisations representing teachers. Both the development of the syllabuses and the associated professional development support has been informed by the experiences of a group of initial schools involved in project maths. Representatives from those schools are on the Department’s steering committee for project maths.

A comprehensive programme of professional development for teachers is in place and a wide variety of resources are available. In relation to professional development workshops, I am
Questions— 15 May 2012. Written Answers

happy to be able to place on record the high satisfaction rating there is amongst the teaching community with the content of training and support provided by the Project Maths Development Team. After each workshop, attendees are asked to rate their satisfaction level with the content. Over the 6 workshops provided to date the satisfaction rating averages 98%. This reflects the commitment and professionalism of not just the support team but also the mathematics teaching community who have actively engaged with the support provided. The NCCA has also commissioned research on the impact of Project Maths on student’s attitudes and attainment.

Schools Refurbishment

250. Deputy Seán Kyne asked the Minister for Education and Skills if he will report on the experience of his Department this year in terms of the new approach to small buildings and improvement works which would have previously been catered for under the summer works scheme. [24262/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I wish to advise the Deputy that as outlined in the Five Year Plan and in view of the need to ensure that every child has access to a physical school place, the delivery of major school projects to meet significant demographic demands nationally will be the main focus for capital investment in schools in the coming years. The Five Year school building programme is focused on meeting those demographic needs. This announcement represents major advances in how the school building programme is publicised, and will provide certainty to patrons and school communities concerning the major school building projects that my Department is in a position to progress.

In the context, therefore, of the financial constraints imposed by the need to prioritise available funding for the provision of essential school accommodation, it is not possible for me to advance with a summer works programme this year. In addition to the standard capitation grant, the Deputy will be aware that a Minor Works Grant issued to primary schools last November for the school year 2011/2012 at a cost of €28m. It is open to schools to prioritise the use of these funds to address issues such as those to which the Deputy refers.

School Patronage

251. Deputy Seán Kyne asked the Minister for Education and Skills if, owing to the evidence provided by existing schools in terms of school places on the western side of Galway city which indicated that a new Irish-medium school in Knocknacarra is not required, he will confirm that the decision to grant a new school is based on efforts to increase plurality of school patrons. [24338/12]

Minister for Education and Skills (Deputy Ruairí Quinn): In June 2011, I announced that 20 new primary schools are to be established up to 2015 across a number of locations to cater for increasing demographics. My Department invited patrons and prospective patron bodies to make applications for patronage of the new primary schools that are due to be established in 2012 and 2013. Following my consideration of the recommendations of the New Schools Establishment Group, I announced in March of this year that the new school to open in Knocknacarra in 2013 will be an Irish medium school. However I also stated that further clarification would be sought from An Foras Patrúnachta and the City of Galway VEC before a decision would be made on patronage of this new school. The basis for the decision to open a new school in Knocknacarra was made following a detailed study of the available demographic data for this area. I am aware that my officials had a meeting with a deputation of principals from Galway City West Schools on 29th March, 2012 to discuss the local principals’ concerns regard-
ing the need for a new school in the Knocknacarra area. The issues raised by the principals at that meeting are being considered further.

**Schools Building Projects**

252. **Deputy Seán Kyne** asked the Minister for Education and Skills if his attention has been drawn to the fact that the community of Knocknacarra, County Galway, are in the main supportive of upgrading and providing an extension for a local school (details supplied) rather than resources being directed at establishing a new school. [24342/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The basis for the decision to open a new school in Knocknacarra was made following a detailed study of the available demographic data for this area. I am aware that my officials had a meeting with a deputation of principals from Galway City West Schools on 29th March, 2012 to discuss the local principals’ concerns regarding the need for a new school in the Knocknacarra area. The issues raised by the principals at that meeting are being considered further.

For purposes of the Five Year School Building Plan announced recently, new school building projects as well as major extensions have been identified and prioritised on the basis of meeting demographic needs in areas where such needs have been identified. In that regard, the current status of projects already in architectural planning, including the project referred to by the Deputy, was also considered. School building projects currently in architectural planning, including the project referred to by the Deputy, will continue to be advanced incrementally over time within the context of the funding available. However, in light of current competing demands on the Department’s capital budget, it is not possible to progress this project to tender and construction stage at this time.

**Flood Relief**

253. **Deputy Catherine Byrne** asked the Minister for Public Expenditure and Reform if he will provide a report on any works have been undertaken to prevent further flooding of the Poddle river; the cost of these works; the future works that are planned; the way he is helping residents who were affected by flooding last year to secure home insurance and flood cover; and if he will make a statement on the matter. [23665/12]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes):** Following the serious flooding of houses and commercial properties from the River Poddle, which occurred during the major flood event of October, 2011, South Dublin County Council (SDCC) applied for funding under the Office of Public Works’ (OPW) Minor Works Scheme to undertake a number of measures designed to alleviate flooding from this watercourse. The Minor Works Scheme provides funding to local authorities to undertake projects with an estimated cost of less than €500,000 and which can be completed within a relatively short-time frame.

The OPW approved funding of €250,000 to the Council in March this year under the Scheme to undertake a number of measures along the River Poddle. The measures consist of the redesign and reinstallation of three trash screens, works at two pedestrian bridges and channel maintenance. The progression of these measures is a matter for the Council. In addition to the measures outlined above, the OPW is to fund and undertake direct works costing an estimated €200,000 to increase the attenuation capacity at the Tymon Park ponds. Consultants have been commissioned to design earthen embankments and a wall in Tymon Park to double the storage of water in the existing ponds.
The consideration of flooding matters on the River Poddle on a long-term basis is being addressed through the ongoing Eastern Catchment Flood Risk Assessment and Management (CFRAM) Study, which was commissioned in 2011 as part of the OPW’s national CFRAM programme. This study will identify and examine in detail the cause of flooding throughout the eastern catchment, and produce an integrated plan of specific measures to address the significant flood risk factors in a pro-active and comprehensive way. A detailed assessment of the flood risk pertaining to the River Poddle will be undertaken as part of this study and measures formulated to address the issues arising. The consultants have been asked to accelerate this element of the study.

In relation to the difficulties some people may be experiencing in obtaining insurance cover for flood risk, I have had discussions recently with the major insurance companies in the Irish market and officials in my Office are currently engaged with the Irish Insurance Federation (IIF) in relation to this matter. The industry has indicated to me that the incidence of households or businesses being refused cover or being charged excessive premiums is marginal and that where it arises the causes are complex with each case being assessed in light of the particular circumstances applying. The OPW and the IIF are keen to establish a sustainable means of sharing information on areas vulnerable to flooding and on identifying flood defence works carried out or funded by the OPW and the impact of those works in reducing the risk of flooding in areas where flooding previously occurred. The OPW has provided some information to the IIF but work is ongoing to clarify a number of issues with a view to agreeing with the IIF a viable basis on which information can be provided. There are complex technical issues involved concerning the design standards and risk levels of defence works and maintenance arrangements. My officials will continue to work with the IIF to finalise matters as soon as possible.

In addition to the exchange of technical information with the IIF, I am keen that more information is gathered on the extent of the problems being experienced by members of the public in obtaining insurance. In this regard I understand that the Irish National Flood Forum, who I met recently, will be undertaking a survey to gather as much information as possible in this area from their member organisations. Details should be available shortly on its website www.irishnationalfloodforum.com. The OPW will continue to keep the matter under review with the IIF.

**Fiscal Policy**

254. **Deputy Robert Troy** asked the Minister for Public Expenditure and Reform when will the list of potential stimulus for the economy be compiled; if all members of Oireachtas will have an opportunity to submit proposals for that list; and if he will make a statement on the matter. [23895/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** Since coming into office, the current Government has been working on a range of measures to boost employment and help stimulate economic growth. The first such measure announced by the Government was the Jobs Initiative, launched in May 2011, which comprised a range of taxation and expenditure measures of €1.8bn designed to help get people back to work. More recently my colleague, the Minister for Jobs, Enterprise and Innovation, launched the Action Plan for Jobs 2012, a plan to rebuild the economy and create jobs through improving supports for job-creating businesses and removing barriers to employment-creation across the economy. Further work to stimulate economic growth and create employment is ongoing and I would be happy to receive any proposals that Deputies wish to submit in this regard.
**Departmental Expenditure**

255. **Deputy Brendan Griffin** asked the Minister for Public Expenditure and Reform the position regarding works (details supplied) in County Kerry; and if he will make a statement on the matter.  [23941/12]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): The Office of Public Works approved funding of €100,000 to Kerry County Council in February, 2012 under the Minor Works Scheme to undertake embankment strengthening works at this location. The progression of these works is a matter for the Council.

**Departmental Functions**

256. **Deputy Catherine Murphy** asked the Minister for Public Expenditure and Reform if it is within the competency of the Office of Public Works to be able to set and enforce bye-laws for members of the public at OPW managed sites; and if he will make a statement on the matter.  [24044/12]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): The Office of Public Works (OPW) is responsible for the care and operational management of a large number of properties and sites nationwide, including a significant number of heritage sites. These heritage properties range from nationally and internationally important prehistoric monument sites to later examples of the built heritage from various eras and key national historic houses and gardens.

In this context of the management of certain properties within the heritage portfolio, there are powers under primary legislation for relevant Ministers to create bye-laws governing, inter alia, aspects of public access to and activities within these properties. The enforcement of bye-laws duly created is a matter for site management personnel employed by OPW who are charged with monitoring the properties on a regular and ongoing basis and who ensure that relevant provisions are adhered to.

**Departmental Staff**

257. **Deputy Patrick O’Donovan** asked the Minister for Public Expenditure and Reform when a new Office of Public Works panel will be formed (details supplied).  [24064/12]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): The Office of Public Works has already filled its complement of seasonal general operative positions in the Mayo/Galway area for the 2012 season from existing staffing panels. Consideration will be given in due course to the formation of new panels, in the light of operational requirements for future seasons. When new panels are required, vacancies are advertised in the local media and on the OPW website, accordingly as restrictions on public service recruitment permit.

**Regulatory Impact Assessments**

258. **Deputy Terence Flanagan** asked the Minister for Public Expenditure and Reform the number and description of any regulatory impact assessments that have been undertaken by his Department on legislation or proposed legislation since 9 March 2011; the stage in the legislative/policy development process at which the RIAs have been carried out; the number of RIAs that have been published by his Department over the same period; the manner of publication involved; and if he will make a statement on the matter.  [23502/12]
Minister for Public Expenditure and Reform (Deputy Brendan Howlin): Since the 9 March 2011 my Department has undertaken two Regulatory Impact Assessments. The first regulatory impact assessment was in relation to the proposed Freedom of Information (Amendment) Bill 2012. The RIA was carried out at the preparation of the draft Heads or general Scheme of the Bill stage and has not yet been published. The second regulatory impact assessment was in relation to the Construction Contracts Bill 2010. This was carried out before second stage in the Dáil (RIA was not possible before this as it was a Private Member’s Bill). It was published on the Department’s website: www.per.gov.ie/ reports on 27 September 2011.

Appointments to State Boards

259. Deputy Timmy Dooley asked the Minister for Public Expenditure and Reform the appointments made by him to State boards under the remit of his Department since March 2011 that were advertised; and if he will make a statement on the matter. [24250/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): In response to the Deputy’s question the following appointments were made to bodies under the aegis of my Department:

An Post National Lottery

<table>
<thead>
<tr>
<th>Name of Appointee</th>
<th>Date Appointed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Donal Connell — Chairman</td>
<td>re-appointed February 29th 2012.</td>
</tr>
</tbody>
</table>

The position to which Mr. Connell was re-appointed by me as Minister for Public Expenditure and Reform was not advertised as under the National Lottery Act 1986, the majority shareholder of the National Lottery Company (i.e. An Post) nominates the person to fill this position.

On 22nd November 2011, I re-appointed Mr. Connell as chairman until 29th February 2012 in order to allow him time to appear before the Joint Oireachtas Committee on Finance Public Expenditure and Reform. Mr. Connell appeared before the Committee on 14th December 2011 and his re-appointment as Chairman has been ratified with effect from the 29th February 2012.

Civil Service Arbitration Board

<table>
<thead>
<tr>
<th>Name of Appointee</th>
<th>Date Appointed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Turlough O'Donnell, S.C. (Chair)</td>
<td>Appointed 1 July 2011</td>
</tr>
<tr>
<td>Mr. Gerard Barry</td>
<td></td>
</tr>
<tr>
<td>Mr. Tom Wall</td>
<td></td>
</tr>
<tr>
<td>Mr. George Maybury</td>
<td></td>
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<tr>
<td>Mr. Hugh O’Flaherty</td>
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</table>

In accordance with the Government’s recent decision, the new procedures for appointment to State Boards dictate that expressions of interest are invited from persons interested in being appointed to the boards of State Bodies and Agencies operating under the Department’s aegis. Persons being proposed for appointment as chairpersons of State Bodies/Agencies may be required to make themselves available to the appropriate Oireachtas committee to discuss the approach which they will take to their role as chairperson and their views about the future contribution of the body or Board in question and, following that discussion, decisions will be taken by either the Government or myself, as appropriate, to confirm the nominee as chair-
person. In the case of the Civil Service Arbitration Board the new procedures were not used and the Chairman was not interviewed by Oireachtas as the conciliation and arbitration scheme for the Civil Service, the Permanent Defence Forces, the Garda and Teachers sets out the nomination process for the Board and its appointment by Government.

<table>
<thead>
<tr>
<th>Name of Appointee</th>
<th>Date Appointed/Re-appointed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Eddie Sullivan, Chairman</td>
<td>1st September 2011</td>
</tr>
<tr>
<td>Mr. Des Dowling, Assistant Secretary — Department of the Environment, Community and Local Government</td>
<td></td>
</tr>
<tr>
<td>Dr. Deirdre O’Keeffe, Assistant Secretary — Department of Justice and Equality</td>
<td></td>
</tr>
<tr>
<td>Ms Patricia Coleman, Director — Department of Public Expenditure and Reform</td>
<td></td>
</tr>
<tr>
<td>Mr. Seán McGrath — National Director of HR in the HSE (has since resigned)</td>
<td></td>
</tr>
<tr>
<td>Ms Judith Eve — former Chairperson the Civil Service Commissioners, Northern Ireland</td>
<td></td>
</tr>
<tr>
<td>Dr. Eddie Molloy — Management Consultant</td>
<td></td>
</tr>
<tr>
<td>Mr. Dan Murphy, former General Secretary of the PSEU</td>
<td></td>
</tr>
<tr>
<td>Mr. Bryan Andrews as CEO of the PAS holding office on an ex officio basis.</td>
<td></td>
</tr>
<tr>
<td>Replaced by Ms. Fiona Tierney, CEO, PAS</td>
<td>20th March 2012 — on appointment as CEO</td>
</tr>
</tbody>
</table>

The appointments were not made using the new procedures and the previous Chairman was reappointed to the role on the new board.

The reason for not following the new procedures in relating to board appointments is that the Public Service Management (Recruitment and Appointments) Act, 2004 states that I, as Minister for Public Expenditure and Reform (in consultation with Minister for the Environment, Community and Local Government, the Minister for Health and the Minister for Justice, Equality and Defence) should appoint members of the Board of the Public Appointments Service.

The Board is meant to be representative of our client base. The majority of the board is therefore civil or public servants, nominated by the relevant Minister. There is also a union representative nominated by ICTU. I reappointed the outgoing Chairman and the two external members were appointed by me because of their expertise in strategic change and public service recruitment respectively.

**Industrial Disputes**

260. **Deputy Ciara Conway** asked the Minister for Jobs, Enterprise and Innovation the measures that will be taken to ensure that a company complies with a recommendation of the Labour Court; the recourse a person might have in cases where a company is unwilling to act on a recommendation of the Labour Court, yet continues to benefit from Government funding; and if he will make a statement on the matter. [24308/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The system of industrial relations in Ireland is essentially voluntarist in nature with the terms and conditions of employment of workers being determined in the main by a process of voluntary negotiation and agreement without the direct intervention of the State.
In general, Irish law does not try to impose a solution on parties to an industrial relations dispute, but rather is designed to help support the parties in resolving their differences. The State takes a supportive role, by providing a framework and institutions through which good industrial relations can prosper, rather than an interventionist one. Institutions such as the Labour Court and the Labour Relations Commission were established to assist in the resolution of disputes between employers and workers.

The experience and expertise of the State’s industrial relations machinery offers the best avenue for resolving issues in dispute. It is expected that the parties to a dispute come to the process in good faith and consequently are prepared to give serious consideration to the decisions or recommendations made.

Even what often appears to be the most intractable of disputes is capable of resolution where both sides engage constructively and in good faith in this voluntary process. The principle of good faith implies that both sides in a dispute make every effort to reach an agreement and endeavour, through genuine and constructive negotiations, to resolve their differences.

However, responsibility for the resolution of disputes remains a matter for the parties involved.

**Planning Issues**

261. **Deputy Finian McGrath** asked the Minister for Jobs, Enterprise and Innovation the position regarding a company (details supplied) in Dublin 17. [23919/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I understand that the issue of concern relates to a planning permit and is therefore not a matter in which I have any function.

Further to previous concerns raised by the Deputy, Enterprise Ireland contacted the company to offer any relevant enterprise related supports. The agency will continue to engage with the company in this regard.

**Regulatory Impact Assessments**

262. **Deputy Terence Flanagan** asked the Minister for Jobs, Enterprise and Innovation the number and description of any regulatory impact assessments that have been undertaken by his Department on legislation or proposed legislation since 9 March 2011; the stage in the legislative/policy development process at which the RIAs have been carried out; the number of RIAs that have been published by his Department over the same period; the manner of publication involved; and if he will make a statement on the matter. [23500/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The information requested by the Deputy in relation to Regulatory Impact Assessments (RIAs) carried out in my Department since 9 March 2011 is set out in the tables below:

<table>
<thead>
<tr>
<th>RIA Undertaken on (Name of Bill/Act/ Regulations)</th>
<th>Stage RIA Conducted</th>
<th>When Published</th>
<th>How Published</th>
</tr>
</thead>
<tbody>
<tr>
<td>Credit Guarantee Bill 2012</td>
<td>Prior to drafting of General Scheme of a Bill (November 2011).</td>
<td>11 April 2012</td>
<td>Online on Department’s website</td>
</tr>
<tr>
<td>Microfinance Loan Fund Bill 2012</td>
<td>Prior to drafting of General Scheme of a Bill (April 2012)</td>
<td>Will be published with the Bill in May 2012.</td>
<td>To be published</td>
</tr>
<tr>
<td>RIA Undertaken on (Name of Bill/Act/ Regulations)</td>
<td>Stage RIA Conducted</td>
<td>When Published</td>
<td>How Published</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
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</tr>
<tr>
<td>Friendly Societies and Industrial and Provident Societies (Miscellaneous Provisions) Bill 2012</td>
<td>Work on the RIA commenced in conjunction with consideration of legislative changes, and following a public consultation. The RIA was submitted to Government with the Memorandum seeking approval for the drafting of the Bill.</td>
<td>RIA will be published in conjunction with the publication of the draft Bill.</td>
<td>To be published</td>
</tr>
<tr>
<td>Safety, Health and Welfare at Work (Reporting of Accidents, Illness and Dangerous Occurrences) Regulations 2012</td>
<td>RIA carried out by Health and Safety Authority as part of public consultation process.</td>
<td>Draft RIA presented 9 February 2012.</td>
<td>Published online on <a href="http://www.hsa.ie">www.hsa.ie</a></td>
</tr>
<tr>
<td>Review of the Patents Act 1992</td>
<td>To examine if it is necessary to bring forward legislation in this area.</td>
<td>March 2012</td>
<td>Online on Department website</td>
</tr>
</tbody>
</table>

### 2011

<table>
<thead>
<tr>
<th>RIA Undertaken on (Name of Bill/Act/ Regulations)</th>
<th>Stage RIA Conducted</th>
<th>When Published</th>
<th>How Published</th>
</tr>
</thead>
<tbody>
<tr>
<td>Competition (Amendment) Bill 2011</td>
<td>The RIA was prepared in conjunction with the preparation of the Bill which gives effect to an EU/IMF Programme commitment.</td>
<td>29 September 2011</td>
<td>Online on Department’s website</td>
</tr>
<tr>
<td>European Communities (Transnational Information and Consultation of Employees Act 1996)(Amendment) Regulations 2011 (S.I. No. 380 of 2011)</td>
<td>During consultation with stakeholders on the approach to be taken in transposing the EU Directive</td>
<td>April 2011</td>
<td>Online on Department’s website.</td>
</tr>
<tr>
<td>Industrial Relations (Amendment) (No. 3) Bill 2011</td>
<td>Prior to the Government decision on the publication of the Bill</td>
<td>December 2011 on publication of the Bill.</td>
<td>Hard Copy and online on Department’s website</td>
</tr>
<tr>
<td>Protection of Employees (Temporary Agency Work) Bill 2011</td>
<td>Following public consultation and before publication of the Bill.</td>
<td>May 2012</td>
<td>Online on Department’s website,</td>
</tr>
<tr>
<td>Consumer and Competition Bill</td>
<td>The RIA was prepared in conjunction with the preparation of the Bill.</td>
<td>The RIA will be published in conjunction with the publication of the draft Bill.</td>
<td>To be published</td>
</tr>
</tbody>
</table>

### Work Permits

263. **Deputy Michael McGrath** asked the Minister for Jobs, Enterprise and Innovation the
position regarding an appeal in respect of an employment permit application on behalf of a person (details supplied) in County Cork. [24180/12]

**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 elsewise.

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.

**Appointments to State Boards**

264. **Deputy Timmy Dooley** asked the Minister for Jobs, Enterprise and Innovation the appointments made by him to State boards under the remit of his Department since March 2011 that were advertised; and if he will make a statement on the matter. [24248/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The Deputy will be aware that Government policy is to introduce greater transparency in the appointment process. In line with this policy and in an effort to broaden the pool of suitable candidates for consideration for appointment to boards, I sought expressions of interest last summer from suitably qualified people for appointment to the boards of several agencies under my Department’s remit. I also made it clear in advertising those vacancies that I would not be restricted to only those who responded to the advertisement.

**IDA Ireland**

Mr. Alan W. Gray and Ms Mary Campbell were appointed to the Board of IDA Ireland on 6th February 2012. While these posts were publicly advertised, neither of those appointed applied through the expression of interest process. Ms Mary Campbell was identified following consultations with IDA Ireland to nominate a person with relevant international financial experience for my consideration for appointment to the Board.

**National Standards Authority of Ireland Board (NSAI)**

Ms Barbara O’Leary and Mr. Terry Landers were appointed to the Board of NSAI on 6th March 2012. Both appointments were publicly advertised and Ms O’Leary and Mr. Landers both applied through the expressions of interest process.
National Consumer Agency (NCA)

Ms Colleen Savage and Mr. Eugene Gallagher were appointed to the Board of the National Consumer Agency on 6th May 2012. Both appointments were publicly advertised and Mr. Gallagher applied through the expressions of interest process.

I have just launched a further expressions of interest campaign in respect of Board vacancies that have arisen or are due to arise over the coming months. In this respect, my overriding focus is to find the best people for particular board appointments. In making appointments I will have regard to the expertise and experience of individuals, the balance of skills and attributes in terms of the overall composition of the board, the gender balance of the board and the availability and commitment of people to serve on the board.

Employment Support Services

265. **Deputy Joanna Tuffy** asked the Minister for Social Protection if she will provide an update on any plans to try and match up local people with local projects in construction, particularly if these construction projects are funded out of the Exchequer or by State agencies, local authorities, schools and so on; and if she will make a statement on the matter. [23658/12]

277. **Deputy Joanna Tuffy** asked the Minister for Social Protection if she will provide an update regarding her need to match unemployed trades people up with construction projects in their local area, particularly projects funded out of the Exchequer or funded by State agencies, local authorities or schools; and if she will make a statement on the matter. [23702/12]

282. **Deputy Joanna Tuffy** asked the Minister for Social Protection if her attention has been drawn to the need for her to ensure that unemployed trades people are matched up with vacancies on construction projects in their area, particularly ones funded by the Exchequer or carried out by or on behalf of State agencies, local authorities and public schools; and if she will make a statement on the matter. [23738/12]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 265, 277 and 282 together.

Unemployed trades people on the Live Register have access to the services of the DSP Employment Service (recently transferred from FÁS to the Department), either by voluntary contact with the service or by referral under the Employment Action Plan. All vacancies that have been notified to the service through its National Call Centre are displayed on the Department’s website as well as on self-service kiosks in employment service offices. Individual clients will also have relevant local vacancies drawn to their attention as part of their engagement with officers of the employment service (for example during or as part of the follow-up to a guidance interview).

Notification of vacancies to the employment service is a matter for the employer concerned. The number of skilled building jobs notified to the service has been running at very low levels, having fallen from 5,000 in 2007 to about 800 in 2012. Just over 250 such jobs have been notified to the service in the first four months of 2012.

Social Insurance

266. **Deputy Eoghan Murphy** asked the Minister for Social Protection the amount of money generated in revenue from pay related social insurance. [23696/12]
Minister for Social Protection (Deputy Joan Burton): I understand that the Deputy is specifically referring to PRSI revenue in 2011. The total received in PRSI in 2011 was €7,540 million. This total, which is net of the National Training Fund Levy, is provisional pending the completion of the statutory audit by the Comptroller and Auditor General.

FÁS Website

267. Deputy Patrick O'Donovan asked the Minister for Social Protection if her attention has been drawn to any technical difficulties with the FÁS website in the recent past; if as a result persons were unable to apply for public positions in the Limerick area; and if she will make a statement on the matter. [23728/12]

Minister for Social Protection (Deputy Joan Burton): The IT Department with responsibility for the FÁS website have informed me that they are not aware of any technical problems with the FÁS website in the recent past. I understand that if a technical problem did occur with the FÁS website the problem would be global and would affect all geographic areas. The Jobs Ireland section of the FÁS website has transferred to the Department of Social Protection and is administered by FÁS in the interim.

Job Application Deadlines

268. Deputy Patrick O'Donovan asked the Minister for Social Protection if FÁS is obliged to put closing dates for receipt of applications for jobs when advertising on their website. [23729/12]

Minister for Social Protection (Deputy Joan Burton): Employers are not obliged to put closing dates for receipt of applications for jobs when advertising on the FÁS Jobs Ireland website. Specifying a closing date for receipt of applications is at the discretion of individual employers who advertise on the FÁS Jobs Ireland website. All vacancies advertised on the Jobs Ireland website are displayed for eight weeks, after eight weeks employers may choose to display their vacancy for an additional period of time.

Community Employment Schemes

269. Deputy Martin Ferris asked the Minister for Social Protection if her attention had been drawn to the fact a recent survey of 1,421 former community employment scheme participants found that 54% had found employment or moved into further education; and if she agrees that this supports the maintenance of the programme. [24041/12]

Minister for Social Protection (Deputy Joan Burton): The FÁS Planning and Research Department, approximately every two years, commissions independent consultants to undertake a follow-up survey of a representative sample of those who left FÁS employment and training programmes 13-18 months previously. The purpose of these independent surveys is to provide FÁS with information on the relative effectiveness of its programmes in terms of the labour market impact on the (former) participants. Such intelligence is vital for FÁS in order to continue to enhance the effectiveness of the services it provides to the unemployed.

The most recent survey was carried out at the end of last year of a representative sample of former participants who left FÁS programmes over the period June to September 2010. The survey will be placed on the FÁS web-site and available to the public within the next few days.

With regard to the Community Employment programme specifically; the following was the labour market position of former participants at the time of the survey (i.e. 13-18 months after leaving the programme):
Employed 13%.

In further education or training 41%.

Unemployed 38%.

On home-duties 7%.

As such, 54% of CE participants had positive outcomes in the sense that they were either employed or progressed to other training or employment programmes over a year after finishing the programme.

I have always supported the CE programme as it has achieved the objectives that it was set up for and benefits both communities and participants. Progression to employment and education/training continues to be the key performance objectives for the programme. Given the recent changes announced in Budget 2012 the issue of value for money and efficiencies have also to be added to the key objectives for this and all employment programmes. As my requested review of CE is nearing completion, I shall be further informed in making decisions in relation to the role of CE in the broader context of the Pathways to Work initiative by the results of the above survey.

Disability Allowance

270. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding a social protection appeal in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [23640/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the disability allowance claim of the person concerned was disallowed following an assessment by a Medical Assessor who expressed the opinion that she was medically unsuitable for the allowance. An appeal was registered on 15th March 2012 and in accordance with the statutory procedures the relevant Departmental papers and the comments by or on behalf of the Deciding Officer on the matter raised in the appeal have been sought. In that context, an assessment by another Medical Assessor will be carried out.

The Social Welfare Appeals Office functions independently of the Minister for Social and Family Affairs and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Citizens Information Services

271. **Deputy Dominic Hannigan** asked the Minister for Social Protection when the Citizens Information Office in Dunboyne, County Meath, will reopen; and if she will make a statement on the matter. [23659/12]

**Minister for Social Protection (Deputy Joan Burton):** Meath Citizens Information Service (CIS) is funded through the Citizens Information Board to provide information, advice and advocacy to the citizens of Co. Meath. There are three full-time offices based in Navan, Trim and Ashbourne. Over several years, outreach services have been offered in various locations in the county, including Dunshaughlin, Dunboyne, Summerhill, Laytown/Bettystown, Oldtown and Kells.

In March of this year, a decision was made by the Board of Meath CIS to suspend the Dunboyne outreach service which was provided on a 3 hours per week basis in the Rehab Care
Centre. The decision was made on the basis of quantitative data which indicated a low level of
users in previous years, the availability of full time centres in nearby locations and the most
efficient deployment of resources in the county as a whole.

CIS will continue to provide targeted information sessions to local groups and communities
where a need has been identified or to meet specific requests.

**Carer’s Allowance**

272. **Deputy Dan Neville** asked the Minister for Social Protection the steps she will take
deal with the problem of backlog in the processing of carer’s allowance applications (details
supplied). [23669/12]

**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 scheme.
This involves the development of information technology functions and associated business
process re-organisation. It is anticipated that the new system will introduce significant pro-
cessing 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 com-
pletion of the modernisation project in June of this year when all existing carer’s allowance
claims will be transferred onto the new processing system.

Accurate processing time figures are not available at present as applications are still being
processed on both the old and the new computer systems. The average time to award an
application at present is estimated at around 28 weeks. There are currently approximately 7,800
new applications registered and awaiting a decision and approximately 330 new applications
are received each week. 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 in the form of overtime work-
ing to help reduce backlogs that have built up. In addition, approval has recently been given
for the assignment of temporary staff to expedite the reduction of the backlogs. However, it is
expected to be a significant number of months before the backlog is reduced to an acceptable
level.

In the meantime, if a person’s means are insufficient to meet their needs while awaiting a
decision on an application, they may apply for a means-tested supplementary welfare allow-
ance payment.

*Question No. 273 withdrawn.*

**Invalidity Pension**

274. **Deputy Ciarán Lynch** asked the Minister for Social Protection when an appeal for the
grant of invalidity pension will be determined in respect of a person (details supplied) in County
Cork; and if she will make a statement on the matter. [23676/12]
Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that an appeal, by the person concerned, was registered in that office on 15th March 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. When received, the 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.

Question No. 275 withdrawn.

Rent Supplement

276. Deputy Martin Heydon asked the Minister for Social Protection if she will consider the case of a person (details supplied) in County Kildare who is due a backdated payment of rent supplement at the end of the month; if payment will be made urgently; and if she will make a statement on the matter. [23689/12]

284. Deputy Martin Heydon asked the Minister for Social Protection if she will consider the case of a person (details supplied) in County Kildare who is due a backdated payment of rent supplement at the end of the month; if it will be paid immediately; and if she will make a statement on the matter. [23779/12]

Minister for Social Protection (Deputy Joan Burton): I propose to take Questions Nos. 276 and 284 together.

In order to alleviate the financial concerns of the person concerned, the Department has made an exceptional needs payment for the month of April. A payment for May cannot be issued in advance and will issue accordingly at the end of the month to the person concerned.

Question No. 277 answered with Question No. 265.

Rent Supplement

278. Deputy Seán Ó Fearghaile asked the Minister for Social Protection if she will expedite an application for rent supplement in respect of a person (details supplied); and if she will make a statement on the matter. [23705/12]

Minister for Social Protection (Deputy Joan Burton): The Department suspended the rent supplement payment of the person concerned as he changed address without informing our office. No application has yet to be received in relation to his new address. The application can be processed when the necessary information has been provided.

Community Employment Schemes

279. Deputy Finian McGrath asked the Minister for Social Protection the position regarding a community employment scheme in respect of a person (details supplied) in Dublin 3. [23716/12]

Minister for Social Protection (Deputy Joan Burton): The Community Employment (CE) Programme is a labour market intervention designed to assist the long term unemployed return to the work force. Persons eligible to apply should be aged 25-65 years who are unemployed.
for over 12 months and who are currently in receipt of one of the following payments from the Department of Social Protection:

- Jobseeker’s Benefit (JB).
- Jobseeker’s Assistance (JA).
- One-Parent Family payment (OFP).
- Widows/Widowers/Surviving Civil Partner’s (Contributory) Pension.
- Widows/Widowers/Surviving Civil Partner’s (Non Contributory) Pension.
- Deserted Wife’s Benefit (DWB).
- Farm Assist (FA).

To be eligible to participate on a community employment scheme, it is mandatory that all participants are currently in receipt of one of the above listed payments on their expected CE start date for a period of one year.

Furthermore, the following applies:

Persons availing of the Tús, Springboard or JobBridge programmes, or receiving Back to Education Allowance (BTEA) may not simultaneously participate on Community Employment (CE).

Persons engaged on the Tús, Springboard or JobBridge programmes, or receiving Back to Education Allowance (BTEA) may not avail of spousal swap option for CE (to allow their spouse on CE) for the duration of their own programme.

Time spent on Tús, Springboard, JobBridge or Back to Education Allowance (BTEA) will not count towards the qualifying period for eligibility to CE.

The person concerned was in receipt of Jobseekers Benefit from 6th February 2010 to 1st October 2010, a total of 33 weeks. To be eligible for CE, she would have to be currently in receipt of one of the payments listed above, for a total of 52 consecutive weeks. Time spent on the VTOS programme does not count as part of this qualifying period.

As she is currently not in receipt of any of the above payments, she does not meet the eligibility criteria to be considered for a place on a Community Employment Scheme.

Community Employment Schemes

280. **Deputy John McGuinness** asked the Minister for Social Protection the position regarding a community employment scheme placement in respect of a person (details supplied) in County Kilkenny  [23734/12]

283. **Deputy John McGuinness** asked the Minister for Social Protection if a person (details supplied) in County Kilkenny will be allowed to complete their time on the community employment scheme placement they were granted in view of the fact that it was a Departmental error relative to their qualification for the scheme; and if she will acknowledge the expectation created by the placement and agree to allowing them the full term.  [23777/12]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 280 and 283 together.
[Deputy Joan Burton.]

The eligibility criteria for a person to complete one year on community employment requires the person to be over 25 years and in receipt of a qualifying payment from the Department of Social Protection for 52 continuous weeks prior to commencement.

The eligibility criteria for a person to complete in excess of one year on community employment requires that a person be in receipt of a qualifying payment and or participation on community employment for not less than 156 weeks.

A person in receipt of a disability payment from the Department of Social Protection is required to be in receipt of a qualifying payment for a minimum of 26 weeks.

This person was in receipt of a payment from the Department for 79 continuous weeks prior to commencement on the programme and is thus only eligible for 52 weeks and participation will terminate in October 2012.

There was no Departmental error in this case as the employer of this person was made fully aware of the eligibility of the person prior to their commencement on the scheme.

The person concerned should contact their local employment service office, in October 2012 to discuss other options that may be available to them.

Invalidity Pension

281. **Deputy John McGuinness** asked the Minister for Social Protection if she will confirm the medical assessment examination that was undertaken by her Department in respect of a person (details supplied) in County Carlow regarding his claim for invalidity pension; if the two medical assessment he had confirming his entitlement to illness benefit were considered; if his ongoing care under his consultant general practitioner was considered in the context of his invalidity pension claim; if his case will be reviewed with a view to granting him invalidity pension; and if she will expedite the matter [23735/12]

**Minister for Social Protection (Deputy Joan Burton):** The application for invalidity pension, by the person concerned, was disallowed by a Deciding Officer following a medical assessment by a Medical Assessor of the Department who expressed the opinion that he was medically unsuitable for invalidity pension. I am advised by the Social Welfare Appeals Office that an appeal was opened and in the context of that appeal his case was reviewed by a second Medical Assessor who also expressed the opinion that he was medically unsuitable for invalidity pension.

In the light of the second medical opinion and in accordance with 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 were 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.

*Question No. 282 answered with Question No. 265.*

*Question No. 283 answered with Question No. 280.*

*Question No. 284 answered with Question No. 276.*
Money Advice and Budgeting Service

285. Deputy Michael Healy-Rae asked the Minister for Social Protection his views on a statement by the Money Advice and Budgeting Services stating that almost all households dependant on social welfare payments cannot live a dignified life; and if she will make a statement on the matter. [23797/12]

Minister for Social Protection (Deputy Joan Burton): I am aware of the ongoing research of the Vincentian Partnership for Social Justice on minimum essential budgets for selected household types. I met with representatives of the partnership when they made a pre-Budget submission in September last.

MABS has worked with the Vincentian Partnership for Social Justice and other organisations involved in supporting families with money difficulties over several years to develop an improved understanding of the requirements of different families when they are managing their outgoings on a low or reduced income.

The recently launched on-line Minimum Income Standard Calculator makes the work of the Vincentian Partnership for Social Justice readily accessible to the general public, and readily applicable to real household situations. The calculator is based on a social consensus view of the minimum needs for everyone. It aims to be a broad tool covering as much of the general population as possible but cannot show what is required for individual needs.

The ongoing research by the Vincentian Partnership, one of a number of research models, presents useful information which is studied with interest by my Department in the context of Budget formulation, having regard both to needs and to the resources available to meet those needs.

Domiciliary Care Allowance

286. Deputy Aengus Ó Snodaigh asked the Minister for Social Protection if any child over the age of three years is non-verbal has been found either on initial application or on review to be ineligible for domiciliary care allowance; and if so the number of such children and their age at the time of the decision. [23803/12]

Minister for Social Protection (Deputy Joan Burton): The Department is not in a position to provide a breakdown of the applications received and applications reviewed based on medical diagnosis. However, if the Deputy has any specific case or cases in mind, he can forward the details to the Department and they can be examined.

Social Insurance

287. Deputy Caoimhghín Ó Caoláin asked the Minister for Social Protection if a person (details supplied) in County Monaghan may expect to receive due holiday pay in addition to the redundancy payment from the social insurance fund which they have already received. [23806/12]

Minister for Social Protection (Deputy Joan Burton): A claim in relation to minimum notice and arrears of holiday pay under the Insolvency payment scheme was submitted manually on behalf of the person concerned on 5 July 2011 by the Receiver. These claims were processed by my Department on 8 December 2011 and payment issued to the Receiver on 16 December 2011.

In addition, an on line claim under the Insolvency payment scheme was received from the Receiver on behalf of the person concerned in February 2012 in respect of a Rights Commis-
Employment Rights

288. Deputy Caoimhghín Ó Caoláin asked the Minister for Social Protection when it is expected that payments will be issued to employees of a company (details supplied) in respect of their claims awarded by the Rights Commissioner under the Organisation of Working Time Act 1997 following a hearing by the commissioner; and if she will make a statement on the matter. [23807/12]

Minister for Social Protection (Deputy Joan Burton): In February 2012 on line claims were received from the Receiver, on behalf of 40 former employees of the firm to which the Deputy refers. These claims were in respect of Rights Commissioners Awards under the Organisation of Working Time Act 1997. These claims were processed by my Department on 24 April 2012 and payment issued to the Receiver on 4 May 2012.

Domiciliary Care Allowance

289. Deputy Aengus Ó Snodaigh asked the Minister for Social Protection if she will publish the protocols governing decision making under the domiciliary care allowance scheme. [23813/12]

Minister for Social Protection (Deputy Joan Burton): In advance of the transfer of the domiciliary care allowance (DCA) scheme to the Department, an expert medical group was established to agree a set of consistent and objective guidelines for use nationally in determining eligibility of children for the scheme. This group was established as there were no agreed medical guidelines for the scheme while it was administered by the HSE. The group was chaired by the Department’s Chief Medical Advisor and comprised senior medical personnel from the HSE as well as eminent professionals in the areas of physical disabilities which affect children and child psychiatry/psychology. The primary purpose was to agree a set of consistent and objective guidelines for use in determining eligibility for the scheme. The report of the Group was reviewed independently by external medical experts. The report of the Expert Medical Group is available from the Department on request. A copy will be forwarded to the Deputy.

Free Travel Schemes

290. Deputy Paschal Donohoe asked the Minister for Social Protection the number of people in receipt of a free travel pass for each of the past five years; if she will provide the numbers who are recipients of carer’s allowance, invalidity pension and disability allowance; and if she will make a statement on the matter. [23825/12]

Minister for Social Protection (Deputy Joan Burton): A table detailing the number of recipients of a free travel pass for each of the past five years is attached. The table also details the number of free travel pass recipients who were in receipt of carer’s allowance, invalidity pension and disability allowance in 2007, 2009, 2010 and 2011. However, a breakdown of the total is not available for 2008.
Social Welfare Appeals

291. **Deputy Michael Creed** asked the Minister for Social Protection when an appeal in respect of a person (details supplied) in County Cork will be dealt with; and if she will make a statement on the matter. [23836/12]

**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 16 August 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office 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.

Insolvency Payments Scheme

292. **Deputy John O’Mahony** asked the Minister for Social Protection further to Parliamentary Question Number 544 on Wednesday 18 April 2012, when a decision will issue on this application in respect of a person (details supplied) in County Mayo; and if she will make a statement on the matter. [23839/12]

**Minister for Social Protection (Deputy Joan Burton):** As detailed in my response to Parliamentary Question number 544 (which was answered on 18 April 2012) a claim under the insolvency payments scheme was submitted manually on behalf of the person concerned on 29 November 2011 in respect of arrears of wages, holiday pay and minimum notice. The Department is currently processing manually submitted claims received in July 2011.

Notwithstanding this, the Liquidator resubmitted an on line claim on behalf of the person concerned in April 2012. The Department is currently processing on line claims submitted in February 2012. Every effort is being made to process claims as quickly as possible but, unfortunately, it is likely to be a number of months before the claim in question is finalised.

Invalidity Pension

293. **Deputy Seán Ó Fearghaíl** asked the Minister for Social Protection if she will expedite an appeal for invalidity pension in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [23845/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal from the person concerned was received on 27th 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.

**Jobseeker’s Allowance**

294. **Deputy Eric Byrne** asked the Minister for Social Protection the position regarding an application for social welfare in respect of a person (details supplied) in Dublin 8; and if she will make a statement on the matter. [23847/12]

**Minister for Social Protection (Deputy Joan Burton):** An application for jobseeker’s allowance from the person concerned has been awarded and all arrears due have been paid.

**Disability Allowance**

295. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the position regarding eligibility for disability allowance in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [23906/12]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that the Department is in receipt of an application for disability allowance from the above named person. On completion of the necessary investigations on all aspects of the claim a decision will be made and the person concerned will be notified directly of the outcome.

**Rent Supplement Scheme**

296. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the position regarding eligibility for rent allowance in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [23907/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned was refused rent supplement on the 21st of February 2012. Her rent is far in excess of the prescribed limits. The person concerned recently resubmitted another application but her rent remains over the limit. The client has been notified of her right to appeal the decision.

**Redundancy Payments**

297. **Deputy Patrick O’Donovan** asked the Minister for Social Protection the position regarding an application for redundancy in respect of a person (details supplied) in County Donegal; when the application was submitted; and when it is likely that payment will issue. [23924/12]

**Minister for Social Protection (Deputy Joan Burton):** A redundancy lump sum claim in respect of the person concerned was received on 8 September 2011. Redundancy lump sum claims received in August 2011 are currently being processed so it is expected that the claim in question will be finalised in the coming weeks.

**Insolvency Payments Scheme**

298. **Deputy Gerald Nash** asked the Minister for Social Protection when an insolvency payment will be granted in respect of a person (details supplied) in County Louth; and if she will make a statement on the matter. [23936/12]

**Minister for Social Protection (Deputy Joan Burton):** A claim under the Insolvency payment scheme was submitted manually on behalf of the person concerned on 22 September 2011 in
respect of arrears of wages. The Department is currently processing manually submitted claims received at the end of July 2011. Every effort is being made to process claims as quickly as possible but, unfortunately, it is likely to be a number of months before the claim in question is finalised.

National Internship Scheme

299. **Deputy Jerry Buttimer** asked the Minister for Social Protection in relation to the operation of jobbridge scheme in Cork City and Cork County, the number of companies currently and previously participating in the scheme; the number of internships offered; the number of participating interns and the number of interns who have completed an internship; and if she will make a statement on the matter. [23939/12]

Minister for Social Protection (Deputy Joan Burton): The National Internship Scheme was launched on 1 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. 6,971 jobseekers have commenced their internship since 1 July 2011. There are currently 4,675 interns participating on JobBridge. In addition, there are in excess of 1,750 internship posts currently advertised on the JobBridge website [www.jobbridge.ie](http://www.jobbridge.ie). See table below for information relating specifically to Cork City and County as at 9 May 2012:

<table>
<thead>
<tr>
<th>Area</th>
<th>The number of Host Organisations who have participated to-date</th>
<th>The number of participating interns (currently)</th>
<th>The number of interns who have finished an internship</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cork City</td>
<td>269</td>
<td>307</td>
<td>179</td>
</tr>
<tr>
<td>Cork County</td>
<td>139</td>
<td>154</td>
<td>51</td>
</tr>
<tr>
<td>Total</td>
<td>408</td>
<td>461</td>
<td>230</td>
</tr>
</tbody>
</table>

Social Welfare Appeals

300. **Deputy Niall Collins** asked the Minister for Social Protection the position regarding an appeal hearing in respect of a person (details supplied) in County Cork. [23944/12]

Minister for Social Protection (Deputy Joan Burton): I am advised by the Social Welfare Appeals Office that an Appeals Officer having fully considered all the available evidence, including that adduced at oral hearing, disallowed the appeal of the person concerned. The person concerned has been notified of the Appeals Officer decision.

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.

Invalidity Pension

301. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if a review will take place of the decision to disallow an application for invalidity pension in the case of a person (details supplied) in County Kildare; if this representation will be accepted as a late appeal; and if she will make a statement on the matter. [24048/12]
**Minister for Social Protection (Deputy Joan Burton):** Invalidity pension is a payment for people who are permanently incapable of work because of illness or incapacity and who satisfy the contribution conditions.

This department received a claim for invalidity pension for the person concerned. The medical evidence provided by the claimant in support of his claim was examined by a medical assessor who was of the opinion that the person concerned is not eligible for invalidity pension as he does not satisfy the medical criteria. The application for invalidity pension was, accordingly, disallowed by a deciding officer. He was notified of this decision and the reason for it.

If the person concerned has any additional or supplementary medical evidence which was not already submitted in support of his claim, he may request a review of the decision by sending the additional information to the invalidity pension section as soon as possible. Any further medical evidence will be evaluated by a medical assessor and a decision on the review will issue to the applicant. The applicant will have the right to appeal this decision if he is not satisfied with the outcome of the review.

If he has no additional medical evidence for submission, he may make an appeal in writing to the Social Welfare Appeals Office as soon as possible, clearly stating the grounds for his appeal and enclosing the original decision notification if at all possible.

**Jobseeker’s Allowance**

302. **Deputy Billy Timmins** asked the Minister for Social Protection the position regarding an appeal for jobseeker’s allowance in respect of a person (details supplied) in County Wicklow; and if she will make a statement on the matter. [24065/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 10 February 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office 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.

**Regulatory Impact Assessments**

303. **Deputy Terence Flanagan** asked the Minister for Social Protection the number and description of any regulatory impact assessments that have been undertaken by her Department on legislation or proposed legislation since 9 March 2011; the stage in the legislative / policy development process at which the RIAs have been carried out; the number of RIAs that have been published by her Department over the same period; the manner of publication involved; and if she will make a statement on the matter. [23503/12]

**Minister for Social Protection (Deputy Joan Burton):** My Department carried out one regulatory impact analysis (RIA) during the period in question, following a Government decision in October 2011, in relation to the proposed changes to defined benefit pension schemes included in the Social Welfare and Pensions Bill 2012.

The RIA was split into two parts: Part 1 dealt with the changes to the defined benefit model and in particular the proposal to introduce a risk reserve into the funding standard; Part 2 dealt
with the re-introduction of the funding standard. The RIA was developed following a consultation that took place on changes defined benefit pension provision and included the views expressed during the consultation process.

The RIA was published on the Department’s website and made available to all deputies in advance of the publication of the Bill. It is available at:


The RIA process attempts to clarify the relevant factors for decision-making through the comprehensive and systematic compilation of relevant information. When considering legislative measures within the Department it helps to balance possible solutions to a problem, against the wider economic and distributional goals.

RIAs are normally used within the Department where significant legislative changes are proposed, rather than smaller changes to existing social welfare schemes which may take place each year. Examples in recent years include:

- Retirement Annuity Contracts in the 2006,
- The Citizens Information Bill in 2006,

Disability Allowance

304. **Deputy Ciarán Lynch** asked the Minister for Social Protection when an appeal for disability allowance will be decided in respect of a person (details supplied) in County Cork; the reason for the delay in processing this appeal; and if she will make a statement on the matter. [24090/12]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that an Appeals Officer, having fully considered all the evidence, disallowed the appeal of the person concerned by way of summary decision.

Under Social Welfare legislation, the decision of the Appeals Officer is final and conclusive and may only be reviewed by the Appeals Officer in the light of new evidence or new facts.

Following the submission of additional evidence the Appeals Officer has agreed to review the case. The person concerned will be contacted when the review of his appeal has been finalised.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Community Employment Schemes

305. **Deputy Michelle Mulherin** asked the Minister for Social Protection if she will report on the outcome of the review of a community employment scheme operated by a company (details supplied) and the recommendations in relation to the current and future funding of the scheme and in particular in respect of the materials grant arising from the review; and if she will make a statement on the matter. [24099/12]

**Minister for Social Protection (Deputy Joan Burton):** Following reductions in the Training and Materials Grant on Community Employment (CE), as announced in Budget, an initial review of the financial resources of all schemes was undertaken. Standard templates were
developed and issued to all CE projects. Discussions were held between local CE Sponsors, including Moygownagh Enterprise CE Scheme, and the Departmental Officers responsible for the scheme under local management.

The outcome of the review will inform the overall approach to be taken by the Department in relation to how to secure the best outcome for CE schemes and for their participants taking account both of the large amount of money we spend on CE schemes and the valuable contribution that CE Schemes, including Moygownagh Enterprise, make to their communities.

The purpose of the review is to examine the income and funding of sponsoring organisations in terms of their ability to continue to deliver the programme. It is also being carried out in the context that there are community and voluntary sponsoring organisations that receive funding from a multiplicity of state agencies. Alternative sources of support will be examined, particularly with reference to funding from other state agencies to avoid duplication.

The review will also seek to establish if income is generated by scheme activity and the potential for its utilisation of these funds to cover project costs.

Following on from changes to the training and materials grant for CE schemes announced in Budget 2012, a commitment has been made that no CE scheme will close pending the completion of this review.

The review is currently nearing completion and CE Schemes will be advised of the outcome directly.

**Rent Supplement**

306. **Deputy Simon Harris** asked the Minister for Social Protection the reason rent allowance has not been paid for three consecutive months in respect of a person (details supplied) in County Wicklow. [24102/12]

**Minister for Social Protection (Deputy Joan Burton):** Rent Supplement was temporarily suspended due to the failure of the person concerned to reduce their rent to the prescribed limits. The person concerned has now reduced her rent accordingly. In order to alleviate the concerns of the client and landlord, the Department has issued arrears by Exceptional Needs Payment for March and April. Rent Supplement for May will issue in due course.

**Carer’s Allowance**

307. **Deputy Martin Ferris** asked the Minister for Social Protection when a person (details supplied) will receive a decision on their carer’s allowance application. [24113/12]

**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 6 February 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office 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.
Domiciliary Care Allowance

308. **Deputy Patrick O'Donovan** asked the Minister for Social Protection the position regarding domiciliary care allowance (details supplied); and if she will make a statement on the matter. [24132/12]

**Minister for Social Protection (Deputy Joan Burton):** Customers who have their entitlement to domiciliary care allowance (DCA) reviewed are asked to provide relevant up-to-date medical evidence and details of the additional care needs of their child within 60 days. The information provided by the parent/guardian for review is assessed by a medical assessor and a decision is made based on the medical opinion they provide.

Where payment is stopped as a result of a review, the parent or guardian is invited to submit any further information they may wish to have considered and that information is further examined by a Medical Assessor. Alternatively, they may appeal the decision directly to the Social Welfare Appeals Office.

Pension Provisions

309. **Deputy Gerry Adams** asked the Minister for Social Protection if she will consider reviewing the decision to extend the age whereby a citizen can access a pension at age 66 years; if he will confirm that public servants who are due to retire this year aged 65, as per their contracts, will face the prospect of having to seek jobseeker’s allowance for a one year period until they reach the pensionable age; and if she will make a statement on the matter. [24139/12]

**Minister for Social Protection (Deputy Joan Burton):** I would like to re-iterate the policy background to the necessary changes to State Pension provision. With increases in life expectancy, more people are living to pension age and living longer in retirement. The period for which an average pension will be paid will be greater than the period for which a pension is paid at present. This has obvious and significant implications in relation to the future costs of State pension provision and therefore pension reform is necessary if we are to have a sustainable and fair pension system in Ireland. One of the ways we are addressing these issues is for people to work longer and contribute more if they are to have the financial support they wish to receive in retirement.

The Social Welfare and Pensions Act, 2011 provides that State pension age will be increased gradually to 68 years. This will begin in 2014 with the standardisation of the State pension age at 66. State pension age will be increased to 67 years in 2021 and to 68 in 2028.

There are no plans to change the dates of implementation.

In relation to State pension, there are two main contributory State pension schemes — the State pension (transition) and the State pension (contributory). The State pension (transition) is paid to people aged 65 who have retired from work and who have the required number and class of social insurance contributions. State pension contributory (SPC) is paid at age 66 to those who meet the qualifying conditions.

With effect from 1 January 2014, the State pension (transition) will be abolished and accordingly, people who retire on reaching age 65 between now and then may apply and qualify for the State pension (transition) provided they have the required number of PRSI contributions at the relevant Class.

The conditions of retirement for public servants are the responsibility of my colleague, the Minister for Public Expenditure and Reform. Public service pensioners who are due to retire this year at age 65, in line with their contracts, will receive their public service pensions on
retirement. If their pensions are integrated with social welfare benefits, the State pension (transition) may also be payable at age 65 if the qualifying conditions are met.

**Medical Certification Fees**

310. **Deputy Kevin Humphreys** asked the Minister for Social Protection if she has finalised proposals to seek a reduction in the cost of funding medical certification fees; if she will provide the details of those proposals that were prepared by her Department post Budget 2012; and if she will make a statement on the matter. [24155/12]

311. **Deputy Kevin Humphreys** asked the Minister for Social Protection if the 10% reduction in medical fees announced in Budget 2012 has been applied; if she will confirm that the fee of €8.25 for a standard medical certificate has been reduced by €0.825 to €7.425 equivalent to a 10% cut; if the fee of €44.44 for a detailed medical report has been reduced by €4.444 to €40 equivalent to a 10% cut; if these 10% reductions have not been applied, if she will detail the amount such a reduction as outlined would have saved on the out turn for 2011; the expected saving in 2012 if it was applied; and if she will make a statement on the matter. [24156/12]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 310 and 311 together.

As part of Budget 2012, it was announced that a reduction of 10% in the administrative cost of medical certification would be achieved this year.

This is being achieved through a reduction in the number of medical certificates that doctors are required to issue.

The frequency of certification by a person’s doctor has been reduced in cases where a person’s medical condition is deemed such that less frequent certification is appropriate.

At this stage, it is not proposed to implement a rate reduction as rates have remained unchanged since July 2003.

**Dental and Optical Benefit Scheme**

312. **Deputy Kevin Humphreys** asked the Minister for Social Protection the reduction on fees paid to dentists and opticians since 2009 under the treatment benefit scheme; the annual saving realised from those measures; the specific itemised fees currently paid to dentists and opticians under this scheme; if she will provide a sum total of the annual amount of fees paid under each item; the amount in total that was spent in 2011; the expected spend in 2012; and if she will make a statement on the matter. [24157/12]

**Minister for Social Protection (Deputy Joan Burton):** The Dental and Optical Benefit schemes have been limited to the provision of free dental and optical examinations since 1 January 2010. Treatments previously covered under the schemes, such as fillings, extractions, spectacles and lenses, have not been paid on claims approved on or after that date. The current treatments, associated fees and the total 2011 cost in each instance are detailed below:

<table>
<thead>
<tr>
<th>Treatment</th>
<th>Current Fee</th>
<th>Cost in 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dental Examination</td>
<td>€33.00</td>
<td>€8.99 million</td>
</tr>
<tr>
<td>Ophthalmic Examination</td>
<td>€22.51</td>
<td>€2.85 million</td>
</tr>
<tr>
<td>Ophthalmic Exam (with dilation)</td>
<td>€45.02</td>
<td>€195,000</td>
</tr>
<tr>
<td>Medical Eye Exam (single)</td>
<td>€25.55</td>
<td>€920</td>
</tr>
</tbody>
</table>
The total annual fees and savings are detailed below (2009, as the last year before the schemes were reduced, is used as the reference point):

<table>
<thead>
<tr>
<th>Scheme</th>
<th>2009 Spend</th>
<th>2011 Spend</th>
<th>Saving</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dental</td>
<td>€62.28 million</td>
<td>€9.15 million</td>
<td>€53.13 million</td>
</tr>
<tr>
<td>Optical</td>
<td>€16.99 million</td>
<td>€3.29 million</td>
<td>€13.7 million</td>
</tr>
<tr>
<td>Total</td>
<td>€79.27 million</td>
<td>€12.44 million</td>
<td>€66.83 million</td>
</tr>
</tbody>
</table>

The projected spend on the Dental benefit scheme in 2012 is approximately €8.5 million, with €3.4 million expected to be spent on the optical scheme.

**Domiciliary Care Allowance**

313. **Deputy Michael P. Kitt** asked the Minister for Social Protection when domiciliary care allowance will issue in respect of a person (details supplied) in County Westmeath. [24228/12]

**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 27 October 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office 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.

**Appointments to State Boards**

314. **Deputy Timmy Dooley** asked the Minister for Social Protection the appointments made by her to State boards under the remit of her Department since March 2011 that were advertised; and if she will make a statement on the matter. [24251/12]

**Minister for Social Protection (Deputy Joan Burton):** The three statutory bodies operating under the aegis of the Department are the Social Welfare Tribunal, the Citizens Information Board and the Pensions Board. In addition, the Office of the Pensions Ombudsman comes under the remit of the Department but it does not have a Board.

**Social Welfare Tribunal**

The Social Welfare Tribunal consists of a Chairperson and four ordinary members, two on the nomination of Irish Congress of Trade Unions (ICTU) and two nominated by Irish Business and Employers Confederation (IBEC). One of the ICTU members of the Tribunal resigned in 2011 and on the nomination of ICTU, a replacement member, Ms. Chris Rowland was appointed commencing 24 October 2011.

**Citizens Information Board**

I have made two appointments to the Citizens Information Board since coming into office.
Mr. Eugene McErlean was appointed with effect from 7 September 2011. This followed a public request for expressions of interest from suitably qualified and experienced individuals announced in July 2011. On foot of this request, 172 applications were received and his appointment was made following a rigorous selection process in accordance with the legislation governing appointments to such a board.

On 1 November 2011, I appointed Ms. Fiona Ward as a member and as she is the Department’s representative on the board, the vacancy was not publically advertised.

There are currently two vacancies on the Citizens Information Board and appointments will be made from the responses received following a public request for expressions of interest in July 2011.

Pensions Board

I have made no appointments to the Pensions Board since coming into office. There are currently two vacancies on the Pensions Board. No decision has been made on advertising these vacancies, pending the completion of the Critical Review of the amalgamation of the regulatory function of the Pensions Board with the Financial Regulator, under the Public Service Reform programme.

Invalidity Pension

315. **Deputy Willie Penrose** asked the Minister for Social Protection when an appeal hearing in relation to a refusal of an application for invalidity pension will be held in respect of a person (details supplied) in County Westmeath and if same can now be expedited; and if she will make a statement on the matter. [24303/12]

**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 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.

Domiciliary Care Allowance

316. **Deputy Simon Harris** asked the Minister for Social Protection her views on the fact that parents are receiving domiciliary care allowance review letters signed by the anonymous DCA Section rather than being assigned to a contact name; if she will ensure that future letters issued to parents provide a contact name for a person within her Department; and if she will make a statement on the matter. [24309/12]

**Minister for Social Protection (Deputy Joan Burton):** I can assure the Deputy that all correspondence issuing from the Department’s domiciliary care allowance section contains the staff member’s name and their contact details.

317. **Deputy Finian McGrath** asked the Minister for Social Protection if there has been a directive to refuse the domiciliary care allowance to families. [24323/12]
Minister for Social Protection (Deputy Joan Burton): Domiciliary care allowance (DCA) is now in payment in respect of 26,000 children, an increase of over 3,000 since the Department took over responsibility for the scheme from the HSE in April 2009. Spending on the Scheme and the respite care grant, which is automatically paid to all recipients, has increased from €138m to €145m between 2010 and 2011. Expenditure on both payments in 2012 is expected to be in the region of €146m.

There has been no directive issued to staff to refuse the domiciliary care allowance to families. In line departmental practice on all social welfare schemes, DCA cases are routinely reviewed whereupon customers are asked to provide relevant up-to-date medical evidence and details of the additional care needs of their child within 60 days.

In a very small number of cases where customers have not returned information or made contact with the Department, payments have been suspended. Payments have been restored in these cases when the customers concerned contacted the Department and they remain in payment until the review process is completed.

Rent Supplement

318. Deputy Michael Healy-Rae asked the Minister for Social Protection the position regarding rent allowance and housing in respect of separated persons (details supplied); her view on same; and if she will make a statement on the matter. [24336/12]

Minister for Social Protection (Deputy Joan Burton): The purpose of the rent supplement scheme is to provide short-term support to eligible people living in private rented accommodation whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from another source. The overall aim is to provide short-term assistance, and not to act as an alternative to the other social housing schemes operated by the Exchequer. To qualify for rent supplement, a person must be residing in private rented accommodation or accommodation for homeless persons (or any combination of these) for a period of 183 days within the preceding 12 months of the date of claim for rent supplement. A person may also qualify for rent supplement where an assessment of housing need has been carried out in the 12 months preceding the date of claim and the person is deemed by the relevant local authority to be eligible for and in need of social housing support. In all other cases, a person who wishes to apply for rent supplement is referred, in the first instance, for an assessment of eligibility for social housing support by a housing authority. Only when the person has been assessed as being eligible for and in need of social housing support, does the person become eligible for consideration for rent supplement. Policy in relation to the assessment of housing need is a matter for the Minister for the Environment, Community and Local Government.

Architectural Heritage

319. Deputy Eoghan Murphy asked the Minister for Arts, Heritage and the Gaeltacht his plans for the former Hume Street Hospital to ensure that it retains some form of civic use. [23698/12]

321. Deputy Anne Ferris asked the Minister for Arts, Heritage and the Gaeltacht his views on the purchase of numbers three to eight Hume Street, Dublin, for the purposes of a cultural centre; and if he will make a statement on the matter. [23744/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): I propose to take Questions Nos. 319 and 321 together.
The complex of buildings referred to by the Deputies is on the Record of Protected Structures for Dublin City. My Department has no involvement in the current ownership or use of the former Hume Street Hospital and has no plans involving these buildings. My statutory role with regard to protected structures is underpinned by the provisions of the Planning and Development Acts 2000-2011 and does not extend to any function regarding the sale of a protected structure in private ownership. Under Part IV (Architectural Heritage) of the Acts, inclusion on the Record of Protected Structures places a duty of care on the owners and occupiers of protected structures and gives planning authorities powers to deal with development proposals affecting them in order to safeguard their future, in this case Dublin City Council. My Department’s policy and best practice advice consistently recommends that appropriate new uses are identified and pursued for all vacant or derelict protected structures, as this is the best means of ensuring conservation of their architectural heritage.

**Arts Funding**

320. **Deputy Finian McGrath** asked the Minister for Arts, Heritage and the Gaeltacht his views on proposals from the National Campaign for the Arts (details supplied). [23719/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I am well acquainted with the views of the National Campaign for the Arts. Senior officials from my Department met members of the campaign recently. I have been fully briefed on that meeting.

*Question No. 321 answered with Question No. 319.*

**Architectural Heritage**

322. **Deputy Anne Ferris** asked the Minister for Arts, Heritage and the Gaeltacht in view of recent reports that many historic buildings in Dublin are in danger of falling into dereliction due to funding cuts, the actions are being taken to remedy this deterioration; if he will provide a list of the buildings at risk and the repairs that are needed; and if he will make a statement on the matter. [23745/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** My Department is responsible for the legislative framework, general policy development and promotional awareness of Ireland’s built heritage. My Department also provides some limited funding for the built heritage directly or through the OPW and local Government. Some €2,005,000 has been provided in this year’s Estimates for built heritage capital. My Department provides funding to the Heritage Council which in turn supports many heritage projects throughout the country. My Department is providing a total of €4,811,000 of Exchequer Funding for the Heritage Council in 2012, together with €1,500,000 from my Department’s share of the Environment Fund. Under the architectural heritage provisions of the Planning and Development Act 2000, each planning authority is required to include in its development plan a Record of Protected Structures. Details of the buildings in Dublin included in this Record would be available from Dublin City Council.

In relation to protected structures, section 59 of the Planning and Development Act 2000 provides for a planning authority to serve notice to require works to be carried out in relation to endangerment of such structures. On the basis of information provided by Dublin City Council, 16 notices were served in 2008, 17 in 2009, two in 2010 and eight in 2011. It should be noted that my Department does not maintain a list of buildings at risk. In 2011, my Department set up an Expert Advisory Committee representing key stakeholders to review the operation.
of Part IV (Architectural Heritage) of the Planning and Development Act 2000. This review includes an examination of how the legislation is operating in practice regarding the protection and management of architectural heritage from a central and local government perspective and the need, in the light of current economic circumstances, to consider alternative ways of supporting the conservation of protected structures.

In the context of the Government Policy on Architecture 2009-2015, my Department is developing various policy actions which can contribute to the protection and appropriate reuse of our built heritage and seek to deal with ongoing strategic objectives indirectly affecting our architectural heritage, such as climate change, adaptive reuse for historic properties and a forward plan-led approach to cultural heritage and urban design in our towns and cities. The scope to provide additional funding for the protection, conservation and development of the State’s built heritage is constrained by the current national economic difficulties and the significant reduction in the public finances. However, my Department will continue to provide funding for the protection, conservation and development of our built heritage, in so far as resources allow.

**Wildlife Protection**

323. **Deputy Brendan Griffin** asked the Minister for Arts, Heritage and the Gaeltacht if an environmental impact statement is required by the National Parks and Wildlife Service in respect of bank reparation works at a location (details supplied) in County Kerry; and if he will make a statement on the matter. [23940/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The repair works to which the Deputy refers are the subject of an application for notifiable activity consent under Regulation 14 of the European Communities (Natural Habitats) Regulations 1997 as this relates to proposed works within a European nature site. As the application was made under those Regulations before the making of the European (Birds and Natural Habitats) Regulations 2011, I understand the question of requiring an environmental impact assessment does not arise in this case. However, it is a requirement in accordance with Ireland’s obligations under the Habitats Directive that, before notifiable activity consent can be given to the repair works, the design of the works must be such as to protect and maintain the saltmarsh, while at the same time avoiding the flooding of farmland.

**Regulatory Impact Assessments**

324. **Deputy Terence Flanagan** asked the Minister for Arts, Heritage and the Gaeltacht the number and description of any regulatory impact assessments that have been undertaken by his Department on legislation or proposed legislation since 9 March 2011; the stage in the legislative / policy development process at which the RIAs have been carried out; the number of RIAs that have been published by his Department over the same period; the manner of publication involved; and if he will make a statement on the matter. [23492/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Since my Department was established in June 2011, one technical Bill, the Irish Film Board Bill 2011, which did not require a Regulatory Impact Assessment, has been enacted. My Department is currently bringing forward the Houses of the Oireachtas Commission (Amendment) Bill 2011, which provides for the consolidation of the State’s translation services. As this is also a technical Bill, involving a straightforward transfer of functions, I understand that no Regulatory Impact Assessment is required. In respect of the Gaeltacht Bill 2011, which is currently being drafted, work had commenced in my Department on a Regulatory Impact Assessment. However, fol-
following a decision by Government in May 2011 to retain the existing status quo in relation to Údarás na Gaeltachta, it was considered that a Regulatory Impact Assessment was no longer required.

**Turbary Rights**

325. **Deputy Paul J. Connaughton** asked the Minister for Arts, Heritage and the Gaeltacht the reason a person (details supplied) in County Galway has not received compensation to cease cutting turf on their bog; and if he will make a statement on the matter. [24105/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The land referred to by the Deputy is located in a natural heritage area designated in 2003. In 2010, the then Government decided that turf cutting should come to an end on raised bog natural heritage areas at the end of 2013. However, the current Programme for Government contains an undertaking to review the situation with regard to turf cutting on natural heritage areas. On 15 April 2011, the Government made a number of decisions in relation to turf cutting in Ireland, including the putting in place of a compensation package for those who are required to cease cutting, the establishment of a Peatlands Council and the drawing up of a national strategy on peatland conservation and management. In the context of the national strategy, the position regarding raised bog natural heritage areas, which are designated under national legislation, will be examined in advance of the 2014 cutting season in accordance with the Programme for Government. My Department is giving priority to putting in place the compensation requirements in relation to the cessation of cutting on the 53 raised bog special areas of conservation. In the circumstances, and in light of the decision to review the approach to these areas more generally, the issue of any further purchase of land or rights in natural heritage area bogs, including the land referred to, is being kept under review.

**Úsáid na Gaeilge**

326. D’Tfhiafraigh **Pearse Doherty** den Aire Ealaíon, Oidhreachta agus Gaeltachta an ndéanfar soláthar i bhforálacha an Bhille nua Gaeltachta do chatagóirí éagsúla Gaeltachta, bunaithe ar lóin na gcainteoirí gníomhaíochta Gaeilge atá sna limistéir éagsúla, mar atá molta sa Staidéar Cuimsitheach Teangeolaíochta ar Úsáid na Gaeilge sa Ghaeltacht. [24218/12]

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** Tá sé beartaithe go ndéanfar foráil faoin Bhille Gaeltachta do shainmhíniú reachtúil nua ar an Ghaeltacht a bheidh bunaite feasta ar chrítheoir theangeolaíochta le hais an tsainmhíniú mar a sheasann sé faoi láthair atá bunaite ar limistéir shonracha gheográfacha.

Tá sé i gceist go dtabharfai stádas reachtúil faoin Bhille Gaeltachta do cheantair pleannála teanga sa Ghaeltacht a bhfuil stádas agus riachtanais teangeolaíochta éagsúla acu mar a bhíolta sa Staidéar Teangeolaíochta ar Úsáid na Gaeilge sa Ghaeltacht. Tabharfaidh an reachtaíocht atá á ullmhú faoi feidhm reachtúil don próiseas pleannála teanga faoina mbeidh pleann teanga a ullmhú ag leibhéal an phobail do gach ceantar pleannála teanga. Déanfaidh na pleannanna sin comhtháthú maidir le gníomhaíochta teanga, oideachais, pleannála agus forbairt shóisialta agus pobail. Tá plé ag dul ar aghaidh le tamall idir mo Roinnse agus Údarás na Gaeltachta faoin bhealach is fearr le tabhairt faoin próiseas pleannála teanga.

**Appointments to State Boards**

327. **Deputy Timmy Dooley** asked the Minister for Arts, Heritage and the Gaeltacht the
appointments made by him to State boards under the remit of his Department since March 2011 that were advertised; and if he will make a statement on the matter. [24239/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): I refer the Deputy to my reply to Parliamentary Question No. 396 of 31st January 2012. There have been no changes to board memberships since that date.

Planning Issues

328. Deputy Finian McGrath asked the Minister for Arts, Heritage and the Gaeltacht if he has any contact with those person’s who are proposing to build a golf course at Inch strand in Kerry; his views on the suitability of this Special Area of Conservation for such a golf course; and if he will make a statement on the matter. [24320/12]

329. Deputy Finian McGrath asked the Minister for Arts, Heritage and the Gaeltacht if he has discussed the proposal to build a golf course at Inch strand in Kerry with any officials from his Department; the advice he has received to date; his views that previous Ministers were advised not to proceed with such a development; and if he will make a statement on the matter. [24321/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): I propose to take Questions Nos. 328 and 329 together.

Inch Strand is within a Special Protection Area and a Special Area of Conservation. Any proposal to develop a golf course on the site must be subjected to an appropriate assessment of the implications of such a development on these areas. Golf course developments are subject to planning permission and it would fall to the planning authority, in this case Kerry County Council, to undertake the assessment as part of the planning process. I am aware of plans by the owners of Inch Strand to develop a golf course on the site but I understand that no formal proposals have yet been made. As a statutory consultee under the Planning and Development Acts, my view will be sought if such a planning application is made. My officials have been in contact with the owners and their representatives over the past number of years to offer advice on the implications of the designations for developments on the site. At their request, I agreed recently to meet with them, along with officials from my Department, to discuss their proposals for the site.

Regulatory Impact Assessments

330. Deputy Terence Flanagan asked the Minister for Communications, Energy and Natural Resources the number and description of any regulatory impact assessments that have been undertaken by his Department on legislation or proposed legislation since 9 March 2011; the stage in the legislative / policy development process at which the RIAs have been carried out; the number of RIAs that have been published by his Department over the same period; the manner of publication involved; and if he will make a statement on the matter. [23494/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I wish to advise the Deputy that since 9 March 2011 there has been one RIA undertaken by my Department. The RIA was prepared to accompany a Memorandum for Government on the drafting of the Energy (Miscellaneous Provisions) Bill 2011 and it was published with the Bill on the 27th September 2011. The Bill, Explanatory Memoranda and RIA were made available on my Department’s website and also on the Oireachtas website. The Bill itself was enacted on the 25th February 2012 as the Energy (Miscellaneous Provisions) Act 2012.
Appointments to State Boards

331. **Deputy Timmy Dooley** asked the Minister for Communications, Energy and Natural Resources the appointments made by him to State boards under the remit of his Department since March 2011 that were advertised; and if he will make a statement on the matter. [24241/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I have sought expressions of interest for all bodies under the aegis of my Department. Since taking up office on the 9th of March 2011, I have made 12 appointments to four State Boards as follows:

<table>
<thead>
<tr>
<th>Body</th>
<th>Appointee</th>
</tr>
</thead>
<tbody>
<tr>
<td>An Post</td>
<td>Mr. Donal Connell</td>
</tr>
<tr>
<td></td>
<td>Mr. James Wrynn</td>
</tr>
<tr>
<td></td>
<td>Mr. Paul Henry</td>
</tr>
<tr>
<td>Bord na Móna</td>
<td>Ms Denise Cronin</td>
</tr>
<tr>
<td></td>
<td>Mr. John Horgan</td>
</tr>
<tr>
<td>EirGrid</td>
<td>Dr Gary Healy</td>
</tr>
<tr>
<td></td>
<td>Ms Regina Moran</td>
</tr>
<tr>
<td></td>
<td>Mr. Liam O’Halloran</td>
</tr>
<tr>
<td></td>
<td>Ms Bride Rosney</td>
</tr>
<tr>
<td></td>
<td>Ms Doireann Barry</td>
</tr>
<tr>
<td>Sustainable Energy Authority of Ireland</td>
<td>Ms Julie O’Neill</td>
</tr>
<tr>
<td></td>
<td>Mr. Michael Conlon</td>
</tr>
</tbody>
</table>

Housing Aid for the Elderly

332. **Deputy Eoghan Murphy** asked the Minister for the Environment, Community and Local Government the position regarding assistance for urgent repair work in respect of a person (details supplied). [23700/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** The Housing Adaptation Grant Schemes for Older People and People with a Disability provide a range of grants for necessary improvement works or adaptations to houses in order to facilitate the continued independent occupancy of their own homes by older people and people with a disability. The schemes are administered by Local Authorities and it is a matter for each local authority to determine how the funding is apportioned between the various grant measures and to manage the operation of the schemes in their areas from within the capital allocations provided by my Department.

The suite of grants include three separate grant measures; the Mobility Aids Grant scheme with grants of up to €6,000, the Housing Aid for Older People scheme with grants of up to €10,500 and the Housing Adaptation Grant for People with a Disability with grants of up to €30,000, depending on household income.

Services for People with Disabilities

333. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government if he will provide an update on the availability of housing for the disabled in Dublin and any schemes for deaf persons. [23718/12]
Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): It is a matter for individual housing authorities to assess the specific social housing needs and priorities in their areas, including those for adults with a physical, mental health or intellectual disability, and to identify a range of housing options to meet such needs.

In addition to standard social housing options by way of local authority lettings, the rental accommodation scheme and the social leasing initiative, a wide range of supports is also provided to meet the specific accommodation needs of people with a disability. These include measures under the suite of Housing Adaptation Grant Schemes for Older People and People with a Disability, adaptation works to local authority houses and up to 100% grants to support the provision of specific accommodation by voluntary housing bodies. Notwithstanding the more constrained fiscal environment, meeting the housing needs of the most vulnerable sections of society, including persons with a disability, will continue to be prioritised by Government.

Local Authority Funding

334. Deputy Noel Coonan asked the Minister for the Environment, Community and Local Government the assistance available to local authorities that are in negative equity; if the same consideration can be given to local authorities as is afforded to banking institutions, particularly as any shortfall in value will have to be accounted for in the local authorities’ own funds; if his attention has been drawn to the fact that many authorities are struggling on their budgets; and if he will make a statement on the matter. [24086/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): It is a matter for each local authority to determine its own spending priorities in the context of its annual budgetary process having regard to both locally identified needs and available resources, and to manage its own day-to-day finances in a prudent and sustainable manner.

General-Purpose Grants from the Local Government Fund are my Department’s contribution towards meeting the cost to local authorities of providing a reasonable level of services to the public. €651m in General-Purpose Grants has been allocated to local authorities for 2012. In addition, local authorities will retain some €77 million in pension related deductions in 2012.

Local authorities’ cost and income bases vary significantly from one another and calculating an appropriate distribution of these Grants is complex. A number of factors are taken into account, including the overall funding available, the estimated cost to each authority of providing a reasonable level of services to their customers and the income each authority may generate from local sources.

I am satisfied that the General-Purpose Grant allocations provided for 2012, together with the income available from other sources, will enable local authorities to provide a reasonable level of services in their areas.

Burial Regulations

335. Deputy Robert Dowds asked the Minister for the Environment, Community and Local Government his plans to introduce regulations for burials here; and if he will make a statement on the matter. [23655/12]

336. Deputy Robert Dowds asked the Minister for the Environment, Community and Local Government his plans to regulate crematoriums in Ireland; and if he will make a statement on the matter. [23656/12]
337. **Deputy Robert Dowds** asked the Minister for the Environment, Community and Local Government if Ireland is adhering to current EU regulations on emissions from crematoriums; and if he will make a statement on the matter. [23657/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 335 to 337, inclusive, together.

Regulations are currently in place regarding burials and burial grounds, namely Part III of the Public Health (Ireland) Act, 1878, as amended in Part VI of the Local Government (Sanitary Services) Act, 1948 and more recently, the Local Government Acts, 1994 and 2001, and also in the Rules and Regulations for the Regulation of Burial Grounds 1888 and amendments thereto.

Having regard to other priorities and the broader range of legislative priorities to be progressed across my Department’s remit, there are currently no plans to introduce new regulations in this area, or new legislation to regulate crematoria in Ireland.

My Department is not aware of any EU Directive on crematoria, nor are there specific provisions in the Air Pollution Act 1987 that apply to crematoria. However, the establishment and operation of a crematorium is subject, where applicable, to the provisions of certain other legislation dealing with planning and development, environmental protection and air pollution.

**Local Authority Housing**

338. **Deputy Sandra McLellan** asked the Minister for the Environment, Community and Local Government the funding available to tenants of local authority housing who do not have insulation in their homes as they were tenants prior to the implementation of BER; and if he will make a statement on the matter. [23675/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** Under the Department’s Social Housing Investment Programme, local authorities are allocated capital funding each year in respect of a range of measures to improve the standard and overall quality of their social housing stock. The programme includes a retrofitting measure aimed at improving the energy efficiency of older apartments and houses by reducing heat loss through the fabric of the building and the installation of high-efficiency condensing boilers.

My Department provides a grant of up to €15,000 per house, depending on the energy improvement achieved, for necessary works such as attic and wall insulation, the replacement of windows and external doors and the fitting of energy-efficient condensing boilers. Under this year’s improvement works programme the focus will continue on returning vacant properties to productive use. Local authorities may also undertake works, out of the allocations provided, to improve the energy efficiency of occupied units, where the local authority considers this appropriate. In drawing up improvement works programmes which include the upgrading of tenanted properties, I envisage that local authorities would give priority to older houses which currently lack adequate wall and roof insulation.

**Social and Affordable Housing**

339. **Deputy Dessie Ellis** asked the Minister for the Environment, Community and Local Government if he will provide a breakdown by area of the number of shared ownership homes that have been repossessed in Dublin City Council. [23687/12]
340. **Deputy Dessie Ellis** asked the Minister for the Environment, Community and Local Government if he will provide a breakdown of the number of shared ownership homes there are in the State by council area. [23688/12]

350. **Deputy Dessie Ellis** asked the Minister for the Environment, Community and Local Government if he will provide a breakdown by council area of the number of shared ownership homes which have been repossessed in the past 12 months. [23923/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** I propose to take Questions Nos. 339, 340 and 350 together.

My Department collates and publishes a wide range of housing statistics that inform the preparation and evaluation of housing policy and these can be viewed on my Department’s website www.environ.ie. Data regarding the number of completed shared ownership transactions are available on the website and the most recent data relate to 2010. My Department does not collate data on the number of shared ownership homes that have been repossessed.

**Voting Rights**

341. **Deputy Brendan Griffin** asked the Minister for the Environment, Community and Local Government his view on voting rights for referendum (details supplied); and if he will make a statement on the matter. [23690/12]

357. **Deputy Jim Daly** asked the Minister for the Environment, Community and Local Government his views in relation to a native British born person (details supplied) that has been living in Ireland since 1978 being excluded from voting on the upcoming stability treaty referendum; and if he will make a statement on the matter. [24172/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 341 and 357 together.

Subject to age and residency requirements, a registered elector’s citizenship determines the polls at which he or she is entitled to vote. British Citizens may vote at Dáil, European Parliament and local elections. Irish Citizens alone are entitled to vote in Presidential elections and referendums. While electoral law is subject to ongoing review, I have no proposals at present to extend the current arrangements for voting by non-Irish citizens.

**Waste Management**

342. **Deputy John McGuinness** asked the Minister for the Environment, Community and Local Government his views or policy relative to the big bin project now being introduced to local authorities throughout the country by an Irish company (details supplied); if in the interest of sustaining and creating jobs he will consider introducing guidelines for local authorities in respect of the concept in order that there is a uniform response from each authority rather than the varied and inadequate response which exists at present; if he will query the negative response from Laois and Limerick councils in order that at least the promoters get the opportunity to make a presentation; if he has been contacted by the company; and if he will make a statement on the matter. [23733/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Waste management planning is a local authority function, as is the permitting of small scale waste facilities. Under section 60(3) of the Waste Management Act 1996 the Minister is precluded from exercising any power or control in relation to the performance by a local authority, in particular circumstances, of a statutory function vested in it.
It is a matter for local authorities to determine the appropriate controls for facilities such as pay-to-use compactors, having regard to the waste management plan within the region and in line with the requirements of the waste hierarchy as expressed in the Waste Framework Directive. While my Department has engaged with promoters of pay-to-use compactors, I have no plans for the introduction of guidelines concerning such facilities.

The Programme for Government commits to the development of a coherent national waste policy, adhering to the waste hierarchy, which will aim to minimise waste disposal in landfill and maximise recovery. I am prioritising this commitment, as I am anxious to provide early regulatory certainty, in the form of both policy and legislation, to ensure that the necessary actions and investments are progressed to achieve those aims. I expect to be in a position to submit final proposals in this regard to Government in the coming weeks. The new national waste policy will have among its primary objectives the diversion of material from landfill towards more productive uses.

**Rural Development Programme**

343. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government when he hopes to appoint a body to administer the Leader funding in areas such as the Gaeltacht of Chorca Dhuibne; and if he will make a statement on the matter. [23737/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):**
Meitheal Forbartha na Gaeltachta (MFG), the group contracted by my Department to deliver Axes 3 and 4 (LEADER) of the Rural Development Programme (RDP) in Gaeltacht Areas, went into liquidation on 7 September 2011. Progress, in the context of the legal “winding up” process, is ongoing and all relevant RDP (LEADER) project files have been released by the liquidator and are now in the possession of my Department.

The process of identifying those promoters whose projects are at an advanced stage of development and are most likely to be ready to make a claim for payment is underway and an interim system, in cooperation with Local Development Companies contiguous to Gaeltacht areas, is in place to facilitate payment of these projects in the short term. Many of these files have now been sent to the relevant Local Development Companies who will be in touch directly with the promoter to arrange payment in the very near future.

In the context of the delivery of Axes 3 and 4 (LEADER) of the Rural Development Programme in Gaeltacht areas in the longer term including Chorca Dhuibne, my Department is currently examining the submissions made as part of an overall process, commenced in March 2012, seeking expressions of interest from established Local Development Companies to deliver the LEADER elements of the RDP in MFG areas for the remainder of the Programming period. Some further work has to be done to finalise this process; however I understand that it will be completed for most areas very shortly.

**Motor Taxation**

344. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government the position regarding the proposed centralisation of motor tax offices (details supplied); and if he will make a statement on the matter. [23798/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I presume the Question refers to the centralisation of motor tax services in one location within a local authority area, as there are no plans to centralise motor tax services at a national level.
The administrative arrangements for the provision of services by a local authority within its functional area are a matter for that authority.

**Foreshore Licences**

345. **Deputy Charlie McConalogue** asked the Minister for the Environment, Community and Local Government the position regarding an application for a foreshore licence (details supplied) in County Donegal; and if he will make a statement on the matter.  [23816/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I refer to the reply to Question No. 117 of 14 March 2012.

My Department instructed Donegal County Council on 19 April 2012 to make arrangements for public consultation in respect of this application. Following the public consultation procedure, which has yet to be commenced by the Council, the application can be progressed to the next steps, which will include assessment by the Marine Licence Vetting Committee. I will make a determination on the application in due course based on the recommendations of the Marine Licence Vetting Committee and my Department.

**Sport and Recreational Development**

346. **Deputy Eric Byrne** asked the Minister for the Environment, Community and Local Government his views on the management of the Dublin-Wicklow mountains; if his attention has been drawn to damage being caused on our mountain ranges by motor bikes and quad bikes which are causing irreparable damage to the land surface; if his further attention has been drawn to the fact that these vehicles are devastating our 5,000 year old cairns; if he will take the necessary steps to ban these vehicles on our mountains and that he will protect by use of sensitive boundaries the stone walling and Cairns which exist in the Dublin-Wicklow mountain range that are being damaged; and if he will make a statement on the matter.  [23820/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I have no direct responsibility for the management of the Dublin and Wicklow Mountains. My Department administers the Walks Scheme, which covers the development, enhancement and maintenance of National Waymarked Ways and priority walks. This scheme is managed locally by the relevant Local Development Company who liaise with the private landowners on a trail, and process payments in respect of the maintenance works carried out by the landowners. The Walks Scheme is in place on the Wicklow Way.

Where such activity has been reported on the Wicklow Way, steps have been taken, in consultation with private landowners and others, to restrict access to that route by having locks fitted to gates to prevent access by certain vehicles. This has proven to be a generally successful intervention on this trail.

With regard to damage that may have been caused to 5,000 year old cairns, this is a matter for my colleague, the Minister for Arts, Heritage and the Gaeltacht.

I am of course also aware of the damage that has been, and is being, caused in sensitive areas by the indiscriminate use of scrambler bikes and quads; however, I have no powers to ban such vehicles on private lands. The use of quads is commonplace among the farming community in upland areas and is an important aspect of their ability to operate effectively in such areas. The control of such machinery on private land is a matter for the landowner unless the particular area is a designated Special Area of Conservation, a Special Protection Area or a National Heritage Area in which case, it would be a matter for the National Parks and Wildlife Service and the Minister for Arts, Heritage and the Gaeltacht.
In relation to Co. Wicklow, I understand that the Wicklow Outdoor Recreation Committee consists of all the major landowners in the area of the Wicklow Mountains including relevant State Agencies such as Coillte and the National Parks and Wildlife Service. Local landowners are also represented, as is Wicklow County Council. Contact should be made be made in the first instance with the relevant Director of Services in Wicklow County Council. State Agencies and Local Authorities are in a position to introduce Bye Laws to manage unwanted activities on their own lands.

Protected Structures

347. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government if he has any plans to assist owners of thatched roof structures and dwellings, which are recorded as protected structures by their Local Authorities, to obtain affordable insurance cover; and if he will make a statement on the matter. [23827/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** Under my Department’s Renewal or Repair of a Thatch Roof of a House grant scheme, a grant up to €3,810, or two thirds of the approved cost, whichever is the lesser, may be payable in respect of necessary works to renew or repair the thatched roofs of houses. A higher grant of up to €5,714 may be payable where the house is situated on certain specified islands off the West and South coasts. In the case of medical card holders, a grant of up to €6,350, or up to 80% of the approved cost, may be payable in respect of houses situated on the mainland, rising to €8,252 where the house is situated on a specified off-shore island.

Eligibility under the grant scheme is contingent on the house being occupied as a normal place of residence on completion of the approved works.

My Department has no function in relation to property insurance matters. That function falls within the remit of my colleague, the Minister for Jobs, Enterprise and Innovation.

Fuel Quality

348. **Deputy Terence Flanagan** asked the Minister for the Environment, Community and Local Government if he will respond to a matter (details supplied); and if he will make a statement on the matter. [23829/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** My Department’s responsibility for fuel quality standards arises from the perspective of ensuring that petrol and diesel sold in the State meet prescribed environmental specifications to reduce the polluting effect that certain substances have on the environment, when emitted to air as part of the fuel combustion process. My Department does not have a role in regulating fuel standards from a consumer perspective in terms of quality assurance or the operational performance of the fuel. Directive 98/70/EC relating to the quality of petrol and diesel fuels is transposed in Ireland through the European Communities Act 1972 (Environmental Specifications for Petrol, Diesel Fuels and Gas Oils for use by non-road mobile machinery, including inland waterway vessels, agricultural and forestry tractors, and recreational craft) Regulations 2011. Under the Directive, Ireland is required to report annually to the European Commission the results of a sampling programme for both petrol and diesel, including any breaches of the environmental specifications of the fuel.

Ireland’s latest results, which were submitted to the Commission on 30 June 2011, indicated that fuel sold in the State during 2010 was predominantly compliant with the environmental specifications set out in Irish legislation. The Commission collates the data received from
Member States and publishes annual reports, which are available to download from the Commission’s website: http://ec.europa.eu/environment/air/transport/fuel—quality—monitoring.htm

Sampling of fuels is carried out by officers of the Revenue Commissioners and the samples are analysed by the State Laboratory. In addition, the Irish Petroleum Industry Association (IPIA) contracts an independent laboratory to sample and analyse fuel and the results of that process are also included in Ireland’s report to the Commission.

Motor Taxation

349. Deputy Billy Kelleher asked the Minister for the Environment, Community and Local Government if a person (details supplied) bringing his own car into Ireland is eligible for a rebate, as he has abided by all the rules but still has been issued a fine, as he could not tax his car without the NCT. [23855/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan):

Liability for motor tax arises from the date of registration of a vehicle and is payable from the first date of the month of registration. Where a vehicle licence is taken out in a subsequent month, arrears are due in respect of the previous month. I presume the reference to “fines” is to these arrears.

There is no provision for reimbursing the difference between the level of arrears paid and the motor tax payable were the vehicle licence taken out in the month due.

Question No. 350 answered with Question No. 339.

Local Authority Housing

351. Deputy Catherine Byrne asked the Minister for the Environment, Community and Local Government the progress that has been made to allow for the sale of local authority flats as provided for in the Housing Miscellaneous Provisions Act 2009; when tenants will be able to begin the process of purchasing their flat; and if he will make a statement on the matter. [24042/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):

The necessary statutory instruments were made in December 2011 under the Housing (Miscellaneous Provisions) Act 2009 to enable the new scheme for the tenant purchase of apartments to come into operation on 1 January 2012. Further regulations will be made in the coming months prescribing the form of the transfer orders for the three transfers of property ownership involved in the scheme. I have asked housing authorities, as the initial step in implementing the scheme, to identify apartment complexes in their housing stock that might be suitable for designation for tenant purchase, subject to the required level of support from the tenants of the complexes concerned. As housing authorities must take a series of steps in the run-up to the individual designation of complexes for tenant purchase, it is not possible to say at this point when councils will be a position to issue the first invitation to tenants in a designated complex to purchase their apartments under the scheme.

Regulatory Impact Assessments

352. Deputy Terence Flanagan asked the Minister for the Environment, Community and Local Government the number and description of any regulatory impact assessments that have been undertaken by his Department on legislation or proposed legislation since 9 March 2011; the stage in the legislative / policy development process at which the RIAs have been carried
Minister for the Environment, Community and Local Government (Deputy Phil Hogan): My Department has completed and published the following Regulatory Impact Assessments (RIAs) since my appointment, relating to the following legislation / policy proposals:

1. The Electoral (Amendment) Bill 2011,
2. The Dormant Accounts (Amendment) Bill 2011,
3. The Water Services (Amendment) Bill 2011,
4. The EU Industrial Emissions Directive (2010/75/EU),
5. European Union (Stage II Petrol Vapour Recovery During Refuelling of Motor Vehicles at Service Stations) Regulations 2011,
6. European Communities (Technical Specifications for the chemical analysis and monitoring of water status) Regulations 2011 which relate to quality control and quality assurance of water sampling and analysis,
7. Proposed Amendment of Part K (Stairways, Ladders, Ramps and Guards) of the Building Regulations and accompanying Technical Guidance Document K,

RIAs are generally undertaken within my Department at an early stage in the policy development process, as they are regarded as a valuable tool in deciding the best approach to take, and it is the normal practice to attach the RIA to the relevant Memorandum seeking approval from Government.

The above RIAs are published on my Department’s website.

A further RIA has been undertaken relating to the assessment of the impact of 3 key areas of Residential Tenancies (Amendment) Bill 2011, viz.:

(a) extension of Residential Tenancies Act to the Voluntary and Cooperative housing sector;
(b) proposal to address illegal deposit retention; and
(c) proposal to address rent arrears.

It is intended that this Bill, along with the RIA, will be published later this year.

Local Authority Funding

353. Deputy Brian Stanley asked the Minister for the Environment, Community and Local Government the amount of funding allocated to Dublin City Council for the operation of the energy efficiency/retrofitting programme within Dublin City Council. [24094/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): In March I announced details of the 2012 housing capital allocations to local authorities, totalling some €251.5 million. In excess of €62 million has been made
available for the various housing programmes in the Dublin City Council area. Of this, €2,928,150 has been allocated for the operation of the energy efficiency/retrofitting measure.

**Water Charges**

354. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government the location of the 300,000 homes that cannot be installed with water meters. [24095/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I refer to the reply to Question No. 2 of 3 May 2012, which sets out the position in regard to the installation of water meters.

**Local Authority Charges**

355. **Deputy Terence Flanagan** asked the Minister for the Environment, Community and Local Government the position regarding household charge or property tax payments for the next three years (details supplied); and if he will make a statement on the matter. [24159/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** An independently chaired Inter-Departmental expert Group has been established to consider the structures and modalities for an equitable valuation based property tax. The Group will complete its work and make recommendations to me shortly. Following consideration of the Group’s recommendations, I will bring proposals to Government on the full property tax to replace the household charge as soon as possible. It will then be a matter for the Government to decide on the structure and modalities of the full property tax.

**Non-Principal Private Residence Charge**

356. **Deputy Jim Daly** asked the Minister for the Environment, Community and Local Government his views in relation to the non principal private residence charge being applied to the family home of persons that are forced to emigrate to find employment on a temporary basis; and if he will make a statement on the matter. [24160/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Local Government (Charges) Act 2009, as amended, broadened the revenue base of local authorities by introducing a charge on non-principal private residences. The charge is set at €200 and liability for it falls, in the main, on owners of rental, holiday and vacant properties. The Act places the onus on an owner of a residential property which is situated in the State to assess his or her liability for the charge in the first instance, irrespective of where the person is domiciled.

The Act has a starting position of a universal liability for residential property in respect of the charge. It goes on to exempt certain buildings and owners from this liability, the most important exemption being where a property is occupied by the owner as his or her sole or main residence on the liability date. Where a property is not occupied by the owner, it falls liable for the levy, even if it is the only property that person owns.

*Question No. 357 answered with Question No. 341.*

**Social and Affordable Housing**

358. **Deputy Dominic Hannigan** asked the Minister for the Environment, Community and
Local Government the way a person applies to be on an incremental purchase scheme; and if he will make a statement on the matter.  [24179/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Subject to compliance with the Housing (Incremental Purchase) Regulations 2010, which set out the general terms and conditions of the Incremental Purchase Scheme, the operation of the scheme is a matter for individual housing authorities. Households wishing to apply should do so to the relevant housing authority, which will supply full details of the scheme and the application process.

Unfinished Housing Developments

359. Deputy Patrick O'Donovan asked the Minister for the Environment, Community and Local Government further to Parliamentary Question Nos 187 and 193 of 28 March 2012, if he will clarify the answer (details supplied) [24185/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): As indicated in the reply to Questions 187 and 193 of 28 March 2012, part of the process of preparing the National Housing Development Survey 2011 involved the provision by local authorities of 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.

On foot of the initial correspondence received from each local authority, and further correspondence and clarification between the Housing Inspectorate of my Department and local authorities sector where required, this categorisation formed the basis for the list of those unfinished developments eligible for a waiver on the annual household charge, with only those households in developments in categories three and four eligible for the waiver. The list of developments in which households are eligible for the waiver in 2012 is set out under the Local Government (Household Charge) Regulations 2012; this list forms the full and final list in this regard. A revised list of estates will be prescribed for 2013 after which time the waiver for unfinished housing developments will end. The categorisation process in this regard is currently being finalised and my Department will be in touch with each local authority to establish the composition of this revised list over the coming months. It is anticipated that the numbers of categories 3 and 4 developments will decrease significantly as my Department continues to work with local authorities and other stakeholders to resolve outstanding issues, including through the Public Safety Initiative. The development of Arra View was not included on the final list of those estates which qualify for a waiver on the Annual Household Charge for 2012.

Local Authority Staff

360. Deputy Robert Troy asked the Minister for the Environment, Community and Local Government the cost of overtime for staffing local authority offices to facilitate the payment
Questions— 15 May 2012. Written Answers

of the household charge on 31 March 2012; and if he will make a statement on the matter. [24226/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Under section 159 of the Local Government Act 2001, each City and County Manager is responsible for staffing and organisational arrangements necessary for carrying out the functions of the local authorities for which he or she is responsible. Accordingly, the details sought in the question are not available in my Department.

Appointments to State Boards

361. Deputy Timmy Dooley asked the Minister for the Environment, Community and Local Government the appointments made by him to State boards under the remit of his Department since March 2011 that were advertised; and if he will make a statement on the matter. [24244/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Up to 28 March 2012, the latest date for which information is available, the position is as follows:

<table>
<thead>
<tr>
<th>Agency / Board</th>
<th>Name of Appointee (Chairperson highlighted)</th>
<th>Position advertised</th>
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<tbody>
<tr>
<td>An Bord Pleanála</td>
<td>Dr. Mary Kelly (Chairperson)</td>
<td>Yes</td>
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<td>An Bord Pleanála</td>
<td>Ms Mary MacMahon</td>
<td>No</td>
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<td>An Bord Pleanála</td>
<td>Mr. Conall Boland</td>
<td>No</td>
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<tr>
<td>Building Regulation Advisory Board</td>
<td>Mr. Aidan O’Connor (Departmental representative)</td>
<td>No</td>
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<td>Building Regulation Advisory Board</td>
<td>Mr. Paul Kelly</td>
<td>No</td>
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<tr>
<td>Dormant Accounts Board</td>
<td>Mr. Michael Morley (Chairperson)</td>
<td>No (reappointed)</td>
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<tr>
<td>Dormant Accounts Board</td>
<td>Mr. Des Gunning</td>
<td>No (reappointed)</td>
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<tr>
<td>Environmental Protection Agency</td>
<td>Ms Laura Burke (Director General)</td>
<td>Yes</td>
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<td>Housing Finance Agency</td>
<td>Dr. Michelle Norris (Chairperson)</td>
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<td>Housing Finance Agency</td>
<td>Mr. John Hogan (Department of Finance nominee)</td>
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<td>Mr. Phillip Nugent (Departmental representative)</td>
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<td>Housing Finance Agency</td>
<td>Mr. Colm Brophy</td>
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<td>Mr. Michael Murray</td>
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<td>Mr. Padraic Cafferty</td>
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<td>Housing Finance Agency</td>
<td>Dr. Mary Lee Rhodes</td>
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<td>Irish Water Safety</td>
<td>Ms Breda Collins (Chairperson)</td>
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<td>Irish Water Safety</td>
<td>Mr. John Considine</td>
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<td>Mr. Michael Cuddihy</td>
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<td>Irish Water Safety</td>
<td>Mr. Tom Doyle</td>
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<td>Mr. Brendan McGrath</td>
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<td>Mr. Seamus O’Neill</td>
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<td>Mr. Martin O’Sullivan</td>
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<td>Ms Anne Ryan</td>
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<td>Ms Lola O’Sullivan</td>
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<tr>
<td>Irish Water Safety</td>
<td>Mr. Christy McDonagh</td>
<td>Yes</td>
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</table>
A notice was placed on my Department’s website on 19 July, 2011 seeking expressions of interest, from suitably qualified and experienced persons, for consideration as members or chairpersons of the boards of state bodies under the aegis of my Department. The notice is updated regularly as specific vacancies arise. However, expressions of interest can be made at any time and will be kept on file in my Department for consideration as vacancies occur. All appointments are made in accordance with the appropriate legislation governing appointments to each body. In considering applications due regard is had to Government policy regarding gender balance on State Boards.
A number of different statutory processes are involved in appointments to State boards. In some cases statutory selection procedures must be followed or nominations must be sought from independent nominating panels before appointments are made by the Government or by the Minister. In a number of situations, only some appointments to the body concerned are made by the Minister, or appointments are made with the consent of the Minister for Public Expenditure and Reform.

The Boards of the Environmental Protection Agency (EPA) and An Bord Pleanála are executive in nature and members are employed on a full time salaried basis. The appointments as Chairperson of An Bord Pleanála and Director General of the EPA were made by Government following competitions held by the Public Appointments Service. The Chair of the Board for the Housing and Sustainable Communities Agency (HSCA) has been re-appointed on an interim basis pending enactment of legislation in respect of the HSCA.

The following members were appointed to the Board of Pobal, a not for profit company under the aegis of my Department, by Government:

- Mr. Séamus Boland (Chair).
- Mr. Thomas Maguire.
- Mr. Liam Keane.
- Ms Siobhan McLoughlin.
- Ms Jennifer McHugh.
- Mrs. Mari Hurley.

Article 3 of the Articles of Association of Pobal requires the Minister to consider nominations received from a list of stakeholders and the Social Partners defined by Government in 2005. The list comprises:

**National Social Partners**

- Social Partners party to the Sustaining Progress Agreement; and Stakeholders,
- Area and Community Partnership,
- County Childcare Committees, and
- City and County Managers Association.

A consultation process was conducted in June/July 2011 and 22 nominations received from the Stakeholders and the National Social Partners were considered in bringing forward proposals to Government for the appointments to the vacant positions on the board.

**Taxi Regulations**

362. **Deputy Dessie Ellis** asked the Minister for Justice and Equality the number of SPSV licences that have been granted to persons with Garda National Immigration Bureau stamp 2 and stamp 2a visas. [23673/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda authorities that the specific information requested regarding the issue of licences for small public service vehicles to certain categories of people according to their immigration status is not
available and would necessitate a disproportionate deployment of Garda time and resources to collate.

Citizenship Applications

363. Deputy Finian McGrath asked the Minister for Justice and Equality the position regarding an application for citizenship in respect of a person (details supplied) in County Longford. [23865/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that a valid application for a certificate of naturalisation was received from the person referred to by the Deputy in October, 2009. The application is currently being processed with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation and will be submitted to me for decision as expeditiously as possible. As the processing requirements and time taken to complete necessary checks vary from case to case, it is not possible to provide a specific date for determination of an individual application. I can inform the Deputy that good progress continues to be made in reducing the time taken to process the generality of applications.

The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process. Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy’s view, inadequate or too long awaited.

Criminal Prosecutions

364. Deputy Patrick Nulty asked the Minister for Justice and Equality the number of persons who have been prosecuted each year, in tabular form, pursuant to the offence of section 19D of the Criminal Justice (Public Order) Act 1994, as inserted by the Housing Miscellaneous Provisions Act 2002; and if he will make a statement on the matter. [24184/12]

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.

Charitable Organisations

365. Deputy Robert Dowds asked the Minister for Justice and Equality if he intends to force charitable organisations to publish yearly accounts; and if he will make a statement on the matter. [23654/12]

Minister for Justice and Equality (Deputy Alan Shatter): 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 Chari-
ties 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.

**Court Procedures**

366. **Deputy Jerry Buttner** asked the Minister for Justice and Equality if he will consider amending the regulations governing the small claims procedure in order that businesses can use it to recover small debts; and if he will make a statement on the matter. [23661/12]

385. **Deputy Gerry Adams** asked the Minister for Justice and Equality if he will outline the process followed when an individual brings a claim to the small claims court; whether the registrar of the small claims court is allowed to make an arbitrary judgement without allowing the claimant a hearing. [24138/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 366 and 385 together.

The small claims procedure of the District Court is an alternative method of dealing with a civil proceeding in respect of a small claim. The majority of claims are dealt with by administrative staff in the local District Court offices. Typical claims are:

- a claim in respect of goods or services purchased from somebody selling them in the course of a business,
- minor damage to property (excluding personal injuries), and
- the non-return of a rent deposit for certain types of dwellings.

The procedure does not cover claims in respect of debts, personal injuries or breaches of leases or higher purchase agreements. Generally such cases may be more effectively and speedily dealt with by way of civil bill.

From its inception the procedure was designed to handle consumer claims cheaply without involving a solicitor. The District Court Clerk, in his/her capacity as the Small Claims Registrar, processes the claims. Where possible, the registrar will negotiate a settlement without the need for a court hearing. Approximately half of processed claims are settled in this way. If the matter cannot be settled the registrar will bring the claim before the District Court. The Deputy will
be pleased to learn that the procedure was expanded from January 2010 to allow for business to business claims of the same nature. The procedure is kept under review by my Department.

**Data Protection**

367. **Deputy Jonathan O’Brien** asked the Minister for Justice and Equality if his attention has been drawn to the fact that the Article 29 Working Party have stated that the European Commission is making changes to data protection rules without proper oversight and that they have serious reservations with regard to the extent the commission is empowered to adopt delegated and implementing acts and the number of times these are used; his views on same; and if he will make a statement on the matter. [23664/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am aware that the Article 29 Working Group, the European Data Protection Supervisor and other interested parties have submitted views on aspects of the Commission’s proposals to update the Union’s data protection standards. Both the Chairman of the Working Group and the Supervisor have already presented their views to member state representatives in the relevant working group. Their submissions will, therefore, inform the working group’s consideration of the Commission’s proposals.

**Citizenship Applications**

368. **Deputy Paudie Coffey** asked the Minister for Justice and Equality the position regarding a naturalisation application in respect of a person (details supplied) in County Waterford; and if he will make a statement on the matter. [23666/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that an application for a certificate of naturalisation was received from the person referred to by the Deputy in September, 2011. The application is currently being processed with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation and will be submitted to me for decision as expeditiously as possible. The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy’s view, inadequate or too long awaited.

**Citizenship Applications**

369. **Deputy Ciarán Lynch** asked the Minister for Justice and Equality when a decision will be made on an application for naturalisation in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [23681/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that an application for a certificate of naturalisation was received from the person referred to by the Deputy in March, 2012. The application is currently being processed with a view to establishing whether the
applicant meets the statutory conditions for the granting of naturalisation and will be submitted to me for decision as expeditiously as possible. The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy’s view, inadequate or too long awaited.

**Legal Aid Service**

370. **Deputy Brendan Griffin** asked the Minister for Justice and Equality the cost to the Exchequer of the legal aid system over the past five years; the number of persons per annum that avail of the service; the number of convictions that occurred in such cases; and if he will make a statement on the matter. [23691/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** Under the Criminal Justice (Legal Aid) Act 1962, the Courts, through the judiciary, are responsible for the granting of criminal legal aid. An applicant for legal aid must establish to the satisfaction of the court that his/her means are insufficient to enable him/her to pay for legal representation him/herself. The Court must also be satisfied that, by reason of the gravity of the charge or exceptional circumstances, it is essential in the interests of justice that the applicant should have legal aid. The constitutional right to criminal legal aid was established in 1976 in the Healy -v- Donoghue case.

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Certificates Granted</th>
<th>Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>46,620</td>
<td>€46.365m</td>
</tr>
<tr>
<td>2008</td>
<td>55,265</td>
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</tr>
<tr>
<td>2009</td>
<td>55,664</td>
<td>€60.338m</td>
</tr>
<tr>
<td>2010</td>
<td>55,412</td>
<td>€56.544m</td>
</tr>
<tr>
<td>2011</td>
<td>54,092</td>
<td>€56.116m</td>
</tr>
</tbody>
</table>

The Legal Aid Board is the independent statutory body which provides legal aid in civil cases. The two main criteria are the financial eligibility test and the merits test. The volume of business in this area over the past five years is indicated in the following data provided by the Legal Aid Board.

<table>
<thead>
<tr>
<th>Year</th>
<th>Legal Aid Cases</th>
<th>Legal Advice Cases</th>
<th>Expenditure</th>
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<tr>
<td>2007</td>
<td>9,390</td>
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<td>9,344</td>
<td>7,288</td>
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<tr>
<td>2011</td>
<td>9,492</td>
<td>8,333</td>
<td>€24.125m</td>
</tr>
</tbody>
</table>

**Garda Stations**

371. **Deputy Finian McGrath** asked the Minister for Justice and Equality the reason he closed Whitehall Garda station, Dublin 9. [23717/12]

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Minister for Justice and Equality (Deputy Alan Shatter): In the Policing Plan for 2012, the Garda Commissioner proposed the closure of a number of Garda stations, including Whitehall Garda Station, after a detailed review of all aspects of the stations and a careful analysis of the potential for the more efficient deployment of Garda members in the areas concerned. Commenting on the closures in the Policing Plan, the Commissioner said that “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”. I fully support the Commissioner in his objective of bringing new efficiencies to the delivery of policing services and of prioritising frontline operational policing for the benefit of the public.

International Agreements

372. Deputy Anne Ferris asked the Minister for Justice and Equality the reason the International Convention on the Elimination of Racial Discrimination has not been incorporated into domestic law in view of the fact that Ireland has incorporated other international human rights instruments into international law; and if he will make a statement on the matter.

Minister for Justice and Equality (Deputy Alan Shatter): Ireland signed the Convention on the Elimination of all forms of Racial Discrimination in 1968 and ratified it in January 2001 whereupon it became binding on Ireland in international law. Ratification occurred after the enactment of the Employment Equality Act 1998 and the Equal Status Act 2000. Once the Treaty obligations have been legislated for, those legislative provisions are binding in domestic law. There is no obligation under the Convention for Ireland to incorporate the Convention into domestic law. Ireland has chosen to fulfil the international obligations binding on us following accession to the Convention through our domestic legislation which deals specifically with all the forms of racial discrimination prohibited by the Convention. Once all the Convention’s obligations have been provided for, there is no specific need to incorporate the Convention into domestic legislation.

Criminal Prosecutions

373. Deputy Anne Ferris asked the Minister for Justice and Equality if he will provide data on the number of charges and convictions brought under the Prohibition of Incitement to Hatred Act per year since its enactment; and if he will make a statement on the matter.

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.

Crime Levels

374. Deputy Anne Ferris asked the Minister for Justice and Equality if he is aware of any cases where the Judge has considered racial motivation as an aggravating factor at sentencing; if he will provide data on the number of such cases per year over the last ten years; and if he will make a statement on the matter. [23850/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Deputy will be aware that judges are independent in the matter of sentencing as they are in other matters concerning the exercise of judicial functions, subject only to the Constitution and the law. The decision reached in any case or the sentence imposed, including the factors taken into account, are matters for
the presiding judge. Statistics on reports of racially motivated crime are collated by the Central Statistics Office and are available on the website of the Office for the Promotion of Migrant Integration. Statistics on the number of complaints to the Gardaí Ombudsman Commission, alleging discrimination on the grounds of race and/or religion and on cases taken under the race ground of the Employment Equality and Equal Status Acts are also available on that website.

The Deputy may also be aware of the Irish Sentencing Information System or “ISIS” which is an initiative of the judiciary and is an electronic system designed to gather information about the range of sentences and other penalties that have been imposed for particular types of offences across court jurisdictions. The website became operational as a pilot in August 2010 and includes statistics on sentencing, synopses of relevant court judgments and access to a database on actual sentences imposed in various crimes and cases. I consider the website has the potential in time to be a valuable tool not only for members of the judiciary but also for lawyers, researchers and those of us concerned with the needs of victims and their families. I understand that ISIS will be evaluated after it has been operating for some time and I will arrange to draw this issue to the attention of the ISIS Steering Committee in that context.

Citizenship Applications

375. **Deputy Michael McNamara** asked the Minister for Justice and Equality when a decision will issue on a citizenship application in respect of persons (details supplied); and if he will make a statement on the matter. [23897/12]

**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 June 2008 and February 2009 respectively. The applications are currently being processed with a view to establishing whether the applicants meet the statutory conditions for the granting of naturalisation and will be submitted to me for decision as expeditiously as possible. While good progress continues to be made in reducing the large volume of cases on hands, 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. I can, however, inform the Deputy that enormous progress has been made in dealing with the backlog and steps are being taken to process all outstanding applications and to have made significant inroads into them by the end of this year.

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.

International Terrorism

376. **Deputy Jonathan O’Brien** asked the Minister for Justice and Equality if his statement published on 4 May on MerrionStreet.ie was referring to the Irish Palestine Solidarity Campaign; the names of the declassified documents which he believes demonstrates Osama Bin Laden’s supporters see Ireland as promising ground; the evidence to substantiate this claim; and if he will make a statement on the matter. [23903/12]
Minister for Justice and Equality (Deputy Alan Shatter): My statement issued on 4th May referred to the action of the group mentioned by the Deputy, as reported in the national press, in directing its members to “target” a musical group in order to intimidate the group into cancelling their proposed concerts in Israel which they proposed to undertake “to promote love between two divided communities”. While I understand the group’s action in cancelling their proposed tour, I deplore the cyber-bullying and intimidation which led them to do so. It is my belief that cultural and artistic exchanges have the capacity to make a significant contribution to fostering understanding and tolerance in a troubled part of the world. The newly declassified documents referred to in my statement and widely covered by the media were those recently uploaded onto their website by the Combating Terrorism Center, West Point, New York and collectively entitled “Letters from Abbottabad”, one of which documents refers specifically to Ireland.

Prisoner Releases

377. Deputy Bernard J. Durkan asked the Minister for Justice and Equality the number of applications for day special family-event day compassionate release currently on hand; the number of such applications likely to be approved; if such release is restricted to a particular category of prisoner; if any particular category of prisoner is excluded from such consideration; and if he will make a statement on the matter. [23908/12]

Minister for Justice and Equality (Deputy Alan Shatter): My replies to previous Parliamentary Questions explained the criteria which applies including the circumstances when temporary release may be provided and what matters must be taken into account. Candidates for temporary release are identified by a number of different means but primarily on the recommendation of the Prison Governor or the therapeutic services in the prisons. The prisoner, their family, or their legal representative can also apply for consideration of such a concession. Recommendations are also made to me in relation to long term sentence prisoners by the Parole Board though it does not necessarily follow that a prisoner will receive temporary release even if the recommendation is to that effect.

I have been informed by the Irish Prison Service that the reason given for seeking a period of temporary release is recorded with supporting documentation on the individual prisoner file. However, 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.

Citizenship Applications

378. Deputy Sean Fleming asked the Minister for Justice and Equality the number of applications for citizenship that are waiting for over two years to be completed in view of the fact that he has sought to address this issue and will priority be given to completing all current applications that are on file over two years as urgently as possible; and if he will make a statement on the matter. [23929/12]

Minister for Justice and Equality (Deputy Alan Shatter): I refer the Deputy to my reply to PQ No. 72 of the 8th May 2012:

When I 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 cases on hand and applications were taking an average time of over two years to process and many were waiting 3 to 4 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 2010, a decision was 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 around another 12,000 applications between June and the year end. Thus this year will see approximately 24,000 cases dealt with, which represents a more than three fold increase in the number of cases dealt with over 2010 levels. I think the House will 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 i.e. around 70%, that 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. Under the new Job-Bridge Programme announced by the Government a total of sixteen 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 in 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.

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.
Citizenship Applications

379. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the procedures to be followed for naturalisation in respect of a person (details supplied) in Dublin 24; and if he will make a statement on the matter. [24046/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that the person referred to by the Deputy has confirmed his availability to attend a citizenship ceremony on 14 June, 2012 at which I intend to grant him a Certificate of Naturalisation.

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.

Regulatory Impact Assessments

380. **Deputy Terence Flanagan** asked the Minister for Justice and Equality the number and description of any regulatory impact assessments that have been undertaken by his Department on legislation or proposed legislation since 9 March 2011; the stage in the legislative / policy development process at which the RIAs have been carried out; the number of RIAs that have been published by his Department over the same period; the manner of publication involved; and if he will make a statement on the matter. [23501/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The information requested by the Deputy is as follows.

- **Civil Law (Miscellaneous Provisions) Bill 2011** — A Regulatory Impact Analysis (RIA) was prepared on publication of the Bill and has been published on my Department’s website.

- **Personal Insolvency Bill** — A RIA was prepared on publication of the General Scheme of the Bill. This has not yet been published but will be published on my Department’s website in due course.

- **Mental Capacity Bill** — A RIA is being prepared to accompany the Mental Capacity Bill that is being finalised for publication in this Dáil session.

- **Legal Services Regulation Bill** — A RIA will be published in advance of the Committee Stage of the Bill. On the matter of the Legal Services Regulation Bill, the Deputy may wish to note that although a preliminary RIA had been in preparation for the Bill, because of the prescribed and exceptional 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 RIA is further advanced and will continue against the backdrop of the amendments to the Bill that are being prepared for the Committee Stage. The RIA will be published in advance of the Committee Stage for timely consideration. The Deputy will be aware that the relevant Guidelines specifically allow for a RIA to follow a Bill in such exceptional circumstances as applied in this instance.

- **The National Vetting Bureau Bill** — A RIA was prepared during preparation of the Bill and was published on my Department’s website.
Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Bill 2012 — A RIA was prepared during preparation of the Bill and was published on my Department’s website.

Criminal Justice (Community Service) (Amendment) Act 2011 — A RIA was prepared during preparation of the Bill and was published on my Department’s website.

Criminal Justice (Spent Convictions) Bill 2012 — A RIA was prepared during preparation of the Bill and was published on my Department’s website.

Criminal Justice (Search Powers) Bill 2012 — A RIA was prepared during preparation of the General Scheme/Drafting of the Bill but has not yet been published. It is proposed to publish the RIA on my Department’s website in due course.

Criminal Justice Act 2011 — A RIA was prepared during preparation of the Bill and was published on my Department’s website.

Criminal Justice (Corruption) Bill 2012 — A RIA was prepared prior to circulation of the Heads of the Bill to Government but has not yet been published. It is proposed to publish the RIA on my Department’s website in due course.

Recent Judgement of the Court of Justice of the EU — A RIA was prepared during drafting of the Heads of the Bill and will be published on my Department’s website. The Deputy may wish to note that this RIA concerns legislation to give effect to a recent judgement of the Court of Justice of the EU (ECJ) which prohibits gender differentiation in insurance, with effect from 21 December, 2012. The RIA concerns the legislation rather than the policy options, as, following the ECJ decision, there are no other policy options open.

Legislative Programme

381. **Deputy Brendan Griffin** asked the Minister for Justice and Equality when will the Spent Law will be in place and the time frame for same. [24119/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Criminal Justice (Spent Convictions) Bill 2012 was approved for publication by the Government on 1 May 2012 and was presented to the Seanad on 2 May 2012, where it is currently awaiting Second Stage. The Bill builds on the recommendations in the 2007 Law Reform Commission Report on Spent Convictions in allowing former offenders to withhold details of certain qualifying convictions once certain conditions have been met and an appropriate conviction-free period has elapsed. However, all past convictions will have to be disclosed by persons who wish to work with children and vulnerable adults and when they are applying for certain sensitive positions in the public service. In that regard, the Bill will have to dovetail with the National Vetting Bureau Bill that I intend to publish shortly.

The timeframe for enactment will depend on the ordering of business in the Houses of the Oireachtas and on any amendments that may be tabled during the Bill’s passage. Having said that, the Deputy can be assured that the Government wishes to see this Bill enacted as quickly as possible.

Garda Stations

382. **Deputy Noel Grealish** asked the Minister for Justice and Equality in view of the fact that the new Garda Regional and Divisional Headquarters at Murrough, Renmore, County Galway has passed through all planning stages, if he will give a commitment that this new
383. **Deputy Noel Grealish** asked the Minister for Justice and Equality if he will honour a commitment given by the previous Government that when the new Garda Regional and Divisional Headquarters at Murrough, Galway is constructed that the existing station at Millstreet will be retained as a city centre substation; and if he will make a statement on the matter. [24120/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 382 and 383 together.

The programme of replacement of Garda stations is based on the agreed accommodation priorities established by An Garda Síochána and it is progressed in co-operation with the Office of Public Works. Provision for expenditure on capital projects, including the provision of Garda accommodation, is provided for in the Vote of the Office of Public Works.

I am advised by the Garda authorities that plans for the construction of a new Regional Headquarters in Galway have been developed by the Office of Public Works. Further progress on this project will be pursued in the context of An Garda Síochána’s identified accommodation priorities and in the light of sufficient resources being available within the OPW Vote.

I am further advised that Mill Street station will continue to serve as a Regional and Divisional Headquarters until such time as a new headquarters is provided. Any decision in relation to the station at that stage will be a matter in the first instance for the Garda Commissioner in the context of his operational requirements.

384. **Deputy Ann Phelan** asked the Minister for Justice and Equality the circumstances under which a prisoner is moved from secure or closed prison to open prison in view of recent media coverage of some inmates deciding to leave Loughan House in County Cavan, including one inmate with over 90 convictions, including the manslaughter of a member of An Garda Síochána it appears there may be some people in open prison that should not be there, and visa versa; and if he will make a statement on the matter. [24127/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** As the Deputy is aware I published the Report into the escape by the prisoner referred to on the 28th March 2012. As I stated, when publishing the Report, 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 the necessary steps to ensure that a mistake of this nature does not reoccur.

I have been informed 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 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 at Director level of the Irish Prison Service.

Open centres are an integral part of the rehabilitation process, in that they allow prisoners to experience a lower security environment prior to their release back into the community. In the case of prisoners coming to the end of long sentences, accommodation in an open centre can help mitigate the effects of institutionalisation. In general, the more relaxed visiting regime in open centres can have a positive effect in consolidating family supports.
Prisoners being considered for a transfer to an open centre are identified by a number of different means but primarily on the recommendation of the Prison Governor or the therapeutic services in the prisons. Before a final determination, a number of factors may be taken into account and I have set these out previously in my answer to written question no. 1004 on 18th April, 2012.

Prisoner review meetings are held on a regular basis in all prisons. At these reviews, the Governor and staff and all services involved in the sentence management of the prisoner offer their views and recommendations. This vital information allows for an informed decision on the prisoner’s sentence management. 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.

Question No. 385 answered with Question No. 366.

Missing Children

386. **Deputy Gerry Adams** asked the Minister for Justice and Equality if he has been in contact with a person (details supplied) in relation to child abduction; if he has provided any assistance to the family; and the position regarding this situation.  [24146/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Irish Central Authority for Child Abduction within my Department has not received an application in relation to this matter. The Central Authority operates for the purposes of a number of international and EU instruments relating to child abduction. The purpose of these instruments is to facilitate the return of children who have been wrongfully removed from one contracting state where they are habitually resident to another contracting state. As the country in question is not a contracting state to these international instruments, the Central Authority is not in a position to assist in this matter. In such situations, the family involved can seek consular assistance of the Department of Foreign Affairs and I understand that Department has been assisting the family.

Garda Deployment

387. **Deputy Eamonn Maloney** asked the Minister for Justice and Equality in view of the fact Tallaght Garda Station, Dublin 24, is awaiting the appointment of a Garda Chief Superintendent and a Garda Superintendent, the date on which these appointments will be announced.  [24154/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Deputy will be aware that the Commissioner, in consultation with his senior management team, is responsible for the detailed allocation of resources, including personnel, throughout the organisation. This allocation of resources is constantly monitored in the context of crime trends, policing needs and other operational strategies in place on a District, Divisional and Regional level to ensure optimum use is made of Garda resources and the best possible Garda service is provided to the public.

I am of course fully conscious of the importance of maintaining a sufficient strength in the senior ranks to support the investigative, management and supervisory capacity of the Force. To this end I am in ongoing discussion with my colleague the Minister for Public Expenditure and Reform and I hope to be able to build on recent progress in filling key senior vacancies.

Road Safety

388. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality the number
of unaccompanied learner drivers that have been involved in fatal and serious collisions each year since 2009; and if he will make a statement on the matter. [24162/12]

389. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality the number of unaccompanied learner drivers that have been convicted after being involved in a fatal or serious collision each year since 2009; and if he will make a statement on the matter. [24163/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 388 and 389 together.

I am informed by the Garda authorities that 45 unaccompanied learner drivers were involved in a fatal collision and 74 were involved in a serious injury collision between 1 January 2009 and 14 May 2012. The following table provides a breakdown of the statistics by year:

<table>
<thead>
<tr>
<th>Year</th>
<th>Fatal</th>
<th>Serious Injury</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012 (to 14 May)</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>2011</td>
<td>10</td>
<td>22</td>
</tr>
<tr>
<td>2010</td>
<td>11</td>
<td>20</td>
</tr>
<tr>
<td>2009</td>
<td>21</td>
<td>27</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>45</strong></td>
<td><strong>74</strong></td>
</tr>
</tbody>
</table>

*These statistics are provisional, operational and subject to change.

The Deputy will be aware that, under the provisions of the Courts Service Act 1998, management of the courts is the responsibility of the Courts Service and I have no role in the matter. Section 4(3) of the 1998 Act provides that the Courts Service is independent in the performance of its functions, which includes the provision of statistics.

However, in order to be of assistance to the Deputy, I have had enquiries made and the Courts Service has informed me that the information sought by the Deputy regarding the number of unaccompanied learner drivers that have been convicted after being involved in a fatal or serious collision each year since 2009 are not available. Information concerning summonses, convictions and fines with respect to unaccompanied learner drivers generally is set out in my response to the Deputy’s Question No. 391 of today’s date.

**Road Traffic Offences**

390. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality the number of learner drivers since 2009 that have received a caution to date for failing to display L plates and or for driving unaccompanied by a qualified driver; the number of learner drivers in the same period that have received several cautions for these offences; and if he will make a statement on the matter. [24164/12]

392. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality if he will report on the recent operation learner driver; and if he will make a statement on the matter. [24169/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 390 and 392 together.
I am informed by the Garda authorities that An Garda Síochána under Operation Learner Driver conducted two specific enforcement operations, in conjunction with the Road Safety Authority and other relevant stakeholders, targeting learner drivers in March and April this year.

The following table provides a combined breakdown of offences detected during these operations (in some cases both offences were committed by the same driver):

<table>
<thead>
<tr>
<th>Number of Learner Drivers Driving Unaccompanied and or Without L-plates Detected under Operation Learner Driver</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Learner Drivers Checked</td>
</tr>
<tr>
<td>----------------------------------</td>
</tr>
<tr>
<td>2,200</td>
</tr>
</tbody>
</table>

*This figure is the number of proceedings commenced to 10 May 2012 and is provisional, operational and liable to change.

I am further informed that statistical information relating to the overall number of cautions issued to learner permit drivers for failing to display L-plates and for driving unaccompanied by a qualified driver since 2009 is not readily available and would necessitate the expenditure of a disproportionate amount of Garda time and resources to compile.

Road Traffic Offences

391. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality the number of learner drivers that have been summoned to court for failing to display L-plates and or being unaccompanied by a qualified driver since 2009; the number of learner drivers that have been convicted in court of this offence; the average fine imposed on learner drivers by the court after being convicted of this offence; if any drivers have received the maximum €1,000 fine in court for this offence; and if he will make a statement on the matter. [24165/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Deputy will be aware that, under the provisions of the Courts Service Act 1998, management of the courts is the responsibility of the Courts Service and I have no role in the matter. Section 4(3) of the 1998 Act provides that the Courts Service is independent in the performance of its functions, which includes the provision of statistics.

However, in order to be of assistance to the Deputy, I have had enquiries made and the Courts Service has informed me that the information sought by the Deputy is as set out in the table below:

<table>
<thead>
<tr>
<th>Year</th>
<th>Summoned</th>
<th>Convicted</th>
<th>Average fine</th>
<th>Maximum Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>2,625</td>
<td>410</td>
<td>€142.37</td>
<td>No</td>
</tr>
<tr>
<td>2010</td>
<td>2,966</td>
<td>503</td>
<td>€132.80</td>
<td>No</td>
</tr>
<tr>
<td>2011</td>
<td>2,718</td>
<td>634</td>
<td>€133.50</td>
<td>No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Year</th>
<th>Summoned</th>
<th>Convicted</th>
<th>Average fine</th>
<th>Maximum Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>2,751</td>
<td>446</td>
<td>€150.38</td>
<td>No</td>
</tr>
</tbody>
</table>
Deputy Alan Shatter.

<table>
<thead>
<tr>
<th>Year</th>
<th>Summoned</th>
<th>Convicted</th>
<th>Average fine</th>
<th>Maximum Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>3,447</td>
<td>718</td>
<td>€156.41</td>
<td>No</td>
</tr>
<tr>
<td>2011</td>
<td>3,150</td>
<td>854</td>
<td>€149.70</td>
<td>No</td>
</tr>
</tbody>
</table>

Question No. 392 answered with Question No. 390.

Appointments to State Boards

393. Deputy Timmy Dooley asked the Minister for Justice and Equality the appointments made by him to State boards under the remit of his Department since March 2011 that were advertised; and if he will make a statement on the matter. [24249/12]

Minister for Justice and Equality (Deputy Alan Shatter): The information requested is set out below.

Property Services Regulatory Authority

I appointed a Chairperson and ten ordinary members to the Property Services Regulatory Authority (PSRA) on 3 April 2012. These appointments were made following the seeking of expressions of interest from members of the public in December 2011.

Chairperson
Geraldine Clarke
Ordinary Member
Regina Terry
Myles O’Reilly
Paul Mooney
Josephine Henry
Martin Hanratty
Deirdre Fox
James Doorley
Patrick Davitt
Edward Carey
Carol Boate

I can also inform the Deputy that, of the other State board appointments that I have made since March 2011, none were advertised either for reasons of timing, in that vacancies had to be filled quickly, or because relevant legislation required that the appointments be made on the nomination of a particular professional body. However, I wish to further inform the Deputy that I plan to seek expressions of interest from members of the public regarding the filling of further vacancies on State boards, unless on a case by case basis, such a process is thought to be impractical.

Visa Applications

394. Deputy Patrick Nulty asked the Minister for Justice and Equality if he will expedite a joint visa in respect of persons (details supplied) in Dublin 15; the reason for the delay; and if he will make a statement on the matter. [24255/12]
Minister for Justice and Equality (Deputy Alan Shatter): The visa application referred to was made on 7 March 2012. The application was refused on 1 April 2012. An appeal of this decision was submitted on 16 April 2012. I am pleased to inform the Deputy that the visa appeal application was approved on the 8 May 2012. As the application was comfortably dealt with within the time-frame outlined on the INIS website, and considering the nature of the visa application which involved a long-stay move to the State, I am satisfied that there were no delays in processing this application.

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.

Residency Permits

395. Deputy Caoimhghín Ó Caoláin asked the Minister for Justice and Equality the number of persons who presented to the Irish Naturalisation and Immigration Service of the Garda National Immigration Bureau to apply for extensions of residence for timed out students since the arrangements for such extensions began; the number of extension applications being granted and the number being refused; the number of persons who have timed out but have not presented for an extension and thus may have left the State or may be illegally resident in the State; his views on long term plans for timed out students. [24259/12]

Minister for Justice and Equality (Deputy Alan Shatter): The new immigration regime for full time non-EEA students has been in operation since 1 January 2011. These new immigration rules are designed to reform the student immigration regime in a manner that is better integrated with Ireland’s immigration policy generally while providing a stronger regulatory framework for the development of the international education sector.

In order to ensure a smooth transition from the old regime to the new, special transitional arrangements were put in place for those students already in the State who were affected by the change in the immigration regime and, in particular, by the introduction of limits on the duration of student residence. Students were allowed to complete any course they had commenced prior to the introduction of the new rules.

As a special concession “timed-out” students were granted a six month extension of their immigration permission to allow those students to address their immigration status in the State. During this six month concession period, “timed out students” were permitted to work full time and to apply for an employment permit or green card without having to return to their country of origin. Whilst this six month concession was initially non-renewable, in recognition of a tighter labour market, a further two three month extensions of the “timed out” concession has been extended to students who have been resident in the State prior to 1 January 2006, in order to permit them to finalise their status in the State. In essence, this has afforded such students up to one year to seek an alternative permission to be in the State.

Whilst an exact figure for the number of students who have presented to the Garda National Immigration Bureau and the Irish Naturalisation and Immigration Service seeking “timed out” permission is not currently available and the level of departure from the State is not recorded because Ireland does not operate exit controls, a snapshot of non-EEA students resident in Ireland as at end March 2012 shows that on that date there were approximately 1400 students
recorded as being in the category in question. This figure is fluid as students finish their courses and in some cases others previously granted the concession go on to degree level education.

Overall is should be borne in mind that the time limits themselves, at 7 years overall and 3 years within the language and non-degree sector, are not ungenerous. Student permission cannot be open ended and, even without the new time limits, has always been recognised as a more limited immigration status (for instance it is not reckonable for naturalisation).

Therefore I am satisfied that significant measures have been put in place to ensure that non-EEA students resident in Ireland prior to 1 January 2011 have been treated fairly with the introduction of the new arrangements. The transitional measures have provided ample time for students to seek alternative means of remaining in the State and some have in fact done so. Ultimately anyone seeking to stay on must have a sustainable basis to their residence. Further extensions of the timed out concession itself could only be justified for a limited subset of the student population. In that regard, it should be noted that to operate any other policy would be to tacitly acknowledge that entering the State as a student would facilitate permanent migration to the State. I am not aware of any country that has such a system in place.

**Anti-Social Behaviour**

396. **Deputy Ciara Conway** asked the Minister for Justice and Equality if he will provide an update on the current legislative position regarding tackling anti social behaviour; the remedies that might be available to persons suffering as a result of this behaviour; and if he will make a statement on the matter. [24339/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda authorities that current policing strategies are predicated on preventing crime, public order offences and anti-social behaviour and are designed to promote an environment conducive to the improvement of the quality of life for residents in the community. I am further informed that policing measures are in place to address any difficulties experienced by members of the community with respect to incidents of public disorder and other anti-social behaviour. This includes areas being designated as hotspots for such criminality, additional high-visibility patrols being directed by local Garda management, including regular patrols by uniform and plain-clothes units, including the Community Policing and Garda Mountain-Bike Units, local Detective and Drug Unit personnel, supplemented as required by Divisional Crime Task Force and Traffic Corps personnel.

Strong legislative provisions are in place to combat anti-social behaviour. Part 11 of the Criminal Justice Act 2006 provides for civil proceedings in relation to anti-social behaviour by adults and Part 13 of the Act relates to anti-social behaviour by children. These provisions set out an incremental procedure for addressing anti-social behaviour. With regard to children, these range from a warning from a member of An Garda Síochána, to a good behaviour contract involving the child and his or her parents or guardian, to referral to the Garda Juvenile Diversion Programme and finally to the making of a behaviour order by the Children Court. With regard to adults, they include a warning and the making of a civil order by the court.

A range of other legislative provisions are also available to An Garda Síochána in order to address anti-social behaviour and public order incidents, and to bring criminal proceedings where appropriate. These include measures under the Criminal Justice (Public Order) Acts and the Intoxicating Liquor Acts. In particular, the Intoxicating Liquor Act 2008 gave further powers to the Gardaí to tackle misuse of alcohol, including the power to seize alcohol in the possession of an under 18 year old which they suspect is for consumption in a public place. They can also seize alcohol to forestall public disorder or damage to property. Gardaí may also
issue fixed charge notices for the offences of intoxication in a public place and disorderly conduct in a public place.

**Regulatory Impact Assessments**

397. **Deputy Terence Flanagan** asked the Minister for Defence the number and description of any regulatory impact assessments that have been undertaken by his Department on legislation or proposed legislation since 9 March 2011; the stage in the legislative / policy development process at which the RIAs have been carried out; the number of RIAs that have been published by his Department over the same period; the manner of publication involved; and if he will make a statement on the matter. [23495/12]

**Minister for Defence (Deputy Alan Shatter):** There have been no Regulatory Impact Assessments (RIA) carried out by my Department during the period in question. The Department of Defence is not a regulatory authority as commonly understood. The Defence Acts and Regulations made thereunder are for the most part, focused on the Defence Forces only and do not apply to the ordinary citizen or to business. Notwithstanding this, the Department applies the principles set out in the RIA Guidelines issued by the Department of the Taoiseach where appropriate. My Department is also represented on the RIA Network chaired by the Department of the Taoiseach.

**Appointments to State Boards**

398. **Deputy Timmy Dooley** asked the Minister for Defence the appointments made by him to State boards under the remit of his Department since March 2011 that were advertised; and if he will make a statement on the matter. [24242/12]

**Minister for Defence (Deputy Alan Shatter):** The bodies under the aegis of my Department are the Civil Defence Board, the Army Pensions Board and the Board of Coiste an Asgard. The Civil Defence Act 2002 provides that the Board shall consist of at least eight but not more than fourteen members who shall be appointed by the Minister for Defence. Legislation is currently being drafted to dissolve the Civil Defence Board and transfer the functions of the Board back into the Department of Defence. I appointed the current Board as an interim measure from 11 July 2011. Membership of the interim Board appointed from 11 July 2011 is set out in the following table:

<table>
<thead>
<tr>
<th>Name</th>
<th>Nominating Bodies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil Defence Board Chairperson</td>
<td>Nominated by the Minister for Defence</td>
</tr>
<tr>
<td>Mr. Brian Spain, Director, Department of Defence</td>
<td></td>
</tr>
<tr>
<td>Civil Defence Board Members</td>
<td>Nominated by the Minister for Defence</td>
</tr>
<tr>
<td>Mr. Cathal Duffy, Principal Officer, Department of Defence</td>
<td></td>
</tr>
<tr>
<td>Ms Clare Tiernan, Principal Officer, Department of Defence</td>
<td>Nominated by the Minister for Defence</td>
</tr>
<tr>
<td>Mr. Robert Mooney, Principal Officer, Department of Defence</td>
<td>Nominated by the Minister for Defence</td>
</tr>
<tr>
<td>Mr. Bill Smith, Director General, Civil Defence Board</td>
<td>Appointed as Director General, Civil Defence Board</td>
</tr>
<tr>
<td>Mr. Ned Gleeson, County Manager, Limerick City Council</td>
<td>Nominated by City and County Managers Association</td>
</tr>
<tr>
<td>Mr. Keith Leonard, Assistant Fire Advisor</td>
<td>Nominated by the Minister for Environment, Community and Local Government</td>
</tr>
<tr>
<td>Dr. Barbara Rafferty</td>
<td>Nominated by Radiological Protection Institute of Ireland</td>
</tr>
</tbody>
</table>
The Army Pensions Board is an independent statutory body established under the Army Pensions Act, 1927. The Act specifies that the Board shall consist of a chairman and two ordinary members. The two ordinary members must be qualified medical practitioners of whom one must be an officer of the Army Medical Corps. The chairman and the non-military ordinary member are appointed by the Minister for Defence with the concurrence of the Minister for Finance. The Army Medical Corps ordinary member is appointed by the Minister for Defence on the recommendation of the Chief of Staff of the Defence Forces.

The position of Army Medical Corps ordinary member became vacant due to retirement in 2011, and I have since appointed Commandant Adam Lagun to the Board on the recommendation of the Chief of Staff. As the Army Pensions Act 1927 specifies that one of the ordinary members must be an officer of the Army Medical Corps, this position was not publicly advertised. Details of Commandant Lagun’s appointment to the Army Pensions Board were published in the Iris Oifigiúil on 13 January 2012.

Harbour Charges

399. Deputy John Halligan asked the Minister for Agriculture, Food and the Marine if he will clarify the proposed increases in rates and charges for leisure crafts at harbours around the country; if he will reconsider the imposition of this excessive charge for the most basic of facilities for leisure crafts in harbours. [23638/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Charges for the use of facilities at each of the six Fishery Harbour Centres are currently levied by virtue of the Fishery Harbour Centres (Rates and Charges) Order 2003. My Department has however recently conducted a review of the 2003 Order and a draft new Rates and Charges Order, the first proposed changes to the fee schedule for almost a decade, has been prepared on foot of that review.

Charges for use of the facilities in the Fishery Harbour Centres by yachts and other pleasure craft have been introduced for the first time. This follows the provision of specialised marina facilities at Dingle and now Rossaveal Fishery Harbour Centres in particular, in response to the importance of such developments in the marine leisure and tourism area.

The new draft Order was the subject of a public consultation process that closed on 20 April last, and I am pleased to note that my Department has now received a total of 87 submissions in relation to the revised charges, from a wide range of stakeholders in the Fishery Harbour Centres. Many of those were from the leisure and tourism sectors.

These submissions are being given careful consideration at present, and when the examination is complete I will, if necessary, make any appropriate amendments to the new Rates and Charges Order before it is finalised.
Animal Welfare Legislation

400. **Deputy Sean Fleming** asked the Minister for Agriculture, Food and the Marine when the Animal Health and Welfare Bill 2012 is expected to be completed through the Oireachtas; the planned commencement dates for the implementation of this new legislation; if it will it be able to deal with animal welfare issues that arose prior to, but are continuing after the passage of the legislation; and if he will make a statement on the matter. [23645/12]

405. **Deputy Sean Fleming** asked the Minister for Agriculture, Food and the Marine if the proposed new Animal Health and Welfare Bill 2012 will impose new responsibilities on the Turf Club and Horse Racing Ireland regarding the welfare of horses while in training with a licensed trainer; the obligations on these bodies in relation to these issues prior to this new legislation being finalised; and if he will make a statement on the matter. [23710/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I propose to take Questions Nos. 400 and 405 together.

In the first instance the keeper of animals is primarily responsible for their welfare. The principal statutes governing cruelty to all animals in this country, including race horses, is the Protection of Animals Act 1911 and the Protection of Animals (Amendment) Act, 1965. Responsibility for enforcing this legislation rests with An Garda Síochána who may, on receipt of a complaint, investigate and bring a prosecution against any person alleged to have committed an offence under these Acts.

The new Animal Health and Welfare Bill will consolidate and update existing legislation in the area of animal welfare. There will be provisions for powers of intervention where an animal is deemed to be at risk of being welfare compromised and issues such as the prevention of unnecessary suffering and abandonment of animals will also be addressed. The Bill has recently had its second stage in the Seanad. A date of implementation will be set once the Bill has been passed by the Oireachtas. The Animal Health and Welfare Bill will not have retrospective effect and any issues that arise prior to the passage of this legislation will be dealt with under the relevant legislation currently in force.

Animal Welfare Issues

401. **Deputy Sean Fleming** asked the Minister for Agriculture, Food and the Marine if he is satisfied with the views of Horse Racing Ireland and the Turf Club that current legislation is silent in relation to the issue of welfare of horses while in training; and if he will make a statement on the matter. [23647/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** My Department’s responsibility, which is set down in legislation, currently extends to the welfare and protection of farmed animals only i.e. animals normally bred or kept for the production of food or for use in or for the purpose of farming. The relevant legislation in this area is the Protection of Animals Kept for Farming Purposes Act 1984 and the European Communities (Welfare of Farmed Animals) Regulations 2010, SI 311 of 2010. Animals “used in competitions/shows, cultural or sporting events or activities while so being used” are outside the scope of SI 311 of 2010.

The principal statutes governing cruelty to all animals, including race horses, are the Protection of Animals Act 1911 and the Protection of Animals (Amendment) Act, 1965. Responsibility for enforcing this legislation rests with An Garda Síochána who may, on receipt of a complaint, investigate and bring a prosecution against any person alleged to have committed
an offence under these Acts. An individual may report matters to the Gardaí or indeed if he or she wishes to institute civil proceedings.

The Programme for Government 2011 contains a commitment to strengthen legislation on animal cruelty and animal welfare. The main vehicle to fulfil this commitment is the new Animal Health and Welfare Bill which consolidates and updates existing legislation in the area of animal welfare and brings the responsibility for the welfare of all animals under the remit of my Department. The Bill is currently being considered by the Oireachtas.

**Animal Welfare Issues**

402. **Deputy Sean Fleming** asked the Minister for Agriculture, Food and the Marine his responsibility in relation to the welfare of horses in Ireland especially those involved in the horse-racing industry and if he has any role in enforcing standards in this legislation; and if he will make a statement on the matter. [23648/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** My Department’s responsibility, which is set down in legislation, currently extends to the welfare and protection of farmed animals only i.e. animals normally bred or kept for the production of food or for use in or for the purpose of farming. The relevant legislation in this area is the Protection of Animals Kept for Farming Purposes Act 1984 and the European Communities (Welfare of Farmed Animals) Regulations 2010, SI 311 of 2010. Animals “used in competitions/shows, cultural or sporting events or activities while so being used” are outside the scope of SI 311 of 2010.

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The Programme for Government 2011 contains a commitment to strengthen legislation on animal cruelty and animal welfare. The main vehicle to fulfil this commitment is the new Animal Health and Welfare Bill which consolidates and updates existing legislation in the area of animal welfare and brings the responsibility for the welfare of all animals under the remit of my Department. The Bill is currently being considered by the Oireachtas.

**Sugar Reform Compensation**

403. **Deputy Patrick O’Donovan** asked the Minister for Agriculture, Food and the Marine the position regarding an application for sugar beet compensation in respect of a person (details supplied) in County Wexford; when payment will be granted; and if he will make a statement on the matter. [23650/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** An official of my Department has been in direct contact with the person named concerning the outstanding payment in respect of an element of the compensation due on foot of the Sugar Reform package. It is expected that the payment in question will issue in the coming weeks, directly to the bank account of the person named.

**Direct Payment Schemes**

404. **Deputy Patrick O’Donovan** asked the Minister for Agriculture, Food and the Marine if
he envisages any changes in the future for farmers who have their farmland, holding and entitlements leased; if he will confirm that the entitlements will go back to the original owner when lease is up; and if he will make a statement on the matter. [23653/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Under the current Single Payment regulations entitlements that are leased out with land revert to the owner on expiry of the lease for the land.

The European Commission published its proposals for reform of the CAP post 2013 in October last and negotiations on those proposals are continuing. Under the proposals existing single payment entitlements will be abolished on 31 December 2013 and new entitlements will be allocated to eligible farmers in 2014. As the negotiations are still at an early stage it is too soon to speculate on what the final outcome and details of the reform will be.

I will continue to consult with farming organisations and other stakeholders as the negotiations progress.

*Question No. 405 answered with Question No. 400.*

**Fish Quota**

406. **Deputy Noel Harrington** asked the Minister for Agriculture, Food and the Marine when he will announce the allocations for boar fish; and if he will make a statement on the matter. [23785/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** In February 2012, boarfish catch limits for operators with a previous specified track record in the fishery were issued to operators which is applicable up to the end of October. Vessels without the specified track record are permitted to fish up to 400 tonnes for the period up to 31 October as set out in Determination (No. 18) of the Need for an Authorisation for Certain Fish Stocks. A 5% by-catch will be available for all by catches of boarfish in all fisheries and will remain in place for the year, subject to a full closure of the fishery being put in place in the event that the full quota has been landed. Any quota remaining at the end of October will be made available to vessels which landed a minimum of 65% of the catch limit available to them.

At the request of the Industry the fishery was closed on 15 March 2012 and it will re-open on 1 September 2012.

**Sheep Inspections**

407. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine the position regarding sheep inspections (details supplied); and if he will make a statement on the matter. [23794/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** My Department, in the context of delivering the Direct Payments Schemes is required to carry out annual inspections covering land eligibility and cross compliance to ensure compliance with EU regulatory requirements.

Eligibility checks must be carried out on 5% of applicants. These checks are carried out to verify that the actual area claimed in the application form corresponds to the area farmed by the farmer and to ensure that any ineligible land/features are deducted. Up to two-thirds of these inspections are carried out without a farm visit as the information is verified using the technique of remote sensing via satellite.
The rate of inspections for cross-compliance is 1% of applicants to whom the Statutory Management Requirements (SMRs) and Good Agricultural Condition (GAEC) apply. However 3% of farmers must be inspected under the bovine identification and registration requirements while 3% of sheep/goat farmers must be inspected covering 5% of the flock.

Every effort is made by officials of my Department to minimise disruption as much as possible to both the farmer and livestock on the holding in both the timing and undertaking of inspections.

The value of these schemes to Irish farmers is €1.8bn annually. It is therefore incumbent on my Department to ensure that the regulatory control environment is comprehensively implemented to avoid EU disallowances.

**Agri-Environment Options Scheme**

408. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine the position regarding the agri environment option scheme 2012; and if he will make a statement on the matter. [23795/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I am actively considering the possibility of re-opening the Agri-environmental Options Scheme to allow for the submission of applications either on an amended basis from the existing scheme and/or on a limited scale and, in particular, the possibility of re-opening for applications later in the year with a possible closing date for applications of end September and a commencement date for new participants of January 2013.

The full year cost of any new scheme will have to be met in 2013 and any decision to re-open AEOS will be taken in the context of the resources available and the need to remain within the agreed expenditure ceiling for my Department in 2013.

**Fish Quota**

409. **Deputy Noel Harrington** asked the Minister for Agriculture, Food and the Marine when he will announce the Celtic Sea fishery allocations for herring; and if he will make a statement on the matter. [23799/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** In 2011 I asked the fishing industry and other interested parties to make proposals on the future management arrangements for all Irish herring fisheries. In response to my notification of the review, a number of proposals were received from industry, many offering conflicting views, particularly in regard to the need to ring fence the fisheries. Taking account of the views expressed I issued a draft policy for consultation in December 2011. Following this, in February of this year, I met with and consulted the industry on the matter. I have asked my Department to bring to a conclusion as soon as possible the analysis of the data and to bring forward options to integrate where possible the views of the industry with the draft policy already issued. I then intend to make a final decision on the management arrangements for the 2012 herring fisheries. Revised arrangements, if any, will be on the basis that they deliver a proper and effective management regime for the stock.

410. **Deputy Noel Harrington** asked the Minister for Agriculture, Food and the Marine when he will announce the allocations for tuna fish; and if he will make a statement on the matter. [23800/12]
Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Under Article 12 of Regulation (EC) no 520/2007 the number of Community vessels fishing for Northern Albacore Tuna as a target species is fixed and up to 50 Irish fishing vessels may be authorised to fish albacore tuna in any given year. Each year applications are invited from those wishing to partake in this fishery. Applications were invited from interested parties and by the closing date of 20 April 2012, 50 applications had been received.

Albacore Tuna are a high value commercial species for which Ireland has a quota of 3,896 tonnes in 2012. The migratory pattern of the Albacore Tuna is uncertain but often arrives in the waters off the South and West coast of Ireland in late July. This migratory pattern is unpredictable from year to year and as a result catches by Irish fishermen also vary considerably.

For many years no specific management arrangements for the fishery were required as the quota was under used. However in 2011, the fishery came close to the Irish coast earlier in the season and as a result the full quota was landed by the end of August and the fishery was closed. For this reason my Department requested the industry representatives to make recommendation as to how this stock should be managed in 2012. My Department received a number of submissions on the matter with divergent views.

I am currently examining the issues arising and the submissions made and I hope to make a decision on the matter in the near future.

Bovine Disease Controls

411. Deputy Michael Healy-Rae asked the Minister for Agriculture, Food and the Marine his views on correspondence (details supplied) regarding bovine TB; and if he will make a statement on the matter. [23815/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The correspondence referred to is a transcript of a recent article in the Irish Examiner dated Thursday, 26 April 2012. The article in question deals with the recent changes introduced by my Department for dealing with the movement of cattle out of herds which are contiguous to or neighbouring herds which are experiencing a high risk TB breakdown. However, it attempts to undermine the importance of the changes by referring to a document published on my Department’s website which, it claims, contains contradictory statistics on the number of herds and animals. It is evident from a cursory examination of the document, which contains track changes as well as blanks/highlighted material for further review, that it was not a final document. Indeed, it was an early version of my Department’s application for EU aid and was not even in the correct format and was inadvertently inserted on to our website, for which I apologise. The correct and final version of the document, which was submitted to the EU Commission on 30 April 2011, is now available on the Department’s website at www.agriculture.gov.ie. With regard to the supposedly contradictory statistics, the differences are due to projected and actual outturns relating to the number of herds in the country (and animals in the national herd) compared with the number actually tested.

With regard to the recent changes to the TB eradication programme, the article makes particular reference to the changed policy in relation to the testing of herds neighbouring a herd experiencing a TB breakdown. The net change made by my Department is that herds which, following an epidemiological investigation, have been identified as a relevant contiguous herd to a high risk breakdown and have not had a full herd test within the previous 4 months, will be prevented from selling cattle on the open market pending a full clear herd test. However, such herds are permitted to move cattle direct to slaughter and to buy-in cattle under
permit. They will also be immediately de-restricted once they have passed a TB herd test. The rationale for this policy change is to protect clear herds from the cost and restriction arising from buying in infected animals from these herds. Statistics available to my Department show that animals in herds which are contiguous to high risk breakdowns are 3 times more likely to have TB infected animals than “normal” herds, indicating that the risk of TB spreading from herds which are contiguous to high risk breakdowns is very significant. Prior to this change, such herds were free to trade until they passed a herd test and many herdowners availed of this facility to sell animals, thereby spreading TB to clear herds.

With regard to the example given in the Article, if the farmer mentioned in the article happened to be unfortunate enough to buy in infected animals from a herd which is contiguous to a high risk breakdown, he would be justified in criticising my Department for not preventing the sale of these animals. Alternatively, if reactors were disclosed at a test on his herd and if my Department had not imposed pre-test movement restrictions on his herd, there would be a 3 fold risk that any cattle he sold prior to the test would spread disease and be the cause of a TB breakdown in the herd of another, if not several, unsuspecting farmers resulting in a restriction, with a minimum of two clear tests required, for that herd to be de-restricted.

In conclusion, the policy is designed to protect farmers from buying in infected animals and to reduce both the incidence of this disease and the cost to herdowners and my Department arising from the spread of disease.

Fur Farming

412. **Deputy Derek Nolan** asked the Minister for Agriculture, Food and the Marine when he expects the report on the practice of fur farming to be completed; the actions he is will take if the report recommends a complete ban on fur farming; and if he will make a statement on the matter. [23896/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I will await the final report on the review of fur farming, which I expect to receive next week, before deciding what further steps to take.

Pigmeat Sector

413. **Deputy John McGuinness** asked the Minister for Agriculture, Food and the Marine the total cost of the pig meat recall scheme; the list of those who qualified under the scheme and the amount each applicant was paid; the way applicants were approved and the person who signed off each approval; the way payments were approved and the person who signed off on each payment; the list of applicants that were not approved for the scheme and the number of these that appealed the decision; the number of applicants still requesting consideration under the scheme; and if he will make a statement on the matter. [24057/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** In accordance with EU legislation, the responsibility to place safe food on the market rests with the food business operator and therefore the consequences of a failure to meet that requirement also rests with the food business operator. However in the light of the impact of the dioxin contamination incident on the pigmeat sector, it was decided to introduce as an emergency measure the Pigmeat Recall Scheme (PRS). The scheme was to provide financial assistance to producers and primary and secondary pigmeat processors in Ireland affected by the dioxin contamination incident in December 2008 when the Food Safety Authority of Ireland initiated a recall from domestic and international markets of all Irish pigmeat products. The purpose of the scheme
was to ensure the survival of the pigmeat sector. The scope of the scheme was subject to state aid approval from the European Commission with the final terms being approved in October 2009.

Over a period of three years, my Department conducted a comprehensive, detailed and exhaustive examination of all claims submitted in respect of losses arising from the product recall. This involved engaging closely with applicant companies over a prolonged period in relation to the specifics of their claims and the proofs submitted in support of them, much of which was in respect of products utilised in a complex food chain spanning many international markets. Having regard to the emergency nature of the scheme, my Department adopted a practical, proportionate and reasonable approach in its examination of the submitted evidence. All verifiable and eligible claims were carefully evaluated on a case by case basis and ex-gratia aid awarded in respect of those claims that were supported by the necessary evidence pursuant to the provisions of the relevant EU state aid approval. In accordance with fair procedures, this process allowed for the consideration of appeals where the applicant was able to present additional information to substantiate the case presented. The payment process outlined above was signed off in each case by Department officials at the appropriate level having due regard to the complexity and quantum of the evaluated claim. Final determinations were made on all claims, including appeals made in relation to earlier determinations, by the end of 2011 in line with the timeframe previously indicated to the industry.

In processing the submitted claims, my Department was cognisant of the fact that there were some losses incurred by the industry in respect of which it was unable to offer any assistance. Generally speaking, claims were not approved for one of two reasons:

- the items claimed (e.g. ancillary claims / consequential losses) were precluded by the terms of the state aid approval; or
- the items claimed were not supported by sufficient proofs of product destruction / valuation / volume to satisfy audit requirements.

Total expenditure on the PRS amounted to €138m comprising: €102m for primary and secondary product (€97m for primary and secondary material plus €5m for rendering); €30m for culled animals; €5m for value-added products; and €0.7m for beef disposal. Net expenditure, after deducting EU receipts, was €120m. This outcome compares favourably with a potential cost of €200m accepted at time of the dioxin incident.

A list of company beneficiaries and the aid amount received by each by way of a contribution to costs arising from the pigmeat recall is being made available separately to the Deputy.

Mindful of the effects of dioxin contamination on Ireland’s reputation as a source of quality food products, I am satisfied that the scheme was successful in mitigating the potentially deleterious consequences of the dioxin incident on sectoral employment, exports and reputation. It enabled the processing industry to swiftly recommence manufacturing operations, maintain employment levels and regain access to third country markets. Indeed, the industry’s recent performance is testament to the efficacy of the policy; Irish pigmeat production grew by 9% in 2011 and the value of exports increased by 18% to almost €400m.

Waste Disposal

414. **Deputy John McGuinness** asked the Minister for Agriculture, Food and the Marine the action he has taken regarding the disposal of waste from a site at (details supplied) in County Carlow relevant to the dioxin crisis of 2008; if his Department will fund the disposal; if he is in consultation with other parties regarding the method and cost of disposal; if the EU will cover
Deputy John McGuinness.

the cost; if the correspondence of the 13 May 2011 to Minister Paul Kehoe TD has been considered and if so if he will respond in detail to each issued raised; and if he will make a statement on the matter. [24059/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The recycling plant at Ballybrommell, Fenagh, Co. Carlow was closed at the time of discovery of the dioxin incident and restrictions placed on the contaminated feed. Consent was given in November 2011 by the UK Environment Agency for movement of the contaminated material from the Fenagh site to the UK for use in a Power Station. DAFM released the material for transfer to the UK facility in line with consent from the National Trans Frontier Shipment Office, Environmental Protection Agency and Carlow County Council when final details of the transfer became available. The site was finally cleared on 22 March 2012.


With regard to the letter of 13 May 2011 referenced in the question, I am not in a position to comment on communications between third parties.

Single Payment Scheme

415. Deputy John McGuinness asked the Minister for Agriculture, Food and the Marine the position regarding single farm payment in respect of a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [24060/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): My Department is currently reviewing the 2007 and 2008 Single Payment status of the person named in light of further documentation recently furnished to my Department by the Deputy. This information was requested by my predecessor in his response to a previous Ministerial Representation by the Deputy. As soon as this review is complete the person named will be informed of the outcome.

Single Payment Scheme

416. Deputy Paul J. Connaughton asked the Minister for Agriculture, Food and the Marine the reason a person (details supplied) in County Galway did not receive their single farm payment for 2010 or 2011; and if he will make a statement on the matter. [24061/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): My Department has no record of receiving a 2010 or 2011 Single Payment/Disadvantaged Area application from the person named. All pre-printed Single Payment applications issued by my Department contain a pre-addressed return envelope with a Swiftpost label attached in respect of which the herd owner receives a receipt from the Post Office upon posting. If the person named can provide this proof of postage or provide an explanation as to why the application form does not appear to have been returned, my Department will review the case based on any information and documentation submitted to it.

Records held by my Department indicate that a pre-printed 2010 SPS application form was sent to the person named on 2 April 2010, my Department did not issue a pre printed SPS application in 2011 as the herd number expired on 16th December 2010. Single Payment cannot issue where a herd number is expired prior to the closing date for receipt of applications in the scheme year which for the 2011 scheme was 16th May 2011.
Regulatory Impact Assessments

417. Deputy Terence Flanagan asked the Minister for Agriculture, Food and the Marine the number and description of any regulatory impact assessments that have been undertaken by his Department on legislation or proposed legislation since 9 March 2011; the stage in the legislative / policy development process at which the RIAs have been carried out; the number of RIAs that have been published by his Department over the same period; the manner of publication involved; and if he will make a statement on the matter. [23491/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The table below sets out the details in relation to Regulatory Impact Analysis (RIA) in my Department since the 9th March 2011:

<table>
<thead>
<tr>
<th>Number of Regulatory Impact Analysis that have been undertaken on legislation or proposed legislation since 9 March 2011</th>
<th>The stage in the legislative / policy development process at which the RIAs have been carried out</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal for an EU Regulation on the Common Fisheries Policy</td>
<td>At proposal stage and in preparation at present</td>
</tr>
<tr>
<td>Proposal for an EU Regulation on the common organisation of the markets in fishery and aquaculture products</td>
<td>At proposal stage and in preparation at present</td>
</tr>
<tr>
<td>Proposals for EU Regulations to reform the Common Agricultural Policy post-2013</td>
<td>At proposal stage and in preparation at present</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of Regulatory Impact Analysis published since 9 March 2011</th>
<th>The manner of publication involved</th>
</tr>
</thead>
<tbody>
<tr>
<td>RIA on the Veterinary Practice (Amendment) Bill 2011 was published on 21st July 2011.</td>
<td>RIA was published on my Department’s website under the Legislation link.</td>
</tr>
</tbody>
</table>

Grassland Sheep Scheme

418. Deputy Paul J. Connaughton asked the Minister for Agriculture, Food and the Marine the reason a person (details supplied) in County Galway did not receive their ewe grant in 2011; and if he will make a statement on the matter. [24106/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the 2011 Grassland Sheep Scheme was received from the person named on the 4 May 2011. On processing the application, it was discovered that the person named failed to submit a breakdown of the total numbers of sheep on the holding. My Department wrote to the person named requesting a breakdown, following receipt of which has enabled the application in question to be further processed with a view to payment issuing shortly.

Dairy Equipment Scheme

419. Deputy Jim Daly asked the Minister for Agriculture, Food and the Marine the position regarding an application for a dairy equipment grant in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [24111/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The persons concerned submitted an application for grant-aid under the Dairy Equipment Scheme during the course of the tranche under that Scheme which closed on 31 January 2012. The tranche concerned was heavily over-subscribed and the applications are currently being processed, includ-
Milk Quota

420. **Deputy Dan Neville** asked the Minister for Agriculture, Food and the Marine the position regarding an extra milk quota in respect of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [24125/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The allocation of milk quota from the National Reserve is granted on the basis of recommendations from the Milk Quota Appeals Tribunal. The Tribunal recently examined the named person’s application but did not recommend him for an allocation of quota on that occasion.

The named person submitted an appeal to this decision. The Tribunal reviewed his case in January and it was decided to uphold the original recommendation in this case. The named person was informed of this outcome by letter on 24 January 2012.

An official from my Department will contact the named person and advise him of the options available to him.

Common Agricultural Policy

421. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine his views on the fact that the Irish Cattle and Sheep Farmers Association are warning farmers that they could see the price increases over the last number of years being eroded under the impact of CAP reform in view of the fact that it is expected that 33%, that is 56,000 farmers, could lose; and if he will make a statement on the matter. [24130/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** One of the proposals in the CAP reform package currently under negotiation is to move away from direct payments based on individual farm historic production references to a system based on uniform regional or national rates of payment per hectare by 2019. While I accept the need to move away from outdated historic references, I have serious concerns about the extent and pace of changes proposed by the Commission.

Extensive modelling conducted by my Department shows that the application of a national flat rate of payment per hectare would result in average gains of 86% for some 76,000 Irish farmers and average losses of 33% for almost 57,000. Similar levels of average gains and losses would occur with the application of flat rates on a regional basis. These are average percentages, and some of the gains and losses would be far larger than this. In general it is clear that the losses would be incurred by more productive farmers. This would have undesirable consequences at a time when Ireland is trying to encourage sustainable intensification in the agri-food sector, as we strive to achieve the objectives in the Food Harvest 2020 strategy.

I have been pressing for the maximum possible flexibility to be given to Member States to design payment models that suit their own farming conditions, and to adopt a more gradual, back-loaded transition process, rather than the very rapid, front-loaded approach proposed by the Commission.

I would like to have the possibility of putting a limit on the amount any farmer could lose in any redistribution. This would be consistent with the Commission’s desire to achieve a more level playing field, but would avoid a disruptive level or pace of change. The ‘approximation’ approach, by which all payments could gradually move towards, but not fully to, the average,
is one alternative that I believe should be considered in this regard. The Commission’s “pragmatic” proposal for redistribution between Member States is, in effect, an approximation approach and provides a useful precedent.

I have been very active in seeking allies for this position, and I have been making significant progress, particularly with a group of Member States with somewhat similar concerns. However, it should also be understood that a majority of Member States have no difficulty with the idea of flat rate payments, although they have concerns about other aspects of the proposals.

The negotiation process on CAP is a complex and difficult one, but all of my efforts are focused on achieving the best possible outcome for Ireland. These efforts will be continued over the coming months as the process evolves, and will further intensify during our Presidency, during which Ireland will work with other Member States, and with the European Parliament and the Commission, to secure an agreement that will provide an appropriate policy structure for the agri-food sector over the coming years.

Circus Animals

422. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine if he will provide details of animals by species, imported into Ireland for use in circuses here in each of the past three years; their countries of origin; from whom they were acquired; the powers he has in relation to the use of animals in circuses and inspection of these animals; the number of inspections of animals in circuses since 2006; the findings arising therefrom; and if he will make a statement on the matter. [24135/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The movement of circuses within the EU is governed by Commission Regulation (EC) No 1739/2005 of 21 October 2005 which lays down animal health requirements for the movement of circus animals and animal acts between EU Member States. In order to help prevent the spread of animal disease, before moving to any other Member State, all circuses with animals and all animal acts must be registered with the relevant authority (in Ireland the Department of Agriculture, Food and the Marine) and must comply with certain conditions. These conditions require that the animals are clinically healthy, that the place of departure is not subject to any animal health restrictions and that all testing and vaccination requirements are met. The species covered by this legislation are all mammals (including bats), birds, bees, salmon and trout. Registered circuses/circus acts require a Register of Animals, Animal Passports and a Venue Register. All movements must be notified by the exporting country on a movement system (TRACES). The TRACES system shows that five large circus elephants were imported from France in January 2012. No imports took place in 2010 or 2011.

Inspections of circuses come within the remit of the local authorities and the information sought by the Deputy in this regard is not available to me.

The main statutes governing cruelty to all animals, including circus animals, are the Protection of Animals Act 1911 and the Protection of Animals (Amendment) Act, 1965. Responsibility for enforcing this legislation rests with an Garda Síochána. The Programme for Government 2011 contains a commitment to strengthen legislation relating to the welfare of all animals. The main vehicle to fulfil this commitment will be the Animal Health and Welfare Bill which recently had its second stage in the Seanad.

**Harbour Charges**

423. **Deputy Dara Calleary** asked the Minister for Agriculture, Food and the Marine if he
will outline in tabular form the existing and newly proposed harbour fees in each of the State controlled harbour centres; the implications these changes will have; if he will consider freezing or reducing the charges instead, in view of the prevailing economic environment which is proving challenging to fishermen and coastal communities. [24150/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Charges for the use of facilities at each of the six Fishery Harbour Centres are currently levied by virtue of the Fishery Harbour Centres (Rates and Charges) Order 2003. My Department has however recently conducted a review of the 2003 Order and a draft new Rates and Charges Order, the first proposed changes to the fee schedule for almost a decade, has been prepared on foot of that review.

The new draft Order was the subject of a public consultation process that closed on 20th April last, and I am pleased to note that my Department has received a total of 87 submissions in relation to the revised charges, from a wide range of stakeholders in the Fishery Harbour Centres. These submissions are being given careful consideration at present, and when the examination is complete I will, if necessary, make any appropriate amendments to the draft new Rates and Charges Order before it is finalised.

**Artisan Food Sector**

424. **Deputy Tom Fleming** asked the Minister for Agriculture, Food and the Marine the supports available for Artisan food producers; if he has a strategic plan to develop their indigenous product on the national and international market. [24230/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The potential of the artisan food sector was identified in the Food Harvest 2020 report, our blueprint for “smart, green growth” of the food industry.

To build on the success of the artisan sector, the Report recommends that my Department works in conjunction with Bord Bia, Teagasc and other Departments and agencies to encourage an entrepreneurial approach to small start-up food businesses and artisan producers; to engage in action to promote sustainable and locally embedded food procurement policies and systems; to promote and broaden opportunities, including local markets, for consumers and visiting tourists to purchase local food and to conserve and promote distinctive local food traditions at EU level and to work with bodies such as the TASTE Council and Slow Food.

A range of services and supports are available to Artisan food producers from national and local development agencies.

Some specific targeted supports are the Bord Bia Vantage suite of services for small speciality food business [www.bordbiavantage.ie](http://www.bordbiavantage.ie) including advice on markets, routes to market, market trends and some marketing grants. Bord Iascaigh Mhara provides seafood product development support and Teagasc provides specialist advice and courses in addition to technology development support for food Artisans as part of its Technology Support Programme for the food processing sector provided in partnership with Enterprise Ireland, Bord Bia and other national and regional food development organisations.

On foot of the recommendations in Food Harvest, Bord Bia, Enterprise Ireland and Teagasc recently combined to establish a new Programme to accelerate the development of export led Food Start Up companies called Foodworks ([www.foodworksireland.ie](http://www.foodworksireland.ie)). In total, nine regional events were held since the end of March to inform local companies and approximately 330 promoters about the Programme, including those with artisan businesses who are interested in developing an export led Food Business. Enterprise Ireland is also working with the County
Enterprise Boards and the local Leader companies to identify artisan companies who have the ambition and capability to export, scale and create jobs in their region.

My own Department is funding the 2011/2012 UCC Diploma in Specialty Food Production and together with Bord Bia is currently running a series of Regional Food Showcases in conjunction with national and local development agencies which give artisan and specialty food producers an opportunity to exhibit their products to key purchasing managers from the retail, foodservice and distribution sectors in their region. The next regional showcase will be held on 21st May in Athlone for counties in the Border, Midland and West region.

The Rural Development Programme of the CAP provides support for small scale artisan food businesses at an early stage of product development to enable the marketing and promotion of their speciality niche food products. Assistance for the development of Farmers Markets is available under its Village Renewal and Development measure. Support for both Farmers Markets and artisan food products is delivered through LEADER (Details of Local Action Groups are on the Department of Environment, Community and Local Government website). Last week, I announced the approval of three new farmers markets to join the now 43 Markets in 17 Counties who hold the Farmers Markets Good Practice Standard. Farmers markets are often the initial route to market of the artisan food producer. They connect producers and consumers in a short supply chain, providing access to a range of locally produced artisan and craft foods. In this respect selling in a farmers market can provide a relatively low cost way of assessing the market for a product and developing some skill in the marketing arena.

My Department recently lodged an application with the European Commission to seek EU recognition of the unique characteristics of the Waterford Blaa for registration as a Protected Geographical Indication (PGI). If successful, this will complement the existing four Irish Quality products currently registered under this scheme, the others being: Connemara Hill Lamb, Timoleague Brown Pudding, Imokilly Regato and Clare Island Salmon. The protected geographical indications quality schemes can create valuable market opportunities for artisan producers and my Department, in conjunction with Bord Bia, will be running an information session for producers on these schemes on 21 May in Athlone.

Appointments to State Boards

425. **Deputy Timmy Dooley** asked the Minister for Agriculture, Food and the Marine the appointments made by him to State boards under the remit of his Department since March 2011 that were advertised; and if he will make a statement on the matter. [24238/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Since March 2011 vacancies on the Boards of the State Bodies that fall under my Department’s remit are listed on my Department’s website and expressions of interest sought. In the case of a number of bodies, the board appointments, while made by me, are not at my sole discretion and, instead, individuals are nominated for appointment by me by various organisations as specified in the relevant statute. These are the Aquaculture Licensing Appeals Board, Teagasc, National Milk Agency, Veterinary Council of Ireland and Horse Racing Ireland.

There have been a number of appointments to State Boards during my tenure and the details of these are outlined in the accompanying table:
Aquaculture Licences

426. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine further to Parliamentary Question No. 204 of 7 March 2012, the progress that has been made on the issue of a licence for mussel farming (details supplied) in County Kerry; and if he will make a statement on the matter. [24260/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The application referred to is in respect of a site located within Kenmare Bay which is designated as a Special Area of Conservation under the EU Habitats Directive (Natura 2000 site).

All applications in ‘Natura’ areas are required to be appropriately assessed for the purpose of environmental compliance with the EU Birds and Habitats Directives. My Department, in conjunction with the Marine Institute and the National Parks and Wildlife Service (NPWS) of the Department of Arts, Heritage and the Gaeltacht is engaged in a comprehensive programme to gather the necessary baseline data appropriate to the conservation objectives of ‘Natura’ areas. This data collection programme is substantially complete. Analysis of the data, together with the setting of appropriate conservation objectives by the NPWS, will enable all new, renewal and review applications to be appropriately assessed for the purpose of ensuring compliance with the EU Birds and Habitats Directives. This work represents a significant financial, administrative and scientific investment by the State in resolving this issue. The Appropriate Assessment of aquaculture applications is being dealt with on a bay-by-bay basis.

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**Questions— 15 May 2012. Written Answers**

[Deputy Simon Coveney.]

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<tr>
<th>Body/Agency</th>
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Addressing the issue of aquaculture licensing in Natura 2000 areas is a key priority for my Department and you can be assured that every effort continues to be made to expedite the determination of this aquaculture licence application having regard to all the complexities involved.

Public Sector Staff

427. Deputy Seán Kyne asked the Minister for Agriculture, Food and the Marine if a review of the recruitment moratorium pertaining to Teagasc, the Agriculture and Food Development Authority will be undertaken in order to ensure the Authority can continue to build upon its research and innovation which is central to Ireland capitalising on the opportunities presented by our most successful indigenous industry. [24340/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Teagasc operate as a separate non commercial semi state body under the aegis of the Department. It is a matter for Teagasc to prioritise activities in the delivery of its programmes and services and to allocate its resources in accordance with these priorities.

In common with other public bodies, Teagasc, has had to contribute to planned staff reductions in line with Government policy to create a smaller, more efficient and integrated public service. This requires Teagasc to assess and plan for current and ongoing staffing requirements within existing resources. Any exceptions to this principle can only be considered in very limited circumstances in respect of mission critical posts and in full compliance with annual ceilings on staff numbers. Teagasc has been granted a number of exemptions under the moratorium including sanction to recruit 6 research scientists and over 80 funded contract staff to work on various research programmes.

Inter-Country Adoptions

428. Deputy Billy Timmins asked the Minister for Children and Youth Affairs the position regarding inter governmental bilateral adoption agreement which is required between Russia and Ireland before couples in the process of adopting in Russia can go ahead with the process (details supplied); if the process for the introduction of this agreement can be speeded up; and if she will make a statement on the matter. [23736/12]

429. Deputy Eoghan Murphy asked the Minister for Children and Youth Affairs if her attention has been drawn to the fact that under the Adoption Act 2010 no Russian adoptions can take place until a bilateral agreement is signed with the Russian authorities, and when this bilateral agreement can be expected to take place. [23697/12]

430. Deputy Simon Harris asked the Minister for Children and Youth Affairs the progress made to date towards the establishment of a bilateral agreement on inter-country adoption with Russia in view of the provisions of the Hague Convention; the anticipated timeframe for completion of these negotiations; the efforts being taken to ensure these negotiations are conducted as quickly as possible in view of the long lead times for adoptions and the many families who have now been approved by the Health Service Executive and are waiting to adopt from Russia; and if she will make a statement on the matter. [23818/12]

431. Deputy Anne Ferris asked the Minister for Children and Youth Affairs if she will prioritise efforts to enact a bilateral agreement for inter country adoption between Ireland and Russia; and if she will make a statement on the matter. [23888/12]
Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I propose to take Questions Nos. 428 to 431, inclusive, together.

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 intercountry adoption process. It sets out minimum standards regarding intercountry 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 intercountry 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.

Family Support Services

432. Deputy Pádraig Mac Lochlainn asked the Minister for Children and Youth Affairs if his attention has been drawn to the concerns of management committees and staff of Family Resource Centres in Donegal about the impact of cuts to their annual budgets at a time when the demand on their services has never been higher and if he will assure them of the Government’s commitment to keeping their vital service operational on an ongoing basis. [23910/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Family Support Agency, under my Department, operates the Family Resource Centre Programme. The aim of the Family Resource Centre Programme is to combat disadvantage and improve the functioning of the family unit. There are 107 family resource centres throughout the country funded under the programme. The programme emphasises involving local communities in tackling the problems they face, and creating successful partnerships between voluntary and statutory agencies.
at community level. Family Resource Centres have an important role to play, in harnessing local community efforts, in support of improved outcomes for children and young people which is a key objective of the Department of Children and Youth Affairs.

On 5th December 2011, the Government announced the funding levels being made available to my Department in 2012. As part of the national effort to address Ireland’s fiscal deficit, the Family Support Agency, like all other State bodies, has been asked to make significant savings across all the programmes which it administers. The Agency is required to achieve savings of 5% per annum over 2012-2014 on the costs of the Family Resource Centre Programme. The Family Support Agency has written to the family resources centres advising them of the reduction in funding and the need to plan for change. The Agency is acutely aware of the challenges that the reduction in funding raises for the family resource centres throughout the country. The Agency has not stipulated how centres should apply the reduction in funding. The family resource centres are asked to focus, in particular, on addressing the scope for greater efficiency and for reduction in the administration and overhead costs associated with the day-to-day running of the centres, with the objective of supporting as far as possible, the services that the centres provide to families and groups at local level.

The Family Support Agency has advised that family resource centres should work with the two regional support agencies that provide support and training to them and are available to provide guidance to assist centres to manage within the resources available. In 2012 an allocation of €26.465m has been made available to the Family Support Agency to fund its services for families. This includes funding of over €15m for the Family Resource Centre Programme. Earlier this month I visited Donegal and met with two groups from Family Resource Centres to discuss funding issues.

**Child Care Services**

433. **Deputy Patrick Nulty** asked the Minister for Children and Youth Affairs if she will expedite an application for childcare provision in respect of a person (details supplied) in Dublin 15 under the community employment training scheme; and if she will make a statement on the matter. [23935/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** My Department currently administers the Community Childcare Subvention (CCS) programme, which provided funding to community not-for-profit childcare facilities to enable them charge reduced rates to disadvantaged and low income families; and the Childcare Education and Training Support (CETS) programme which provides free childcare places in both community and commercial childcare facilities to qualifying FÁS and Vocational Educational Committee (VEC) trainees and students. There is no record in my Department of an application in relation to the child referred to under any of these schemes. However, if the Deputy provides additional information to my Department, my officials will examine the matter further.

434. **Deputy Denis Naughten** asked the Minister for Children and Youth Affairs when will the audit produced on foot of the recommendations in the report on the Roscommon Child Care case be published; the current primary community and continuing care areas where this audit has been completed, and where it is ongoing at present; and if she will make a statement on the matter. [23945/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** An audit of neglect cases in Roscommon, Waterford and Dublin South-East has been completed by the HSE. In each area it was determined that a sample 30 cases would be reviewed. The HSE intends to
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prepare a composite report of the audit in order to maximise the learning from this exercise. The matter of publication will be considered by the HSE when the composite report is completed. I am assured by the HSE’s National Director for Children and Family Services that quality assurance and audit of child protection cases is now an ongoing process in all HSE areas nationally.

435. **Deputy Denis Naughten** asked the Minister for Children and Youth Affairs her plans to expand either community childcare subvention programme or other childcare supports; and if she will make a statement on the matter. [23946/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** My Department currently administers three support programmes — the Community Childcare Subvention (CCS) programme, the Childcare Education and Training Support (CETS) programme and the Early Childhood Care and Education (ECCE) programme. The Community Childcare Subvention (CCS) programme provides funding to community childcare not-for-profit services to enable them to charge reduced childcare rates to low income and disadvantaged families. Community childcare services qualify for grant aid on the basis of the level of service they provide and the profile of the parents benefiting from their service. Because of the current budgetary situation no applications from service providers are being considered under this programme in 2012.

The Childcare Education and Training Support (CETS) programme was introduced in September 2010. The CETS programme provides free childcare places in both community and commercial services to qualifying FÁS and Vocational Educational Committees (VECs) trainees and students. Again, due to the budgetary situation, no approvals for new childcare places are currently being considered under this programme. In the region of €63 million is being provided in 2012 to support the CCS and CETS programmes.

The Early Childhood Care and Education (ECCE) programme provides one free preschool year to all eligible children in the year before commencing primary school. Both community and commercial childcare services are eligible to apply to participate in this programme. Due to demographic pressures, which mean that the number of children eligible for the programme will increase by some 3,000, the cost of the programme is expected to rise to almost €176 million in 2012, an increase of almost €10 million and this funding has been provided for. The ECCE programme will continue to be evaluated and developed as resources permit. Future developments relating to early years care and education will be considered during preparation of the new National Early Years Strategy 2012.

**Legislative Programme**

436. **Deputy Terence Flanagan** asked the Minister for Children and Youth Affairs the number and description of any regulatory impact assessments that have been undertaken by her Department on legislation or proposed legislation since 9 March 2011; the stage in the legislative / policy development process at which the RIAs have been carried out; the number of RIAs that have been published by her Department over the same period; the manner of publication involved; and if she will make a statement on the matter. [23493/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I have an extensive legislative programme to address issues which are within my remit as Minister for Children and Youth Affairs. Regulatory impact analysis will be conducted at the appropriate time in relation to each Bill.
The Children First Bill, which has been referred to the Oireachtas Committee on Health and Children for consideration, will be submitted to Government in due course for approval to draft the legislation and at that time the regulatory impact analysis will also be made available.

My Department is also working on the Adoption (Information and Tracing) Bill. The initial Heads of Bill have been drafted and policy issues currently under consideration will inform the regulatory impact analysis. In advance of the publication of this Bill a regulatory impact analysis will be undertaken and published.

The Child and Family Support Agency Bill will provide for the establishment of the new Child and Family Support Agency which will be responsible for the delivery of services in the areas of child welfare, child protection and family support. A range of matters relating to the new agency, including consideration of the various functions to be discharged and associated governance arrangements, will be addressed in advance of the preparation of the Heads of Bill and General Scheme. A regulatory impact analysis will be undertaken and published in advance of the publication of the Bill.

The Children (Amendment) Bill will provide for the amalgamation of the children detention schools in the interests of cost/administrative efficiencies and the public interest. My Department is currently preparing draft Heads of Bill and a regulatory impact analysis in respect of this Bill which will also be submitted to Government for consideration.

Foreign Adoptions

437. **Deputy Dominic Hannigan** asked the Minister for Children and Youth Affairs when she expects the report from the Adoption Authority regarding adoptions from Ethiopia; if she has a timetable from when she receives the report to when a bilateral report will be concluded between Ethiopia and Ireland; and if she will make a statement on the matter. [24158/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** Adoptions from Ethiopia, effected under the transitional arrangements provided for in the Adoption Act 2010, are ongoing and are currently being examined, and recognised, by the Adoption Authority of Ireland (AAI). These transitional arrangements may lead to adoptions from Ethiopia taking place up to the end of October 2012. The Adoption Act 2010 also contains provision for a one year extension to declarations of eligibility and suitability to adopt which may lead to a one year extension to this date.

Ethiopia is not a signatory of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. In these circumstances, adoptions from Ethiopia which are not covered by the transitional arrangements referred to above would require a bilateral agreement between Ireland and Ethiopia. The negotiation of bilateral agreements on intercountry adoption with states who have not ratified the Hague Convention is governed by Section 73 of the Adoption Act 2010 which states that “the Authority, with the prior consent of the Minister, may enter into discussions with any non-contracting state concerning the possibility of the Government entering into a bilateral agreement with that State.” Any bilateral arrangements which might be entered into would be required by law to meet the minimum standards set out in the Hague Convention.

A delegation from the Adoption Authority of Ireland (AAI) visited Ethiopia in April and held exploratory meetings with the Ethiopian authorities regarding the system of adoption which operates in that country. The delegation, in the course of its visit, held preliminary discussions with the Ethiopian authorities around the potential for a bilateral on intercountry adoption. The AAI is currently preparing a report for me on its assessment of the situation which will inform the next steps to be taken.
Appointments to State Boards

438. Deputy Timmy Dooley asked the Minister for Children and Youth Affairs the appointments made by her to State boards under the remit of her Department since March 2011 that were advertised. [24240/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I would like to inform the Deputy that the position in respect of public bodies under the auspices of my Department is that there are four agencies funded by the Exchequer through my Department’s Vote. These are the Adoption Authority of Ireland, the Family Support Agency, the National Educational Welfare Board and the Ombudsman for Children. With effect from 1 January 2012, I have taken responsibility for the children detention schools as provided in Part 10 of the Children Act 2001. They are funded through my Department’s Vote and I am responsible for the appointment of their board of management.

In relation to the NEWB, I have made five appointments to the Board since my appointment as Minister for Children and Youth Affairs. Mr. Brendan Broderick was appointed based on a nomination of the trade unions and staff associations representing teachers and Mr. Eamonn Flynn was appointed to the NEWB based on a nomination of the Educational Welfare Officers as I am obliged to consult with specified bodies in the process of these appointments. I recently appointed Ruairí Gogan, nominated by the Minister for Justice and Equality, Bob Dowling, nominated by the Minister for Health and Mary Donnelly, nominated by the Minister for Social Protection.

In relation to the FSA, there have been 11 members appointed to the Board since my appointment as Minister, namely Sharon Foley, Dick Hickey, Catherine Hazlett, Marie Fenlon, Yvette O’Malley (resigned 10 November, 2011), Liz Chaloner, Nuala Ryan, Imelda Martin, Caroline Murphy, Nollaig Byrne and Dr Martin Griffin. I have recently appointed Sharon Foley as Chairperson following her meeting with the Joint Oireachtas Committee for Health and Children on 8 March, 2012. I have also re-appointed 5 members of the Board, namely, Marie Fenlon, Imelda Martin, Catherine Hazlett, Dick Hickey and Caroline Murphy whose term will run until 31st March 2013.

I have made one appointment to the Board of the AAI since my appointment. Imelda Ryan was appointed in February, 2012.

In relation to the Board of Management for the Children Detention Schools I have made 11 appointments, effective from 26 March, 2012, namely Joe Horan, Dan Kelleher, Gerard McKiernan, Ursula Kilkelly, Diego Gallagher, Sylfa Langford, Colin Fetherston, Pat Rooney, Elizabeth Howard, Barry Rooney and Deirdre Keyes. I appointed Joe Horan as Chairperson after he also met with the Joint Oireachtas Committee on 8 March 2012.

There is no Board for the Ombudsman for Children’s Office.

In line with the Government policy in relation to appointments to State boards, on my Department’s website I have invited expressions of interest from persons interested in being appointed to the Boards of State Bodies and Agencies operating under the Department’s aegis. The notice indicates the vacancies in the boards of the respective bodies. In making my decisions on appointments to Boards, subject to the governing legislation, I consider the most suitable persons for the positions available with due regard to the body or agency in question and its particular responsibilities and I seek to ensure that the appropriate mix of skills and experience is in place to achieve the best result.

Foreign Adoptions

439. Deputy Charlie McConalogue asked the Minister for Children and Youth Affairs the
total number of inter country adoptions registered by the Adoption Authority of Ireland in 2011. [24316/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The Adoption Authority of Ireland registered 219 intercountry adoptions in the Register of Intercountry Adoptions in the year 2011.

**Adoption Statistics**

440. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs the total number of adoptions registered by the Adoption Authority of Ireland to adopters who were issued with their declaration of eligibility and suitability after 1 November 2010. [24317/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** Since 1 November 2010, the Adoption Authority of Ireland has registered one intercountry adoption in respect of applicants who received new Declarations of Eligibility and Suitability under Section 40 of the Adoption Act, 2010. The Adoption Authority informs me that waiting times between the sending of an application pack and the actual completion of an adoption in sending countries may vary greatly and may extend to as much as 3 years or more in some cases. The Adoption Authority has no influence with regard to the waiting times involved in these sending countries. Furthermore, some jurisdictions require a two stage adoption process which entails post-placement reports being submitted during an initial period of guardianship before an adoption is approved and finalised. Hence, while a number of applicants would have referrals of children and some would be in the process of completing the post-placement requirements of sending countries, they would not have finalised the adoptions by court order and therefore would not be in a position to register the adoptions with the AAI.

441. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs the total number of adoptions registered by the Adoption Authority of Ireland since its establishment on 1 October 2010 to adopters who were issued with their declaration of eligibility and suitability before 1 November 2010. [24318/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The Adoption Authority of Ireland was established on 1 November 2010.

The Authority has registered 280 adoptions in relation to declarations of eligibility and suitability which were issued prior to the establishment date of the Authority.

**Inter-Country Adoptions**

442. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs the number of recorded inter country adoptions by Irish adoptors in the past ten years in tabular form outlining the number of adoptions in each year and the breakdown by nationality of the children adopted. [24319/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The following table shows the adoptions effected by Irish residents issued with Declarations of Eligibility and Suitability by country and year 2001-2010. It should be noted that these adoptions were registered in the Register of Foreign Adoptions in compliance with the Adoption Act 1991. It should also be noted that there was no legal obligation under the Adoption Act 1991 on adopters to register the adoption of their children.
The following table shows the number of intercountry adoptions registered by the Adoption Authority of Ireland from its establishment on 1st November, 2010 to date, which have been entered in the Register of Intercountry Adoptions. (These are adoptions effected by Irish applicants with Declarations of Eligibility and Suitability to Adopt).
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Youth Services

443. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the extent to which she has quantified and costed the full range of children and youth services and supports she envisages for her Department for current and future years; the extent to which her priorities are achievable in the short and medium term; and if she will make a statement on the matter. [24324/12]

444. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the extent to which priorities in respect of children and youth support services have been identified by her Department; the extent to which this compares with such services in other jurisdictions; if she has found it possible to accommodate the priorities identified by children and youth service workers; and if she will make a statement on the matter. [24325/12]

448. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs if she is satisfied regarding the adequacy, strength and range of child and youth support services available at present; the extent of any weaknesses in the system; and if she will make a statement on the matter. [24330/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 443, 444 and 448 together.

My Department supports the provision of a wide range of services and supports for children, young people and families. The overall budget for my Department for these services for 2012 is €406.407m in current funding and €8.350m in capital funding giving a total of €414.757m.

As Minister for Children and Youth Affairs improving outcomes for children and young people is my primary objective. Early childhood care and education programmes are priorities to enhance children’s opportunities for social and educational development. This year some €175.8m has been provided for the free preschool year which will benefit some 64,500 children.

The Youth Affairs Unit of my Department provides a range of funding schemes, programmes and supports to the youth sector. Funding of some €58.306m is available in 2012 to support the provision of youth services and programmes to young people throughout the country including those from disadvantaged communities. These programmes and services are delivered to over 500,000 young people by some 1,100 youth work personnel, who in turn support a large volunteer base estimated by the National Youth Council of Ireland at some 60,000.

The services provided by the National Educational Welfare Board to support children and young people to benefit from and remain in the education system, the care and education services provided in the Children’s Detention Centres for children referred by the Courts and the services provided by the local family resource centres with the support of funding from the Family Support Agency are all important priorities in my Department to support the most vulnerable children and young people. To further enhance this work, a new children’s and young people’s policy framework is currently being progressed by my Department; this will place outcomes for children and young people at the centre of policy and service delivery and
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will aim to support children and young people to an even greater extent as they progress through important life stages.

As with all Government departments and agencies, funding for the programmes of the Department of Children and Youth Affairs has been reduced in recent years due to the general budgetary situation in which we find ourselves. One of my key aims for policy development within my Department will be to ensure optimum use of all the financial and human resources available. Accordingly, the development of my Department’s policies in relation to children and young people will focus specifically on ensuring greater coherence, coordination and impact in policy and provision so as to ensure quality outcomes for all.

Child Care Services

445. Deputy Bernard J. Durkan asked the Minister for Children and Youth Affairs the extent to which she has available to her Department the necessary resources to identify and protect children at risk; the extent of the positive effect of her office in respect of such children in the current year; and if she will make a statement on the matter.  [24326/12]

450. Deputy Bernard J. Durkan asked the Minister for Children and Youth Affairs the extent to which she is satisfied regarding the adequacy of legislation, support and alert services to prevent all forms of child abuse including sexual abuse; and if she will make a statement on the matter.  [24332/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I propose to take Question Nos. 445 and 450 together.

The HSE has statutory responsibility for the provision of child welfare and protection services. My Department is working closely with the HSE to ensure that the priorities set out in the 2012 National Service Plan are implemented where they relate to children and family services. The Government has made additional budgeting provision of €19m for child welfare and protection services compared to the funding made available last year. This compares to a reduction of €14m which was made in the HSE’s 2011 National Service Plan. The additional funding made available for 2012 provides further impetus to the comprehensive reform of service delivery which is underway and which is aimed at generating the best possible outcomes for vulnerable children and families.

The creation of a dedicated Department of Children and Youth Affairs was a commitment in the Programme for Government and sent out a very positive message in terms of how seriously the provision of children and family services is viewed by Government. As Minister for Children and Youth Affairs I have, in conjunction with the HSE’s National Director, Gordon Jeyes, set an ambitious programme of work, one which is designed to significantly strengthen the policy, legislative and practice framework in which we operate. Our shared goal is the delivery of appropriate, effective and consistent services, notwithstanding the very challenging and demanding circumstances in which these services are delivered. As part of this work significant structural and legislative changes are under way. This includes the establishment of the new Child and Family Support Agency with dedicated responsibility for the delivery of child welfare and protection services, separate from the HSE and reporting directly to my Department through its Chief Executive. The Government’s reform programme for these services also includes the external inspection of child protection services by HIQA. Draft standards to be inspected against have been published by HIQA and following consultation on these standards, inspections are scheduled to commence later this year.

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The Children First National Guidance for the Protection and Welfare of Children provides greater clarity and guidance for individuals and organisations in identifying and responding appropriately to child abuse and neglect. The revised Guidance stresses that the responsibility for child protection lies across all organisations and, whilst the HSE and the Garda have particular roles in assessment and prosecution of allegations, working across sectors is essential to good outcomes. The HSE subsequently launched its Child Protection and Welfare Practice Handbook, a practice-based publication aimed primarily at social workers, although it may be informative to others working in child protection.

**Child Care Services**

446. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs if adequate counselling services are available for children and teenagers with particular reference to those deemed to be at high risk; and if she will make a statement on the matter. [24328/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** Funding provided by my Department provides support to youth services which also offer a range of counselling supports to young people. Included in this is funding provided to a Teen Counselling service in Clondalkin which has been allocated funding of €53,329 for 2012. This funding is administered by County Dublin VEC on behalf of my Department.

Teen Counselling aims to provide a professional counselling service for young people and their families who are struggling with behavioural and emotional difficulties and to inform, support and complement the role of the State sector and other voluntary organisations. The Youth Affairs Unit of my Department has also reserved grant aid of up to €88,358 for 2012 towards the administration of the *National Youth Health Programme*. This programme is a partnership between my Department, the National Youth Council of Ireland (NYCI) and the Health Service Executive.

The aim of the programme is to provide a broad-based, flexible health promotion / education support and training service to youth organisations and to all those working with young people in out-of-school settings. The programme has sought to develop the capacity of the sector and organisations to advocate on issues that affect young people and develop evidenced based resources and training to support that work. The advantage of this training is evident in the fact that Youth Work often acts as the first point of contact and referral in the interface with other youth-related services spanning the realms of care, health and welfare.

The Family Support Agency under the remit of my Department administers a programme of grants for voluntary organisations that provide marriage and relationships, child and bereavement counselling services. In 2012, an amount of €9.413m has been allocated to this programme. The programme includes support for the provision of counselling services for children and young people, in particular for children and young people coping with the effects of parental separation and bereavement in their lives.

The Health Service Executive also provides counselling services to young people and I have asked the HSE to provide information on this to the Deputy.

**Child Protection**

447. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the number of children currently deemed to be at risk arising from homelessness, family disputes, addiction or other causes; if she is satisfied regarding the adequacy of resources available to her Department to meet such needs; and if she will make a statement on the matter. [24329/12]
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.

Question No. 448 answered with Question No. 443.

Children in Care

449. Deputy Bernard J. Durkan asked the Minister for Children and Youth Affairs the total number of children in care in each of the past three years to date in 2012; the extent and nature of support available; and if she will make a statement on the matter. [24331/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): Under the Child Care Act, 1991 the Health Service Executive (HSE) has a statutory duty to promote the welfare of children who are not receiving adequate care and protection. If a child is in need of care and protection and is unlikely to receive it at home, the HSE has a duty to ensure they receive appropriate care. In such circumstances children can be taken into care on a voluntary basis (on agreement with the parents) or under various Court Orders as provided for under the Child Care Act, 1991.

Where a child is coming into care they are allocated a social worker who undertakes a full assessment of need and on this basis a statutory care plan is developed. This assessment will call on a full range of professionals, where, required to set out a comprehensive statement of the child’s needs. The care plan also determines the support and interventions needed with regard to the family situation where it is planned that a child will return home. The care plan directs the placement most appropriate to the needs of the child and for the majority of children.

The Health Service Executive (HSE) compiles and publishes monthly performance reports which include statistics in relation to children in care. The HSE reported the following information regarding the number for children in care:

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Children in Care</th>
</tr>
</thead>
<tbody>
<tr>
<td>February 2012</td>
<td>6,168</td>
</tr>
<tr>
<td>December 2011</td>
<td>6,160</td>
</tr>
<tr>
<td>December 2010</td>
<td>5,727</td>
</tr>
<tr>
<td>November 2009 (data not available for December due to staff redeployment)</td>
<td>5,694</td>
</tr>
</tbody>
</table>

Question No. 450 answered with Question No. 445.

Child Abuse

451. Deputy Bernard J. Durkan asked the Minister for Children and Youth Affairs the number of reports of child abuse including child sexual abuse brought to the attention of her Department or its predecessor with responsibility in the area in each of the past four years to date in 2012; the extent to which a rapid response was available and remains available in such instances; and if she will make a statement on the matter. [24333/12]

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.
Child Protection

452. Deputy Bernard J. Durkan asked the Minister for Children and Youth Affairs the steps she has taken and continues to take to ensure the protection of children from sex offenders; and if she will make a statement on the matter. [24334/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): There are a range of legislative and policy provisions in place to protect children from sex offenders. A number of these, such as the Sex Offenders Register and the forthcoming National Vetting Bureau Bill, fall within the remit of the Minister for Justice and Equality.

As regards the Children and Family Services of the Health Service Executive, under the Child Care Act 1991 an assessment of risk will be carried out by child protection social workers in all instances where concerns around sexual or potential sexual abuse are raised. Based on the outcome of such an assessment, appropriate measures will be put in place to ensure that children are protected from any such individual or group. The HSE is also represented on the national committee of an inter-departmental project aimed at the management of high risk sexual offenders in the Community.

The Children First National Guidance for the Protection and Welfare of Children, which I published in 2011, provides clarity and guidance for individuals and organisations in identifying and responding appropriately to child abuse and neglect. It also sets out what organisations that care for or work with children should do to ensure they are safe whilst in the care of the organisation. The Government has committed, as a priority, to the introduction of legislation to underpin Children First and the Heads of the Bill have been prepared and submitted to the Committee for Health and Children for their consideration.

While draft heads of the Bill have been prepared, they will only be finalised once the Committee has concluded its deliberations. Under the proposed legislation organisations will be charged with ensuring that children are safe while receiving services. This will be done by statutory underpinning of vetting, general recruitment practices, training of staff in Children First and reporting concerns of abuse both within the organisation and abuse that may be occurring elsewhere.

In addition, vetting of staff working with children is in place and being expanded across a range of sectors in advance of the forthcoming legislation being advanced by my colleague the Minister for Justice and Equality.

Child Care Services

453. Deputy Bernard J. Durkan asked the Minister for Children and Youth Affairs the progress to date in 2012 in addressing issues arising from unemployment, educational dropout, social and economic deprivation and exclusion with particular reference to the need to put in place corrective measures and support structures; and if she will make a statement on the matter. [24335/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): As Minister for Children and Youth Affairs, improving children’s outcomes is my primary objective. Early childhood care and education programmes, in particular those that are aimed at low income families, are priorities to enhance children’s opportunities for social and educational development, to support parents and to help to break the inter-generational cycle of disadvantage. The network of 107 family resource centres that are funded by the Family Support Agency, under the remit of my Department have an important role in this regard. This year some 66,000 children throughout the country will benefit from the free preschool year in Early Childhood Care and
Education (ECCE) programme, while some 26,000 children, in low income households, will benefit under the Community Childcare Subvention (CCS) programme, which provides places in a range of childcare settings in local communities. Under the Childcare Education and Training Support (CETS) programme, a further 2,800 places are available for children of parents in training programmes. In 2012, some €230 million in all will be provided by my Department for these schemes designed to support young children’s social and educational development.

My Department also supports the delivery of a range of youth work programmes and services, including programmes for young people living in disadvantaged communities. In 2012, funding of €56.6 million will be invested in provision for youth. The programmes are delivered by the voluntary youth work sector. They include ‘out of school’ projects in non formal education settings and projects which aim to divert ‘at risk’ young people in disadvantaged areas from the dangers of substance misuse; as well as the provision of community centres, youth facilities and sports clubs which are used by some 535,000 young people throughout the country.

The National Educational Welfare Board, under the remit of my Department, as part of its responsibilities is charged with developing the School Completion Programme and the Home School Community Liaison Scheme to address the needs of children who may experience difficulties in fully participating in education. These programmes and the results of pilot projects to enhance children’s development in Tallaght, Northside and Ballymun, which are jointly funded by my Department with a philanthropic organisation, will inform the Government’s plans to develop a new area based approach to child poverty.

My priority, as Minister for Children and Youth Affairs, is to enhance the role of early intervention and support programmes for the most vulnerable children and their families in the context of the new Child and Family Support Agency.

Medical Cards

454. **Deputy Pat Deering** asked the Minister for Health the position regarding an application for a medical card in respect of a person (details supplied) in County Carlow; and if he will expedite the matter. [23643/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Medical Cards

455. **Deputy Pat Deering** asked the Minister for Health when a person (details supplied) in County Carlow will receive a decision on a medical card review; and if he will expedite the matter. [23644/12]

**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.

Proposed Legislation

456. **Deputy Kevin Humphreys** asked the Minister for Health his plans to amend the Criminal Justice Psychoactive Substances Act, 2010 to ban the sale of cannabis seeds and fresh Psilocybin mushrooms also known as magic mushrooms as these are currently reported as being on sale in head shops and not banned under current law; and if he will make a statement on the matter. [23891/12]
477. **Deputy Kevin Humphreys** asked the Minister for Health if it is currently legal to sell cannabis seeds under the Misuse of Drugs Act, 1977 as these are currently for sale in head shops, and if not has he any intentions to close this loophole by issuing an order similar to that of May, 2010; and if he will make a statement on the matter. [23892/12]

478. **Deputy Kevin Humphreys** asked the Minister for Health if it is currently legal to sell fresh Psilocybin mushrooms also known as magic mushrooms under the Misuse of Drugs Act, 1977 as these are currently for sale in head shops, and if not has he any intentions to close this loophole by issuing an order similar to that of May, 2010; and if he will make a statement on the matter. [23893/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** I propose to take Questions Nos. 456, 477 and 478 together.

The Misuse of Drugs Act 1977 and regulations made thereunder regulate and control the import, export, production, supply and possession of a range of named narcotic drugs and psychotropic substances listed in the Schedules to the Act. Substances are scheduled under the Act in accordance with Ireland’s obligations under international conventions and/or where there is evidence that the substances are causing significant harm to public health in Ireland, which could merit the criminalisation of their sale and use. The list of scheduled substances is kept under review on an ongoing basis. Psilocin and its phosphate ester, Psilocybin have been controlled under the Misuse of Drugs Act since 1977. The production, import, export, supply and possession of these substances are prohibited, except in accordance with a licence. In 2006 psychotropic “magic mushrooms” containing psilocin or psilocybin were banned, including any product or preparation prepared from magic mushrooms.

The possession and sale of cannabis seeds is not prohibited under the Misuse of Drugs legislation. Cannabis seeds are tradeable goods not controlled by the international drug control conventions because they are legitimately sold for bird seed, fishing bait and the growing of hemp. It is an offence, however, under Section 17 of the Misuse of Drugs Act as amended to cultivate cannabis except under licence for the purposes of research or growing of hemp.

Under the Criminal Justice Psychoactive Substances Act, 2010, a person who sells a psychoactive substance, including a fungus, knowing or being reckless as to whether that substance is being acquired or supplied for human consumption is guilty of an offence.

My Department reviews any evidence that substances are being abused and are causing significant harm to public health. It engages with the Department of Justice and Equality, the Gardaí, the Revenue Customs Service, the IMB, the Forensic Science Labs and other key organisations to keep the list of controlled substances under ongoing review.

**Health Insurance**

457. **Deputy Peter Mathews** asked the Minister for Health his views on the cost of health insurance premiums (details supplied); and if he will make a statement on the matter. [23981/12]

**Minister for Health (Deputy James Reilly):** I am very disappointed that insurers have introduced co-payments for procedures that primarily affect older people and I will be considering what measures might be available to me to address this issue. The example used by the Deputy of a €2000 co-payment relates to a company policy of one particular insurer. It is important to note that different insurers also offer plans which provide full cover for orthopaedics and that customers would be well advised to shop around for the plan that best suits their needs.
customers wish to switch products, the relevant health insurance legislation ensures that switching is as easy and seamless as possible for customers.

Consumers have a legal right to switch between or within insurers to get better value and to reduce their premium costs. I would advise all customers to consider carefully the full range of plans and levels of cover available within the market, so that their own needs are fully met.

It is not open to a company to refuse a customer of another insurer the same level of cover. Policy holders can switch to the same level of cover without waiting times for cover to apply. In addition to the choices available to consumers in the health insurance market, the Government’s clear objective is for the health insurance market to remain as competitive and affordable as possible, as we move towards a new system of Universal Health Insurance.

**Mental Health Services**

458. **Deputy Bernard J. Durkan** asked the Minister for Health if he is satisfied regarding the adequacy of child psychological services; his plans for the future in this regard; and if he will make a statement on the matter. [24327/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The development of comprehensive Child and Adolescent Mental Health Services (CAMHS) for young people up to 18 years is recommended in the policy document *A Vision for Change*. Key to this is the development of multidisciplinary CAMHS teams, of which 56 are in place.

CAMHS work directly with children and adolescents to provide treatment and care for those with the most severe and complex problems. All community CAMHS teams screen referrals received, those deemed to be urgent are seen as a priority, while those deemed to be routine are placed on a waiting list to be seen.

For CAMHS teams to work effectively, a range of disciplines, skills and perspectives are required so that children and adolescents are offered a care and treatment package appropriate to their individual needs. The special funding of €35m allocated to the HSE in 2012 will, in part, be used to complete the multidisciplinary profile of the existing CAMHS teams by ensuring, at a minimum, that at least one of each mental health profession (medical, nursing, clinical psychology, social work, occupational therapist, speech and language therapist, child care worker) is represented on every team.

**Medicinal Products**

459. **Deputy Joanna Tuffy** asked the Minister for Health when it is expected to make available the treatment known as Ipilimumab to people who have malignant melanoma; and if he will make a statement on the matter. [23706/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** 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.

**Long-Term Illness Scheme**

460. **Deputy Aengus Ó Snodaigh** asked the Minister for Health when he expects that free general practitioner visits will be extended to long term illness card holders; and if he will expedite the matter [23708/12]
467. **Deputy Aengus Ó Snodaigh** asked the Minister for Health when free general practitioner visits will be extended to long term illness card holders; and if he will expedite the measure.  [23780/12]

469. **Deputy Billy Timmins** asked the Minister for Health the position regarding the allocation of free general practitioner visits medical cards for persons who have long term illnesses; when same will be introduced; and if he will make a statement on the matter.  [23821/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** I propose to take Questions Nos. 460, 467 and 469 together.

The Programme for Government commits to reforming the current public health system by introducing Universal Health Insurance with equal access to care for all. As part of this, the Government is committed to introducing Universal GP Care within its first term of office.

Primary legislation is required to give effect to this commitment. The Department of Health is currently drafting legislation to provide for the phased introduction of a universal GP service without fees in line with the commitment set out in the Programme for Government. Initially it is intended to extend GP cover without fees to persons with certain long-term illness. It is my intention to have the Bill published and enacted before the summer recess.

**Health Services**

461. **Deputy Finian McGrath** asked the Minister for Health the position regarding support in respect of a person (details supplied) in Dublin 3.  [23712/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter it has been referred to the HSE for direct reply.

**Services for People with Disabilities**

462. **Deputy Finian McGrath** asked the Minister for Health if he will provide an update on inspections for persons with a disability in day care and residential services.  [23713/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The Health Information and Quality Authority (HIQA) has prepared and published standards for this sector, which outline what is expected of a provider of services and what a person with a disability, his or her family, and the public can expect to receive from residential care services. As the Deputy will be aware, the current Programme for Government includes a specific commitment to put these standards on a statutory footing and ensure that the services are inspected by HIQA. While separate National Quality Standards for both adults and children with disabilities have already been developed by HIQA, it is considered that a single, unified set of standards for the sector is desirable, in order to ensure that the system of registration and inspection for the sector is as robust as possible. HIQA is engaged in this process unifying the draft standards and once this work is completed, the drafting of regulations will commence.

Discussions are also on-going at this time with HIQA regarding the resources required to set up and commence the registration and inspection regime, in addition to the need for recruitment and training, as required, of inspectors for the new regulatory model. It is expected that the new regulatory system should be up and running by mid 2013. Given the complex nature of residential service provision for people with disabilities — ranging from congregated settings to dispersed housing in the community — careful consideration is being given to designing the most appropriate regulatory model and this work is ongoing. While the HIQA standards have yet to be put on a statutory footing, it is worth noting that compliance with the HIQA standards
is already included in the Service Level Arrangements between the HSE and service providers in the disability sector.

**Care of the Elderly**

463. **Deputy Michelle Mulherin** asked the Minister for Health the position regarding a care package in respect of a person (details supplied) in County Mayo. [23731/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter the question has been referred to the HSE for direct reply.

**Departmental Funding**

464. **Deputy John McGuinness** asked the Minister for Health his views on the correspondence from the Meningitis Trust dated 17 April 2012 regarding the closure of the trust due to lack of funding; if he will meet the daily cost of the trust of €216 per day in view of the important service that it provides; and if he will make a statement on the matter. [23732/12]

**Minister for Health (Deputy James Reilly):** My Department administers a National Lottery Discretionary Fund from which grants are paid to community and voluntary organisations providing a range of health related services. Meningitis Trust Ireland received lottery funding from my Department in 2009 and 2010 and also from the HSE in 2009, 2010 and 2011. It must be stressed that lottery funding is once-off discretionary funding and is not intended to provide a source of ongoing revenue funding. In the current economic climate it is not possible to provide additional funding to charities.

The HSE National Immunisation Office has responsibility for the implementation of the childhood immunisation programme in Ireland. Immunisation protects against many illnesses including meningitis and a number of vaccines in the current schedule protect against certain forms of meningitis e.g. Hib, MMR, MenC and PCV. Through the ongoing endeavours of the HSE, targeted media campaigns and interventions in specific areas, vaccination rates have increased. During 2011, for the first time, a 95% uptake rate, the target set by WHO has been achieved for 6 in 1 vaccinations. This means that more children than ever will be protected.

**Services for People with Disabilities**

465. **Deputy Anne Ferris** asked the Minister for Health the reason that children with disabilities are not being assessed within legal time limits; the actions he is taking to address the backlog of overdue assessments especially in the Dublin/Leinster region; and if he will make a statement on the matter. [23741/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** Part 2 of the Disability Act 2005 was commenced on 1 June 2007 in respect of children aged under 5. It had been intended to have both the Disability Act 2005 and the Education for Persons with Special Educational Needs Act 2004 fully implemented during 2010 in respect of children/young people between 5 and 18 years of age. In 2008, the then Government decided in the light of financial circumstances to defer further implementation of the Acts. Part 2 of the Disability Act 2005, inter alia, provides for an assessment of the needs of eligible applicants occasioned by their disability to be commenced within three months of receipt of an application and completed within a further three months.

There has been a very significant rise in overall activity around the assessment process in recent years. The number of assessment reports completed rose to 3,043 in 2011 (an increase
of almost 25% on 2010). While any delay in assessment or intervention for any child is not desirable, the assessment process under the Disability Act does not have to take place in advance of intervention. The process can take place in parallel with any intervention which is identified as necessary. While the HSE faces a significant challenge in ensuring timely assessments, given the increasing demand and complexity of cases, it has put a range of measures in place to address this issue.

A major emphasis is being placed on reconfiguring disability services for children into geographically-based early-intervention and school-aged teams as part of the Progressing Disability Services for Children and Young People Programme. €1 million in additional funding has been allocated in 2012 to help address the needs of children with autism and special needs. This is being focussed on addressing waiting times for specialist therapy services for children who have been diagnosed with autism and on developing early intervention teams. Targeted action plans have been put in place by the HSE in every region to address delays in assessments including: prioritising assessments, holding additional clinics, contracting the private sector to conduct assessments and reconfiguring resources to target areas of greatest need. These are monitored on a monthly basis by the HSE centrally.

The number of assessments overdue for completion nationally at the end of each quarter has fallen steadily since the third quarter of 2010. While there has been a fall of 25% nationally over this period, measures taken in the Dublin Mid Leinster region have seen a reduction of over 37% in overdue assessments in the same period. The Department and the HSE will continue to work together to develop more sustainable approaches within existing resources in this context.

**Medicinal Products**

466. **Deputy Anne Ferris** asked the Minister for Health the reasons the Multiple Sclerosis drug, Gilenya, remains unavailable to patients; and if he will make a statement on the matter. [23743/12]

515. **Deputy Thomas P. Broughan** asked the Minister for Health when Gilenya and Tysabri medication for Multiple Sclerosis sufferers will be available here; the reasons they are currently unavailable; and if he will make a statement on the matter. [24176/12]

517. **Deputy Terence Flanagan** asked the Minister for Health his plans to grant access to two approved and licensed treatments for Multiple Sclerosis (details supplied); and if he will make a statement on the matter. [24186/12]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 466, 515 and 517 together.

The manufacturer of Fingolimod (Gilenya®) has submitted an application to the HSE for the product to be reimbursed through community pharmacies under the High-Tech Drug Scheme. The list of medicinal products provided under the High-Tech Drug Scheme is reviewed on a regular basis. The application in respect of the product in question is currently under consideration.

Tysabri must be administered in specialist centres under the supervision of experienced medical staff. This requires significant ancillary support including timely access to MRI, nursing support, educational guidance and ongoing follow up with the patient to ensure its safe and appropriate use. This presents challenges for hospitals and the HSE. There is significant international discussion about the exact role of Tysabri and how to ensure the most appropriate safe, efficacious and cost effective use of this new technology in the treatment of Multiple
Sclerosis patients. In the current climate, the increasing use of high cost medical technologies represent a significant challenge to the health system and society at large. The HSE is committed to ensuring that the maximum possible benefit is provided to patients from within the resources which the HSE has available to it.

*Question No. 467 answered with Question No. 460.*

**Hospital Waiting Lists**

468. **Deputy Tom Fleming** asked the Minister for Health when an appointment for occupational therapy at Kerry General Hospital issue in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [23804/12]

**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.

*Question No. 469 answered with Question No. 460.*

**Suicide Prevention**

470. **Deputy Billy Kelleher** asked the Minister for Health his view on signposting for suicide voluntary bodies given that there is a conflict of opinion as to the effectiveness of signposting whereby they could discourage potential clients from calling in; and if he will make a statement on the matter. [23828/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** There is a wide array of services available in Ireland for individuals experiencing emotional distress, mental illness and suicidal ideation. These services are not limited to the statutory medical services, but include voluntary and community based services all of which are essential to the comprehensive framework of support required to advance an effective suicide prevention strategy. Consequently, access to these services is not limited to referral by a GP, but also includes signposting by one service to another. By improving the connections between the services, it is most likely that each individual will be supported to access the service best suited to his/her need.

One of the objectives of the HSE is to increase awareness of and access to high quality support services for people experiencing mental health difficulties or those in distress. Signposting is a key mechanism through which people are referred to and can gain access to appropriate services. Evaluations of National Mental Health Awareness campaigns have demonstrated that if services are advertised, contacts generally increase. Therefore, in promoting services agencies need to ensure that they have the capacity to respond to service user needs. I am not aware of any international evaluations on the effectiveness or otherwise of signposting to voluntary bodies working in the field of suicide prevention.

In 2011 the HSE National Office for Suicide Prevention commissioned Samaritans to pilot their CONNECT system. This three year project is focused on examining how helpline callers can be signposted to appropriate services in a more timely way. The benefits of the project will include the stream-lining and coordination of services, stronger links between the statutory, voluntary and community agencies and enhanced service provision by help lines. In addition, the project will provide a greater understanding of caller needs across the sector, improve the opportunity for callers to avail of services and provide practical help when needed. This project includes training in signposting for volunteers, monitoring signposting activity and developing protocols for third party groups.
The NOSP, through its recently established National Implementation Group on the *Reach Out* strategy, is currently working with key stakeholders to raise levels of awareness of services which are available. It is also planned over the next two years to evaluate services currently funded by NOSP. Issues which will be examined include the impact of the service, quality of service and value for money.

**Medical Cards**

471. **Deputy Tom Fleming** asked the Minister for Health if he will issue an emergency medical card at the earliest possible date to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [23837/12]

  **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 Procedures**

472. **Deputy Gerald Nash** asked the Minister for Health when the review into the practice of symphysiotomy will be made available to survivors of the procedure and their representatives; and if he will make a statement on the matter. [23844/12]

481. **Deputy Gerry Adams** asked the Minister for Health when he intends to publish the report from the independent academic researcher who was appointed to complete a report into the practice of symphysiotomy here. [23920/12]

487. **Deputy Dara Calleary** asked the Minister for Health when the Symphysiotomy Report will be made available to those directly affected and when the report will be published. [23943/12]

492. **Deputy Ann Phelan** asked the Minister for Health when the Symphysiotomy Report will be published as there are many women who are anxiously awaiting its publication; and if he will make a statement on the matter. [24039/12]

500. **Deputy Sandra McLellan** asked the Minister for Health when the victims of symphysiotomy may expect to have the report on symphysiotomy made available to them; and if he will make a statement on the matter. [24101/12]

508. **Deputy Clare Daly** asked the Minister for Health the reason for the delay in the publication of the report on symphysiotomy; and when it will be made available to the survivors. [24140/12]

  **Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 472, 481, 487, 492, 500 and 508 together.

My Department has received a draft report from the independent academic researcher who was appointed to complete a report into the practice of symphysiotomy in Ireland. As I outlined in the Dáil Statement on 15 March 2012, the specific scope of the report that the researcher has been given is to:

1. a) Document the rates of symphysiotomy and maternal mortality in Ireland from 1940 to date by reference to available data (including annual reports and other reports);

b) Assess symphysiotomy rates against maternal mortality rates over the period.
2. Critically appraise international reviews of symphysiotomy practice and associated rates in a number of comparable countries in the world and in Ireland.

3. Review any guidelines and protocols that applied in Ireland on symphysiotomy over the time period.

4. Write a report based on the findings of the above analysis providing an accurate picture of the extent of use of symphysiotomy in Ireland, and an examination of the Irish experience relative to other countries.

I asked the Attorney General to consider the draft research report and I have recently received her advice. There is no legal impediment to publishing the research with certain clarifications included. In line with best practice on research, a peer review process has been initiated. I propose to make the draft research report available for consultation this month. Following the consultation process with relevant individuals and bodies and the outcome of the peer review, the report will be finalised by the academic researcher and published by my Department. I also understand that there may be court proceedings pending in respect of women who underwent this procedure. The consultation process will need to take account of such proceedings in order to ensure that nothing is done that might impede these cases pending.

I am determined to bring this matter to a satisfactory conclusion for all women concerned as soon as possible. I am very conscious of the distress that this procedure has caused to a number of women in the past and recognise the pain that this issue has caused to those affected by it. The Government is committed to dealing with this matter sensitively, so that if at all possible, closure can be brought to those affected by it.

Medical Cards

473. Deputy Patrick O'Donovan asked the Minister for Health If a person that suffers from epilepsy automatically qualifies for a Medical Card; and if he will make a statement on the matter. [23859/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): Medical cards are granted by the HSE on the basis of means and individual circumstances and all persons seeking a medical card must be assessed under the undue hardship principle. There are no plans to provide for the granting of medical cards to any particular group of patients with specific medical conditions. The HSE may look beyond the applicants financial situation and have regard to other matters they consider appropriate in assessing a persons circumstances for a medical card. This can address an individuals circumstances including an illness or medical circumstances which result in financial hardship. At the request of Minister Reilly, the HSE has set up a clinical panel to assist in the processing of applications for discretionary medical cards where there are difficult personal circumstances.

Health Services

474. Deputy Finian McGrath asked the Minister for Health further to Parliamentary Question No. 277 of 3 May 2012, if information (details supplied) is correct [23864/12]

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 Staff

475. Deputy Brian Walsh asked the Minister for Health if he will provide an update on the recruitment process in respect of specialist diabetic nursing posts at Galway University Hospital, which were approved earlier this year; when he expects these posts to be filled; and if he will make a statement on the matter. [23867/12]

483. Deputy Derek Nolan asked the Minister for Health if the Health Service Executive National Clinical Programme on Diabetes is progressing to plan, particularly in relation to the funding allocated for the recruitment of diabetes nurse specialists (details supplied) in County Galway, if these posts will be filled this year; and if he will make a statement on the matter. [23927/12]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 475 and 483 together.

As these are service matters, they have been referred to the Health Service Executive for direct reply.

Hospital Services

476. Deputy Robert Troy asked the Minister for Health if he will address the issue of overcrowding in Longford / Westmeath General Hospital; and if he will make a statement on the matter of over stretched staff. [23887/12]

496. Deputy Robert Troy asked the Minister for Health if he will address the issue of overcrowding in Longford / Westmeath General Hospital; and if he will make a statement on the matter of over stretched staff. [24079/12]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 476 and 496 together.

As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Question Nos. 477 and 478 answered with Question No. 456.

Hospital Staffing

479. Deputy Patrick Nulty asked the Minister for Health the position regarding Non-Consultant Hospital Doctors in a hospital (details supplied) in Dublin 15; if his attention has been drawn to concerns raised by some junior doctors there that the call shifts can be excessive with some junior doctors expected to work 33 hours shifts, whereas other hospitals put a cap of 12 to 24 hours on shift duration; his views on the concerns of some junior doctors that this is an unsafe practice for doctors and patients alike; and if he will make a statement on the matter. [23905/12]

Minister for Health (Deputy James Reilly): I have asked the Health Service Executive to investigate the position in relation to the shifts worked by NCHDs in the specific hospital referred to by the Deputy and to respond directly to him.

S.I. No. 494 of 2004 European Communities (Organisation of Working Time) (Activities of Doctors in Training) Regulations 2004, which transposed the EU Working Time Directive, provides for:

- A maximum 48 hour average working week;
[Deputy James Reilly.]

- 11 hours rest every 24 hours or equivalent compensatory rest before return to work; and
- 35 hours continuous rest per week or twice a fortnight or 59 hours continuous rest per fortnight.

On 13 January 2012, Ireland submitted to the EU Commission a detailed Plan for the achievement of compliance by NCHDs with the Working Time Directive. The plan affirms Ireland’s commitment to achieving compliance with the Directive and sets out a timeframe for achieving this over the next three years. It commits to implementing measures that will support compliance, including:

- The implementation of new work patterns for medical staff;
- Transfer of work undertaken by NCHDs to other grades;
- Organisation of hospital services to support EWTD compliance.

These measures will be complemented by my plan to establish hospital groups as soon as possible, by the efficiencies being driven by the Special Delivery Unit in association with the HSE’s National Clinical Programmes and by the ongoing changes in work practice being advanced under the Public Service Agreement.

**Health Services**

480. **Deputy Bernard J. Durkan** asked the Minister for Health the position regarding ongoing treatment in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [23909/12]

**Minister for Health (Deputy James Reilly):** I believe we must concentrate on getting the best possible services for patients from the budgets available to us. The work of the Special Delivery Unit, together with implementation of the Clinical Care Programmes in the HSE, will help to improve the efficiency of our hospitals, allowing us to treat as many patients as possible within budget. In the current economic climate the acute sector must reduce its costs in order to deliver the agreed level of activity within the resources available to it. The emphasis in 2012 will continue to be to make the most effective use of acute bed capacity through shorter lengths of stay, increased rates of day-of-surgery admission and more day surgery. In this way the acute hospital system can ensure that, within the level of resources available, it provides safe, effective and efficient care to the maximum number of patients.

Where a hospital is the centre for national specialties it will continue to accept patients from all locations. In relation to other specialties, hospitals generally do not cover patients outside their catchment area. However, patients who have received their treatment in such hospitals will continue to receive treatment as long as it is clinically appropriate.

In relation to the detailed information sought by the Deputy, as these are service matters they have been referred to the HSE for direct reply.

*Question No. 481 answered with Question No. 472.*

**Health Services**

482. **Deputy Brendan Smith** asked the Minister for Health the position regarding assigning a general practitioner to a person (details supplied) in Dublin 3. [23921/12]
Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Question No. 483 answered with Question No. 475.

Health Service Staff

484. **Deputy James Bannon** asked the Minister for Health the reason a person (details supplied) in County Longford who has been working with the Health Service Executive for many years and has been on the transfer panel to Longford from Mullingar for the past seven years, has been repeatedly told that there are no positions open in Longford, despite the fact that it now appears that there were vacancies, which have been filled by redeploying staff from the primary care unit, whose role was moved to Dublin; and if he will make a statement on the matter. [23932/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

Health Services

485. **Deputy Eric Byrne** asked the Minister for Health the position regarding a request to receive SMART intervention therapy in respect of a person (details supplied). [23937/12]

Minister for Health (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Community Care

486. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health if he will intervene in the case of a person (details supplied) in County Meath to source necessary treatment in their home county; and if he will make a statement on the matter. [23942/12]

Minister for Health (Deputy James Reilly): The Deputy’s question relates to service delivery matters and accordingly I have asked the HSE to respond directly to him.

Question No. 487 answered with Question No. 472.

Services for People with Disabilities

488. **Deputy Denis Naughten** asked the Minister for Health if provision has been made for all school leavers with a learning disability who will leave the education system next month; and if he will make a statement on the matter. [23947/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): The HSE is currently undertaking extensive work in conjunction with the non-statutory providers to ensure that the emerging needs of school leavers are addressed prior to finishing school. Communication with parents is an ongoing element of that work.

This process requires a certain amount of flexibility from disability service providers and the maximisation of additional capacity from within existing resources. The aim is to address the needs of individuals in one or more of the following ways:

- Health-funded rehabilitative training;
- Health-funded day services;
[Deputy Kathleen Lynch.]

- FÁS — funded vocational training;
- and approval to extend education placement for a specified time.

While the HSE makes every effort to provide day services to people over 18 on leaving school, this has always been dependant on the availability and location of appropriate places coupled with the needs of the individual school-leaver. Furthermore the HSE and non-statutory providers must operate within their existing budgets.

The demand for services for school leavers continues to grow. The HSE expects that approximately 700 school leavers will require services in 2012. Disability services will be required to cater for demographic pressures, such as new services for school leavers and emergency residential placements, from within their existing budgets. 2012 budgets have been reduced by 3.7% and the moratorium on staff recruitment gives rise to challenges in service provision. In addition the physical capacity to provide further services may not be present in all agencies. The HSE’s aim will be to apply any reductions in a way which minimises the impact on service users and their families as much as possible, although some reductions in services will be unavoidable. The HSE 2012 Service Plan states that at least 2% of the reduction should not impact on services and needs to be generated from other savings and increased efficiencies.

This is the first year that no additional funding has been made available for demographic pressures for a number of years, therefore meeting the needs of all school leavers with disabilities will be challenging in 2012. However, both the voluntary sector and the HSE are committed to the best use of available resources in a creative and flexible manner to be as responsive as possible to the needs that present. The planning process is underway to ensure that all school leavers requiring services are identified and prioritised.

Care of the Elderly

489. **Deputy Denis Naughten** asked the Minister for Health if he will revise the funding structure for community geriatric hospitals; and if he will make a statement on the matter. [23948/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The introduction of the Nursing Homes Support Scheme, *A Fair Deal*, in October 2009 brought about a fundamental change in the way in which long-term nursing home care is funded and, consequently, the way in which nursing homes are funded. In the past, public nursing homes/community geriatric hospitals would have been allocated a lump sum annually by the HSE. However, the Nursing Homes Support Scheme provides financial support to the individuals that need long-term nursing home care, not to the facilities providing the care. The scheme is designed to ensure that money follows the patients, regardless of whether they choose public, private or voluntary nursing homes, and to ensure that these facilities are not being funded for empty beds.

Funding arrangements in relation to other services which may be provided in public nursing homes/community geriatric hospitals, e.g. short-term care for respite, rehabilitation, convalescence etc, remain unaffected by the Nursing Homes Support Scheme. When the Scheme was introduced, a commitment was made to review its operation after three years. The reason for allowing this period to elapse is to ensure that trends and statistics will be available in order to inform the work.

The review of the Scheme will look at, amongst other issues:
the ongoing sustainability of the scheme,

the relative cost of public versus private provision,

the effectiveness of current methods of negotiating price in private nursing homes and setting price in public nursing homes, and

the balance of funding between residential and community care.

The terms of reference for the review are being finalised at present. The Department of Health will be seeking tenders through the public procurement process for the carrying out of the review. This process takes approximately 4 months. It is also intended to carry out a public consultation over the summer to inform the review. It is anticipated that the review itself will take approximately three months to complete. It is expected that the review will commence in the last quarter of this year and be completed in early 2013.

As the Scheme is statutory based, the implementation of any recommendations arising from the review may require significant amendments to the Nursing Homes Support Scheme Act, 2009.

Health Care Quality Indicators

490. **Deputy Denis Naughten** asked the Minister for Health when he will publish his Department’s report on mortality rates at acute hospitals; if he will accept that his failure to acknowledge the inaccuracy of the figures at Roscommon County Hospital has damaged the reputation of the hospital and its staff; and if he will make a statement on the matter. [23949/12]

**Minister for Health (Deputy James Reilly):** It is essential to have a health system that is transparent and accountable. Information needs to be collected, analysed and intelligently interpreted in order to allow the health system and population it serves to monitor what it is doing, recognise where improvements are occurring and identify potential problems, so that actions can be taken to rectify them.

It makes sense to use available data and information to support important issues such as patient safety and quality of the care. The Hospital Inpatient Enquiry Scheme (HIPE) system is the largest system providing information on hospital care in this country. With this in mind, the Chief Medical Officer of my Department has been working on a report entitled ‘Health Care Quality Indicators in the Irish Health System: Examining the Potential of Hospital Discharge Data’. This includes the measure of recorded 30 day in-hospital mortality rates following heart attack. The work to date demonstrates the value of using HIPE as a tool to derive knowledge and understanding of health care quality. However, this work has also uncovered variation in the accuracy of data as reported through the HIPE system. Some individual hospitals have looked into the origin of this variation and attributed it to inaccuracies in both the medical chart and the subsequent coding of information that is then inputted by individual hospitals in the HIPE system.

I am concerned about this finding in relation to data quality given its potential patient safety implications. I believe that, arising from this, there is a duty on all hospitals to address measures that can ensure that the information which they record and report is accurate. Concerns have been raised by certain hospitals and clinicians that the report, which seeks only to examine quality of data, could be either inadvertently or deliberately misinterpreted as making inferences on quality of care. I understand this concern. However, I do not accept that the solution is to disregard these data. Where that source of information is found to be flawed the solution is to improve it. These data have been collected by hospitals and the hospitals themselves must
be accountable for the quality of them. Therefore, the CMO, in conjunction with the HSE, is now in the process of further augmenting the analysis of the indicators to date with data for 2011 and 2012. Every public hospital in the country has been written to in order that they can ensure that the information they record and report for 2011 and 2012 is accurate. The Economic and Social Research Institute, who manage the HIPE system, provide checking and audit tools to enable hospitals to ensure the quality of their data. The CMO expects to publish the ‘Health Care Quality Indicators in the Irish Health System: Examining the Potential of Hospital Discharge Data’ report in the near future.

**Hospital Waiting Lists**

491. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health further to Parliamentary Question No. 360 of 8 May 2012, the exact date on which the appointment for a patient (details supplied) has been set. [23978/12]

**Minister for Health (Deputy James Reilly):** The position remains the same as per the answer received by the Deputy on the 8th May.

*Question No. 492 taken with question No. 472.*

**Hospitals Expenditure**

493. **Deputy Dara Calleary** asked the Minister for Health the total amount of money spent on the Sacred Heart Hospital Castlebar County Mayo in the past ten years. [24050/12]

**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.

**Dental Services**

494. **Deputy John McGuinness** asked the Minister for Health the position regarding dental treatment in respect of a person (details supplied) in County Kilkenny and if a further assessment or review of their case will be undertaken. [24056/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the HSE for direct reply.

**Regulatory Impact Assessments**

495. **Deputy Terence Flanagan** asked the Minister for Health the number and description of any regulatory impact assessments that have been undertaken by his Department on legislation or proposed legislation since 9 March 2011; the stage in the legislative / policy development process at which the RIAs have been carried out; the number of RIAs that have been published by his Department over the same period; the manner of publication involved; and if he will make a statement on the matter. [23499/12]

**Minister for Health (Deputy James Reilly):** During the period in question, a Regulatory Impact Assessment (RIA) was completed by my Department in relation to the Public Health (Tobacco) (Amendment) Bill 2011 for the introduction of combined text and photo warnings on tobacco products. The RIA was carried out prior to the draft heads of Bill going to Government for approval and was not published by my Department.

*Question No. 496 answered with Question No. 476.*
Hospital Equipment

497. **Deputy Gerry Adams** asked the Minister for Health further to Parliamentary Question No. 1225 of 18 April 2012, the number of insulin pumps currently unused in Our Lady of Lourdes hospital in Drogheda, County Louth; if he will confirm that as many as 15 insulin pumps were unused in the hospital; if dietician’s posts have been filled in the hospital to allow the use of the insulin pumps; if a limited service has commenced in May 2012; and the details of that service. [24091/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Medical Cards

498. **Deputy Seán Ó Fearghaíl** asked the Minister for Health if he will expedite an application for the renewal of a medical card in respect of a person (details supplied); and if he will make a statement on the matter. [24098/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Hospital Waiting Lists

499. **Deputy Sean Fleming** asked the Minister for Health when an operation will be carried out in respect of a person (details supplied) in County Laois; and if he will make a statement on the matter. [24100/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

*Question No. 500 answered with Question No. 472.*

Medicinal Products

501. **Deputy Billy Kelleher** asked the Minister for Health in view of the fact that the drug Pradaxa has been shown to be significantly more effective than warfarin in preventing stroke in patients with atrial fibrillation an further that it has been shown to be cost effective and can deliver real long term savings to the Health Service Executive by reducing the number of AF related stoke survivors requiring long term nursing home care and in view of the fact that the drug has overwhelming support from healthcare professionals, the reason the HSE continue to deny this innovative treatment to suitable Irish patients; and if he will make a statement on the matter. [24115/12]

502. **Deputy Billy Kelleher** asked the Minister for Health the reason the Health Service Executive continue to deny access to the drug Pradaxa to GMS and DPS patients when its availability is likely to not only save many families from the devastation of a stroke but it will also deliver recoverable long term savings to the State by reducing the number of stroke survivors requiring long term nursing home care at a cost of approximately €50,000 per patient per year; and if he will make a statement on the matter. [24117/12]

503. **Deputy Billy Kelleher** asked the Minister for Health in view of the fact that the Health Service Executive National Clinical Stroke Programme aims to prevent one stroke per day and to avoid death or dependence in one patient every day the reason the executive continue to deny thousands of patients with atrial fibrillation with access to Pradaxa that has been proven
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[ Deputy Billy Kelleher.]
to reduce the risk of stroke, has been proven to be cost effective and yield long term savings; and if he will make a statement on the matter. [24118/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): I propose to take Questions Nos. 501 to 503, inclusive, together.

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 healthcare 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.

Mental Health Services

504. Deputy Michael P. Kitt asked the Minister for Health if he will ensure that Headford, County Galway will remain part of the North Galway Mental Services in the configuration of the health services; and if he will make a statement on the matter. [24124/12]

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.

Health Service Staff

505. Deputy Peter Mathews asked the Minister for Health the reason for the loss of an administrator from a drugs task force (details supplied) in County Dublin; and if he will make a statement on the matter. [24128/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): This matter has been referred to the HSE for direct reply.

Medical Cards

506. Deputy Denis Naughten asked the Minister for Health the reason a person under 25 years of age in receipt of the maximum rate of social welfare appropriate to their age and living in the family home is deemed not financially independent whereas a person under 25 years of age in receipt of the maximum rate of social welfare payment appropriate to their age and living away from home is deemed financially independent by the Health Service Executive when applying for a medical card; and if he will make a statement on the matter. [24133/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Hospital Waiting Lists

507. Deputy Martin Ferris asked the Minister for Health when a person (details supplied) in County Limerick will be called for a cataract operation in view of the fact that they are blind in one eye and the other is deteriorating. [24136/12]
Minister for Health (Deputy James Reilly): I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by dramatically improving the flow of patients through the system, and by streamlining waiting lists, including referrals from GPs. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

As a priority, public hospitals were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or daycase surgery.

As this is a service matter, it has been referred to the HSE for direct reply. Should the patient’s general practitioner consider that the patient’s condition warrants an earlier appointment, he/she would be in the best position to take the matter up with the consultant and facility involved.

Question No. 508 answered with Question No. 472.

National Lottery Funding

509. Deputy Gerry Adams asked the Minister for Health if he has received an application from Drogheda Special Olympics; the position regarding this application; and if he will make a statement on the matter. [24145/12]

Minister for Health (Deputy James Reilly): My Department has no record of an application from the Group referred to by the Deputy. If the organisation wishes to make an application for National Lottery Funding they should send in a formal application. Detailed procedures, along with the application form are set out on my Department’s website — www.doh.ie.

Health Services

510. Deputy Patrick Nulty asked the Minister for Health if he will expedite an application for funding in respect of a child (details supplied) in Dublin 15 for their autism services; and if he will make a statement on the matter. [24161/12]

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 Waiting Lists

511. Deputy Gerry Adams asked the Minister for Health if he will give details of the public hospital that is facing significant fines for failing to meet his targets for treating patients on waiting lists. [24170/12]

Minister for Health (Deputy James Reilly): The Department is in discussions with the hospital concerned and full information will be made available when the process is complete. The hospital is working through the issues and we are offering whatever assistance is required and we do not wish to comment in advance of the process being completed. In advance of the process being completed, the Department will not be naming the hospital concerned or giving any information which may allow it to be identified, either directly or by a process of elimination.
Accident and Emergency Services

512. **Deputy Patrick Nulty** asked the Minister for Health his views on correspondence (details supplied) regarding accident and emergency services in Saint Vincent’s University Hospital, Dublin; if he is amenable to discussing the matter directly with the correspondent as requested with a view to addressing their concerns; and if he will make a statement on the matter. [24171/12]

**Minister for Health (Deputy James Reilly):** The Special Delivery Unit was established in my Department last July to tackle patient wait times for hospital services. Unacceptably high wait times have been tolerated for too long and have become systemic for both unscheduled and scheduled care. The problems have to be tackled step by step so that improvements can be sustained.

There is no room for complacency but progress is being made. Since December the number of patients waiting on trolleys has been consistently lower than the same period last year and 94% of hospitals met the 12 month target for scheduled care. As a result some patients have had a better quality of service than would otherwise have been the case.

I believe I have also demonstrated through this initiative that, even in the challenging times we face, it is possible to exert control over the system and deliver improvements. This has been achieved by the SDU, the NTPF and the HSE working together to rigorously manage performance.

There is a formal complaints policy, details of which are on the HSE website, at www.hse.ie/eng/services/ysys/Complaint. In addition, advice and instructions for making complaints about a service or an individual may be found at www.healthcomplaints.ie.

In accordance with this procedure, a complaint must be made, in the first instance, to the hospital in which the incident causing the complaint occurred. In the case of St Vincent’s Hospital, the complaint can be addressed to:

The Complaint’s Officer  
Quality Risk and Consumer Affairs  
St. Vincent’s University Hospital  
Elm Park  
Dublin 4. email: complaints@st-vincents.ie.

If an individual is not satisfied with the response from the hospital, a review can be sought from the HSE Director of Advocacy and the Ombudsman, whose details are set out below:

HSE Director of Advocacy  
Oak House  
Millennium Park  
Naas  
Co Kildare  
Tel 1890 424 555  
Office of the Ombudsman  
18, Lower Leeson Street  
Dublin 2  
Tel 1890 223 030. Email: ombudsman@ombudsman.gov.ie.
As this is an independent complaints procedure, it would not be appropriate for me to meet the complainant.

I have asked the HSE to answer the specific queries you have raised and to reply to you directly.

**Hospital Accommodation**

513. **Deputy Gerry Adams** asked the Minister for Health the measures that have been put in place since the beginning of 2012 to deal with accident and emergency overcrowding in Drogheda Hospital, County Louth. [24174/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

514. **Deputy Gerry Adams** asked the Minister for Health if an assessment has been carried out of the capacity requirements of Drogheda Hospital, County Louth, including the number of beds required at the hospital; the current number of beds at the hospital; and if additional measures are need to deal with capacity constraints at the hospital [24175/12]

**Minister for Health (Deputy James Reilly):** I am informed by the HSE that capacity assessments have been carried out pre-transformation and post the transfer of acute medicine from Louth County Hospital to Our Lady of Lourdes Hospital, Drogheda. The most recent capacity assessments, undertaken by Public Health Specialist Doctors, were in relation to the implementation of the Acute Medicine Programme and as such pertain to medical bed capacity. The assessment indicates a requirement for 127 acute medical beds on the Drogheda site. The site is currently operating 104 acute medical beds, 8 of which were recently commissioned by the Special Delivery Unit. Approval has been given to commission a further 11 beds and recruitment is underway to staff this capacity.

Capacity modeling factors in the bi-directional flow of patients, between the three hospitals in the Louth Meath Hospital group, also includes the requirement for 5 long-term care beds for the group on a weekly basis.

*Question No. 515 answered with Question No. 466.*

**Child Abuse**

516. **Deputy Gerry Adams** asked the Minister for Health if the attention of the Health Service Executive has been drawn to the allegations of abuse in respect of a person (details supplied) in County Louth who suffered while in the care of the State; if an investigation has been carried out in relation to these allegations; and if he is satisfied that the person is currently receiving the level of treatment including counselling that they require. [24178/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter it has referred to the Health Service Executive for attention and direct reply to the Deputy.

*Question No. 517 answered with Question No. 466.*

**Community Care**

518. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health if he will review the decision to cut the home care package of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [24187/12]
Minister of State at the Department of Health (Deputy Kathleen Lynch): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Hospital Services

519. Deputy Patrick Nulty asked the Minister for Health the position regarding the Redwood ward in James Connolly Memorial Hospital, Dublin 15; his views on reports that the health Service Executive intends to close this 31 bed ward; if he will ensure that tis ward does not close; and if he will make a statement on the matter. [24225/12]

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

520. Deputy Terence Flanagan asked the Minister for Health his views on the recent statement made by the Chief Medical Officer regarding the replacement of implants and the associated costs; the cost of same; if there will be a cost to the patient; and if he will make a statement on the matter. [24229/12]

Minister for Health (Deputy James Reilly): The Chief Medical Officer of my Department has met and is engaging with the three treating clinics involved in the PIP breast implant issue with a view to ensuring that best practice and patient support is paramount in the service provided to concerned recipients of PIP implants. He has discussed the very reasonable concerns raised by affected clients including access to surgeons for consultation and the provision of full medical records in relation to one of the treating clinics.

Two of the clinics have already made arrangements with their clients for consultation and further surgery if appropriate and have managed the associated costs between the parties. The third clinic is currently putting in place a new care plan with its clients to the same effect.

As the provision of care is between the provider clinic and each client my Department is not involved in collecting cost data.

Medical Cards

521. Deputy Tom Fleming asked the Minister for Health if he will examine and review the case of a doctor visit medical card in respect of a person (details supplied) in County Kerry. [24233/12]

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.

Appointments to State Boards

522. Deputy Timmy Dooley asked the Minister for Health the appointments made by him to State boards under the remit of his Department since March 2011 that were advertised; and if he will make a statement on the matter. [24247/12]

Minister for Health (Deputy James Reilly): The board appointments I have made following an advertising process are outlined in the following table:
Departmental Expenditure

523. **Deputy Gerry Adams** asked the Minister for Health if he has received any requests to financially support the Irish Performing Arts Festival which will be hosted by an organisation (details supplied) and take place in Cork city and county between 27 June and 30 June 2012; if any funding including national lottery funding has been allocated to the festival; the support that has been given to the festival in recent years; his views that the festival has been of benefit to persons with intellectual disabilities and autism in recent years; and if he will make a statement on the matter. [24261/12]

**Minister for Health (Deputy James Reilly):** My Department has no record of an application from the Group referred to by the Deputy. If the organisation wishes to make an application for National Lottery Funding they should send in a formal application. Detailed procedures, along with the application form are set out on my Department’s website — www.doh.ie.

Mental Health Services

524. **Deputy Seán Kyne** asked the Minister for Health if consideration will be given to developing a dementia strategy to focus on the needs of the estimated 5,000 citizens under 65 years of age with early on-set Alzheimer’s and their families. [24263/12]

527. **Deputy Seán Kyne** asked the Minister for Health the progress to date in developing a National Dementia Strategy as outlined in the Programme for Government. [24337/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I propose to take Questions Nos. 524 and 527 together.

The Programme for Government gave a commitment to develop a *National Strategy on Dementia* by 2013 which will increase awareness, ensure early diagnosis and intervention, and
[Deputy Kathleen Lynch.]

enhance community based services for all people living with this condition. The first stage of the process, which was to assemble the research and evidence upon which the policy will be developed, was recently completed. The findings of the review were published and presented to the Minister. The report is available at www.doh.ie.

The next step will take the form of a public consultation process over the summer and details of how this will be carried out are currently being considered. Following on from the consultation process a Working Group will be established, towards the end of the year, to develop the strategy.

The strategy will include all those affected by dementia including those under 65.

Community Care

525. Deputy John McGuinness asked the Minister for Health the funding being made available to community nursing homes to carry out works to meet Health Information and Quality Authority Standards; the time frame for payment of these funds to each of the homes affected; the number of homes, names and locations included in this scheme for funding; if immediate approval will be given to funding the works being undertaken at a location (details supplied) in County Kilkenny; the percentage or amount of funding approved or to be approved for the works to be carried out on a phased basis at this location; and if he will make a statement on the matter. [24310/12]

Minister for Health (Deputy James Reilly): Upon its completion, the Community Nursing Unit (CNU) programme which commenced in 2006 will have delivered approximately 2,246 beds — comprising 879 additional and 1,367 replacement beds. Between 2006 and 2011 approximately €480m Exchequer capital funding has been provided for Services for Older People including community nursing units.

In order to comply with regulatory requirements, the HSE is now concentrating on the refurbishment and upgrade of existing publicly owned accommodation. The facility referred to is not owned by the HSE.

Distinction is made in the criteria between existing designated centres (those in existence on 1 July 2009, the date HIQA commenced its registration and inspection function) and newly built designated centres. There is a six year time-frame applicable to existing centres to allow them meet certain criteria in respect of outdoor space, communal space, kitchens, lifts, cleaning rooms, sluice rooms and laundry etc. In addition where there is a written, costed plan, with timescales agreed with the Chief Inspector, the six-year period for meeting criteria associated with bedroom sizes and occupancy may be extended on a case by case basis. Any HSE capital development, including grants for the construction or refurbishment of nursing homes, must be considered in the context of the overall HSE Capital Plan. This is a multi-annual programme which is developed over a rolling five year period. The Health Service Executive is required to prioritise the capital infrastructure projects within its overall capital funding allocation taking into account the existing capital commitments and costs to completion over the period. It is essential to assess all projects, other than those where existing contractual commitments are in place, on their merits, to ensure that the limited capital funding available goes to those developments which are of highest national importance.

A draft capital plan for the period 2012-2016 has been submitted to my Department. My Department is reviewing the proposals and following up with the HSE where further details may be required. The proposed plan requires my approval with the consent of the Minister for Public Expenditure and Reform. Details of the plan will be published by the Executive following its approval.
Questions—15 May 2012.
Written Answers

Home Help Services

526. Deputy John McGuinness asked the Minister for Health if an appeal regarding home help will be expedited and approved in respect of a person (details supplied) in County Kilkenny. [24313/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Question No. 527 answered with Question No. 524.

Mental Health Services

528. Deputy Caoimhghín Ó Caoláin asked the Minister for Health the current and projected configuration of mental health services across counties Cavan and Monaghan; the further changes that have or are being considered the implications, if any, for the terms of the Croke Park Agreement; and if he will make a statement on the matter. [24069/12]

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.

Child Care Services

529. Deputy Thomas P. Broughan asked the Minister for Health his plans to provide a specialist emergency psychiatric care for adolescents aged 16 and 17 years in the north Dublin area; and if he will make a statement on the matter. [23791/12]

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.

Consultants’ Remuneration

530. Deputy Thomas P. Broughan asked the Minister for Health if he will report on efforts to review the performance and pay of hospital consultants in the context of recent comments by the outgoing Health Service Executive Human Resources Manager (details supplied); and if he will make a statement on the matter. [20007/12]

Minister for Health (Deputy James Reilly): While the Programme for Government provides for a reduction in consultants’ remuneration, my immediate priority is to achieve more effective implementation of the existing contract and to reform how services are delivered to patients. I am satisfied that considerable efficiencies can be achieved under the terms of the 2008 contract and the Public Service Agreement, if consultants embrace this reform agenda.

I believe that the efficiencies, productivity increases and reform, if achieved, will be worth more to the health system than simply reducing the pay of consultants and the Government has endorsed this approach.

Consultations with the consultant representative bodies are due to commence this week. This process will need to be focussed on the achievement of worthwhile and measurable change and should also, in my view, be concluded within a reasonable period, in line with the provisions of the Public Service Agreement 2010-2014.

Penalty Points System

531. Deputy Thomas P. Broughan asked the Minister for Transport, Tourism and Sport if he is considering proposals to introduce penalty points for the offence of failing to display L...
Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): Currently, where the holder of a learner permit is detected driving a mechanically propelled vehicle when not accompanied by and under the supervision of a qualified person, where so required, they commit an offence under section 42 of the Road Traffic Act 1961. Following conviction in court, they are subject to a maximum fine of €1,000 in the case of a first offence. Section 54(c) of the Road Traffic Act 2010 amends the First Schedule to the 2002 Act which, when commenced, will provide for the inclusion of this offence within the penalty point system. I do not intend that the offence of failing to display an ‘L’ plate will be brought within the scope of the penalty point system at this time. It is planned to commence section 54 of the 2010 Act later this year.

Driver Licensing

532. Deputy Thomas P. Broughan asked the Minister for Transport, Tourism and Sport when he intends to introduce the proposed new R plate requirement for newly qualified drivers; if legislation will be required in this regard; and if he will make a statement on the matter. [24167/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The proposal to introduce an R plate for newly qualified drivers is one of the nine measures which together will add up to a graduated driver licensing system (GDLS) for Ireland, as recommended by the Road Safety Authority.

It is my intention to provide in legislation for many of the elements of GDLS, including the R plate requirement, and these will be addressed in the next Road Traffic Bill, which will commence drafting later this year.

State Airports

533. Deputy Michelle Mulherin asked the Minister for Transport, Tourism and Sport the assessment formal or otherwise that has been carried out to ascertain the ramifications in airport competition terms of the decision to create a new entity comprising Shannon Airport and Shannon Development debt free; and if he will make a statement on the matter. [24307/12]

549. Deputy Michael Healy-Rae asked the Minister for Transport, Tourism and Sport his plans to ensure the future viability of the Shannon Airport, in view of the halving of traffic into the airport in recent years to approximately 1.5 million annually, [24129/12]

556. Deputy Michelle Mulherin asked the Minister for Transport, Tourism and Sport the person who will fund the major capex programmes for the new independent Shannon Airport going forward; and if he will make a statement on the matter. [24314/12]

557. Deputy Michelle Mulherin asked the Minister for Transport, Tourism and Sport the commitment made for working capital provision in addition to debt write off for the new entity comprising Shannon Airport and Shannon Development as announced; and if he will make a statement on the matter. [24315/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I propose to take Questions Nos. 533, 549, 556 and 557 together.
Following on from the Booz Report on the future ownership and operation of Cork and Shannon Airports, the Government has decided in principle to separate Shannon Airport from the Dublin Airport Authority and to merge it with a restructured Shannon Development to form a new entity in public ownership. The Minister for Jobs, Enterprise and Innovation and I will now establish a Steering Group that will bring forward proposals for the implementation of the decision.

Questions in relation to the future of the Airport, its funding and its debt along with airport competition issues are among the matters to be considered by the Steering Group in the first instance.

I should make it clear, however, that it is envisaged that the new merged entity, while remaining in public ownership, would have a commercial mandate with no recourse to Exchequer funding.

**Road Safety**

534. **Deputy Robert Troy** asked the Minister for Transport, Tourism and Sport if he will make funding available to the National Roads Authority to allow them grant an application made by Westmeath County Council to install public lighting for the length of a entire village (details supplied) in County Westmeath.  [23662/12]

**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. Within its capital budget, the assessment and prioritisation of individual projects is a matter in the first instance for the NRA in accordance with Section 19 of the Roads Act.

Noting the above position, I have referred the Deputy’s question to the NRA for direct reply. Please advise my private office if you don’t receive a reply within 10 working days.

**Road Network**

535. **Deputy Willie O’Dea** asked the Minister for Transport, Tourism and Sport if he will confirm the costs incurred in the construction of the southern ring road around Limerick and outline the overspend as it relates to the works on the Nenagh and Limerick area and Anaholty bog, Nenagh bypass; and if he will make a statement on the matter.  [23671/12]

**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. Within its capital budget, the assessment and prioritisation of individual projects is a matter in the first instance for the NRA in accordance with Section 19 of the Roads Act.

Noting the above position, I have referred the Deputy’s question to the NRA for direct reply. Please advise my private office if you don’t receive a reply within 10 working days.

**Job Initiatives**

536. **Deputy Andrew Doyle** asked the Minister for Transport, Tourism and Sport the position regarding the measures contained with the jobs initiative that pertained to tourism.  [23730/12]
544. **Deputy Seán Kyne** asked the Minister for Transport, Tourism and Sport his views on extending the lower VAT rate which was introduced with the jobs initiative in 2011 and has had a very positive impact on tourism across the regions and in particular in sustaining and creating jobs in one of our most important indigenous industries. [23861/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I propose to take Questions Nos. 536 and 544 together.

The Jobs Initiative in May last year recognised the vital contribution of tourism to employment, economic activity and foreign revenue earnings. The VAT reduction on a range of tourism services from 13.5% to 9% enhances the competitiveness of tourism businesses. The Visa Waiver Scheme is encouraging visitors from emerging markets to add Ireland to a trip to the UK and the halving of employers’ PRSI for those on modest wages will significantly reduce the cost of employing people.

Following discussions with the Minister for Finance, I was able to confirm last week that the lower rate of VAT will be maintained during 2013. This will allow businesses, tour operators and customers to plan for the 2013 season, including The Gathering 2013 which was launched here at home last Friday. Early indications are that the policy of lowering the VAT rate is working. Employment among accommodation and food providers has increased by around 6,300 since July 1st last year. The VAT reduction has also enabled businesses to be more competitive and offer lower prices to their customers.

2011 saw a welcome recovery in overseas visitor numbers with year-on-year growth of 6%. According to preliminary results from the Fáilte Ireland Hotel Survey, for the first nine months of 2011, hotel room occupancy rates improved compared to 2009 and 2010, up to 61% from 58%. Furthermore, according to Hotels.com, Ireland continues to have the most competitively priced hotel beds in Western Europe.

I understand that industry and trade partners are positive about prospects for the year, with reports of advance bookings and inquiries being up on this time last year and they are hopeful we can achieve our target of a 4.5% increase in visitor numbers in 2012.

**Tourism Promotion**

537. **Deputy Marcella Corcoran Kennedy** asked the Minister for Transport, Tourism and Sport if he will provide an update on his plans for the Gathering. [23801/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I presented proposals for “The Gathering Ireland 2013” at the Global Irish Economic Forum last October. Fáilte Ireland is the lead agency for the implementation of the initiative and has put in place a project team to manage the project. The event will be the biggest tourism initiative ever staged in Ireland and will consist of a year-long programme of festivals, events and other gatherings. The St. Patrick’s day festivities were used for the overseas launch of “The Gathering Ireland 2013”.

Key international tourism industry partners were invited to become part of The Gathering Ireland 2013 at the recent Meitheal annual tourism trade fair in the RDS. 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.

A new website has also gone live with information on how people can play their part in the event. In addition, social media channels are already on stream to promote the event and engage prospective visitors.
The domestic launch of the Gathering Ireland 2013 took place last Friday 11th May 2012 in Dublin Castle at an event attended by An Taoiseach, An Tánaiste, Minister of State Ring and I. The launch was used to urge every community, business, club and organisation in every community in Ireland to get involved in The Gathering Ireland 2013. The launch was also used to highlight the fact that a series of Gathering Community Meetings will be held throughout Ireland in the months ahead and planning in this regard is now underway. I also outlined some of the special and enhanced events being prepared for 2013 as part of The Gathering.

**Road Safety**

538. **Deputy Marcella Corcoran Kennedy** asked the Minister for Transport, Tourism and Sport his views on proposals to include road safety on the reformed Junior Certificate Cycle. [23802/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** In the first instance, the Junior Certificate is a matter for the Minister for Education and Skills and the National Council for Curriculum and Assessment. However, I believe that the reformed Junior Certificate, and the proposed short courses in particular, offer significant opportunities for important cross subject learning. Education in the area of road safety is one such possibility. The Road Safety Authority’s current approach to road safety education is to deliver road user education in a cumulative, age appropriate approach commencing in preschool settings, through to third level and on into community settings. Road safety education ensures all road users develop appropriate attitudes and safe behaviours. The Authority’s road safety educational programmes are not currently compulsory but are aligned with the relevant curriculum strands in each educational setting.

Whilst we have made significant progress in relation to road safety in recent years, we need to continue to focus on ways of making our roads safer. A key factor in road safety is driver behaviour and education clearly has an important role in influencing the behaviour of existing and future drivers. The proposed development of the Junior Cycle Programme presents opportunities for the Road Safety Authority to further develop its existing road safety programme ‘Streetwise’. This Programme could be developed to take advantage of the proposed short courses (100 hours) or integrated into the Priority Learning Units outlined in the ‘Towards a Framework for the Junior Cycle: Proposals for Junior Cycle Development’ document. I am continuing to engage with Minister Quinn with a view to progressing this matter, and will keep the House advised of such progress.

**Tourism Industry**

539. **Deputy Jim Daly** asked the Minister for Transport, Tourism and Sport his views on the prospects for Irish tourism during the course of 2012; and if he will make a statement on the matter. [23808/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** According to the Central Statistics Office, there were over 6.5 million overseas visits to Ireland in 2011 — an increase of 6% on 2010 and the first growth since 2007. This was supported by the Government’s actions in the Jobs Initiative such as reducing VAT on certain tourism services to 9%; the Visa Waiver Programme; and halving employers’ PRSI for those on modest wages.

Looking to 2012, I am confident of achieving our target of a 4.5% increase in overseas visits for the full year. While overall visits decreased marginally in the first quarter of 2012, prospects remain strong for the year as a whole. The tourist industry is positive about the coming months,
reporting increased enquiries and advance bookings compared to this time last year. Notably, visits from our most important market, Great Britain, continued to grow even in the low season.

Many factors should improve tourism performance in 2012, including increased capacity of around 3% on summer flights into Ireland and the most competitively-priced hotel rooms in Western Europe, as well as the provision of over €143 million in the Tourism Services budget to support marketing, tourism product investment and business supports.

The tourism agencies are promoting many exciting events this year, including the grand finale of the Volvo Ocean Race in Galway and the Notre Dame-Navy American football game at Dublin’s Aviva Stadium. Tourism Ireland is actively promoting Ireland in all our overseas markets and has put in place a new advertising campaign including TV, print media and online activity. In the domestic market, Fáilte Ireland has strong indications that more Irish people will holiday at home this year and is working hard to attract this market. The Government, tourism agencies and the tourist industry continue to take every opportunity to keep Ireland at the forefront of potential visitors’ minds, working together to achieve growth in 2012.

**Smarter Travel**

540. **Deputy Martin Heydon** asked the Minister for Transport, Tourism and Sport if he will consider incorporating the Smarter Transport Bill 2011 into upcoming legislation. [23810/12]

541. **Deputy Martin Heydon** asked the Minister for Transport, Tourism and Sport if he will consider allowing road authorities to make bye-laws for the provision and use of charging bays on public roads for electrically powered vehicles and plug-in hybrid vehicles; and if he will consider authorising a road authority to make bye-laws for the control and regulation of parking by car club vehicles on public roads. [23811/12]

545. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport if will consider incorporating the Smarter Transport Bill 2011 into upcoming legislation. [23862/12]

546. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport if he will consider allowing road authorities to make bye-laws for the provision and use of charging bays on public roads for electrically powered vehicles and plug-in hybrid vehicles; and if he will consider authorising a road authority to make bye-laws for the control and regulation of parking by car club vehicles on public roads. [23863/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I propose to take Questions Nos. 540, 541, 545 and 546 together.

I am keen to encourage the use of electric cars and car clubs as part of my Department’s Sustainable Transport agenda, and changes to legislation to allow road authorities to make bye-laws would indeed be a help in this regard. Last October Deputy Eoghan Murphy proposed a Private Member’s Bill, the Smarter Transport Bill 2011 to allow for local authorities to make bye-laws for the provision and use of charging bays on public roads for electrically powered and plug-in hybrid vehicles, and for the control and regulation of parking by car club vehicles on public roads. At my request, officials of my Department met with him to discuss this Bill.

I support the substance of the proposals which Deputy Murphy has made. If the Smarter Transport Bill 2011 does not receive time for debate in the Oireachtas in the coming months, I will seek to incorporate the measures proposed within in it within forthcoming from my Department.
Motor Taxation

542. **Deputy Peter Mathews** asked the Minister for Transport, Tourism and Sport his views on a matter (details supplied) regarding motor tax; and if he will make a statement on the matter. [23841/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Departments in line with eGovernment objectives are required to identify opportunities which will optimise online service availability for customers and at the same time deliver much needed cost savings to the Exchequer. The online motor tax service is recognised as one the major successes of eGovernment services and at this stage nearly 60% of vehicle owners who are eligible to do so renew their motor tax online. Focus is now being placed on other aspects of the motor tax renewal process where customer service can be improved and savings can be achieved through more imaginative use of the online services. My Department issues over 4.5 million paper based motor tax renewal notices each year at a cost of €2 million. Transfer to electronic reminders will significantly reduce costs associated the paper based system. In practical terms the objective is that motorists who use the online service to pay tax will receive the tax reminder and the online PIN through electronic means rather than posted notice. Initially notice by email is being introduced but it is planned to extend this to include notice by SMS (mobile phone) assuming successful pilot results. This is logical and is supported in the results of a customer survey carried out by my Department on some 3000 customers whose overwhelming preference was for electronic rather than paper based reminders. Only customers who elect for electronic reminders will receive them and those customers who wish to remain with the paper based system may do so. The process of ‘signing up’ owners who wish to avail of electronic reminders is in progress for some months and is achieved as part of the completion of an online motor tax application. Customers that have signed up for the electronic facility also have the facility to ‘opt out’ at any stage. Those who have not selected this option, or those who have taxed their vehicle at the local Motor Tax Office, whom in general it would be assumed include those that do not have access to email, will continue to receive their motor tax renewal notice by post.

The issuing of email tax renewal notices has recently commenced on a pilot basis to vehicle owners in one local authority area, Wicklow, which has a big urban/rural profile as well as significant online motor tax service usage and will be extended nationwide over the coming months subject to the pilot operating successfully. The electronic reminder service is governed by specific technical and security measures which will guarantee that electronic reminders will not be categorised as junk email or spam. These include technical measures to enable Internet Service Providers to correctly identify the Department as the bona fide email sender, compliance with industry best practice guidelines for the sending of electronic correspondence and compliance with industry programs for the management of sender reputation.

Public Private Partnerships

543. **Deputy Seán Kyne** asked the Minister for Transport, Tourism and Sport his position in relation to the provision of transport infrastructure by the public private partnership mechanism; his views on whether the successful passing of the Stability Treaty might expedite the progress of transport projects, such as the Galway city outer bypass, among others, through the PPP process. [23860/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The use of Public Private Partnerships (PPPs) as a delivery mechanism for capital investment, where appropriate, is kept under review.
A number of road PPP projects have been successfully delivered in recent years. The successful awarding of a major PPP contract is challenging at any time but is particularly challenging in circumstances where Ireland has been the subject of intervention by the IMF/EU. In view of the current circumstances the international debt funding market has been reluctant to lend funds to finance major projects in Ireland, the repayment of which is ultimately dependant on the State. Measures that serve to provide re-assurance to financial markets on the outlook for the State’s finances can only be helpful in improving the prospects for attracting funding.

I should point out that the Galway Outer Bypass is the subject of a referral to the European Court of Justice at present and as such the issue of access to funding does not arise pending clarification of the outstanding legal issues.

Question No. 544 answered with Question No. 536.

Questions Nos. 545 and 546 answered with Question No. 540.

Regulatory Impact Assessments

547. **Deputy Terence Flanagan** asked the Minister for Transport, Tourism and Sport the number and description of any regulatory impact assessments that have been undertaken by his Department on legislation or proposed legislation since 9 March 2011; the stage in the legislative/policy development process at which the RIAs have been carried out; the number of RIAs that have been published by his Department over the same period; the manner of publication involved; and if he will make a statement on the matter. [23504/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** My Department has completed five Regulatory Impact Analyses (RIA) since 9 March 2011 as follows: Proposed merger of Railway Procurement Agency and the National Roads Authority — a summary analysis was published on 3 May 2011 on my Department’s website together with the full report of the Steering Group on the proposed merger; Statutory Instrument to transpose Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations (Recast), and Regulation (EC) No. 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations (Recast); this RIA has not been published; Road Traffic (No. 2) Bill 2011 — RIA published with Explanatory Memorandum on the Oireachtas website; Road Transport Act 2011 which implements a number of provisions affecting the road transport sector contained in EU Regulations 1071, 1072 and 1073 of 2009; restates existing national provisions and also includes a small number of new provisions concerning good repute, an online register of operators and increased penalties for certain offences. The RIA is not yet published; and Road Safety Authority (Commercial Vehicles Road Worthiness) Bill 2012 — RIA published with the Explanatory Memorandum on the Oireachtas Website.

In addition, my Department has a further two RIAs which are currently in progress. These are: the transposition of Directive 2010/65/EU of the European Parliament and of the Council of 20 October 2010 on reporting formalities for ships arriving in and/or departing from ports of the Member States; and the Maritime Labour Convention which seeks to ensure that the employment and social rights of seafarers on Irish ships are fully implemented; the proposed new regime for the registration of ships in Ireland; and certain aspects of the training and certification of Seafarers.
Rail Services

548. **Deputy John Paul Phelan** asked the Minister for Transport, Tourism and Sport if part of the upgrade Wifi enabled Irish Rail fleet can be used for the Dublin-Belfast route. [24097/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The issue raised is an operational matter for Iarnród Éireann. I have referred the Deputy’s question to the company for direct reply. Please advise my private office if you do not receive a reply within ten working days.

*Question No. 549 answered with Question No. 533.*

Regional Airports

550. **Deputy Michelle Mulherin** asked the Minister for Transport, Tourism and Sport the plans he has for the development and support of Ireland West Airport Knock, County Mayo, in conjunction with plans for Shannon Airport, County Clare, as announced to ensure that both regions are equally well served and to ensure that the State contributes on a similar basis to enterprise, tourism development and job creation throughout the west of Ireland; and if he will make a statement on the matter. [24147/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Any developments in relation to Ireland West Airport Knock are a matter for the management of that Airport which is a privately owned entity.

While a decision in principle have been taken in relation to Shannon Airport, a Steering Group which is shortly to be established by myself and the Minister of Jobs Enterprise and Innovation will be tasked with bringing forward proposals for the implementation of that decision. Issues relating to airport competition, tourism and enterprise development along with job creation are among the matters to be considered by the Steering Group in the first instance.

Public Transport

551. **Deputy Dessie Ellis** asked the Minister for Transport, Tourism and Sport when the post implementation review of the abolition of the 19 bus route in Dublin due on 27 February 2012 will be published; and the work he is undertaking to ensure that local persons receive answers on this matter. [24152/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The issue raised is an operational matter for Dublin Bus. I have referred the Deputy’s question to the company for direct reply. Please advise my private office if you do not receive a reply within ten working days.

Appointments to State Boards

552. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport the appointments made by him to State boards under the remit of his Department since March 2011 that were advertised; and if he will make a statement on the matter. [24253/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I refer the Deputy to my reply to Question 259 of the 28th March, 2012 in which I set out the new procedures for appointments to State boards which have applied since my Department advertised them on Friday 8th April 2011. I also set out full details of the appointments that I had made to that date, all of which were under the new procedures. These procedures continue to be the basis on which I make appointments.
Tourism Promotion

553. Deputy Gerry Adams asked the Minister for Transport, Tourism and Sport his plans to attract cycling tourism into County Louth; the steps he has taken on this matter; and if he will make a statement on the matter. [24265/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The matter raised is an operational matter for Fáilte Ireland. I have referred the Deputy’s question to Fáilte Ireland for direct reply. Please advise my private office if you do not receive a reply within ten working days.

National Cycle Policy

554. Deputy Gerry Adams asked the Minister for Transport, Tourism and Sport as part of the National Cycle Policy, the steps he has taken to further investment in cycling infrastructure here; the individual projects that have been furthered since he took office; his plans for further development in the time ahead; and if he will make a statement on the matter. [24266/12]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly): The Government set out its commitment to invest in the National Cycle Policy Framework in the Programme for Government. This Policy Framework outlines a wide programme of actions, including investment in cycling infrastructure and softer measures to promote cycling.

The Government has agreed a 5 year multiannual budget of €65 million for sustainable transport — cycling, walking and public transport. Funds of €36 million have been earmarked for local authorities under Smarter Travel Areas and Active Travel Towns programmes. Investment in cycling infrastructure will be key elements of each of these programmes. Furthermore, funding of €9 million has been earmarked specifically for cycling infrastructure under a programme to invest in the National Cycle Network.

Since I have taken office my Department has allocated over €6.2m to local authorities for cycling infrastructure, such as cycle lanes, bike parking and cycle greenways.

Projects which have been completed since I have taken office include the Grand Canal Cycle Way in Dublin, the extension of the Great Western Greenway to form a continuous off road route from Achill to Westport and a range of smaller scale projects including new cycle lanes in towns around the country.

In addition to capital investment my Department continues to fund programmes to support and promote cycling, including the annual Bike Week, the travel component of the Green Schools programme and the Smarter Travel Workplaces initiative.

Cycle Facilities

555. Deputy Gerry Adams asked the Minister for Transport, Tourism and Sport if assessments have been made of abandoned railway lines across the State and the feasibility of developing these into cycle ways; and if he will make a statement on the matter. [24267/12]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly): My Department has previously provided funding for a number of projects which have developed cycleways or greenways along abandoned rail lines. The project plans were developed by the relevant Local Authorities and submitted as project proposals to the Department under relevant funding calls. It is likely that allocations for the development of cycling infrastructure will facilitate the continued development of such routes in a similar manner.

Questions Nos. 556 and 557 answered with Question No. 533.